



City of Harrisonburg

409 South Main Street
Harrisonburg, VA 22801

Meeting Agenda - Final City Council

Mayor Ted Byrd
Vice-Mayor Charles Chenault
Council Member Kai Degner
Council Member Richard Baugh
Council Member Abe Shearer

Tuesday, July 22, 2014

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. Approval of minutes

Attachments: [July 8, 2014 Draft Meeting Minutes](#)

- 5.b. Consider a request from Northside, LLC and Joseph and Linda Moore with representative Balzer & Associates, Inc. to rezone 6.69 +/- acres of property from R-2, Residential District to B-2C, General Business District Conditional

Review & Recommendation:

The subject property is made up from 7 parcels and portions of 6 parcels and portions of the existing public street right-of-way of Wilson Avenue and Boulevard Avenue. The applicants are in the process to close and purchase the necessary portions of Wilson and Boulevard Avenues. The properties are addressed as 1411 North Main Street, 36, 44, 75, & 81 Wilson Avenue, and 25, 35, 45, 55, & 65 Mt. Clinton Pike. Planning Commission recommended approval (7-0) of the rezoning request (with proffers) for the properties identified as tax map parcels 42-B-8B, 8C, 32, 33, 34, 35, & 35A, portions of tax map parcels 42-B-8, 8A, 9, 9A, & 36 and 44-A-31, along with portions of Wilson Avenue and Boulevard Avenue found on tax map sheets 42 and 44.

Attachments: [Extract RZ West of N Main South of Mt Clintor](#)
[Northside LLC site map](#)
[Zoning Map](#)
[Aerial Map](#)
[Land Use Guide](#)
[RZ West of N. Main & South of Mt. Clinton Staff Report](#)
[Exhibit A \(As of 06-10-14\)](#)
[Sheet EX-3 \(As of 06-10-14\)](#)
[Sheet 1 Grocery Store Layout \(As of 06-11-14\)](#)
[Application Info](#)
[Surrounding Property Owner Notice](#)
[PowerPoint 7-8-14](#)

- 5.c. Consider an ordinance closing and vacating 61,635.5 square feet located in the northern portion of the City of Harrisonburg.

Review & Recommendation: Attached is an ordinance closing and vacation portions of Boulevard Avenue and Wilson Avenue. This closing was discussed and approved during the June 10, 2014 council meeting. This will serve as a second reading if the bond is obtained by the applicant prior to Tuesday night's meeting.

Attachments: [Northside closing](#)
[Final Plat for Closure and Easements Northside](#)

6. Unfinished Business

- 6.a. Consider a request from Erica Lynn Dorsey for a special use permit to allow a Major Family Day Home within the R-1, Single Family Residential District. Major family day homes can have from six to 12 children under the age of 13, exclusive of any children who reside in the home. The property is located at 1214 Windsor Road.

Review & Recommendation: During the July 8, 2014 Council Meeting, Council wanted staff to obtain a report/statement from both the Harrisonburg Fire Department and Harrisonburg Rescue Squad regarding any concerns they may have in allowing this use at this property. A report/statement is attached for both the HFD and the HRS.

Attachments: [HFD Report](#)
[HRS Report](#)
[Extract SUP 1214 Windsor Road](#)
[SUP 1214 Windsor Road Site Map](#)
[Zoning Map](#)
[Aerial Map](#)
[SUP MFDH 1214 Windsor Road Staff Report](#)
[Application Info](#)
[Surrounding Property Owners Notice](#)
[PowerPoint 7-8-14](#)

7. Public Hearings

- 7.a. Consider a resolution approving the sale and acceptance of real estate and authorizing the City Manager to execute a deed to Neighborhood Renaissance, L.L.C.

Review & Recommendation: This request is for the City to convey two parcels of land, the first containing 41 square feet, located at 624 Norwood Street, and the second containing 8 square feet, located at 611 Hawkins Street, near its intersection with Norwood Street to Neighborhood Renaissance, L.L.C., in exchange for a public street easement containing 1,029 square feet and a public street easement containing 434 square feet to be dedicated to the City.

Attachments: [Renaissance Resolution](#)
[Public Hearing Notice - Norwood.Hawkins](#)
[Hawkins Street Plat](#)
[Norwood Street Plat](#)

- 7.b. Consider a request to amend Section 15-3-2 of the Harrisonburg City Code by expanding subsections containing definitions and specific prohibitions to further define excessive noise and noise violations.

Review & Recommendation: The amended ordinance modifies maximum sound levels, daytime/nighttime hours such sound levels are permitted and/or restricted, exceptions to such noise violations as well as punishment for possible infractions.

This proposed noise ordinance amendment has been requested by the Harrisonburg Police Department due to the difficulty in enforcing the City's current noise ordinance. By way of background, in 2009 the Virginia Supreme Court struck down a noise ordinance in effect in Virginia Beach. That noise ordinance, like the noise ordinances in most Virginia localities, contained subjective prohibitions against noises which were unreasonably loud and disturbing. The basis of the Court's decision was the ordinance did not give citizens "fair notice" of what noise would violate the ordinance since there were no ascertainable standards to be applied. In response to the Virginia Beach case, most localities in Virginia adopted ordinances with specific, objective criteria. In 2009, Council passed the current noise ordinance which set out maximum acceptable noise levels as measured in decibels. The current ordinance calls for the noise levels to be measured by sound level meters. HPD purchased several sound meters but they have been ineffective, mostly because they fail to measure low frequencies. As a result, there have been very few citations issued for the City's noise ordinance and it is not an effective tool for HPD. This proposed ordinance seeks to increase the flexibility of the noise ordinance by allowing officers to determine if a noise is plainly audible a certain distance from its source. This maintains an acceptable level of objectivity while decreasing HPD's reliance on the ineffective noise meters.

The attached amended ordinance is designed to prohibit excessive noise within City limits and promote public health and safety.

Attachments: [Public Hearing Notice - Noise](#)
[NOISE ORDINANCE revised](#)

8. Special Event Application Requests

- 8.a. Consider the JMU Block Party in the Burg 2014 for a special event request.

Review & Recommendation: JMU Block Party in the Burg 2014 planned to be held on Saturday, August 23rd from 7:00pm - 10:00pm

Attachments: [Special Event Application - Block Party](#)
[Street Closure](#)
[Bus Route 2014](#)
[City of Hburg Endorsement](#)
[City of Hburg Block Party in the Burg](#)
[Block Party Insurance](#)
[Bank of America. V4 and Block Party](#)
[Rockingham Co. V4, Block. Halloween](#)
[JMU Block Party - PW Staff Requirements](#)

- 8.b. Consider the Turkey Trot run to be held on Thanksgiving Day for a special event request

Review & Recommendation: A special event request for the 1st Turkey Trot RUN presented by VA Momentum on Thursday, November, 27 from 8am - 11am. Will require street closures, police assistance, and trash removal. Approved by the Purchasing Department, pending receipt of the Certificate of Insurance and the Insurance Endorsement before the event.

Attachments: [Application - Turkey Trot](#)
[Application - Turkey Trot Map](#)
[Turkey Trot - PW Staff Requirements](#)

9. Regular Items

- 9.a. Consider an extension of the Water Agreement with the Town of Dayton for Silver Lake.

Review & Recommendation: For the past several months staff and representatives from the Town of Dayton have been working on a new agreement regarding the Town's use of water from Silver Lake. Staff efforts in preparing the new agreement have been focused on implementing a pricing formula which accounts for the City's depreciation of water-related assets and which provides an appropriate rate of return, as well as providing the Town with various options to purchase water from the City. Staff and representatives from the Town have not finalized the new agreement. The existing agreement technically terminates on August 2 of this year. The agreement presented to Council is in effect a six month extension of the existing water agreement (but at a payment rate more favorable to the City) in order to keep an agreement in place while staff finalizes a new agreement to present to Council.

Attachments: [Silver Lake Agreement](#)

10. Other Matters

11. Boards and Commissions

12. Closed Session

- 12.a. Discussion or consideration of the disposition of publicly held real property where discussing in an open meeting would adversely affect the bargaining position or

negotiating strategy of the public body.

- 12.b. Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

13. Adjournment