



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, February 14, 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 Police Chief Stephen Monticelli

2. Invocation

Council Member Byrd asked for a moment of silence for Mr. Bill O'Brien and then offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

Fire Chief Bennett presented Steve Morris with his certificate for graduating from The National Fire Executive Fire Officer Program. Fire Chief Bennett explained the four year program and noted during that time Deputy Chief Morris was required to pick and complete four different projects within the department to review and improve and/or make more efficient.

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 Jones, seconded by Vice-Mayor Baugh, 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

5.a. Minutes

These minutes were approved.

- 5.b.** Consider an ordinance closing a 907 +/- square foot portion of a ten foot wide alley, located between 634 Collicello Street and 113 & 123 Third Street in the City of Harrisonburg.

This ordinance was approved on second reading.

- 5.c.** Consider enacting Section 13-1-51.1 Bicycle Lanes of the Harrisonburg City Code

This ordinance was approved on second reading.

- 5.d.** Consider amending and re-enacting Sections 1-1-6 Penalties of the Harrisonburg City Code

This ordinance was approved on second reading.

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

This ordinance was approved on second reading.

- 5.f.** Consider amending and re-enacting Section 13-1-69 Parking of Commercial Vehicles near Residences of the Harrisonburg City Code

This ordinance was approved on second reading.

6. Public Hearings

- 6.a.** Consider an amendment to the 2015 CDBG Action Plan

Deputy City Manager Banks stated the city allocated approximately \$140,000 for renovations to the Price Rotary Senior Center and the bids received were significantly higher than the amount allocated. Deputy City Manager Banks stated it is recommended to move unobligated CDBG funds to bring the total project to \$210,000, which would meet the lowest received bid. Deputy City Manager Banks stated no action is needed tonight by council, but this would begin the process for the required 30-day public comment period.

At 7:08p.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, February 6, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:09 p.m., and the regular session reconvened.

Mayor Reed noted that any comments during the 30-day public period could be directed to Deputy City Manager Banks.

This public hearing is required by HUD to receive citizen comments on an amendment to the Community Development Block Grant 2015 Action Plan. Staff proposes that the following amendment be made: \$66,259.70 that was allocated to the 2015 Administration Project (16CDBG05) will be moved to the Price Rotary Senior Center Renovation project

(16CDBG04). Staff will make a short presentation, to be followed by a public hearing and a 30 day public comment period. There is no action needed on this item at this time.

- 6.b.** Consider a request from Ken Bell of Bell Investments, LLC, with representative Shawn Gatesman, the Friendly Fermenter, LLC, for a special use permit within the B-1, Central Business District, to allow manufacturing, processing and assembly operations, when not employing more than 15 persons on the premises in a single shift and provided all storage and activities are conducted within a building, at 20 South Mason Street

Adam Fletcher, director of planning and community development, stated the request is specifically for the brewery portion of the applicant's business. Mr. Fletcher reviewed the property, the building, and the surrounding area. Mr. Fletcher stated this proposal has the smallest square footage compared to the other brewing companies in the city. Mr. Fletcher reviewed the deliveries would occur at the location and stated both staff and Planning Commission recommended approval.

Mr. Fletcher noted that Henry Way is the new chair on Planning Commission and Deb Fitzgerald is serving as the Vice Chair.

At 7:13 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, January 30, 2017 and Monday, February 6, 2017.

James "Bucky" Berry, 30 West Washington, stated he was concerned about another brewery coming to Harrisonburg and noted the alcohol board can't be everywhere.

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

Vice Mayor Baugh stated Mr. Berry's point is well taken, but the location can open with a bar and restaurant and the only reason this request is coming before council is because they will be brewing beer on site.

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

- 6.c.** Consider a request from John Rittenhouse, with representative Blackwell Engineering, for a special use permit to allow the reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2 on property zoned B-2, General Business District and located at 1930 Erickson Avenue

Mr. Fletcher stated the adjoining property owner had received approval for the same type of request. Mr. Fletcher reviewed the property and its history since 2009 and the surrounding properties. Mr. Fletcher stated if the request is approved, the applicant would be able to proceed with the subdivision which would establish a new property line. Mr. Fletcher noted that the city won't approve the property line until the required building code improvements occur to the current building on the site. Mr. Fletcher stated both staff and Planning Commission recommend approval.

At 7:20 p.m., Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, January 30, 2017 and Monday, February 6, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:21 p.m., and the regular session reconvened.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Byrd, to approve the special use permit 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. Regular Items

- 7.a.** Consider a request from Dick Myers Chrysler, with representative Ken Patterson, Patterson Consulting, LLC, for a comprehensive sign plan as per section 11-7-6.1 (7)

Mr. Fletcher stated all three parcels involved in the request are zoned B-2 and reviewed the site and the surrounding sites. Mr. Fletcher stated if approved, the comprehensive sign plan (CSP) would allow the applicant the flexibility to advertise vehicle sales on freestanding signage on a parcel that does not have a vehicle sales use and the ability to have two freestanding signs on one parcel and noted the layout showing the size and location of all existing and proposed signs. Mr. Fletcher stated within the three lots would total less than the allowed 485 square feet. Mr. Fletcher stated staff and Planning Commission recommended approval with the following condition: no freestanding signage be permitted on the middle parcel (tax map 10-B-12). Vice-Mayor Baugh clarified that if someone else purchased the parcels they would not be subject to the CSP. Mr. Fletcher stated the condition is inserted so the property is not over advertised.

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve the comprehensive sign plan. 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.b.** Consider a request from Fisher & Thompson Inc. per Section 7-2-4 of the City Code for the City of Harrisonburg to provide water service onto property located at 4448 Rawley Pike (Route 33) within Rockingham County

Mr. Fletcher stated this request is different from other requests the city has received in the past because this request is over two miles outside city limits. Mr. Fletcher noted that the infrastructure is already in place, so they are asking to connect onto city water services in order to serve an existing commercial use operating on site. Mr. Fletcher stated if approved, a water meter will be installed at the right-of-way, next to Route 33, for the applicant to connect. Mr. Fletcher stated both staff and Planning Commission recommended approval.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Jones, to approve the request for water service at 4448 Rawley Pike. 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.c.** Consider submission of a grant application to ArtPlace America and the National Creative Placemaking Fund

Jenny Burden, executive director of the Arts Council of the Valley, informed council of a grant opportunity to bring public art on public property. Mrs. Burden explained a group of selected community members and city staff met to brainstorm the idea bringing private funds to bring public art to existing city infrastructure and planned projects. Mrs. Burden noted an example of this is the pedestrian pathway connecting Liberty Park and Turner Pavilion. Mrs. Burden reviewed the ArtPlace America grant that began in 2011 and stated to-date it has funded 256 projects in 45 different states, grants range from \$50,000 to \$500,000, and this year they have just under \$10M to award to different communities. Mrs. Burden stated this is an annual grant and it is due next week. Mrs. Burden stated if the application is approved the group will work closely with the city and the community in order to move forward.

Council Member Jones asked if the location noted is the location that the group is applying for. Mrs. Burden stated no, that was just an example. Council Member Hirschmann asked what kind of art is being discussed. Mrs. Burden stated it could be anything from mosaic, lights, murals, etc. Council Member Jones asked if this would connect into the LOVE Works campaign. Mrs. Burden stated this is a different program. Mrs. Burden noted Virginia has received three of these grants. Council showed no objection to the group applying for the grant.

Representatives from several sectors of the Harrisonburg community-higher education, public schools, government, nonprofits, and business-will collaborate to employ the arts to improve the pedestrian walkway connecting Liberty Park with Turner Pavilion, which is an element of the City's Downtown Streetscape Plan. This group is applying for a grant from ArtPlace America and the National Creative Placemaking Fund. Because public property is involved, we will return to City Council to propose the specific art projects for approval if we

are successful in obtaining the grant.

7.d. Municipal Building Feasibility Study

John Mather, architect, stated the Municipal Building consists of an original building with two additions and provided the history of the Municipal Building which included the following: Brockett's Barn, housed stage coaches in 1800's; the Rockingham Female Seminary in 1852; a civil war hospital from 1861 until 1865; the Harrisonburg Free School from 1879 until 1960; and, it was turned into government offices in 1960. Mr. Mather gave an overview of the 23,000 square feet, plus 10,000 square feet in the basement, building and its current state. Mr. Mather stated in 2015 an atrium was built to connect City Hall to the Municipal Building to protect and preserve historic buildings and ensure the building would remain a vibrant part of our city.

John Daly, architect, reviewed the exterior and interior of the building and it is recommended to gut the building and make sure it is structurally sound. Mr. Daly noted water damage and mortar that is missing from the foundation walls. Mr. Daly stated the roof is in good condition but recommended it to be better insulated and install better air circulation.

Mr. Mather noted that the trusses seemed to have been made on site. There was discussion on whether or not new shingles would be needed. It was noted no one ever remembers seeing them being replaced. It was suggested for the roof to be repaired if the building is getting renovated.

Mr. Mather recommended a three phased approach to renovating the Municipal Building. Mr. Mather reviewed Phase I, which consisted of the following: perimeter waterproofing; general site work; upgrade sump pit and add a second sump pump; asbestos abatement; interior demolition and disposal; window repairs and added storm windows; exterior masonry repair; exterior millwork repair and repainting; clean exterior masonry (using non-abrasive technique); replace shingled portion of roof with standing seam metal; structural repairs to joists, beams, footers, etc, throughout the building; fire sprinkler system; communications network for Phase I habitable area; refurbish existing elevator; create new basement access; recondition/replace old tin ceiling in specified areas; general renovation of Phase I habitable space; install HVAC system to condition Phase I habitable space and to keep the rest of the building between 60 and 85 degrees; plumbing and electrical for Phase I habitable space; design services; and, contingency. Mr. Mather stated this phase would cost approximately \$2.7M. Mr. Mather reviewed Phase II, which consisted of the following: general renovations of Phase II habitable space; install communications network; complete the HVAC; install plumbing and electrical for Phase II habitable space; design services; and, contingency. Mr. Mather stated Phase II would cost approximately \$966,420. Mr. Mather reviewed Phase III, which consisted of the following: general renovation of Phase III of habitable space; install communications network; finish out the HVAC; install plumbing and electrical for Phase III habitable space; design services; and, contingency. Mr. Mather stated Phase III would cost approximately \$1,479,420, which would bring

the entire project to approximately \$5.1M.

Mr. Daly reviewed the historic tax credit opportunities that would be available through the state and the federal entities. Mr. Daly stated that the state tax credit opportunity would be easier to receive and the city could receive 25% of the eligible rehabilitation costs for the project through the Department of Historic Resources.

Mr. Daly reviewed what they recommended the bare minimum of what needed to occur to stabilize the building if council decides to wait longer term on the renovation of the Municipal Building and it included the following: waterproof foundation; update existing sump pump and add a second; install temporary reusable HVAC ceiling cassettes with an approximate 15 ton outdoor unit in the rear of the building; install storm windows; patch exterior glazing and touchup exterior paint; and, demo and haul majority of interior (after asbestos testing) to better assess the structure. Mr. Daly stated the bare minimum would cost approximately \$260,000.

Council Member Byrd asked what the parking requirement would be for a building of this size. Mr. Mather stated he believes it is one space for every 300 square feet; however, he believes it falls into the downtown business district. Mr. Mather stated it would be approximately 100 parking spots from a usage stand point.

Mr. Mather stated he inserted a place holder of \$200,000 for undetermined site work that parking issues could fall into.

Council Member Jones asked Mr. Mather about a timeline in relation to the project. City Manager Hodgen stated that would be up to the discretion of council and funding availability. Mayor Reed asked how long construction could take for Phase I. Mr. Mather stated less than a year.

John Mather of Mather Architects will present the findings and recommendations of a feasibility study his firm conducted on approaches to renovating the Municipal Building. A memo is attached to this agenda item with further details.

- 7.e.** Consider a resolution authorizing the Director of Public Transportation to execute certifications and assurances and grants

City Manager Hodgen stated approval of this request provides authorization to the director of transportation to execute various grant loan funding agreements that the city has with federal authorities and that city staff recommends approval.

A motion was made by Council Member Byrd, seconded by Council Member Jones, to approve the resolution. 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

8. Supplement Appropriation

- 8.a.** Consider a supplemental appropriation for the General Capital Projects Fund in the amount of \$720,511.82

Jim Baker, director of Public Works, stated this request is to move reimbursement funds from JMU covering the cost of their portion of the MLK Jr. Way Improvement and Grace Street Extension projects.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Jones, 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 Baugh, Council Member Byrd, 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 West Washington, asked council to look for another cable company for a franchise agreement as Comcast's fees have increased. Mr. Berry noted that the next Brent Berry Food Drive would take place March 6 through March 12, 2017 at Red Front and requested Mayor Reed to attend the ribbon cutting. Mr. Berry stated this was the eighth year the city has donated buses for his event. Mr. Berry also stated something needs to happen to help get the homeless people off the street.

Larry Moan, 139 Slate Hill Road, Weyers Cave, stated he and his wife came to eat dinner in the city and parked in the parking lot adjacent to Jess' where he thought it was municipal parking. Mr. Moan stated his car ended up getting towed by the time they had finished dinner. Mr. Moan stated he wouldn't have thought much about it, but while he was there getting information about his vehicle there were more vehicles getting towed, the towing company only takes cash, and they don't provide receipts. Mr. Moan stated he suggested the city review the signs on the parking lot.

Council Member Jones noted that was a private lot and there is free parking around the downtown area and a parking garage that he knew had spots available two blocks away.

Mayor Reed thanked Mr. Moan for his comments.

9.b. City Council and City Staff

City Manager Hodgen stated the city has a non-exclusive franchise agreement with Comcast which means any cable company can come into the city. City Manager Hodgen stated the city does send the comments received to Comcast, but we can't control the cost of the fees.

Vice-Mayor Baugh nominated Council Member Jones to serve on the Community School Board Committee.

Vice-Mayor Baugh reviewed the upcoming Planning Commission items.

Mayor Reed stated the first information session regarding the update to the Comprehensive Plan is tomorrow night at 6:00 p.m., in Council Chambers.

Mayor Reed announced that the Parks and Recreation Department will be hosting a soul food dinner and a movie night on Saturday, February 25, 2017.

Mayor Reed stated the Youth Art Month exhibit will open Saturday, February 15, 2017 from 1:00 until 3:00 p.m., at the Massanutten Regional Library.

Mayor Reed stated business licenses are due Wednesday, March 1, 2017.

Mayor Reed invited council members and city staff to wish their significant other a Happy Valentine's Day since they were spending it with her.

Mr. Baker stated no further improvements are recommended at the intersection of Liberty Street and Washington Street due to low vehicular counts and the adequate sight distance at the intersection. Mr. Baker reminded citizens that sight bars are where you stop your vehicle before you are allowed to pull forward five feet. It was noted that speeding occurs on Liberty Street that plays a factor into those trying to pull out from Washington Street.

City Manager Hodgen provided the following update regarding the first print off of the budget: \$1.6M is projected in new revenue; department requests are approximately \$4M more than last year's; the city has a \$2M deficit; it includes the city schools budget from the previous year; it doesn't include an increase to the health care costs; it doesn't include the shared services budget with Rockingham County; and, it doesn't include any proposed salary increases.

Council Member Jones asked if there were any funds directed towards the Municipal Building. City Manager Hodgen stated that he hadn't included any funds in the draft budget at this time. City Manager Hodgen asked for council to inform him of any areas they would like him to give more attention to. City Manager Hodgen stated he would need those suggestions prior to holding a work session. Council Member Jones stated that he would like the city manager to dedicate some time to police officers and public safety.

10. Boards and Commissions

No action was taken.

11. Closed Session

At 8:42, a motion was made by Council Member Byrd, seconded by Council Member Jones,

to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: subsection 1 for the discussion of the employment of a specific public employee and subsection 7 for the consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel, which involves a potential contract between the city and another party. 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

11.a. Subsection 7 for the consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel

This Closed Session Item was approved.

11.b. 2.2-3771(A)(1) Discussion concerning personnel matters

This Closed Session Item was approved.

12. Adjournment

At 9:13 p.m., the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

Mayor Reed turned the meeting over to City Manager Hodgen.

City Manager Hodgen stated that he had presented council with his resignation letter for retirement effective October 31, 2017.

At 9:15 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR