



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Agenda - Final City Council

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

Tuesday, August 9, 2016

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: [July 26, 2016 Draft Meeting Minutes](#)

- 5.b. Consider a supplemental appropriation for the General and Water Capital Project Funds in the amount of \$38,637.90

Review & Recommendation: The city has received interest earnings on unexpended bond proceeds and other receipts within the capital project funds that periodically need to be appropriated into various capital project expenditure line items.

Attachments: [Memorandum](#)
[Supplemental Appropriation](#)

Legislative History

7/26/16 City Council approved on first reading

- 5.c. Consider repealing Section 7-2-20 of the Harrisonburg City Code, Fluoridation of city water supply

Review & Recommendation: Section 7-2-20 of the Harrisonburg City Code requires the Public Utilities Department to introduce and maintain sodium fluoride into the city's water supply and keep detailed reports related thereto. Due to an issue with the city's fluoride system, Public Utilities will be unable to comply with Section 7-2-20 for a period of several months. Therefore, the Public Utilities Department is requesting that Section 7-2-20 be repealed, at least temporarily, until the Department is able to comply with that ordinance. The Public Utilities Department is also undertaking a costs/ benefits analysis of the fluoride program to provide to council a recommendation as to whether the fluoride program should be maintained.

Attachments: [Memorandum](#)
[Current Ordinance](#)
[Repeal Ordinance](#)

Legislative History

7/26/16 City Council approved on first reading

6. Joint Public Hearing

- 6.a. Presentation for both the City Council and the Harrisonburg Rockingham Housing Authority (HRHA) regarding the joint Assessment of Fair Housing (AFH)

Review & Recommendation: [The city and the HRHA are in the process of preparing a joint Assessment of Fair Housing (AFH) and have procured the services of Mullin, Lonergan, and Associates (M&L). Marjorie Willow of M&L has prepared a presentation for both the City Council and the HRHA Board of Commissioners at this joint public hearing.

The AFH is a legal requirement that both the city and the HRHA must complete in order to continue receiving federal housing and community development funding from the U.S. Dept. of Housing & Urban Development (HUD). The primary purpose of the public hearing is to present the draft AFH to City Council and the HRHA Board of Commissioners, including the goals to address any impediments to fair housing that were uncovered, and open the public display period.

At a second joint meeting on September 27, 2016, the City Council and HRHA Board of Commissioners will consider adoption of the AFH. It is the intent of city and HRHA to submit the regional AFH Plan to HUD on or before September 30, 2016.]

Attachments: [Memorandum](#)
[Assessment of Fair Housing](#)
[AFH Public Display Advertisement](#)

7. Public Hearings

- 7.a. Consider the reappropriation of encumbrances that were outstanding at the end of Fiscal Year 2016 in the amount of \$6,802,550.51

Review & Recommendation: At the end of Fiscal Year 2016 there were outstanding encumbrances for purchase orders which were issued prior to June 30, 2016. These purchase orders were carried forward to the new Fiscal Year 2017 budget; however, the budgeted funds lapsed as of June 30, 2016. The purchase orders were for goods and/or services which were contracted for but not received prior to June 30, 2016. The purpose of this supplemental appropriation is to request that the funds for these outstanding purchase orders be reappropriated to the current fiscal year's budget..

Attachments: [Memorandum](#)
[Supplemental Appropriation](#)
[Public Hearing Notice](#)

- 7.b. Consider a request from Girl Power, LLC with property representative Ashley Swartz for a special use permit per section 10-3-97(3) to allow for a business and professional office in the M-1, General Industrial District

Review & Recommendation: This property is located at 40 West Washington Street. Planning Commission recommended approval (6-0) of the special use permit for a business and professional office on the 0.45+/- acre property located on tax map parcel 40-N-27 with the following condition: the parking area in the front of the existing building shall be striped as angled parking facing west.

Attachments: [Memorandum](#)
[Extract SUP 40 W Washington Street](#)
[Site Maps](#)
[Application, Applicant's letter and supporting documents](#)
[Surrounding Property Owner Notice](#)

- 7.c. Consider a request from Thomas W. Richardson and James F. Richardson with property representative Mossy Creek Holdings to rezone a parcel from R-2, Residential District and R-3, Medium Density Residential District to B-2C, General Business District Conditional

**Review &
Recommendation:**

This property is located at 480 East Market Street. Planning Commission recommended approval (6-0) to rezone the 26,258 +/- square foot property identified as tax map parcel 27-A-6 from R-2/R-3 to B-2C with the following proffers:

With regard to the rezoning, the applicant has proffered the following (written verbatim):

The property shall be redeveloped by improving and maintaining the existing structure, which may include additions to the building, and where the following B-2 uses will be retained:

(By Reference to Numbered Paragraphs of the Existing B-2 Ordinance with Some Modifications)

(1) Mercantile establishments which promote the show, sale and rental of goods, personal service establishments and other shops.

(2) Governmental, business and professional offices and financial institutions.

(4) Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education. In addition, customary recreational and leisure-time activities with are compatible with surrounding uses are permitted.

(5) Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities.

(15) Accessory buildings and uses customarily incidental to any of the above listed uses.

(18) Public uses.

In addition, the applicant would retain the right to seek a special use permit for any uses allowed by such in B-2.

With regard to the site the applicant proffers:

A landscaping buffer with intent to form a dense screen shall be established along the western and northern perimeter of the property as indicated on the site plan. prepared by Engineering Solutions, dated July 6th 2016, and submitted with this application. Existing vegetation may be maintained or new materials planted. When new materials are planted, they shall be 6 feet in height at the time of planting and planted at a minimum of 5 feet on center.

Dedicate right-of-way as needed along East Market Street for the city's future traffic signal improvements at the intersection of East Market Street and Sterling Street / Reservoir Street as indicated on the site plan, prepared by Engineering Solutions, dated July 6th 2016, and submitted with this application.

The southern access to the property along Sterling Street shall be marked as exit only.

All freestanding signs shall be no taller than 10ft in height, and no freestanding sign shall exceed 50 square feet. There will be no LED, scrolling message board sign.

Attachments: [Memorandum](#)
[Extract RZ 480 E. Market St](#)
[Site Maps](#)
[Application, Applicant letter and supporting documents](#)
[Surrounding Property Notification](#)

- 7.d. Consider a request from Thomas W. Richardson and James F. Richardson with property representative Mossy Creek Holdings for a special use permit per section 10-3-91(8) to allow for reducing required parking areas

Review & Recommendation: The property is located at 480 East Market Street. Planning Commission recommended approval (6-0) of the special use permit to allow for reducing the required parking areas on the 26,258 +/- square foot property identified as tax map parcel 27-A-6 with the following condition: If in the opinion of Planning Commission or City Council, parking becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or revocation of the permit.

Attachments: [Memorandum](#)
[Extract SUP 480 E. Market Street](#)
[Site Maps](#)
[Application, Applicant letter and supporting documents](#)
[Surrounding Property Notification](#)

8. Regular Items

- 8.a. Update on the Stormwater Utility Program and Fee Review

Review & Recommendation: As requested by City Council during the May 28, 2016 City Council meeting, this memo outlines a Stormwater Utility Program Update and a review of the current billing unit rate by the Department of Public Works (DPW).

Attachments: [Memorandum](#)
[Table 1 and 2](#)
[Potomac Nutrient Trading Rates](#)
[Current ordinance reflecting recommended changes](#)

- 8.b. Consider amending Sections 6-5-3, 6-5-5, 6-5-7, and 6-5-9 of the Harrisonburg City Code in regard to the Stormwater Utility Fee

Review & Recommendation: This request is to amend Sections 6-5-3, 6-5-5, 6-5-7, and 6-5-9 of the Harrisonburg City Code in regards to the Stormwater Utility Fee Ordinance to make several administrative changes.

Attachments: [Memorandum](#)
[Current ordinance reflecting recommended amendments](#)

- 8.c. Consider changes to the city of Harrisonburg's Design and Construction Standards Manual

Review & Recommendation: In recent conversations the Virginia Department of Health, VDH, requested are several minor changes to the city's Design and Construction Standards Manual. Public Utilities agrees with the requested changes and desires to incorporate several other changes at the same time.

Attachments: [Memorandum](#)
[DCSM Attachment](#)
[Letter from Public Utilities](#)
[Email from the Virginia Department of Health](#)

8.d. Consider amending and re-enacting Chapter 6 Article C Section 3-6-32 of the Harrisonburg City Code

Review & Recommendation: This request is to amend Section 3-6-32 to change the name of the Industrial Development Authority of the city of Harrisonburg to the Economic Development Authority of the city of Harrisonburg.

Attachments: [Memorandum](#)
[Current Ordinance reflecting recommended change](#)

8.e. Consider enacting Section 6-1-27 of the Harrisonburg City Code on crossing intersections diagonally

Review & Recommendation: This is a request to enact new Section 6-1-27 which permits crossing intersections diagonally under certain circumstances per Virginia Code Section 46.2-923.

Attachments: [Memorandum](#)
[Current Ordinance with recommended changes](#)

8.f. Consider amending and re-enacting Section 15-3-2(b), 15-3-2(c)(7) and 15-3-2(d)(4) and enacting Section 15-3-2(c)(8) and 15-3-3 of the Harrisonburg City Code

Review & Recommendation: To consider amending Section 15-3-2 to add several definitions, including the definition of mass outdoor social gathering, amend requirements related to large party nuisance to make requirements applicable all day instead of from 10pm to 7am. Enact a new ordinance, Section 15-3-3 regulating mass outdoor social gatherings. This section will require a permit for outdoor parties at which more than 100 people are invited, expected, or actually attend and in which sound amplifying equipment is used.

Attachments: [Memorandum](#)
[Current ordinance reflecting proposed changes](#)

9. Other Matters

10. Boards and Commissions

10.a. Metropolitan Planning Organization (MPO)

Review & Recommendation: Due to recent changes in personnel it is recommended to make the following appointments to the MPO Policy Board: Ande Banks, acting deputy city manager as an alternate for the city manager, Gerald Gatobu, assistant director of the Harrisonburg Department of Public Transportation (HDPT) and Cheryl Spain, program support specialist senior, as alternates for the director of HDPT.

Also, due to recent changes in personnel it is recommended to make the following appointments to the MPO Technical Advisory Committee (TAC): Erin Yancey, planning manager for Public Works to replace Thanh Dang, Gerald Gatobu to replace Avery Daugherty, and Cheryl Spain and Avery Daugherty, transit superintendent, as alternates for Gerald Gatobu.

10.b. Harrisonburg-Rockingham Regional Sewer Authority (HRRSA)

Review & Recommendation: With the recent changes in personnel it is recommended to appoint Ande Banks, acting deputy city manager, as the city manager's alternate to the HRRSA.

11. Adjournment