



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

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

Tuesday, December 13, 2016

7:00 PM

Council Chambers

1. Roll call

Present: 5 - Council Member Christopher B. Jones, Vice-Mayor Richard Baugh, Council Member Ted Byrd, Council Member Kai Degner and Council Member Abe Shearer

Also Present: 5 - City Manager Kurt Hodgen, Acting Deputy City Manager Ande Banks, City Clerk Erica Kann, City Attorney Chris Brown and Police Chief Stephen Monticelli

2. Invocation

Vice-Mayor Baugh offered the invocation.

3. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance.

4. 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 he paid his taxes to the city and is current on all his taxes. Mr. Berry feels that the city needs to work with citizens who are going through hard times with their taxes. Mr. Berry noted that the Brent Berry Food Drive's Ribbon Cutting is at 2:00 p.m., Friday, December 16, 2016. Mr. Berry stated he was concerned about those who can't get into affordable housing and those that can't eat. Mr. Berry shared a story about when Brent was born and the health issues he had and that his son would be receiving a uniform and badge through the Harrisonburg Police Department's Explorers Program.

Council Member Degner presented a plaque to Brent Berry in honor of his 18th birthday recognizing his leadership within the community to "Bust Hunger in the 'Burg".

Frances Flannery, 720 Stone Spring Road, stated she was representing nine homes near Manor Drive and Stone Spring Road and their concern with the increased speed limit and speeding along the road causing hazards to those pulling out onto the road. Ms. Flannery noted, with a detention basin built across Stone Spring Road from their homes, wildlife are leaving the wooded area behind their homes and crossing the road to reach the pond causing accidents. Ms.

Flannery asked for the speed limit to be reduced to 30 miles per hour, place a police radar speed trailer, and install a deer crossing sign somewhere between 710 and 730 Stone Spring Road. Ms. Flannery also noted a light not working near the detention pond and there is a need for more lights in the area. Ms. Flannery submitted signatures from the nine households.

Mayor Jones noted 20 years ago there was a lot of wildlife in the area and as development continues to happen they are losing their habitat.

Jim Orndoff, 22 East Market Street, stated he was representing the Valley Justice Coalition and hoped council had seen the small article in the newspaper regarding to the justice department planning to investigate conditions at the Hampton Roads Regional Jail. Mr. Orndoff stated the city is a partner in a regional jail and the city needs to continue dialogue regarding accreditation. Mr. Orndoff was pleased to see the matter being discussed during the last jail meeting. Mr. Orndoff noted the jail's superintendent advocates accreditation by the American Correctional Association whereas the council recommends accreditation by the National Commission of Correctional Health Care. Mr. Orndoff asked council to continue to advocate for health care accreditation at Middle River Regional Jail.

Kevin Gibson, 1040 Toppin Boulevard, publicly thanked council for allowing the Turkey Trot event to take place on Thanksgiving morning. Mr. Gibson stated they had 1,193 participants which included 200 kids. Mr. Gibson thanked Officer Westfall and other officers that filled the officer slots that were needed at the event. Mr. Gibson noted that the event took care of wages for the officers and public works crews. Mr. Gibson stated the event also used temporary barricades as directed by Officer Westfall from JMU. Mr. Gibson feels that the event wouldn't be as successful if it was held on a different day and/or different location in the city. Mr. Gibson stated Virginia Momentum is about energizing the community and encouraging individuals to get active and support local causes. Mr. Gibson noted that over 1,000 pounds of food was donated to the Blue Ridge Area Food Bank as well as a monetary donation. Mr. Gibson asked council for clarification regarding the events future.

Mayor Jones stated he shared the same sentiment as Mr. Gibson on clarity of the event. After brief discussion it was noted that this matter would be addressed during "other matters".

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 Degner, seconded by Vice-Mayor Baugh, that this be adopted. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Council Member Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

5.a. Minutes

These minutes were approved on the consent agenda.

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

This supplemental appropriation was approved on second reading.

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**

Adam Fletcher, director of planning and community development, stated the alley currently operates as a parking area for George's Food. Mr. Fletcher stated the applicant's primary concern is closing the alley to limit access and control traffic to improve safety concerns. Mr. Fletcher stated the applicant is also interested in expanding their business in the future. Mr. Fletcher reviewed the parcel and the surrounding parcels. Mr. Fletcher stated if approved, the remaining portion of the alley to remain public would still allow neighbors to access the back of their properties. Mr. Fletcher noted that no comments were received by neighbors, but George's Food was willing to work with those adjacent property owners that would be affected by the closure. Mr. Fletcher also stated two parcels will not be able to utilize the alley due to the approval of a preliminary plat by council in August 2016. Mr. Fletcher noted that there are a number of utilities located within the alley including public sanitary sewer, overhead utilities, and a gas line for which the city would need to establish easements. Mr. Fletcher stated staff and Planning Commission recommended approval with the condition that easements are reserved for the utilities noted. Mr. Fletcher stated the city has been in communication with Columbia Gas as a gas line is present on the parcel and noted the applicant is responsible for having a survey prepared with the easements included, in order for the city attorney to draft the ordinance for closure.

At 7:24 p.m., Mayor Jones closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, November 28, 2016 and Monday, December 5, 2016.

James "Bucky" Berry, 30 West Washington Street, stated George's Food supplies a lot of jobs, is a value to the city, and is in favor of the requested closure.

At 7:25 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Council Member Shearer asked about the procedure for the price of the property due to George's Food owning the surrounding property. City Attorney Brown stated the real estate director will provide the cost per square foot to the city

manager, who will then determine the price of the property.

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

Yes: 5 - Council Member Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 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

Mr. Fletcher reviewed the property and surrounding properties and noted there is no public infrastructure located in the alleys being requested for closure. Mr. Fletcher noted that all alleys in the city are zoned and in this case the properties to the rear of 211 East Washington Street and 751 Street are zoned R-2 not M-1. Mr. Fletcher explained that these two parcels as existing today have a setback of 10 feet because the alley is zoned M-1. Mr. Fletcher stated assuming that no buildings over 35 feet would be constructed on 211 East Washington Street or 751 East Myrtle Street, incorporating the southern alley into the properties will increase their rear yard setbacks from 10 feet to 30 feet. However, if any adjacent R-2 property owner wishes to purchase half of the alley, then the rear yard setbacks for 211 East Washington Street and 751 East Myrtle Street will remain 10 feet, giving the properties an additional 5-foot of buildable area. Mr. Fletcher stated this is due to the portion of the alley incorporated into the R-2 zoned properties will remain zoned as M-1. Mr. Fletcher stated staff and Planning Commission both recommended in favor of the request with no conditions as there are no easements needed.

Council Member Byrd asked if the Salvation Army purchased their portion of the alley would it make them nonconforming. Mr. Fletcher stated the alley closing would not impact them at all, but if they purchase their portion it would improve their situation.

Mayor Jones asked if council had an opportunity to review the letter from an adjacent property owner. Council Member Shearer asked if staff knew if the adjacent property owner was interested in purchasing their half. Mr. Fletcher stated he didn't know if the adjacent property owner was present, but to his knowledge he is interested in purchasing his portion of the alley.

At 7:32 p.m., Mayor Jones closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, November 28, 2016 and Monday, December 5, 2016.

Alexander Nemoytin, 212 East Johnson Street, stated he didn't have much to add other than the information that was provided in the letter. Mr. Nemoytin stated the alley is used to access the back of his property, it wouldn't make sense for him to

purchase the alley as it would cause setbacks to his property to be closer, and he had spoken to the Rodriguez's regarding access to his property through a gate in the fence. Mr. Nemoytin stated the Rodriguez's were unsure if they would be interested in adding a gate in that section of the fence. Mr. Nemoytin suggested adding a buffer between the property and the residential properties to help with noise and lights caused by the business. Mr. Nemoytin asked council to consider the effects on the surrounding property owners as closing this alley could potentially allow a building to be 20 feet closer to his property.

Mr. Madden got up to speak on behalf of his father who lives at 703 Myrtle Street, which is adjacent to the Rodriguez's garage. Mr. Madden expressed his frustration that his father's fence keeps getting hit and the cars parked along the road due to this business.

Mayor Jones asked Mr. Madden if he was in protest of the alley being closed.

Mr. Madden stated no, but he wanted to make sure that if they obtained the alley that they left his father's fence alone.

Mrs. Rodriguez, applicant, stated she thinks Mr. Madden has their business confused with Boris Auto Sales. Mr. Rodriguez stated they keep their vehicles inside the fence. Mrs. Rodriguez stated that they did speak to Mr. Nemoytin and they feel that it would be difficult to provide him access through the fence as they will have to keep it locked due to their towing business. Mrs. Rodriguez stated they aren't looking to fence the property right away and they aren't planning to build anything near the property line.

Council Member Degner asked if there was a way to offer a condition that a building wouldn't be built close to the property line in the future.

Mr. Rodriguez stated right now there aren't any plans, but he can't speak for the future.

Council Member Shearer stated he would like a resolution prior to approving. It was noted that this request does require a second reading.

Mr. Madden apologized to the Rodriguez's after he realized it was Boris Auto Sales that his frustration was with.

Mr. Fletcher stated the setback is for buildings, not vehicles. Council Member Degner asked Mr. Fletcher to review the reasoning that it wouldn't be beneficial to Mr. Nemoytin to purchase the alley. Mr. Fletcher again explained it was due to the zoning of the alley being different than the zoning of Mr. Nemoytin's property and if he purchased the alley it would remain an M-1 zoning. Mr. Fletcher also noted that if the property owners on either side of Mr. Nemoytin wouldn't purchase their half of the property the setback would only be closer to his property. Mr. Fletcher stated this alley has been zoned M-1 probably since the 1960's.

Mr. Nemoytin thanked council for reviewing this closer and noted it is a unique and odd situation and he feels in this case he would be punished for purchasing his half of the alley. Mr. Nemoytin conceded with the thought of seeking a creative alternative and that he respected any decision made by council.

Council Member Shearer offered a motion, seconded by Council Member Degner to table this agenda item until the next council and for a resolution to be discussed. Council Member Degner asked Vice-Mayor Baugh if he thought it should be reviewed by Planning Commission since this issue wasn't discussed during the meeting. Vice-Mayor Baugh stated it would make sense for Planning Commission to review.

Mrs. Rodriguez stated they would like to move forward with closing the alley between their property and the Salvation Army and not with the alley between them and Mr. Nemoytin's property.

At 7:51 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Council Member Degner stated he thought public comment had been closed, so there isn't a motion currently on the table.

A motion was made by Council Member Degner, seconded by Council Member Shearer, to close the north south alley between the applicant's property and the Salvation Army. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Council Member Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 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

Mr. Fletcher stated he would be presenting both agenda item 6.c. and 6.d. together as they are a package deal. Mr. Fletcher stated the city has been working with the applicant for some time and they are interested in redesigning the master plan for the Park Village area of the Virginia Mennonite Retirement Community (VMRC). Mr. Fletcher stated the applicant is looking to demolish a four unit building to rebuild a six unit building and to make that plan work they need to close the public streets in the area. Mr. Fletcher stated VMRC is zoned R-3, Medium Density Residential District with the institutional overlay. Mr. Fletcher stated VMRC owns all the property surrounding the area being requested for closure, but there are a number of easements that would be needed. If approved, the applicant will work closely with the city prior to the second reading to make sure all easements are shown and the city would no longer provide snow removal. Mr. Fletcher reviewed the property, stated they would have to adjust their stormwater management fees, and if they aren't planning to redevelop the streets they need to

maintain at least a 20 foot emergency access. Mr. Fletcher stated the applicant wants to increase parking and pedestrian facilities. Mr. Fletcher stated the applicants' interest in closing the street is due to setbacks needed for the six unit building and they need to vacate property lines to do so. Mr. Fletcher stated staff and Planning Commission recommend approval of the special use permit with the following condition: 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.

Council Member Byrd asked if the city's bike plan included the area being discussed.

Mr. Fletcher stated there wasn't any discussion regarding that.

Council Member Byrd stated that in theory they could become a gated community. Mr. Fletcher stated that would be possible with of course the access to emergency personnel. Council Member Byrd asked if the city could obtain a bicycle easement. Mr. Fletcher stated if council would like to place that as a condition he thought that could be done or at least have the discussion with VMRC. City Manager Hodgen stated this request wouldn't stop the city from being able to place bicycle paths along Park Road. Mr. Fletcher stated he thought the Northend Greenway is proposed to go northwest prior to reaching the VMRC property.

Council Member Degner stated there aren't any bike lanes proposed through that area.

Council Member Byrd stated all roads in VMRC are currently accessible to the public.

At 8:03 p.m., Mayor Jones closed the regular session and called the third and fourth public hearings to order. A notice appeared in the Daily News-Record on Monday, November 28, 2016 and Monday, December 5, 2016.

Mr. Coleman, applicant's representative, stated VMRC's intent is to open their campus to a greater community and at this point there isn't any interest in becoming a gated community and they are looking to have a walking and bike path.

At 8:04 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Shearer, to close the street closing with the stated recommendations. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Council Member Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 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

Agenda item 6.d. was presented along with agenda item 6.c.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Shearer, to approve the SUP with the stated condition. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Council Member Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 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

Mr. Fletcher reviewed the surrounding properties, the history of the property, and stated the property was heavily proffered in 2007 which limits the uses to medical and professional offices, as well as, limits buildings to one story. Mr. Fletcher stated the applicant desires to amend proffer number three to allow a two story building, as well as, allow other building material other than brick. Mr. Fletcher stated staff and Planning Commission recommended approval with the following recommendation: amendments to proffers number two and number four so that the proffers apply only to the subject parcel, which removes references to the other parcels included in the 2007 rezoning. The new, proposed proffer letter includes the following: the subject lot containing 0.852 acres is presently zoned R-3C. 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 stories, 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. Staff recommends approving the requested rezoning from R-3C, Multiple Dwelling Residential District Conditional to R-3C, Medium Density Residential District Conditional with amendments to existing proffers.

At 8:12 p.m., Mayor Jones closed the regular session and called the fifth public hearing to order. A notice appeared in the Daily News-Record on Monday, November 28, 2016 and Monday, December 5, 2016.

Dick Blackwell, Blackwell Engineering, stated the request is simple they are looking to build a partial second floor and use a different material other than brick. Mr. Blackwell made himself available for questions.

Khaleel Darwish, 76 Pleasant Hill Road, expressed his frustration with the vehicles parked in front of his property.

Mr. Fletcher stated parking is occurring in front of Mr. Darwish's lot and concerns have been brought before Planning Commission. Mr. Fletcher stated Harrisonburg Community Health Center provided the minimal parking spaces even though they had received approval of a SUP to reduce the number of parking spaces needed. Mr. Fletcher stated the center is busy and the parking along the street that is occurring is legal. Mr. Fletcher stated homes are being built in the area, so there are contractors parking along the street as well.

Council Member Degner stated the only mechanism used in other parts of the city has been to require parking permits. Council Member Degner stated the parking issue is separate to this issue, but thanked Mr. Darwish for bringing the matter to the city's attention.

At 8:19 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Council Member Byrd stated he would be interested in reviewing parking permits in the neighborhood. Council Member Shearer concurred.

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

Yes: 5 - Council Member Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 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

Vice-Mayor Richard Baugh stated for reason related to legal professional ethics he recused himself from agenda items 6.f. and 6.g.

Adam Fletcher, director of Planning and Community Development, stated the rezoning request comes before council to amend existing proffers and the special use permit (SUP) is to increase the height of the towers. Mr. Fletcher noted his staff had been working with Mr. Nahm on a SUP to increase the tower height over the 75 foot limit, but upon review of the request and property information, it was determined the proffers at that time were so strict it was not feasible to apply for a SUP. Mr. Fletcher stated the applicant is now requesting a rezoning to amend the

proffers. Mr. Fletcher reviewed the surrounding area properties and the current proffers. Mr. Fletcher stated the applicant is requesting the tower height allowance be increased from 40 feet to 124 feet in order to obtain clearer signal for communication. Mr. Fletcher reviewed the location of the proposed tower and the proposed set back. Mr. Fletcher noted all February 5, 2007 proffers will remain the same with the exception of the proffer number one that will be amended for the relocation of the tower as shown on the provided drawing. Mr. Fletcher stated staff and Planning Commission recommended the rezoning amendment and approval of the SUP with two conditions: 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 and the placement of advertising of any kind is prohibited on the antennas and equipment.

At 8:28 p.m., Mayor Jones closed the regular session and called the sixth and seventh public hearings to order. A notice appeared in the Daily News-Record on Monday, November 28, 2016 and Monday, December 5, 2016.

Mr. David Nahm, representative for Tidewater Communications, LLC, stated everything will remain the same with the exception of building the new tower and bringing the old tower down in order to increase the signal for the radio, emergency broadcasting etc. Mr. Nahm noted many other possibilities were reviewed, but this is the best solution.

At 8:31 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the request to amend the existing proffers as well as the SUP to allow structures to the new stated height. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Council Member Jones, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

Abstain: 1 - Vice-Mayor Baugh

- 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

Agenda item 6.g. was presented along with agenda item 6.f.

A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the request to amend the existing proffers as well as the SUP to allow structures to the new stated height. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Council Member Jones, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

Abstain: 1 - Vice-Mayor Baugh

At 8:32 p.m., Mayor Jones called the meeting into recess.

Mayor Jones reconvened the meeting at 8:38 p.m.

7. Regular Items

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

Norman Yoder, with Brown Edwards, stated they enjoyed working with the finance staff as always. Mr. Yoder stated he did the engagement quality control review and Billy Robinson and Matt Heatwole worked on the actual audit this year. Mr. Yoder presented the Fiscal Year 2016 Comprehensive Annual Financial Report (CAFR) and noted there is a clean opinion from Brown Edwards, which means the financial statements are materially correct. Mr. Yoder noted there is also a section in the back of the report that shows compliance matters, which are required by state and federal government, and Brown Edwards found no compliance issues. Mr. Yoder noted they did not have any difficulties conducting the audit nor were there any significant audit adjustments.

Council Member Shearer asked if they have noticed other localities having challenges with the recent and upcoming Governmental Accounting Standards Board (GASB) statement changes, and are there barriers the city needs to be aware of. Mr. Yoder stated there is nothing the city should be concerned about, the most challenging to date was the Pension Standard adopted last year, which was a big deal for many state governments, and the upcoming Standard 75 - Postemployment Benefits other than Pension Plans, that may be challenging for those that haven't implemented the Pension Standard. Mr. Yoder noted the city's team has shown interest in new standards and embraced changes as needed.

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

Michael Wong, executive director for the Harrisonburg Redevelopment and Housing Authority (HRHA), presented a resolution for the HRHA to issue a non recourse bond not to exceed \$6M for the Oakbrook Terrace II, LP Project in the town of Orange, Virginia. Mr. Wong noted the town council of Orange approved the resolution on December 12, 2016 and noted the fees collected from this bond will assist with future community initiatives through HRHA.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, that this resolution be adopted. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Council Member Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

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

City Attorney Brown presented proposed revisions to the city's current grievance policies. City Attorney Brown stated staff reviewed the current policies, and is now requesting a hearing officer rather than a panel for the grievance hearing be used. City Attorney Brown reviewed the current system versus the requested changes and notes by using a hearing officer from a list of attorneys available through the Virginia Supreme Court that are qualified as hearing officers and have experience with employment law and the grievance procedure, the procedure will be much more efficient and predictable. City Attorney Brown noted this would incur additional costs as the city would have to pay the hearing officer, which would run approximately \$2,500 to \$3,000, but noted there have been very few grievances that have gotten to this level of where a hearing was required.

Council Member Degner asked if the city manager was on board with the changes to the policies. City Manager Hodgen stated he agrees with the requested changes, as he feels this would allow an experienced attorney, rather than a panel of three individuals with possibly no experience in employment law, to make an educated decision, creating the best scenario for all sides.

Vice-Mayor Baugh noted this requested change is consistent with the current trend to go with the changing times.

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

Yes: 5 - Council Member Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

8. Special Event Application Requests

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

Jeremiah Jenkins, Harrisonburg Downtown Renaissance presented the special event application for First Night Harrisonburg, December 31, 2016, which will be the same as last year with the exception of the use of the pavilion being no longer needed and in lieu of fireworks a ball will be dropped by crane at Court Square. Mr. Jenkins noted the crane will be parked at the south side of Court Square and all city agencies have reviewed this request and approved.

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

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

Jeremiah Jenkins, Harrisonburg Downtown Renaissance presented the special event application for the New Year's Eve Glow Run on December 31, 2016, produced by Virginia Momentum in cooperation with Generations Crossing. Mr. Jenkins noted this is the second year for this event, the course will be on city property and James Madison University property and Virginia Momentum has worked with the Harrisonburg Police Department to mitigate having the police department involved at all crossings by providing other Yodock barriers and event staff.

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

Yes: 5 - Council Member Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

9. Other Matters

Mayor Jones stated comments on the Bicycle and Pedestrian Plan through Be Heard Harrisonburg will be accepted through December 16, 2016.

Mayor Jones noted city offices will be closed December 23, 2016, December 26, 2016; and, January 2, 2017 and reminded citizens to check out the holiday trash schedule.

Mayor Jones stated council will not meet on Tuesday, December 27, 2016, and the next regularly scheduled council meeting will be January 10, 2017.

City Manager Hodgen presented a draft resolution and legislative agenda on the landscape cover materials for council's consideration and stated these items will be brought back at the January 10, 2017 council meeting and would appreciate any comments prior to that meeting. City Manager Hodgen stated it would be appropriate to submit the city's legislative agenda to the General Assembly representatives and will follow up with more information on the VML policy recommendations to incorporate into the city's policies.

City Manager Hodgen stated a report on University Court drainage erosion issue will be presented at the January 10, 2017 council meeting.

Vice-Mayor Baugh requested the Road Diet (Roadway Reconfiguration) issue be included in the information City Manager Hodgen submits to our legislative representatives as well.

- 9.a.** Consider allowing the Turkey Trot to occur during the blackout dates of special events

Council Member Degner stated the event coordinators for the Turkey Trot and city staff seemed to have worked well on the recent event and paid public works and the Harrisonburg Police Department staff overtime, which they are willing to do again. Council Member Degner is requesting the Turkey Trot continue to be allowed annually on what is normally a black out date. Vice-Mayor Baugh asked council if a motion is needed regarding this event in order to make it a policy. City Manager Hodgen stated council can take a position to oppose or approve having city staff called out on Thanksgiving or any other holiday they choose, but it ultimately comes back to council to approve each year. Vice-Mayor Baugh noted that council created a blackout policy, but did not grandfather in any specific events; however, he was under the impression at that time the Turkey Trot was to have the approval to do the event on Thanksgiving Day. Mayor Jones noted he agreed with Vice-Mayor Baugh. Vice-Mayor Baugh asked if a motion is required. A discussion took place and it was agreed upon that the Turkey Trot event would not be denied due to the date, but could be denied for other reasons as other event application can be.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, that the Turkey Trot is not subject to the black out dates, but is subject to the application process. The motion carried with a recorded voice vote.

- 9.b.** Consider a resolution honoring Abe Shearer

Mayor Jones presented a resolution honoring Abe Shearer for his service as a council member for the past four years.

A motion was made by Council Member Degner, seconded by Vice-Mayor Baugh, to approve the resolution as presented. The motion carried with a unanimous recorded voice vote.

- 9.c.** Consider a resolution honoring Kai Degner

Mayor Jones presented a resolution honoring Kai Degner for his service as a council member over the past six years and as mayor over two years during his eight year term.

A motion was made by Council Member Shearer, seconded by Vice-Mayor Baugh, to approve the resolution as presented. The motion carried with a unanimous recorded voice vote.

10. Boards and Commissions

- 10.a.** Board of Equalization

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, to reappoint Phyllis Coulter, 475 Ott Street, to a first term on the Board of Equalization to expire December 31, 2019. The motion carried with a recorded voice vote.

- 10.b.** Harrisonburg Electric Commission

A motion was made by Council Member Shearer, seconded by Vice-Mayor Baugh, to appoint

Mr. Hobert P. Bauhan (Hobey), 1100 Ridgewood Drive, to a first term on the Harrisburg Electric Commission to expire December 31, 2019. The motion carried with a recorded voice vote.

10.c. Harrisonburg Transportation and Advisory Commission

Mayor Jones noted that Mr. Humphries was interested in other boards and commissions.

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, to reappoint Bill Blessing, 1120 Meadowlark Drive, to the northeast term and Joshua Humphries, 238 East Water Street, Apartment 111, to the at-large term on the Harrisonburg Transportation Safety and Advisory Commission to expire December 31, 2019. The motion carried with a recorded voice vote.

10.d. Parks and Recreation Commission

A brief discussion was held regarding allowing the new council to make the Parks and Recreation Commission appointments and to advertise the vacancies.

10.e. Planning Commission

A motion was made by Vice-Mayor Baugh, seconded by Council Member Byrd, to reappoint Guillermo (Gil) Colman, 815 Elmwood Drive, to a second term; Kathryn Whitten, 560 S. Mason Street, to a first term; and, Mark Finks, 618 Stuart Street, to a first term to expire December 31, 2020. The motion carried with a recorded voice vote.

Council Member Degner thanked the voters for his eight years of service, noted the city is going to have to continue to work together as it continues to go, and continue making this platform welcome to all.

Council Member Shearer echoed Council Member Degner's comments and stated it has been a humbling experience and honor. Council Member Shearer stated the city has great staff and we have a great city for that reason.

The other council members and city manager reflected their time serving on council with both council members departing and thanked them for their service.

11. Adjournment

At 9:24 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR