



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

Tuesday, June 26, 2018

7:00 PM

Council Chambers

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: 3 - City Manager Eric Campbell, City Attorney Chris Brown and City Clerk Ande Banks.

2. Invocation

Mayor Reed offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

4.a. Proclamation recognizing August 12-18, 2018 as National Health Center Week

Mayor Reed read a Proclamation recognizing August 12 - 18, 2018 as National Health Center Week.

5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

Motion - RB

Second - ?

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, 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 June 12, 2018 City Council Meeting

These minutes were approved on the Consent Agenda.

- 5.b.** Consider approving proposed amendments to Title 7, Chapter 3, "Sewer System," to bring Harrisonburg City Code in line with Harrisonburg-Rockingham Regional Sewer Authority (HRRSA) Operating Rules and Regulations.

OThis Ordinance Amendment was approved on second reading

- 5.c.** Consider amending and re-enacting Section 7-4-1 of the Harrisonburg City Code increasing water and sewer rates

This Ordinance Amendment was approved on second reading

- 5.d.** Consider a request from ILEX LLC for a special use permit within the R-2, Residential District to allow occupancy of not more than four (4) persons provided one (1) off-street parking space per tenant is provided on site at 257 Old South High Street.

This Special Use Permit was approved on second reading

- 5.e.** Consider amending and re-enacting Sections 10-3-118, 10-3-127 and 10-3-138 of the Harrisonburg City Code - Application Fees and Building of Zoning Appeals Board's procedures

This Ordinance Amendment was approved on second reading

- 5.f.** Consider a supplemental appropriation for the Fire and Public Utilities Departments in the amount of \$578,000

This Supplemental Appropriation was approved on second reading

- 5.g.** Consider a supplemental appropriation for Central Garage in the amount of \$30,000

This Supplemental Appropriation was approved on second reading

6. Public Hearings

- 6.a.** Consider a resolution to permit the city to use condemnation proceedings to acquire necessary easements for the Eastern Raw Waterline Project

Mayor Reed announced this agenda item has been postponed at the request of the City Attorney until the July 24, 2018 City Council Meeting.

This Resolution was tabled.

7. Regular Items

7.a. Fair Housing Training

Michael Wong, Executive Director, Harrisonburg Rockingham Housing Authority (HRHA), stated as part of a partnership through the recent assessment of fair housing, HRHA has made an annual commitment to provide training to staff, students and the public, to fulfill requirements for federal funds received from U.S. Department of Housing and Urban Development (HUD), and to fulfill that commitment he presented a brief training regarding fair housing. He stated this is the 50th anniversary of the Fair Housing Act, and provided historical background of how and why this Act was created. He stated it is their goal that not only city staff but landlords and tenants are encouraged to learn these policies and practice them. He stated the basis of the Act is to prohibit discrimination against race, color, national origin, religion, sex, familial status and disability. He reviewed the prohibitions in the sale and rental of housing and mortgage lending and noted there are additional protections for those with disabilities and exemptions for housing for older persons.

Mr. Wong provided contact information for those who feel their rights have been violated.

7.b. Consider enrolling the Sunset Heights Neighborhood into the Neighborhood Traffic Calming Program

Tom Hartman, assistant director of Public Works, presented a request for council to consider entering the Sunset Heights neighborhood into the Neighborhood Traffic Calming Program. He reviewed the purpose of the program, the timeframe of what actions have taken place to date, the 2015 Traffic Study summary, and the next steps to be taken for a Spring 2019 implementation. He noted the streets studied were portions of Maryland Ave, Dogwood Drive, Chestnut Street, Willow Street and Grace.

Council Member Hirschmann asked if installing speed bumps were part of the plan. Mr. Hartman stated those are listed as speed tables, and they are part of the plan if deemed necessary.

Council Member Jones stated he would like to applaud Mr. Tim LaPira for leading the charge for this effort and recalls the traffic issues when he was out at Mr. LaPira's property.

A motion was made by Council Member Jones, seconded by Vice Mayor Baugh, to approve to enroll Sunset Heights neighborhood in the Neighborhood Traffic Calming Program 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 enrolling the Portland East Neighborhood into the Neighborhood Traffic Calming Program

Tom Hartman, assistant director of Public Works, presented a request for council to consider entering the Portland East neighborhood into the Neighborhood Traffic Calming Program. He reviewed the timeframe of what actions have taken place to date, the 2018 Traffic Study summary, and the next steps to be taken for a fall/winter 2018-2019 implementation. He noted the streets studied were portions of Fieldale Place, Portland Drive, Springfield Drive, East Court and West Court. He stated this request is for city streets, VDOT has been notified of the program for the county portions and they are willing to work together.

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve to enroll Portland East neighborhood in the Neighborhood Traffic Calming Program 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 a Special Event application request for the 21st Annual Harrisonburg International Festival on Saturday, September 29, 2018.

Erin Smith, events manager for Harrisonburg Downtown Renaissance, presented a special events application for 21st Annual Harrisonburg International Festival to be held Saturday, September 29, 2018 from noon to 6:00 pm in downtown. She stated over 10,000 attendees are anticipated and the event is organized by the Fairfield Center. She stated several street closures and parking lots will be required, including Main Street, Court Square, Municipal parking lot, Turner Pavilion and Park and City Hall parking lot and noted this event will require Public Works, Harrisonburg Police Department (HPD), Harrisonburg Fire Department (HFD), Harrisonburg Public Transportation Department (HPDT), Harrisonburg Parks and Recreation department, the Farmers Market and James Madison University (JMU). She stated several organizers were present should council have any questions.

A motion was made by vice Mayor Baugh, seconded by Council Member Jones, to approve the special event application as presented. The motion carried with a unanimous voice vote.

8.b. Consider a Special Events application request for the 2018 NYE Glow Run 5k on Monday, December 31, 2018

Erin Smith, events manager for Harrisonburg Downtown Renaissance, presented a special events application for the 17th Annual 2018 NYE Glow Run, to be held Monday, December 31, 2018 from 5:00 pm - 7:00pm downtown and on JMU's

campus. She stated this event is organized by Virginia Momentum, it is anticipated to have 700 participants, requires the closure of Chesapeake Avenue and a portion of Grace Street, and requires Public Works, HPD and James Madison University support. She stated the event has received approval from JMU for use of campus as it will be closed for winter break.

Council Member Jones asked if churches downtown are being contacted for these larger events, just to make sure there are no other events such as weddings or funerals being held. Ms. Smith stated they are contacted.

A motion was made by Council Member Hirschmann seconded by Council Member Jones, to approve the special event application as presented. The motion carried with a unanimous voice vote.

9. Reallocations

- 9.a.** Consider a reallocation of budgeted funds for the Harrisonburg City School division in the amount of \$350,000

Tracy Shaver, on behalf of Harrisonburg City Public Schools (HCPS), presented a budget reallocation request between categorical functions within the schools operating budget, transferring \$150,000 from the operations and maintenance budget, \$150,000 from the technology budget and \$50,000 from the transportation budget and move \$250,000 into instruction and \$100,000 into administration, health and attendance. He stated this transfer does not require any new money from the city.

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones, to approve the reallocation 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.b.** Consider a reallocation of budgeted funds for the General Capital Projects and Water Capital Projects Funds

Larry Propst, finance director, presented a reallocation request, noting there were savings found in the General Fund, creating the opportunity to reallocate those funds to five projects within the General Capital Project Fund; Westover Pool renovations, old Municipal Building renovations, City/County Jail HVAC project and the rebuilding of the structural burn building. He stated a reallocation of budgeted funds is also being requested from the Water Capital Projects Fund for additional funding to finish the Park View project.

A motion was made by Vice Mayor Baugh, seconded by Council Member Hirschmann, to approve the reallocation 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

10. Other Matters

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

Jim Orndoff, 22 E. Market Street, representing the Valley Justice Coalition, stated they continue to be concerned with the incident at the Shenandoah Valley Juvenile Detention Center (SVJDC), he noted the city is one of many localities to sit on board of the SVJDC and encouraged council to find out how the money is being spent. He stated they are concerned that agendas, minutes and meetings are not posted on the SVJDC's website, which doesn't allow the public to comment. He stated this is essential for transparency and accountability.

Mary Gayne, 841 Old Furnace Road, stated she has concerns about the SVJDC, and requested council to explore its relationship with the center. She stated she believes the \$347K allocation made by the city would have been for juvenile detention services that our local population benefited from, however, because the SVJDC signed contracts with the Office of Refugee Resettlement under the U.S. Department of Health and Human Services, we have ended up as one of seven localities boarder guarding. She stated she feels council should become more involved in the conversation as to whether boarder guarding is an appropriate activity for this community. She stated this community has a 30-year relationship with the Office of Refugee Resettlement through Church World Service and have a tremendous amount of experience working to integrate populations into this community. She stated her opinion is that the city should not be involved in the boarder guarding activity and we should invest our energy in growing the relationship with Church World Service. She stated the children who are coming as unaccompanied minors to SVJDC are children in desperate need and troubled, and feels we need to look at the available resources and relationships with organizations that could be used to take care of these children. She asked that serious consideration be given to this relationship and to open it up for a serious conversation.

David Cason, corner of Franklin and Ott, stated he sees a problem regarding the new high school or an addition to the current high school. He stated council is working with figures that aren't accurate, he referred to a few articles in the newspaper, and noted he verified the actual count of Harrisonburg residents to be 48,900 which includes 21,270 JMU students, there are 25,000 registered voters, 22,000 of which are active and 8,000 are JMU students, which leaves 14,247 city voters, and less than 28,000 people living in the city. He stated we do not have a tax base to support the expenditure proposed as there are other projects that are needed and infrastructure needs to be fixed such as water/sewer lines. He stated council was wise enough to push the construction of the new high school out a couple of years in order to roll

some debt off the books. He stated every time a new shop opens another one closes, there are nice beer and burger places for the kids from JMU but the patrons are paying the highest tax rates for food in the area. He asked what the new elementary school cost. Vice Mayor Baugh stated it was a little under \$40M. He stated the city doesn't have the tax base nor a school board that knows what it is doing, although well intentioned, they do not have a head for figures. He stated he wants to know where the \$100M cost for the new school came from. He stated if bids were put out he thinks more fiscally responsible plans could be presented.

Tom Domonosky stated he wanted to talk about the council's role in the SVJDC issue and his role as a city tax payer, as he feels a direct connection to what happens at that facility. He stated there are a number of participating localities encompassing approximately 25% of the kids who go there according to the 2017 annual report. He stated 55% of that facility is used by the federal government. He stated since the opening of the current 58-bed facility in 2003, there has been a drop in the amount of kids incarcerated in Virginia. He stated since 2003 Virginia has cut the number of kids it incarcerates by about 50%, which means the partnered localities could charge the federal government more per kid hence lowering the taxes. He stated his taxes are lower so immigrant kids are being abused in that facility and he is offended by that and objects to it. He stated he isn't just talking about the current lawsuit, there was another one resolved in June 2017, and he provided the history of that case in brief. He feels our President is advocating denial of due process to our kids and although he can't change the president or how one votes, he feels the city should pull out of that facility and place the kids that we would normally send there to somewhere else. He stated he is aware if that is done his taxes will increase, and after calculating, he feels his taxes will increase by \$11.00. Mr. Domonosky placed \$11.00 on the podium. He stated he will no longer be complicit and asked council to decide that Harrisonburg will no longer be complicit.

10.b. City Council and Staff

Council Member Jones stated his heart goes out to those individuals who have shown their concern to the center as well as those individuals who are there. He stated that overall, he is really praying for our country. He stated unfortunately there has always been a time that people have been isolated and in a lot of cases led to death or incarceration and separation of families because of a lack of compassion. He stated he feels everyone should just take the time to think about those in these types of situations, even the people we may agree with or disagree with on a government level, because without that we won't get anywhere or have any understanding. He stated we need to make sure we are showing some love and compassion to our neighbors. He stated it pains him to see what is happening and doesn't want to see our country continuing to go through that.

Vice Mayor Baugh stated he agreed with Council member Jones and stated he had some great points.

Mayor Reed stated she agreed with Council Member Jones and wanted to assure the citizens that council is disturbed by the allegations at the SVJDC and she is asking questions and looking into it. She stated our governor is also putting an investigation in place and we must follow procedure, there is only so much we can do during litigation, but know council is concerned.

Mayor Reed stated July is National Park and Recreation Month; Wednesday, July 4, 2018 city offices will be closed in observance of July 4th and all holiday schedules for city services can be found on the city's website; July 11, 2018 is the Harrisonburg Fire Departments Annual Pizza Night Smoke Alarm event; reminder that bulk and yard debris along with recyclables can be taken to the Recycling Convenience Center located on Beery Road;

11. Boards and Commissions

11.a. Community Services Board

Motion - RB
Second - CJ

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones to appoint John Monger to the Community Service Board. The motion carried with a unanimous voice vote.

12. Closed Session

12.a. Virginia Code Section 2.2-3711(A), under: 2.2-3771(A) Subsection 1 Discussion of personnel

At 7:57 p.m. a motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: subsection 1 for the consideration of an addendum to the employment contract of a specific city employee and a consideration of applicants for the position of chief of police. The motion carried with a recorded roll call vote taken as follows:

This Closed Session Item was approved

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

No: 0

13. Adjournment

At 8:31 p.m., the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under

Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

At 8:32 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to enter into an addendum to the employment agreement dated November 21, 2017 between the City and Eric D. Campbell to provide for a one-time payment to Mr. Campbell in the amount of \$5,800, and to authorize the Mayor to execute such addendum on behalf of the City. The purpose of the one-time payment is to offset certain tax liabilities incurred by Mr. Campbell because of the reimbursement or payment by the City of his relocation expenses, which payments became taxable under the Tax Cut and Jobs Act.

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

No: 0