



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, January 24, 2017

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: 5 - City Manager Kurt Hodgen, Deputy City Manager Ande Banks, City Clerk Erica Kann, City Attorney Chris Brown and Captain Dan Claytor

2. Invocation

Mayor Reed offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. 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 Council Member Hirschmann, 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

4.a. Minutes

These minutes were approved.

4.b. Consider a request from Robert Cook with representative Dick Blackwell to rezone a 0.69 +/- acre parcel zoned R-3C, Multiple Dwelling Residential District Conditional to located at 1375 Wine Drive

This rezoning was approved on second reading.

4.c. Consider amending and re-enacting Section 13-1-51, Parking Methods of the Harrisonburg City Code

This ordinance was approved on second reading.

- 4.d. Consider amending and re-enacting Section 13-1-58 Unlawful Opening of Doors of the Harrisonburg City Code

This ordinance was approved on second reading.

- 4.e. Consider amending and re-enacting Section 13-1-66 Guest Cards of the Harrisonburg City Code

This ordinance was approved on second reading.

- 4.f. Consider a supplemental appropriation for the Police Department in the amount of \$4,583.12 to purchase WRAP Restraint System's

This supplemental appropriation was approved on second reading.

5. Public Hearings

- 5.a. Consider amending and re-enacting Section 13-1-61 Issuance of residential parking permits to certain residents and businesses of the Harrisonburg City Code

City Attorney Brown stated this amendment was brought due to businesses located in the old town area having parking problems. City Attorney Brown stated when businesses in old town are established they have to provide a minimum of three onsite parking spaces or one parking space for every 300 gross square feet of floor space. City Attorney Brown stated business owners are seeking parking passes and noted each home in old town are entitled to one parking pass per registered automobile. City Attorney Brown stated the ordinance being proposed would allow up to five (5) residential parking permits be issued to businesses operating in a residential parking area that were operating at the location prior to the passage of this ordinance. City Attorney Brown stated after drafting the ordinance a couple of concerns were brought to his attention which were the following: in some of the buildings there are more than one business, so each office couldn't obtain five (5) parking spaces and to make it clear that the five (5) parking permits don't count towards the required onsite parking. City Attorney Brown suggested council to obtain public comments and understand that amendments will be made to address the two concerns noted tonight.

At 7:05 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 Friday, January 20, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:06 p.m., and the regular session reconvened.

Council Member Byrd stated as he has dealt with these parking issues, he will defer to the city attorney to make amendments to address the concerns that were brought up. Council Member Byrd suggested making the residential parking

permits be available by tax map parcels and recommended that these parking permits not be in lieu of the required onsite parking requirements.

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, to make the suggested changes to the proposed ordinance. 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.b. Consider amending and re-enacting Section 13-1-69 Parking of Commercial Vehicles near Residences of the Harrisonburg City Code

City Attorney Brown stated this request comes from numerous complaints received regarding commercial vehicles being parked in residential areas on public streets. City Attorney Brown stated these complaints are anywhere from the looks of the vehicles and/or trailers, causing sight distance issues, to safety concerns with kids playing on, under, or near the trailers. City Attorney Brown stated the amendments to Section 13-1-69 expand and clarify the sorts of vehicles that may not be parked near residences, and removes the provision allowing commercial vehicles to park near residences with the written consent of the owner or tenant of the lot. In practice, the time-intensive nature and difficulty of determining whether the commercial vehicle's owner, operator, or driver had the consent of the owner or tenant to park severely restricted the city's ability to enforce the ordinance.

Officer Westfall presented a brief presentation showing the different vehicles that he has either gotten a complaint on or that would be affected with the amended ordinance. Officer Westfall stated that these vehicles cause safety concerns with school buses, snow removal, and emergency personnel vehicles. Officer Westfall presented an updated ordinance due to changes that had been made after receiving comments from the public. Officer Westfall stated trailers that are connected to a power unit will not be affected by this ordinance.

At 7:16 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 Friday, January 20, 2017.

James "Bucky" Berry, 30 West Washington Street, stated he would like for the city to work with residents because some of the vehicles and/or trailers parked on the street are peoples livelihood. Mr. Berry also stated he understands his property is exempt from changes brought by the proposed ordinance.

Sonny Sibounhuang, lives across from Thomas Harrison Middle School, stated since 2008 he has lived at this location and the one trailer has always been there and now there are two. He is concerned with the safety as children are playing underneath the trailer, they cause one-way traffic, and he has almost hit them when the road is icy.

At 7:19 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Byrd offered a motion to approve the ordinance as presented. The motion failed due to a lack of a second.

Council Member Jones clarified currently the ordinance doesn't have a provision for those who use their trailers and/or commercial vehicles every day. City Attorney Brown stated if the trailer is connected to the tow vehicle it is being used on a daily basis. Council Member Jones stated he is concerned for those individuals that are disconnecting and reconnecting a short time later be ticketed due to this ordinance. City Attorney Brown stated the thirty (30) minutes was the proposed starting point for the ordinance. Mayor Reed noted that this ordinance is for safety concerns. Vice-Mayor Baugh stated he is inclined to vote in favor, but is interested in hearing what others had to say about the proposed amendments. Council Member Jones suggested increasing the time period to sixty (60) minutes. Vice-Mayor Baugh stated the issue with the time period is how you enforce it. Council Member Byrd stated the ordinance is being presented to help with safety concerns and if the time period is too short, it can be changed.

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, to amend and reenact section 13-1-69 with the time period increased to sixty (60) minutes. 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. Regular Items

6.a. Consider enacting Section 13-1-51.1 Bicycle Lanes of the Harrisonburg City Code

City Attorney Brown stated during the last meeting council had concerns with the proposed ordinance in connection to bicycle lanes around schools. City Attorney Brown stated that currently if you park in a bicycle lane it is a violation. Vice-Mayor Baugh stated his inquiry was to make sure the matter was reviewed. City Attorney Brown noted that the police department tries to take events happening at the school into consideration prior to handing out violations; however, if complaints are being made, violations will occur. City Attorney Brown stated this ordinance allows city school buses and transit busses stopping in bicycle lanes to load and unload passengers.

A motion was made by Council Member Byrd, seconded by Council Member Jones, to approve the ordinance as stated. 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 amending and re-enacting Sections 1-1-6 Penalties of the Harrisonburg City Code

City Attorney Brown stated the proposed amendment to Section 1-1-6 is to insert a catch-all provision to ensure no penalties imposed by the city exceed the penalties provided by state law for a similar offense.

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, to approve 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

7. Other Matters

7.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 Washington Street, stated he was concerned about the intersection of Washington Street and North Liberty Street and would like to see the traffic light reinstated, a traffic count to be conducted, or the Transportation Safety and Advisory Commission to review the intersection. Mr. Berry stated the Parks and Recreation Commission tabled his request to name something after his son Brent Berry. Mr. Berry stated he would like something named after his son, even if it isn't the entire park. Mr. Berry announced a ribbon cutting for their next food drive would occur on March 6, 2017 at Red Front at 4:00 p.m. Mr. Berry stated there are too many kids that don't eat on the weekends.

Council Member Jones asked if a study had been done at the Washington Street and North Liberty Street intersection. City Manager Hodgen stated a study had been completed. Council Member Jones suggested another count could be done.

Mayor Reed stated Mr. Berry and his family do a great job in and for the community.

7.b. City Council and staff

Council Member Jones announced a kick off meeting to learn how to create a fundraising team for the March of Dimes would be held at the Explore More Discover Museum on January 26, 2017 at 5:30 p.m.

Mayor Reed announced there will be an Ice Bowl Disc Golf fundraiser at 9:00 a.m., on Saturday, January 28, 2017 at Westover Park; dog license should be obtained by Tuesday, January 31, 2017; citizens are invited to comment on the Comprehensive Plan that is currently being reviewed; and, citizens are also invited to participate in a budget survey that is available on BeHeardHarrisonburg.

Mayor Reed stated she received a nice card and ice cream from the Youngstown,

Ohio's mayor congratulating JMU on their recent win. Mayor Reed stated Mayor McNally is set to wear his JMU gear at his upcoming council meeting.

Council Member Byrd stated the Harrisonburg-Rockingham Metropolitan Planning Organization (HRMPO) met and are welcoming comments on the 2040 Long Range Transportation Plan. Council Member Byrd announced the projects that are needed between now and 2040 will cost approximately \$880M and the identified funding sources to meet that need between now and 2040 is \$115M. Council Member Byrd stated that HRMPO needs to have the plan approved by March 31, 2017 to continue federal funding for the programs.

Vice-Mayor Baugh reviewed upcoming Planning Commission items.

City Manager Hodgen announced that he has designated Ande Banks as the Deputy City Manager after being in the acting role over the past several months.

Deputy City Manager Banks thanked his family for their continued support.

8. Boards and Commissions

No action taken.

9. Adjournment

At 7:46 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR