



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Draft City Council

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

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Tuesday, March 28, 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, City Attorney Chris Brown, Police Chief Stephen Monticelli and City Clerk Banks Ande

### 2. Invocation

Vice-Mayor Baugh offered the invocation.

### 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

### 4. Special Recognition

Mayor Reed proclaimed April 1st through the 7th, 2017 as Local Government Week and April 28th, 2017 as Arbor Day.

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

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

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

**No:** 0

#### 5.a. Planning Commission / City Council Joint Meeting Minutes

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

- 5.b.** Minutes from March 14, 2017 meeting

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

- 5.c.** Consider a request from the Northeast Neighborhood Association, Inc. and the Shenandoah Valley Black Heritage Project with representatives Karen Thomas and Robin Lyttle to amend Zoning Ordinance Sections 10-3-24, 10-3-34 (5), 10-3-40 (5), 10-3-48.3 (18), 10-3-48.4 (10), 10-3-51 (10), and 10-3-52 (2) as related to "community buildings"

**This Zoning Ordinance amendment was approved on second reading**

- 5.d.** Consider a request from Shenandoah Valley Black Heritage Project with representative Robin Lyttle for a special use permit to allow for a community building within the R-2, Residential District, on a 4,364 +/- square foot site addressed as 425 Hill Street

**This Special Use permit was approved on second reading**

- 5.e.** Consider a request from Robin Lyttle with representative Karen Thomas for a special use permit to allow for a community building within the R-2, Residential District, on a 5,613 +/- square foot site addressed as 192 Kelly Street

**This Special Use Permit was approved on second reading**

- 5.f.** Consider a supplemental appropriation for the Harrisonburg City School division in the amount of \$638,798.78

**This Supplemental Appropriation was approved on second reading**

## **6. Public Hearings**

- 6.b.** CDBG 2017-2021 Consolidated Plan and 2017 Annual Action Plan

Kristin McCombe, grants compliance officer, presented the Community Development Block Grant (CDBG) five year Consolidated Plan (CP) and 2017 Action Plan (AAP) and noted the purpose of these plans are to provide an overview of: (1) the city's priority needs based on the public needs, stakeholder input and Housing and Urban Development (HUD) data stats; (2) a report of the funding requests for the city's federal CDBG funds; (3) a review of the proposed activities to be funded this year with the federal funds; and (4) to accept public

comment on the five year plan and annual action plan. Ms. McCombe stated that both the CP and AAP are required HUD documents which must be completed and approved prior to obtaining funds. Ms. McCombe noted the requirements for each plan which include affordable housing, public services, public facilities and infrastructure, housing and services for the homeless and fair housing education and enforcement. Ms. McCombe presented the five year goals and their estimated percentage of funding with funding for public services and administration subject to a funding cap. Ms. McCombe stated the AP CDBG funds available in fiscal year 2016 were \$514,843 and estimated for fiscal year 2017 is \$450,000 with the final allocation dependent upon the federal budget. Ms. McCombe stated staff has elected to roll over \$110,000 from prior years resources. Ms. McCombe reviewed the recommended allocations and noted the deadline for comments from the public is May 1, 2017, final council approval on May 9, 2017, submission of CP and Annual Plan to HUD will be May 15, 2017 and the FY 2017 Program year begins on July 1, 2017.

Council Member Byrd asked if conversations have occurred with the Harrisonburg Redevelopment and Housing Authority (HRHA) regarding the talk of the proposed cuts of CDBG funding from the federal budget, since HRHA has a debt payment in the amount of \$140,000 and if they have plans on what they are going to do with the debt. Ms. McCombe stated HRHA has not been contacted yet; however, the possible proposed cuts won't affect FY2017 planning, but could affect FY18 planning.

At 7:10 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 Monday, March 20, 2017.

Beth Bland, Valley Program for Aging Services (VPAS) noted they have received CDBG funding for the Meals on Wheels program since 2010, and their current request is for \$18,000 to help cover the food costs for the program. Ms. Bland stated during fiscal year 2016 the program serviced 550 unduplicated residents 60 years and older, which represented a twelve percent increase from 2015. Ms. Bland noted this past year 13,735 meals were delivered to 108 city residents through the program, which represented an eight percent increase in the meals provided and a fourteen percent increase in the number of eligible city residents receiving meals. Ms. Land noted a steady increase in the past four consecutive years and indicates the need for meals is increasing. Ms. Bland stated senior hunger is a serious and growing problem and without adequate nutrition the elderly are more likely to develop health problems, have chronic health conditions, have more difficulty recovering from illness, experience higher hospital readmission rates and suffer from depression. Ms. Bland noted that beyond the delivery of nutritional meals, the citizens' benefit from the daily check in that occurs with the

delivery, and received support from the program. Ms. Bland reviewed comments from a survey they conducted from their meal recipients.

Tyrone Sprague stated he would like to bring attention to the towing problems downtown, he feels the towing company is stalking patrons and speaking to the patrons inappropriately and feels it's time to speak out. Mayor Reed noted this public hearing item is open to comments on this public hearing specifically.

James "Bucky" Berry, 30 W Washington Street, noted he takes care of a few elderly individuals' yards, and sees the delivery of the Meals on Wheels and stated this may be the only meal these individuals get, and feels the federal government will cut this program and should that happen the city should start to look for alternative funding to support this group.

At 7:17 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

**This public hearing is required by HUD to receive citizen comments on an amendment to the Community Development Block Grant 2017-2021 Consolidated Plan and the 2017 Annual Action Plan. Staff will make a short presentation, to be followed by a public hearing and a 30 day public comment period. There is no action needed on this item at this time.**

## 7. Regular Items

### 7.a. Consider approval of the 2015 CDBG Amendment

Kristin McCombe, grants compliance officer stated at the February 14, 2017 council, Deputy City Manager Ande Banks brought forth to open a public comment period for citizens to consider staff's request to move \$66,259.70 in CDBG funds from the administration project to the Price Rotary Senior Center renovation project. Ms. McCombe stated the public comment period concluded on March 20, 2017 and no comments were received from the public.

**A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to approve CDBG funds from the administration project to the Price Rotary Senior Center renovation project 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. Report to City Council on replacement of fluoridation equipment

Mike Collins, director of Public Utilities, introduced staff present: Mr. Charlie Dove, Water Treatment superintendent, Mr. Dennis McGuffin, Water Treatment assistant superintendent, and James Leeth, assistant director of Public Utilities, and noted

Mr. Dove will be retiring in June and thanked him for his services.

Mr. Collins presented the city's public fluoridation practices, and noted at a concentration of less than 7 parts per million it is an ineffective and inefficient operation, at 4 parts per million it is recognized as a primary inorganic contaminate which you do not want in the water, and in a moderate amount its considered the top ten health measures in the last century by the Center for Disease Control (CDC). Mr. Collins noted in 1964 only 37% of municipalities around the nation were adding fluoride, it is now up to 74%. Mr. Collins stated it is supported by more than 100 health organizations national and internationally and in Virginia as early as 1992 74% were adding fluoride, today approximately 95% of localities provide this. Mr. Collins stated providing fluoride is by choice and not mandated.

Mr. Collins noted the last ordinance implemented was in 1973, in 2006 the treatment plant was upgraded, and in the most recent year there have been approximately 8,700 gallons at a cost of \$26K per year shooting for a concentration of 1 part per million which is measured 15 times per day since implementation. Mr. Collins stated the ordinance was repealed in 2016 for equipment repair and upgrade as there was a leak in the tank, which affected performance, the health and safety of employees and exposure of chemicals to other equipment. Mr. Collins stated he had the engineering consultants evaluate four alternatives, and chose alternative #4 which was to use Hydrofluosilicic Acid and contain it an outside building and with a few changes could make the expense slightly less (approximately \$190K to put the system back on line).

Mr. Collins stated the recommendation by staff is to authorize engineers to proceed with alternative #4, pursue a \$40K grant funding available through the state, and rewrite the ordinance for best management practices supported by the Virginia Department of Health (VDH) Water Resources Division. Mr. Collins stated we have a choice to fluoridate or not, those in support are primarily organizations such as American Dental Association and there are those in opposition to this as well, however, at this point we are unable to proceed with providing fluoride without repairing system. Mr. Collins reviewed the impacts

Council Member Jones asked what is covered by the grant. Mr. Collins stated it covers the purchase of equipment that would be directly used by fluoridation and it would be expected to fluoridate if the funds were accepted.

City Attorney Brown stated research was done and the ordinance was actually enacted in 1954, which states the city health officer must inform council of activities.

**A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to proceed with alternative #4 as presented and prepare an ordinance for review and approval. 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 a supplemental appropriation for the Harrisonburg City School division in the amount of \$2,650,000

Tracy Shaver, Harrisonburg City School Board, presented a request of a supplemental appropriation in the amount of \$2.65M to purchase furniture, fixtures, and equipment for Blue Stone Elementary School and Elon Rhodes Early Learning Center as they need to begin procuring the equipment by April for it to arrive on time for the schools to open. Mr. Shaver stated the funding sources come from three areas: \$483K from the school nutrition account, \$293K already procured for construction contract but anticipate another \$190K will be needed to purchase cafeteria items, \$1.4M requested from the city's general fund, and \$767K from the capital bonds reserve fund.

Council Member Byrd stated he thought council set aside \$2M that council fronted once the city was refunded by the bond issues. City Manager Hodgen stated these are the funds that were set aside.

Council Member Byrd noted this is the cash expenditure from the city's unallocated reserves earmarked two years ago.

City Manager Hodgen noted the initial total project budget for furniture, fixtures and equipment was approximately \$3.5M, and costs seem to be coming in lower than initially budgeted.

**A motion was made by Vice-Mayor Baugh, seconded by Council Member Byrd to approve the supplemental appropriation 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.d. Consider nominations for the 2017 VML Policy Committees

Mayor Reed asked council members which committee they would like to be nominated for on the 2017 VML Policy Committees. Requests are: Council Member Byrd - Transportation; Vice-Mayor Baugh - Community and Economic Development; Council Member Hirschmann - Environmental Quality; Council Member Jones - Human Development and Education; Mayor Reed - General Law

**The Virginia Municipal League is now accepting nominations for its 2017 policy committees. Attached is a memorandum, description of the policy committees and policy process, and the nomination form. VML is asking for nominations to be submitted by April 14, 2017.**

## 8. Special Event Application Requests

**8.a.** Consider the approval of a special event application for the Divine Unity Community Prayer Walk

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance (HDR), presented a special event application for the Divine Unity Community Prayer Walk scheduled for April 15, 2017. Mr. Jenkins stated it was recommended the participants will to proceed to from City Hall to Court Square using the sidewalk. Mr. Jenkins noted if the roadway is used, the applicant has been advised additional fees will be incurred from Public Works and Harrisonburg Police Department.

Council Member Jones noted this is the second year for this event, last year the walk took approximately 20 minutes, with approximately 250-300 participants, this year they are expecting more and should be finished within the hour. Council Member Jones stated the applicant is willing to pay whatever fee is necessary in anticipation of closing the roadway for one hour.

**A motion was made by Council Member Jones, seconded by Council Member Hirschmann to approve the special event 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

**8.b.** Consider a special event application request for the 5k Walk/Run for Autism

Jeremiah Jenkins, events coordinator for Harrisonburg Downtown Renaissance (HDR) presented a special event application for the 5K Walk/Run on April 15, 2017 from Shenandoah Valley Autism Partnership, which occurs on the Eastern Mennonite University (EMU) campus and on residential streets within the Park View neighborhood including the Virginia Mennonite Retirement Community (VMRC). Mr. Jenkins noted the applicant cooperated with all requirements and recommendations, and staff recommends approval of this request.

**A motion was made by Council Member Byrd, seconded by Council Member Jones to approve the special event 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

**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 West Washington Street, stated this past Saturday locations on South Avenue and South Main had at least 2,000 people at parties, 15 police officers were on location, and asked what if another incident occurred in the city, we would have to rely on other localities' police forces. Mr. Berry stated something needs to be done, James Madison University (JMU) is good for our community but in Old Town over the weekend Harrisonburg Police Department received a lot of calls and feels they don't have enough officers to work. Mr. Berry noted people were throwing beer bottles and cans on cars, a guy fell and busted his head, had to get stitches and feels the parties are getting out of hand, he feels the city will need to get additional officers.

Jamie Mulligat and Meredith Braden spoke about AmeriCorp, an email was received from Jamie's supervisor of AmeriCorp asking to reach out to localities, to explain what AmeriCorp does for the community. Ms. Mulligat stated AmeriCorp is the Domestic Peace Corp and placements are only for one year. Ms. Mulligat stated there are four AmeriCorp members within the city. Ms. Mulligat stated AmeriCorp was founded in 1993, under the Corporation for National Community Service, Volunteers in Service to America (VISTA) program was founded in 1964, over 1M individuals have served in the ranks of AmeriCorp, at over 21K locations which include non-profits, schools, faith based organizations and community organizations. Ms. Mulligat stated she is a JMU graduate, serving through AmeriCorp VISTA at the United Way of Harrisonburg and Rockingham County, as coordinator of volunteer engagement. Ms. Braden stated she is an AmeriCorp State member, she works for On the Road Collaborative, is an EMU graduate, and a part of 8th Grade Academy, which is a cohort of 20 eighth graders, that visit different colleges, introducing the participants to colleges and prepares them for high school. Both Ms. Mulligat and Ms. Braden thanked council for letting them serve in the community. Ms. Mulligat noted there is one other individual that serves for AmeriCorp in the community who works with the refugee population in the city through Church World Service, and overall AmeriCorp serves to eliminate poverty and their tag line is "we get things done" and hopes council and the community see the value of this program.

9.b. City Council and Staff

Council Member Jones noted the March of Dimes March for Babies will be held on April 22, 2017 at Sentara RMH Medical Center which is a 5K/10K Run/Walk and a one mile Fun Run for kids which will have tons of adult and kid activities.

Mayor Reed noted starting next week crews will begin construction of the bridge replacement on the 300 block of Pleasant Valley Road, during construction a small section of Pleasant Valley Road will be closed, the detour routes will be Early Road and Pleasant Drive; the Prom Dress giveaway will take place on April 1, 2017 from 12-4pm at the Lucy Simms Center hosted by the Harrisonburg



Women’s Service League and the Parks and Recreation and SIGMA GAMMA RHO Sorority of JMU, and all high schools are invited from Harrisonburg and Rockingham County; Blacks Run and Downtown Cleanup Day will be held on Saturday, April 8, 2017 and preregistration is now open and additional information can be found at Cleanstream.org; Comments on Stormwater Improvement Plan are being accepted until April 5, 2017 and can be posted to BeHeardHarrisonburg.org; there will be a free family fitness event sponsored by On the Road Collaborative and Merck Foundation called Play Fest on Saturday, April 22, 2017 from 11am to 3pm at the Lucy Simms Center, and will have a live DJ, food trucks, sports clinic and other activities.

Mayor Reed thanked Cody for the donuts from Peace, Love and Little Donuts of Harrisonburg.

**10. Boards and Commissions**

**10.a. Board of Zoning Appeals**

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh to reappoint Gil Coleman and Glen Stoltzfus to the Board of Zoning Appeals. The motion carried with a unanimous voice vote.

**11. Adjournment**

At 7:59 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