



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

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Tuesday, February 12, 2019

7:00 PM

Council Chambers

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### 1. Roll Call

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

**Also Present:** 4 - City Manager Eric Campbell, City Clerk Pam Ulmer, City Attorney Chris Brown and Police Chief Eric English

### 2. Invocation

Council Member Baugh offered the invocation.

### 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

### 4. Special Recognition

#### 4.a. Presentation from students of Harrisonburg High School, promoting the musical Legally Blonde

Mayor Reed introduced students of the Harrisonburg High School Performing Arts Department from Harrisonburg High School promoting the musical Legally Blonde. The director invited everyone to attend and noted the it will run from February 20, 2019 through February 23, 2019 at 7:00 pm and February 24, 2019 at 2:00 pm. He stated it will be a great show and the group epitomizes what is so great and special about our high school. The students performed a part of the musical.

### 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 Baugh, seconded by Council Member Hirschman, 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 Romero, Council Member Baugh, Council Member Jones and Council Member Hirschmann

**No:** 0

#### 5.a. Minutes from January 22, 2019 City Council Meeting

These minutes were approved on the Consent Agenda.

- 5.b. Minutes from February 1-3, 2019 City Council Retreat

These minutes were approved on the Consent Agenda.

- 5.c. Consider approving two ordinances to vacate a 20' Sanitary Sewer Easement

This Ordinance Amendment was approved on second reading.

- 5.d. Consider a supplemental appropriation for the General Capital Projects Fund with funding from various sources in the amount of \$4,611,348.27

This supplemental appropriation was approved on second reading.

## 6. Public Hearings

- 6.a. Consider a request from The Club, Inc. to rezone from M-1, General Industrial District to B-2, General Business District, property addressed as 120 Waterman Drive.

Adam Fletcher, director of Planning and Community Development, presented a rezoning request for property located at 120 Waterman Drive from M-1 Commercial Industrial to B-2 General Business. He reviewed the property and surrounding properties and stated this request would be in line with the Comprehensive Plan of the area. He stated staff realized the property was nonconforming based on its use when the applicant requested building permits to build a covered area over picnic tables and staff suggested rezoning to make it a conforming property. He reviewed other properties in the area that were rezoned to B-2 over the years. He stated staff suggested the handicapped parking spaces be relocated for traffic safety concerns and noted there was sufficient parking for the use of the property.

He stated staff and Planning Commission (6-0) recommended approval.

At 7:13 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, January 28, 2019 and Monday, February 4, 2019

Larry Davis, applicant, stated the handicapped parking has been relocated as suggested by staff and all the other recommendations made by staff have been completed and they are now in compliance.

At 7:14 p.m., Mayor Reed closed the public hearing and the regular session

reconvened.

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

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

**No:** 0

**6.b.** Consider granting an easement for a water and sewer line across public lands in the City of Harrisonburg to serve a property located at 1199 South Dogwood Drive

Chris Brown, city attorney, presented a request to grant an easement for a water and sewer line across public lands to an undeveloped lot located 1199 South Dogwood Drive adjoining Hillandale Park. He stated the requestor would like to build on this lot however, due to the layout, the only real option to get water and sewer service to the lot would be to connect to an existing water and sewer line which is located on the park property. He stated the requestor has worked very hard for numerous months with the city's Public Utilities Department and the Parks and Recreation Department to make sure that any concerns have been addressed. He stated this request is to grant the easement and authorize the city manager to sign the easement.

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 Monday, February 4, 2019 and Saturday February 9, 2019.

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 Council Member Baugh, seconded by Council Member Jones, to approve the ordinances as presented. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

## **7. Regular Items**

**7.a.** Review of Harrisonburg City Public Schools enrollment and building capacity

J. Patrick Lintner, interim superintendent for Harrisonburg City Public Schools, presented updated numbers of enrollment and capacity of the Harrisonburg public schools, as it is anticipated that the School Board will have a very large ask to council for the building of a new high school. He stated the school board is aware of council's desire to know what lays ahead in regard to enrollment and capacity.

He noted there will be a career fair at the high school on Saturday, February 16, 2019 from 7:00 am to 7:00 pm at the high school.

He stated the data presented includes Weldon Cooper projections which are updated annually, as well as data from a study done by K-12 Enrollment Inc., during the original high school study a couple of years ago. He stated the data provided also shows building capacity based upon core capacity which is related to classrooms and home rooms but does not include any outside buildings. He reviewed the data for the elementary schools, middle schools and high school. He stated he feels the actual and projected enrollment aligns more with the Weldon Cooper projections.

Mayor Reed asked what the current capacity at the high school was. Mr. Lintner stated it is 1,350, with a core space capacity of 1,500. He stated if the population of the high school was split in half for the two schools, the enrollment would be a little over 1,000 on opening day per school.

Council Member Jones thanked Mr. Lintner for the presentation and stated he wanted people to see this data to give some assurance that there is a possibility the city could go a period of time with less building once the current project of the second high school is complete. He stated the high schools should have approximately 400 - 550 in available capacity.

**This Presentation was received and filed.**

**7.b. Consider adopting a permit process for Share Mobility Devices**

Chris Brown, city attorney presented additional information on scooters and additional Shared Mobility Devices (SMD). He stated council and staff have been working on this since October 2018, when the scooters first appeared in the city. He stated council has already approved a series of ordinance amendments which went a long way to addressing some of the problems. He stated council also directed staff to pursue a permitting process for the SMD companies, and fortunately for the city, Arlington and Alexandria have been very proactive and staff was able to communicate with them and get some good ideas. He presented a proposed Memorandum of Understanding (MOU) for approval, which would govern the use of city sidewalks and streets by the SMD's. He stated it is an attempt to walk the fine line between wanting to encourage free market entrepreneurship companies yet have reasonable rules so that those companies do not interfere with the residents and businesses. He stated this is a pilot project for one year, with reasonable regulations, to obtain data of usage and determine if they can be helpful to our transportation system. He stated it may eliminate vehicle traffic around the city and may provide transportation alternatives, but the data is needed to determine those benefits. He stated these are new companies, that have not been around very long, and they do not have a lot of data either, and they are compiling the data as well to determine if it works in the city. He stated the MOU can be tweaked during the course of the 12 months, with just a

ten-day notice from council, if necessary.

He reviewed highlights of the MOU: requires communication between the city and the SMD companies to include a point of contact; Permit fee would be \$8,000; required routine meetings with the city and SMD company managers; required response times of two hours from 6:00 am to 11:00 pm if there is a situation that could result in damage to property or injury; requires SMD companies to inform their customers of parking regulations, state laws and city laws/ordinances; initial fleet sizes of 100 vehicles, which can be increased or decreased according to use; standards for customer service; required that the SMDs are parked in accordance with the agreement and recently passed rules and regulations and for downtown area the staging locations must be approved by the director of Public Works; impound protocol for violations; requirement of a surety bond; permit period is for 12 months with 3 month extensions if needed; requirement of insurance and indemnification provisions; and will allow the city to cancel the agreement with a 10-day notice. He stated staff is requesting council to approve the program and the second reading for the ordinance amendment to Section 6-1-18.

Mayor Reed asked what localities were researched. Mr. Brown stated 15-20 localities were researched including Charlottesville, Alexandria, Richmond, Arlington, Virginia Beach, as well as some non-Virginia localities.

Council Member Hirschmann asked if the city can pull out of this if it doesn't pan out. Mr. Brown stated the city can cancel the agreement with a ten-day notice to terminate or at the end of the 12 months.

Council Member Baugh stated he met with representatives from Bird and they feel this is consistent to what is being done in other jurisdictions, and the only issue they expressed was they would like to see the requirement of fleet size determination be reduced from four rides a day to something less. He noted the representatives did appreciate staffs work and willingness to give this a try. Mr. Brown stated the four-rides per day was a compromise between what Bird wanted originally and what the city wanted originally.

Mayor Reed stated staff did a great job with researching and council has had the opportunity to hear from residents and agrees some sort of structure needs to be in place. She stated it seems as if the scooters are more regulated, not being left all over the place, etc.

Vice Mayor Romero asked if there is any indication of additional SMD companies interested in setting up in Harrisonburg. Mr. Brown stated there have been two inquiries, but nothing has come to fruition to date. Vice Mayor Romero asked if there would be any limit to the number of companies allowed. Mr. Brown stated the limitation would be taken care of by the agreement as to fleet size by usage. Mr. Brown stated E-bikes may be a possibility as well, but they will be counted just as any

SMD and included in the fleet size requirements. Additional discussion took place regarding multiple companies versus fleet size versus usage.

Council Member Jones stated he did speak to several individuals wanting to see participation from the Bicycle and Pedestrian sub-committee. He stated he knows staff and council has looked at this through ordinances and economic development but feels talks with transportation and the sub-committee may be beneficial as well.

Vice Mayor Romero asked if the data provided will include where the scooters are being utilized. Mr. Brown confirmed.

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

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

**No:** 0

## **8. Supplementals**

- 8.a.** Consider a supplemental appropriation for the Police Department in the amount of \$74,443.25 from state asset forfeiture funds.

Eric English, chief of Harrisonburg Police Department, presented a supplemental appropriation request in the amount of \$74,443.50 from state forfeiture funds to outfit the current patrol fleet for the in-car camera system in all patrol vehicles as well as consolidate the camera's operating systems. He stated currently two systems are in operation which means two different data bases being used and two different system downloads executed, one of which is very outdated. He stated staff would like to go to the Axon System that coincides with the body-worn cameras and allows HPD to share information with the Commonwealth Attorney's Office, makes redaction of videos much easier, downloading of videos would be easier, allows for audit trail, and would expedite the process of FOIA requests. He stated one unified system creates more accountability not only for staff but for the public as well.

**A motion was made by Council Member Baugh, seconded by Council Member Hirschmann 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 Romero, Council Member Baugh, 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, requested a stricter sign be put in place of the No Parking sign on Jefferson Street that states "tow zone" or something along those lines as it is at a dangerous intersection which could cause accidents if someone was parked at that intersection. He stated another dangerous intersection is at W. Washington and N. Main Street, he feels some of the CDBG funding should be used to address that issue. He stated plaques were issued on February 11, 2019 for the Can Challenge and HPD came in third place and HFD came in fourth place and he would like to see all city departments participate in the Can Challenge and for a good cause.

Aliese Gingerich, 968 College Avenue, stated as a representative of Faith in Action, she wanted to remind council of the organizations three asks in regards to criminal justice reform: eliminate the dollar a day keep fees in the local jail and the three dollar a day keep fee from Middle River Regional Jail; fund a community justice planner; and provide more options for restorative justice in juvenile cases. She stated members hope council will support these initiatives.

9.b. City Council and Staff

Council Member Jones congratulated Mayor Reed in becoming a history maker by being inducted into the Strong Men and Women in Virginia History of Virginia program and noted he is very proud of her. He stated it was a great opportunity to be at the induction with several staff members and others. He thanked City Manager Campbell for the council retreat as well as the city's super awesome dynamic staff. He stated it was a great retreat, council came up with some great goals and a vision and laid the framework and foundation for future councils, in order to continue to prosper and move forward into the future. He stated after the retreat he sees council and staff working more seamlessly together.

Vice Mayor Romero stated he spoke previously about his desire to implement an interpreting service for council meetings and other city services to provide equal access. He stated he will be meeting with Amy Snider, assistant to the city manager, to talk more about where we are, and he hopes by the first week of March we will have something to present to council.

Council Member Hirschmann recognized Mr. Bucky Berry for acknowledging the departments for their participation in the Can Challenge. He stated Mr. Berry has fed a lot of people in the city over the years, and each year seems to be getting bigger and bigger. He congratulated Mr. Berry on his success of the food drives and thanked him for all that he does for the community.

City Manager Campbell stated at the recent Middle River Regional Jail Authority meeting, the board took action to hire an architect to begin a needs assessment to review the level of the current crowding and potential expansion. He welcomed Amy Snider to the city manager's executive staff as assistant to the city manager.

Mayor Reed stated City offices will be closed on February 18th, 2019, in observance of Presidents' Day. Monday trash collection will be collected on Tuesday, February 19th, and the Recycling Convenience Center will be closed on Monday the 18th; applications are now being accepted for the 2019 Community Police Academy, applications are due by February 22, 2019 and can be found on our website. Classes begin on March 5th, 2019 at 6:00 pm.; there will be a public meeting on the Port Republic Road Traffic Study on February 20th, from 5:00 pm to 7:00 pm in the City Council Chambers; and there will be a Pollinators in our Backyard event on Sunday, February 24th, 2019 from 1:00 pm to 4:00 pm at the Cecil F. Gilkerson Community Activities Center. This event will kick off with a discussion about pollinator-friendly initiatives happening around the city. There will be interactive displays with information on the best types of plants to attract pollinators, how to create pollinator spaces, beekeeping and more.

## **10. Boards and Commissions**

### **10.a. Harrisonburg Electric Commission**

Council Member Jones asked if one from each HEC letter of recommendation must be chosen or can two be chosen from one list to fill vacancies. Mr. Brown stated only one per HEC letter of recommendations can be chosen to fulfill the vacancy in which is recommending. Council Member Jones asked Mr. Brown if he could relay to HEC to place Mr. Chris Weaver on the recommendation letter to fill Mr. Frackleton's seat at the request of council.

**A motion was made by Council Member Jones, seconded by Council Member Baugh, to appoint Maria Papadakis to fill Mr. Culbreth's seat on the Harrisonburg Electric Commission (HEC). The motion carried with a unanimous voice vote.**

### **10.b. Environmental Performance Standards Advisory Committee (EPSAC)**

Mr. Brown noted there are up to six vacancies that can be filled, but council does not have to fill all six at this time.

Council Member Baugh stated he is familiar with many of the applicants however, he believes the reason council was looking for additional members on this committee was to broaden the composition of the committee. He stated many of the applicant's ideas, views, experience and education are similar to what is already represented on the board. Mayor Reed stated she would like to see Emani Morse on the committee as she will bring a different voice which is what council was originally looking for.

Council Member Jones stated he would like to see Leons Kabongo on the committee as he feels he represents what council was looking for originally as well.



Additional conversation took place regarding filling any remaining seats.

A motion was made by Council Member Baugh, seconded by Council Member Jones, to appoint Leons Kabongo and Emani Morse to the Environmental Performance Standards Advisory Committee (EPSAC). The motion carried with a unanimous voice vote.

## **11. Adjournment**

At 8:08 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR