



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, March 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, Deputy City Clerk Pam Ulmer, City Attorney Chris Brown and Police Chief Stephen Monticelli

2. Invocation

Council Member Hirschmann offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

Mayor Reed presented Jim Baker, director of Public Works with a certificate for the Lifetime Membership designation from the American Public Works Association (APWA) for his commitment to the public works profession.

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 Byrd, 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 from February 28th, 2017 meeting

These Minutes were approved

- 5.b.** Consider a supplemental appropriation for the General Capital Projects Fund in the amount of \$499,100.00

This Supplemental Appropriation was approved on second reading.

6. Public Hearings

- 6.a.** Consider a request from Ilex LLC with representative Glenn Loucks for a special use permit to allow occupancy of not more than four (4) persons, provided one (1) off-street parking space per tenant is provided on site, within the R-2, Residential District at 257 Old South High Street.

Adam Fletcher, director of Planning and Community Development presented a special use permit from Ilex LLC, to allow occupancy of no more than four persons, provided one off street parking space per tenant is provided on site, for property zoned R-2, located at 257 Old South High Street. Mr. Fletcher noted the occupancy restrictions of R-2 are the same as R-1, which states owner occupied properties may have up to 2 borders versus a non-occupied residence would be a single family with up to one border. Mr. Fletcher stated the request is to increase the by right occupancy which is up to no more than 4. Mr. Fletcher stated the request came due to concern of over occupancy in the residence, and once investigated it was found that 5 individuals resided in the home, after which the applicant applied to the Board of Zoning Appeals (BZA) to appeal the decision and to Community Development for a special use permit, however BZA denied the appeal last month with a unanimous vote, and applicant applied for the special use permit to at least have up to 4 unrelated individuals.

Mr. Fletcher reviewed the location of the property and the surrounding properties, and stated that property nearby was approved for the same special use permit in 2005 and with staff survey at that time found that six out of the thirty-five owner occupied dwellings in the area were non-owner occupied. Mr. Fletcher noted the rear area of property has been converted into a parking area, which is a requirement of the special use permit if approved to include one off street parking space per tenant. Mr. Fletcher noted that prior to 1998 the R-2 occupancy was the same as the R-3, R-4 and R-5 is today, which would allow 4 occupants in the dwellings, however, in 1998 the zoning ordinance was changed which took that ability out of the by right category and the R-2 special use permit stated that it shall be the occupancy as in R-1 but a special use permit could be applied for to see if the need / ability to increase the occupancy up to four was possible.

Mr. Fletcher reviewed the land use guide, this property is the only residential used parcel on the street that does not have a land use guide of a residential nature, it's in the planned business category, which is associated with commercial uses, however, takes into consideration if a residential property chooses to convert to a commercial use, staff and planning commission would review to evaluate whether or not the commercial use would work together with the surrounding community

(i.e. buffering, separation of uses, parking etc.). Mr. Fletcher noted planning commission reviewed several matters: JMU expansion, downtown district expansion, desire for higher occupancy units, non-conforming properties, and current occupancy of surrounding properties. Staff made a favorable recommendation and Planning Commission approved unanimously with the conditions of yearly inspections, and if the property were found to be out of compliance, zoning would have the ability to revoke the permit.

Council Member Byrd asked if there are any zoning classifications that allows for 5 unrelated adults to live in one property. Mr. Fletcher replied there are no zoning classifications that allow that occupancy.

Council Member Hirschmann asked if this property was one house or two units. Mr. Fletcher replied stating the property is one single family home with a request to have 4 occupants.

Mayor Reed asked if the residents were already in the property when the complaints arose. Mr. Fletcher replied that is correct and spoke with the property owner regarding rectification and bringing into compliance.

At 7:17 p.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 27, 2017 and Monday, March 6, 2017.

Glen Loucks, 1057 South Dogwood, applicant, stated he was happy to answer any questions and noted Mr. Fletcher did a great job explaining the request.

At 7:18 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones asked Vice Mayor Baugh what was said at the Planning Commission Meeting. Vice Mayor Baugh stated it was very much as Mr. Fletcher represented, there wasn't much discussion on descent, recognition that the neighborhood has a lot of local cultural significance to some as a vibrant young adult music scene on that street, and there was some discussion regarding conversions of single family residents into these types of rental units, however staff and planning commission voted unanimously to approve.

Council Member Byrd noted the reasoning for his motion was because five unrelated in any of our planning or zoning classifications is allowed, and it was denied with the BZA.

Vice Mayor Baugh agrees with not liking these types of conversions, and everything around this property is neighborhood residential which is not a category in which these types of special use permit requests are looked upon favorably. Vice Mayor Baugh also noted there will be another request next month that has been denied by Planning Commission with similar circumstances.

Mayor Reed suggests the council be consistent on the decision for these types of requests.

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to deny the special use permit request 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.b.** Consider a request from the Northeast Neighborhood Association, Inc. and the Shenandoah Valley Black Heritage Project with representatives Karen Thomas and Robin Lyttle to amend Zoning Ordinance Sections 10-3-24, 10-3-34 (5), 10-3-40 (5), 10-3-48.3 (18), 10-3-48.4 (10), 10-3-51 (10), and 10-3-52 (2) as related to “community buildings”

Vice Mayor Richard Baugh stated for reasons related to legal professional ethics he recused himself from Agenda items 6b, 6c and 6d.

Adam Fletcher stated planning staff was contacted separately by the Northeast Neighborhood Association (NENA) and the Shenandoah Black Heritage Project, with similar ideas for two separate properties. Mr. Fletcher presented the requested amendments to section 10-3-24 definitions and 10-3-40(5) of the R2 District Special Use Permit section and for best practice for continuations and good representation of implementation amendments to sections 10-3-34 (5), 10-3-48.3 (18), 10-3-48.4 (10), 10-3-51 (10), and 10-3-52 (2). Mr. Fletcher presented the background of the zoning ordinance from 1987, regarding the R-1, R-2 and R-4 Special Use Permit listed uses. Mr. Fletcher noted there has never been a special use permit applied for ever in the city’s history for this particular special use permit. Mr. Fletcher reviewed current zoning ordinance regarding the language of “subdivision”, and noted it was questioned as to what that really meant, which therefore lead to the amendments requested, to add the word cultural into the definition section as to what a community building is, and to eliminate most of the language to simply listing as the use being applied for is a community building in the R-2 Section 10-3-40(5) section. Mr. Fletcher noted for continuity the changes were also applied to the R-1 District Section 10-3-34(5), R-3 Uses permitted by right section 10-3-48.3, R-3 Section 10-3-48.1 add subsection 10, R-4 by right section 10-3-51 adding subsection 10, and lastly R-4 Section 10-3-52 special use permit section.

Mr. Fletcher stated the purpose of this presentation is to modify the definition of “Community Building”, to modify the existing description of the community buildings in the special uses in the R-1 and R-2 categories, and to make those appropriate changes in the R-3 and R-4 Districts clarifying what is permitted by right.

Mr. Fletcher noted Planning Commission recommended approval 6-0 in favor as well as staff recommended favorable consideration.

Council Member Jones asked for clarification to the definition. Mr. Fletcher reviewed the current definition, the recommended changes etc. and noted this is all related to special use permits, the only time they are permitted by right are in the R-3 and R-5 districts, however only when associated as an accessory use to the multi-family and townhome communities.

At 7:37 p.m., Mayor Reed closed the regular session and called the 2nd public hearing to order. A notice appeared in the Daily News-Record on Monday, February 27, 2017 and Monday, March 6, 2017.

Robin Lyttle, founder of the Shenandoah Valley Black Heritage project, noted she is happy to answer any questions and thanked council for listening to Mr. Fletcher's presentation.

Karen Thomas, 158 E. Johnson Street, requested council to approve the amendments to the ordinances and Special Use Permit to have the house located at 192 Kelley Street as a museum and cultural center, which will be used as a library and meeting place as well. Ms. Thomas stated they believe the history is so rich in that community, what better place to tell the history, than a home that was built by freed slaves and asks council to make history tonight as the first request for this type of special use in the history of the city.

Randy Jones, 462 Lee Avenue, representative of the Department of Historic Resources, stated they are in the process of working with the owners of the church and NENA to list the area as a small historic district on the state and national historic registry. Mr. Jones noted a preliminary information form to the Board of Historic Resources for an official honorary nomination, in just a few days. Mr. Jones stated the property is highly historic from what the department staff recommended to the board and the house at 192 Kelly Street and the church are core elements of the Newtown Community being involved with two of the major leaders in the 18th century. Mr. Jones noted he feels it is very important to the Harrisonburg community and would be happy to answer any questions.

Tom Domonoske, 461 Lee Avenue, stated procedurally that this first issue is separate from the following items that follow it, and likes seeing the ordinances cleared up, feels there is probably a lot of this elsewhere in our zoning ordinances, the less words we have in our laws the better.

James "Bucky" Berry, 30 West Washington Street stated he feels having Ms. Thomas and NENA in the area will help cut out drug activity in that area, as there is still drug activity in north end.,

At 7:43 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

A motion was made by Council Member Jones, seconded by Council Member Byrd, to approve the zoning ordinance amendments as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Reed, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

Abstain: 1 - Vice-Mayor Baugh

- 6.c.** Consider a request from Shenandoah Valley Black Heritage Project with representative Robin Lyttle for a special use permit to allow for a community building within the R-2, Residential District, on a 4,364 +/- square foot site addressed as 425 Hill Street

Vice Mayor Richard Baugh stated for reasons related to legal professional ethics he recused himself from Agenda items 6b, 6c and 6d.

Mr. Fletcher presented a special use request from Shenandoah Valley Black Heritage Project for a community building on property located at 425 Hill Street, zoned R-2 and reviewed the surrounding properties and uses. Mr. Fletcher noted the property is a small parcel with a small home and the building will be used as a Heritage Center to conduct genealogy research and have a library with no overnight stays or residential use. Mr. Fletcher stated there will be issues to work through with the building code, limited in signage, and parking must be accommodated for off street, which would likely be to the rear of the parcel so the public alley way can be used to maneuver in and out of parking spaces.

Mr. Fletcher noted Planning Commission recommended approval 6-0 in favor as well as staff recommended favorably, with two conditions: The community building shall operate substantially the same as the use as proposed and if the city received and concerns or complaints regarding the parking, noise, or any other nuisances associated with the building, planning commission or council could call back the special use permit for further evaluation which could lead to additional conditions or revoking the permit.

At 7:50 p.m., Mayor Reed closed the regular session and called the 3rd public hearing to order. A notice appeared in the Daily News-Record on Monday, February 27, 2017 and Monday, March 6, 2017.

Robin Lyttle, founder and president of the Shenandoah Valley Black Heritage Project stated this property will be used by appointment only for research and plan on working with students this summer for research projects and mentioned a book that was published titled African American Property Ownership in Downtown Harrisonburg between 1850 and 1860.

Council Member Jones asked Ms. Lyttle if, while talking about the unmarked sites

at the Newtown Cemetery years ago, if this idea came about from those meetings. Ms. Lyttle did not recall, however it is ideal for this project because of the historic nature of the cemetery and research is key.

At 7:53 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Jones stated those organizations have been working on this type of project for a long time with and is pleased to see there will be places for people to go to, get educated and possibly spawn even greater conversations and ideas.

A motion was made by Council Member Byrd, seconded by Council Member Degner, to approve the Special Use Permit request as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Mayor Reed, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

Abstain: 1 - Vice-Mayor Baugh

- 6.d.** Consider a request from Robin Lyttle with representative Karen Thomas for a special use permit to allow for a community building within the R-2, Residential District, on a 5,613 +/- square foot site addressed as 192 Kelly Street

Vice Mayor Richard Baugh stated for reasons related to legal professional ethics he recused himself from Agenda items 6b, 6c and 6d.

Mr. Fletcher presented a special use request from Northeast Neighborhood Association (NENA) for property located at 192 Kelly Street, zoned R-2, to house a museum, the association's administrative offices and a space to hold meetings. Mr. Fletcher reviewed the property and the surrounding uses. Mr. Fletcher noted there will be no overnight stays, no residential uses, there will be issues to work through with the building code, limited in signage, and parking must be accommodated for off street, which would likely be to the rear of the parcel.

Mr. Fletcher noted Planning Commission recommended approval 6-0 in favor as well as staff recommended favorably, with the following conditions: The community building shall operate substantially the same as the use as proposed and if the city received and concerns or complaints regarding the parking, noise, or any other nuisances associated with the building, planning commission or council could call back the special use permit for further evaluation which could lead to additional conditions or revoking the permit.

At 7:59 p.m., Mayor Reed closed the regular session and called the 4th public hearing to order. A notice appeared in the Daily News-Record on Monday, February 27, 2017 and Monday, March 6, 2017.

Karen Thomas, with NENA, stated she would like to ask again that city council approve the special use permit to use this space for NENA and as a library as it is their desire to showcase this house and its history. Ms. Thomas noted the Newtown Cemetery has nothing to do with these projects or entities.

At 8:01 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Mayor Reed stated this property is very important and is one of the golden nuggets in the Northeast Community and hopes council can make this happen for the community and it will be extraordinary to have the history shown and told. Mayor Reed acknowledged the good work done by Ms. Thomas and Ms. Lyttle.

A motion was made by Council Member Hirschmann, seconded by Council Member Jones, to approve the special use permit application as presented. The motion carried with a recorded roll call vote taken as follows:

Recess

council recessed at 8:02 pm

council reconvened at 8:10 pm

7. Regular Items

7.a. Receive Planning Commission's 2016 Annual Report

Adam Fletcher, director of Planning and Community Development presented the Planning Commission's 2016 Annual Report, stating there were eight rezoning, 12 special use permits, five street and alley closings, four ordinance amendments, three preliminary plats, three public utility applications, and one parking plan approval which is required when public schools present their planning and development for consent from Planning Commission. Mr. Fletcher stated he is aware of the connections of Planning Commission and City Council on how the Planning Commission votes and how City Council votes, and there was one item out of all of the agenda items above where planning commission and council did not agree. Mr. Fletcher noted the last time that happened was back in 2012.

Council Member Byrd noted the Planning Commission is getting better.

This Report was received and filed.

7.b. Update on the Joint City-County Computer Aided Dispatch/Data Management System (CAD/DMS) project

Jim Junkins, director of joint Emergency Communication Center for Harrisonburg and Rockingham County, presented information on the Computer Aided Dispatch/Data Management Systems project (CAD/DMS), which started with city manager Hodgen and the county administrator. Mr. Junkins noted this project is in

regard to public safety data, the way the data is captured, special data, planning, community information, streets, tracking data etc. Mr. Junkins stated common needs were found by the consultant, such as regional / shared access, reliability, data access, search capabilities, integrated system, mobile/remote access, analytics and statistical reporting, reuse of data, dashboards, alerts and notifications and messaging between stakeholders. Mr. Junkins discussed the activities completed from fall of 2015 to date. Mr. Junkins stated it's been a long process but moving in the right direction. Mr. Junkins reviewed the visualized solution which included the databases CAD (Computer Aided Dispatch), RMS (Records Management System), JMS (Jail Management System), and the GIS (Geographical Information System) which all work together to receive, send and store information to all the stakeholders. Mr. Junkins noted our technology is aging and will soon go out of service. Mr. Junkins there are data conversion considerations to be made, which is a huge concern, especially in the funding, considering we have data that needs to be converted dating back to 2005 and the cost versus the benefit will need to be carefully evaluated. Mr. Junkins reviewed upcoming activities and proposal requests will be released in May 2017 with hopes to have the project completed by mid 2018. Mr. Junkins reviewed estimated costs provided by the consultants, dependent upon the amount of data and equipment purchased, with a probable cost of \$4.5M.

Council Member Jones and Mayor Reed thanked Mr. Junkins on the great job he has done on this project.

This Report was received and filed.

7.c. Update on the status of the Downtown Streetscape Phase III project presented by Public Works

Jim Baker, director of Public Works, thanked the council for the presentation of the award earlier, he was surprised and felt honored, the city is a great place to work and be a part of. Mr. Baker presented an update on the Downtown Streetscape Phase III from Elizabeth Street to Wolfe Street, a one block section, which public works has been trying to get updated to match the rest of downtown. Mr. Baker noted last year the bids came in too high, this year is out of range on the budget, due to the scope of work being compact and the traffic signals seem to be the overwhelming factor that is costly in this project. Mr. Baker stated an estimate of \$580,000 for the project but the lowest bid came in at around \$882,000, the costs were reviewed and felt it was out of the ballpark at this time, therefore they needed to either go in a different direction or rethink the project. Mr. Baker stated the project will be reevaluated, in hopes to break into smaller pieces and take some of the risk out of the project that some of the contractors put a lot of money into. Mr. Baker noted the price for traffic signals have escalated tremendously. Council Member Byrd asked if the old lights could be sold back. Mr. Baker noted they are in such worn condition they cannot.

Mr. Baker noted one maintenance challenge with this particular section on Main between Elizabeth and Wolfe, the pavement condition has deteriorated therefore

the alternate plan is to repair the pavement, and to ask for more funding through transportation enhancement grants, to hopefully be approved by next summer for funding in 2019. Mr. Baker stated underground work will be done in the interim, conduits placed across the street at four locations with either local or city forces, patch sidewalks where there are safety issues, and pave the existing street to bring it up to much better condition and protect the integrity. Mr. Baker noted this project will be done somewhat backwards, but if cautious the pavement can be salvaged.

Council Member Jones asked if it would be cheaper to include another block up to Gay Street. Mr. Baker noted on projects like this, the larger the scope usually accommodates the scale, but must be careful with what is under the street, which is the unknown. Mr. Baker noted Wolfe Street was the stopping point due to the next project was to be out East Market Street from Court Street to Mason Street.

This Report was received and filed.

8. Supplementals

- 8.a.** Consider a supplemental appropriation for the Harrisonburg City School division in the amount of \$638,798.78

Tracy Shaver on behalf of Harrisonburg City Public Schools (HCPS) to request a supplemental appropriation in the amount of \$638,798.78 as a result of additional state and federal grant revenues being awarded to HCPS after their budget was appropriated last spring. Mr. Shaver stated this will not require any additional local tax dollars.

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, 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 Street, advised council the ninth annual Brent Berry Food Drive just wrapped up and was a success. Mr. Berry complimented the Harrisonburg Police Department (HPD) and Harrisonburg Fire Department (HFD) for their assistance and they were able to fill a city bus which equals 25 pallets of food. Mr. Berry noted he would like city council to wake up and give HPD additional officers as the city can't keep officers here and he is really concerned about the area around Roses. Mr. Berry noted the application process from Charlottesville for naming of streets, parks etc. Mr. Berry noted for the 10th

year anniversary, he wants an application process to name something after someone and would like to see the same type of process in Harrisonburg as his son, Brent Berry has given over half million dollars to the community and the Berry family would pay the cost of the name change.

9.b. City Council and Staff

City Manager Kurt Hodgen provided a project update on the Northend Greenway public/private partnership. City Manager Hodgen noted the city did not receive any competing proposals and staff will continue to analyze the proposal received from Momentum Earthworks and begin the process of negotiating a detailed agreement that will come back to city council for consideration.

Council Member Jones stated May is fast approaching and council will be approving a budget. Council Member Jones has been asking for more resources for HPD, he knows the conversations have been focused on the needs of land acquisitions for schools and CAD systems, which came out of the work council was doing on building a jail or not. Council Member Jones noted his point is that we can have a new CAD, we can be part of the jail make up, but there is something to be said for having more feet and eyes on the street in order to increase the amount of community policing, that our officers have more rest and breaks in between shifts. Council member Jones stated he wants to keep our awesome reputation up, that our citizens are safe, and would like to go on record that council strongly consider that or at a minimum have the city manager show us what that would look like in the budget.

Vice Mayor Baugh provided an update from Planning Commission: new and updated Bike and Pedestrian Plan and Special Use Permit for Collicello Street asking for a permit to allow for more dense occupancy of renters, which is slightly different than the previous agenda item discussed this evening, as it was recommended with an unfavorable decision from Planning Commission.

Council Member Byrd asked staff to look at replacing the lights in the parking decks and asked if the PowerPoint presentations can be attached to the agenda at time of distribution with caution on what colors etc are being used to make it easier to read on the large screen.

Council Member Hirschmann stated he supports Council Member Jones on his comments on the police force, the city is growing and we need the support.

Mayor Reed echoed Council Member Hirschmann's comments, the city needs to not only add additional officers, but needs to be taking care of the ones currently on staff. Mayor Reed noted she is still getting complaints about the parking and towing from the private lot adjacent to Jess's. Council Member Jones stated he met with the business owner and can't say that he is being a predator.

Mayor Reed thanked all the city crews who worked overnight to clear the recent

snow, noted March 18, 2017 will be the Pot of Gold Kids Fun Run and the Shamrock 5K Trail Run hosted by Parks and Recreation, all business taxes are due by March 31, 2017, Blacks Run and Downtown Clean Up Day will be on Saturday, April 8, 2017, registration is open and additional information is available at cleanstream.org, and Harrisonburg Department of Public Transportation (HDPT) will be upgrading its real-time transit system in the upcoming months and to check HDPT's website for additional information. Mayor Reed thanked Mr. Berry for his contribution to the city with the food drives.

Council Member Jones noted that when the parking lights are replaced someone should review the signage as well.

10. Adjournment

At 8:49 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR