



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Agenda - Final-revised City Council

Tuesday, January 13, 2015

7:00 PM

Council Chambers

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: [December 9, 2014 Draft Meeting Minutes](#)

5.b. Reorganizational minutes

Review & Recommendation: Click here to enter Review and Recommendation.

Attachments: [January 2, 2015 Draft Meeting Minutes](#)

- 5.c. Consider a request from Cosner Construction Inc., H G M & S, LLC, W. Michael Heatwole III, Matthew Geary, J. Kenneth Kline, and Roy L. & Wanda L. Hartman to rezone 15 parcels totaling 4.44 acres by amending proffers on R-3C, Multiple Dwelling Residential District Conditional zoned property

Review & Recommendation: The properties are addressed as 1725, 1727, 1731, 1733, 1737, 1739, 1743, 1745, 1749, 1751, 1755, 1757, 1761, and 1767 Pear Street as well as 151, 160, 161, 162, 164, 171 and 173 Howard Lane.
Planning Commission recommended approval (5-0) of the proffer amendment rezoning request for the properties identified as tax map parcels 9-T-1 through 15 with the following proffers:

1. The concept plan prepared by Hamrick Engineering, P.C. dated October 7, 2014 is proffered except for the location of the street trees which may vary due to necessary sight distance easements.
2. Occupancy will be limited to two unrelated people or a single family.
3. Tax map parcel numbers 9-T-4 through 9-T-15 will have three off-street parking spaces.

Attachments: [Staff Report Freeman Station Proffer Amendment \(2014\)](#)
[Extract RZ Freeman Station Proffer Amend](#)
[Application Letter and Supporting Documents](#)
[Site Map](#)
[Zoning Map](#)
[Surrounding Property Owners Notice](#)
[Council Public Hearings 12-9-14](#)
[PowerPoint](#)

Legislative History

12/9/14 City Council approved on first reading

- 5.d.** Consider amending the Zoning Ordinance by adding the ability to operate recreational and leisure time activities uses within the B-1, Central Business District

Review & Recommendation: Planning Commission recommended approval (5-0) of the Zoning Ordinance amendment that would modify Section 10-3-84 (4), which currently allows theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education. The amendment would add the following statement to the stated section: In addition, customary recreational and leisure-time activities which are compatible with surrounding uses are permitted.

Attachments: [Extract ZO Amend Rec & Leisure Time in B-1](#)
[Supporting Documents for 10-3-84\(4\) ZO amend](#)
[Council Public Hearings 12-9-14](#)
[PowerPoint](#)

Legislative History

12/9/14 City Council approved on first reading

6. Public Hearings

- 6.a.** Consider a request from Norma L. Wise and Joan Clasbey with representative David Miller for a special use permit per Section 10-3-187 (1) of the Zoning Ordinance, which allows museums, galleries and art studios, which may include instructional rooms and incidental sales, on a 24,019+/- square foot property addressed as 57 Paul Street.

Review & Recommendation:

Planning Commission recommended approval (7-0) of the special use permit to allow an art studio, which may include instructional rooms and incidental sales, with the following listed conditions. The property is zoned U-R, Urban Residential District and includes the R-P, Residential Professional Overlay District, and is identified as tax map parcel 25-M-10.

1. The permit shall be applicable only for the property and the existing historical structure, or a substantially similar structure, including all existing accessory structures. New accessory structures may be permitted so long as they are in keeping with the surrounding neighborhood. (This condition shall be flexible in allowing renovations to occur to accommodate the art studio. If the Zoning Administrator believes proposed renovations, additions, or new structures do not meet the intent of this condition, the property owner may appeal the decision to the Board of Zoning Appeals.)
2. All parking areas shall be located to the rear of the principal building and opaquely screened from adjacent properties. The height of the screening shall be no less than 4-feet in height. (Note: If any section of the existing opaque fence is less than 4-feet, it shall meet the intent of this condition.)

Attachments:

[Extract SUP 57 Paul Street](#)
[Site Location Map](#)
[Zoning Map](#)
[Staff Report 57 Paul St. 10-3-187 \(1\) Art Studio](#)
[Application, letter, etc](#)
[Conceptual Parking Layout](#)
[Survey 57 Paul Street](#)
[Surrounding Property Owners Notice](#)

6.b. Consider CDBG Funding Priorities

Review & Recommendation:

This will be the first of two public hearings required by HUD to receive citizen comments on Community Development Block Grant funding priorities for the 2015-2016 Program Year. Entitlement amount will most likely be approximately \$505,000.

Staff will make a short presentation outlining City Needs & Objectives as outlined in the CDBG Strategic Plan, to be followed by a public hearing.

There is no action needed on this item at this time.

Attachments:

[15-16 Public Meeting #1 RFP](#)
[TENTATIVE Schedule for 2015-2016 CDBG Grant Round](#)

6.c. Consider a supplemental appropriation for various purposes in the gross amount of \$7,365,566.

Review & Recommendation: This agenda item combines two supplemental appropriations into one public hearing as follows:

(1) At its November 25, 2014 meeting, City Council approved various uses of surplus General Fund unappropriated fund balance for capital project and operating purposes. This supplemental appropriation transfers these amounts to the various budget line items.

A portion of the first supplemental appropriation is funding for the January 1, 2015 pay study implementation. These funds will be placed into a pay study reserve account in the General Fund. It is requested that the City Manager is authorized to transfer these budgeted funds within and between the various funds and departmental budgets of the city as needed.

(2) A supplemental appropriation to budget various VDOT grant and revenue sharing funds for three projects. These projects include transportation enhancement grant funding received for East Market Street safety improvements (\$185,191.17) and revenue sharing funding for the Reservoir Street project (\$2,000,000) and Northend Greenway project (\$600,000). The supplemental also appropriates the remaining residual interest earnings from the 2011 bond issue for the Reservoir Street project (\$2,375.12)

The supplemental appropriations represent an increase of over 1% of the total city budget. Code of Virginia Section 15.2-2507 requires a public hearing for budget amendments that exceed 1% of the budget.

Attachments: [Supplemental Appropriation](#)
[Supplemental Appropriation \(PW VDOT\)](#)
[Public Hearing Notice](#)

7. Regular Items

7.a. Consider funding request regarding building projects for Harrisonburg City School Board

Review & Recommendation: School Board Superintendent Dr. Kizner will provide a presentation.

Attachments: [Letter](#)
[1147A HCPS NES Design and Construction schedule](#)
[1147B HCPS PK Design and Construction schedule](#)
[Costs - New Elementary and Prek Center](#)

7.b. Consider solid waste management resolution

**Review &
Recommendation:**

The City of Harrisonburg operates a solid waste collection and disposal system for the City's residents and businesses. As part of the solid waste management system the City has a Solid Waste Management Plan which is required and has been approved by the Commonwealth of Virginia. One of the goals of the Solid Waste Management Plan is to assist the City in meeting the Commonwealth's requirement that the City recycle at least 25% of the total solid waste generated each year in the City. In order to achieve the state mandate, the City has a curbside recycling collection and disposal program in addition to its solid waste collection and disposal system.

Under applicable state law, the City is entitled to charge for its solid waste and recycling collection and disposal services provided to its citizens. Harrisonburg City Code Section 6-2-39 provides that the monthly rates for such services be set by City Council from time to time and maintained on file in the City Manager's office. In May of 2008 the City Council passed a resolution setting a fee of \$20.00 per month for solid waste collection. As part of that resolution, Council designated \$10.00 of that fee for refuse collection and \$10.00 as the City's solid waste management fee. Since 2008, changes to the refuse collection fees and the solid waste management fees were approved as part of the City's annual budget. The result has been that it is now difficult to locate and identify the approved fees, and to maintain the list of fees in the City Manager's office as required by the City Code. Furthermore, the resolution approved by Council in 2008 set the refuse collection fees and solid waste management fees for "city residences". Although the intent of the resolution appears to have been to set fees for all those within the City receiving solid waste collection services, the use of the term "residences" could be seen as not inclusive.

To address these concerns, staff has prepared the attached resolution for Council's consideration.

Attachments: [Trash Recycling Fees](#)

8. Other Matters

9. Boards and Commissions

10. Closed Session

10.a. Discussion of personnel performance

10.b. Discussion or consideration of the acquisition of real property for a public purpose

11. Adjournment