



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Agenda - Final City Council

*Mayor Christopher B. Jones*  
*Vice-Mayor Richard Baugh*  
*Council Member Ted Byrd*  
*Council Member Kai Degner*  
*Council Member Abe Shearer*

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Tuesday, December 13, 2016

7:00 PM

Council Chambers

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**1. Roll Call**

**2. Invocation**

**3. Pledge of Allegiance**

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

**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)**

**5.a. Minutes**

**Attachments:**      [November 29, 2016 Meeting Minutes](#)

**5.b. Consider a supplemental appropriation for the General Capital Projects Fund in the amount of \$9,403,864**

**Review & Recommendation:**      The Public Works Department has recently been awarded VDOT grant funding for five (5) capital projects. Those projects are the Garbers Church Road Shared Use Paths, Spotswood Elementary Safe Routes to School, Grace Street Extension (JMU), MLK Jr. Way Improvements, and I-81 Exit 245 Realignment. This supplemental appropriation will place the awarded grant funds and JMU matching funds into the appropriate project accounts.

**Attachments:**      [Memorandum](#)  
                                 [Supplemental Appropriation](#)

**6. Public Hearings**

**6.a. Consider a request from George's Food, LLC to close a 2,924 +/- square feet portion of a developed public alley located between North Liberty Street and the northern property line of George's Food, LLC**

**Review & Recommendation:** Planning Commission recommended (7-0) for closure of the 15-foot wide portion of alley located adjacent to tax map parcels 34-A-12 and 40-V-1 as presented by staff with the provision that easements are reserved for the following:

- Public Sanitary Sewer (for sanitary sewer main operated by Harrisonburg Department of Public Utilities),
- Utility Easement (for overhead electric facilities operated by Harrisonburg Electric Commission), and
- Utility Easement (for 4" gas line operated by Columbia Gas).

**Attachments:** [Memorandum](#)  
[Extract Alley Closing George's Food LLC](#)  
[Site Maps](#)  
[Application and applicant letter](#)  
[Location sketch of Street-Alley to be closed](#)  
[Surrounding Properties Notice](#)

- 6.b. Consider a request from Luis O. Rodriguez to close a total of 3,420 +/- square feet of two portions of undeveloped public alleys, which are located on the eastern and southern perimeters of 211 East Washington Street

**Review & Recommendation:** Planning Commission recommended approval (7-0) for closure of the approximately 10-foot in width alleys, which connect to East Washington Street and Myrtle Street, and are located adjacent to tax map parcels 33-B-1, 2, 5, 23, 24 & 25.

**Attachments:** [Memorandum](#)  
[Extract Alley Closing 211 West Washington Street](#)  
[Site Maps](#)  
[Application and applicant letter](#)  
[Location sketch of Street-Alley to be closed](#)  
[Surrounding Properties Notice](#)  
[Letter from adjoining property owner](#)

- 6.c. Consider a request from Virginia Mennonite Retirement Community, Inc. to close 124,700 +/- square feet of developed public street right of way contained within the Park Village area of the Virginia Mennonite Retirement Community complex

**Review & Recommendation:** Planning Commission recommended (6-0) to close Villa Drive, Pine Court, Spruce Court, Hawthorne Circle, and Shank Drive (east of Park Road) and located adjacent to tax map parcels 52-D-4, 7-10 & 13 provided that easements are reserved for

- Public Sanitary Sewer and Water infrastructure
- Public Utility Easements for primary electric facilities and street lighting circuits (coordinated with HEC)
- Public Utility Easements as necessary for other utilities (cable, gas, etc.).

**Attachments:** [Memorandum](#)  
[Extract from Planning Commission](#)  
[Site Map](#)  
[Applications, applicant letters, and supporting documents](#)  
[Site development maps](#)  
[Surrounding Properties Notice](#)

- 6.d. Public hearing to consider a request from Virginia Mennonite Retirement Community, Inc. for a special use permit to allow a multiple-family dwelling of up to 12 units per building under the conditions set forth under 10-3-48.6 (e). The property is part of the Virginia Mennonite Retirement Community master planned complex known as Park Village and is addressed as 1610, 1612, 1614, and 1616 Park Road

**Review & Recommendation:** Planning Commission recommended approval (6-0) of the special use permit per Section 10-3-48.4 (6) of the Zoning Ordinance on the 3.3 +/- acre parcel, which is zoned R-3, Medium Density Residential District, and is identified as tax map parcel 52-D-9 with the following conditions:

1. The requested street closing of Villa Drive, Pine Court, Spruce Court, Hawthorne Circle, and Shank Drive (east of Park Road) be recorded and the additional acreage added to the VMRC campus as necessary, before approval of a building permit for the multi-family building at 1610-1616 Park Road.

**Attachments:** [Memorandum](#)  
[Extract from Planning Commission](#)  
[Site Maps](#)  
[Applications, applicant letters, and supporting documents](#)  
[Site development maps](#)  
[Surrounding Properties Notice](#)

- 6.e. Consider a request from Robert Cook with representative Dick Blackwell to rezone a 0.85 +/- acre parcel zoned R-3C, Multiple Dwelling Residential District Conditional to R-3C, Medium Density Residential District Conditional at the property located on the northwestern corner of the intersection of Wine Drive and Little Sorrell Drive

**Review & Recommendation:** Planning Commission recommended approval (6-0) of the R-3C rezoning request on the property identified by tax map parcel 88-H-8 by amending the existing proffers that were approved when the property was rezoned in 2007 with the following:

The subject lot containing 0.852 acres is presently zoned R-3C. I am requesting that the existing proffers be amended to the following:

1. All buildings would be used only for medical offices and professional offices.
2. Screening between properties zoned R-1 and the subject property will be a six-foot-tall vinyl fence, similar to the picture from 2007 rezoning.
3. All buildings would be no more than two story, substantially of brick material, and of colonial design similar to attached pictures. Design would have to be approved by Architectural Control Committee.
4. Islands would be landscaped by Developer and maintained by adjoining property owners. This is a deed requirement..

**Attachments:** [Memorandum](#)  
[Extract from Planning Commission](#)  
[Site Maps](#)  
[Application, applicants letter, and supporting documents](#)  
[Surrounding Properties Notice](#)

- 6.f. Consider a request from Tidewater Communications, LLC with representative David C. Nahm to rezone a 2.14 +/- acre site zoned B-2C, General Business District Conditional by amending existing proffers on property located at 1820 Heritage Center Way

**Review & Recommendation:** Planning Commission recommended approval (6-0) of the rezoning request to allow for a taller radio tower on the property located on tax map parcel 122-B-2, by amending the proffers as follows:

It is proffered that the estimated 2.14 acre portion of the property zoned as B-2C will be used only for the following uses permitted by right under section 10-3-90:

- 8) Radio and television stations and studios or recording studios.
- 18) Public uses.

It is also proffered that:

1. The proffers dated February 5, 2007 are still in effect ("2007 Proffers").
2. Proffer number 1 of the 2007 Proffers will be hereby amended for the relocation of the STL radio tower as shown on the attached drawing..

**Attachments:** [Memorandum](#)  
[Extract from Planning Commission](#)  
[Site Maps](#)  
[Applications, applicants letters, and supporting documents](#)  
[Surrounding Properties Notice](#)

- 6.g.** Consider a request from Tidewater Communications, LLC with representative David C. Nahm for a special use permit to allow structures, except wireless telecommunications facilities, in excess of seventy-five (75) feet in height on a 2.14 +/- acre site zoned B-2C, General Business District Conditional, and located at 1820 Heritage Center Way

**Review & Recommendation:** Planning Commission recommended approval (6-0) of the special use permit per Section 10-3-91 (12) of the Zoning Ordinance to allow Tidewater Communications, LLC to replace an existing 40-ft radio tower with a new tower that exceeds seventy-five (75) feet in height on property identified as tax map parcel 122-B-2 with the following conditions:

1. If the radio tower ceases to be used for more than 12 months, all equipment, including the structure, shall be removed within a timeframe determined by the City at the owner's expense.
2. Placement of advertising of any kind is prohibited on the antennas and equipment.

**Attachments:** [Memorandum](#)  
[Extract from Planning Commission](#)  
[Site Maps](#)  
[Applications, applicants letters, and supporting documents](#)  
[Surrounding Properties Notice](#)

## 7. Regular Items

- 7.a.** Presentation of the City's Fiscal Year 2016 Comprehensive Annual Financial Report (CAFR)

**Review & Recommendation:** As required by Section 45 of the City Charter and Section 15.2-2511 of the Code of Virginia, the CPA firm that audited the city's financial records for Fiscal Year 2016 will present the CAFR to City Council. The CAFR was prepared by the Department of Finance and audited by Brown, Edwards & Company, LLC which has issued an unmodified opinion on the CAFR.

**Attachments:** [Memorandum](#)  
[2016 CAFR](#)

- 7.b. Consider the approval of a resolution authorizing the Harrisonburg Redevelopment and Housing Authority to issue up to \$6,000,000 in bonds for the Oakbrook Terrace II, L.P. Project

**Review & Recommendation:** Oakbrook Terrace II, L. P., a Virginia limited partnership (the "Borrower"), has applied to the Authority for the issuance of not to exceed \$6,000,000 of the Authority's Multi-Family Housing Revenue Bonds (Oakbrook Terrace II, L. P. Project), Series 2017 (the "Bonds"), to provide financing for (a) the acquisition, renovation and equipping of a one-story, 80 unit, multi-family residential rental housing project, comprised of 20 residential buildings, a clubhouse and fitness and recreation facilities, on an approximately 19.42 acre site, known as Oakbrook Terrace Apartments and located in the incorporated town of Orange, Virginia (the "Town"), at 109 Oakbrook Drive, Orange, Virginia 22960, (b) the initial funding of debt service reserve and other funds, and (c) the payment of issuance and other transaction costs (collectively, the "Project").

**Attachments:** [Resolution](#)

- 7.c. Consider a revision to the current dispute resolution policy

**Review & Recommendation:** Consider the revision to the current dispute resolution policy to utilize an administrative hearing officer and to clarify the format and procedures used in the hearing.

**Attachments:** [Memorandum](#)  
[Policy](#)

## 8. Special Event Application Requests

- 8.a. Consider the special event application for First Night Harrisonburg on December 31, 2016

**Review & Recommendation:** First Night Harrisonburg will take place on Saturday, Dec. 31, 2016 at 6:00 p.m. to Sunday, January 1, 2017 at 1:00 a.m.

**Attachments:** [Memorandum](#)  
[Event Application](#)  
[Map](#)  
[Certificate of Insurance](#)  
[Insurance Endorsement](#)

- 8.b. Consider the special event application for the New Year's Eve Glow Run on December 31, 2016

**Review & Recommendation:** The second annual New Year's Eve Glow Run will be held on Saturday, December 31, 2016, from 5:00 to 7:00 p.m., following the JMU course along Chesapeake Ave and parts of Grace Street.

**Attachments:** [Memorandum](#)  
[Event Application](#)  
[Certificate of Insurance](#)  
[Insurance Endorsement](#)

## 9. Other Matters

## 10. Boards and Commissions

**10.a. Board of Equalization**

**Review & Recommendation:** Phylliss Coulter's first term is due to expire December 31, 2016. Ms. Coulter's reappointment application is attached. If appointed, her term will expire December 31, 2019.

**Attachments:** [Phyllis Coulter - Reappointment](#)

**10.b. Harrisonburg Electric Commission**

**Review & Recommendation:** Attached is a letter from the general manager, Brian O'Dell, with the Harrisonburg Electric Commission's three candidates for consideration. Kevin's Rose's term expires on December 31, 2016 and is not eligible for reappointment. There is an application attached that was received by the city and was forwarded to the Commission for review. The new term will expire December 31, 2019.

**Attachments:** [HEC Letter](#)  
[John Ashenfelter](#)

**10.c. Harrisonburg Transportation and Advisory Commission**

**Review & Recommendation:** Bill Blessing's northeast and Joshua Humphries at-large terms are due to expire on December 31, 2016; both are able to serve an additional three year term. All applicants could serve either the northeast or at-large term except Joshua Humphries who could only serve in the capacity of the at-large term. The new terms would expire December 31, 2019.

**Attachments:** [Zachary Armstrong](#)  
[Bill Blessing - Reappointment](#)  
[James Logan](#)  
[Joshua Humphries - Reappointment](#)  
[Marian Lebherz](#)

**10.d. Parks and Recreation Commission**

**Review & Recommendation:** DD Dawson's east term on the Parks and Recreation Commission will expire December 31, 2016. Ms. Dawson does not wish to serve another term at this time. Council Member Elect Deanna Reed will no longer be able to serve on the Parks and Recreation Commission as a commissioner as of January 2017. Ms. Reed's unexpired first east term is due to expire December 31, 2017. Two east appointments are needed; one to expire on December 31, 2020 and the other December 31, 2017.

**Attachments:** [Chance Ebersold](#)  
[Joshua Humphries](#)

**10.e. Planning Commission**

**Review & Recommendation:** Mr. Gil Colman's first term and Kathy Whitten's unexpired term are due to expire December 31, 2016, both are able to serve another term.

**Attachments:**

[Harvie Andrews](#)

[John Ashenfelter](#)

[Gil Colman - Reappointment Application](#)

[Chance Ebersold](#)

[Joshua Humpries](#)

[John Monger IV](#)

[Jim Orndorff](#)

[Scott Sellers](#)

[Michael Van Poots](#)

[Kathryn Whitten - Reappointment Application](#)

**11. Adjournment**