



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - 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

Present: 5 - Mayor Christopher B. Jones, Vice-Mayor Richard Baugh, Council Member Ted Byrd, Council Member Kai Degner and Council Member Abe Shearer

Also Present: 5 - City Manager Kurt Hodgen, Acting Deputy City Manager Ande Banks, City Clerk Erica Kann, City Attorney Chris Brown and Police Chief Stephen Monticelli

2. Invocation

Vice-Mayor Baugh offered the invocation.

3. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance.

4. 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, stated there is still food in the Salvation Army's warehouse and there will still be food available going into September. Mr. Berry stated this year they plan to run ads on TV3 to get more people involved in their food drive. Mr. Berry also stated he was concerned about the intersection of North Liberty and West Washington Street and asked when something would be done. Mr. Berry would also like to see a 25 mph speed limit sign placed along the street.

Mayor Jones asked the city manager to follow up. Council Member Shearer asked if this is an agenda item that could be placed on the Transportation Safety and Advisory Commission. Council Member Byrd noted that this concern was sent before the Transportation Safety and Advisory Commission for review last year and they discussed and feels the suggestions made weren't what Mr. Berry wanted to hear.

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 Degner, seconded by Council Member Byrd, to approve the consent agenda as presented. The motion carried with a recorded roll call vote taken as follows:

5.a. Minutes

These minutes were approved on the consent agenda.

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

This supplemental appropriation was approved on second reading.

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

This ordinance was approved on second 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)

At 7:08 p.m., Mayor Jones called the joint meeting with the Harrisonburg Redevelopment and Housing Authority (HRHA) to order.

Kristin McCombe, grants compliance officer, stated in April HRHA and the city contracted with Mullin & Lonergan Associates (M&L) to assist with the preparation of a joint Assessment of Fair Housing (AFH). Mrs. McCombe stated the United States Department of Housing and Urban Development (HUD) requires assessments to be prepared every five years as a stipulation to receive the city's HUD funding.

Mr. Elroy Miller, HRHA chair, stated there was a quorum of commissioners present and the commissioners introduced themselves.

Marjorie Willow, principal partner with M&L, reviewed the fair housing definition and stated the AFH is an analysis of fair housing data, an assessment of fair housing issues and contributing factors, and an identification of fair housing priorities and goals. Ms. Willow stated an AFH is required due to the following: the city received Community Development Block Grant (CDBG) funds from HUD, HRHA received Housing Choice Voucher (HCV) funds and McKinney-Vento funds from HUD, and the new AFH regulations requires both the city and HRHA to receive HUD acceptance of its joint AFH before their five-year plans can be submitted. Ms. Willow stated the city and HRHA are legally obligated to Affirmatively Further Fair Housing by working to stop housing discrimination and de-segregate racially concentrated areas of poverty in Harrisonburg. Ms. Willow reviewed the demographic trends of the city and noted the non-white population grew from 10% to 28% and foreign-born grew from 2.4% to approximately 15%.

Ms. Willow noted that more racial and ethnic minorities live in the eastern city neighborhoods and the median income is lower surrounding the downtown and James Madison University (JMU) areas. Ms. Willow stated the racially concentrated areas of poverty (RCAPs) are also found in the eastern city neighborhoods. Ms. Willow noted that homeownership is higher outside of the city and homeownership within the city has declined approximately 37% and the median gross rent increased 27% since 2000. Ms. Willow stated over 21% of HCV and HRHA tenants have a disability. Ms. Willow reviewed the rankings of the following issues contributing factors to fair housing: 1. Segregation/integration, location and type of affordable housing (high), community opposition (medium), and lack of private investment in specific neighborhoods (low); 2. Disparities in Access to Opportunity, availability, type, frequency, reliability of public transportation (high), location of employers (high), and availability of affordable units in a range of sizes (medium); 3. Disabilities and Access, inaccessible sidewalks, pedestrian crossings, and other infrastructures (low), availability of accessible, affordable units in a range of sizes (medium); and, 4. Fair Housing Enforcement, Outreach Capacity, and Resources, lack of resources for fair housing agencies and organizations (high). Ms. Willow noted that the inaccessible sidewalks, pedestrian crossing, and other infrastructures were noted as low due to the city's Bike and Pedestrian Plan. Ms. Willow noted that 65% of those on the HRHA waiting list have families. Ms. Willow also noted that transportation service is tied heavily to JMU and those individuals with second and third shift jobs might only be able to get transportation one way to or from their job. Ms. Willow stated M&L's meeting with the Harrisonburg Department of Public Transportation (HDPT) went well and HDPT learned of some opportunities they weren't aware of. Ms. Willow informed council that half of HRHA's vouchers are used outside the city where housing costs are lower. Ms. Willow reviewed the five recommended goals which were as follows: 1. expand housing choice and access to opportunity; 2. increase homeownership among low median income (LMI) households and protected classes; 3. improve public transit for LMI and persons with disabilities; 4. strengthen discrimination investigation, enforcement, and operations, 5. and, increase the level of fair housing knowledge and understanding among housing developers, real estate professionals, elected officials, and the general public. Ms. Willow suggested monitoring developments with expiring subsidies, utilizing incentives to increase supply of affordable housing, and recruit more landlords in higher opportunity areas. Ms. Willow suggested providing homebuyer education and financial literacy workshops and creating a framework for providing down payment assistance to qualified first-time homebuyers. Ms. Willow also suggested expanding transportation to the county to those employers that offer a variety of skill level jobs and to key community assets and major employers not currently being served by public transit. Ms. Willow suggested to annually train staff to refer housing discrimination complaints and contract with a HUD-certified organization to conduct paired real estate testing. Ms. Willow also suggested developing a webpage for fair housing recourses; annually sponsoring fair housing training for elected officials, boards and commission members, and staff; and, partner with local stakeholders to host a Fair Housing Forum. Ms. Willow stated the regional AFH needs to be submitted to HUD by October 4, 2016 for a 60-day review period,

which the city and HRHA plan to submit their plan by September 30, 2016. HUD must accept the AFH prior to the city's submission of its Five-Year Consolidated Plan and the HRHA's Five-Year Agency Plan. Ms. Willow stated this report will need to be included in the city's Consolidated Annual Performance Evaluation Report (CAPER). Ms. Willow reviewed the schedule of events leading up to the second joint meeting on September 27, 2016 and stated all comments that are received from tonight until that meeting will be submitted with the plan.

Council Member Degner asked Ms. Willow to clarify the city's involvement enforcing housing discrimination. Ms. Willow stated that it wouldn't be the city investigating housing discrimination complaints, but recommended contracting with a HUD-certified organization due to specific legal training HUD requires. Ms. Willow noted the closest certified organizations were located in Richmond and Charlottesville. Council Member Degner questioned the comment regarding the reliability of the city's transportation services because he feels the service is reliable. Ms. Willow stated HUD provides a list of contributing factors and the wording can't be changed and while reliability might not be an issue other items in the category needed to be addressed, so the box was checked. Council Member Shearer asked if there was opportunity for the city and HRHA to modify some of the language within the documents. Ms. Willow stated the city and the HRHA do have the right to modify the documents, but urged caution because HUD knows what data it provided and as the data is populated throughout the study and as its analyzed if modifications eliminate some obvious contributing factors HUD might question. Council Member Shearer stated he is more interested in providing additional comments or appendices to clarify the city's responsibilities. Ms. Willow suggested those comments and suggestions be submitted, so staff can review and formulate appropriate responses to the suggestions. It was noted that it is a joint document, so the city needs to be in communication with the HRHA with suggested changes. City Manager Hodgen asked how the city and HRHA interject some narrative regarding city conditions such as the fact that the city is independent of the surrounding county and close to maximum build-out. Ms. Willow stated they could work with Ande and Kristin regarding additional narrative that tailors the document more specifically to the conditions of the city. Ms. Willow stated in terms of new building projects that there are incentives such as inclusionary zoning. City Manager Hodgen brought attention to the number of HCV's being used outside the city, but the city is the only entity that is being held accountable and the housing is cheaper in Rockingham County. Ms. Willow stated the county doesn't have the same requirement due to not receiving HUD funding and noted HCV's allows individuals to find housing where it is most feasible to them. Ms. Willow stated the purpose of identifying that half of the HCV's being used outside the city is due to the higher cost of living within the city, which creates a point of discussion of how the city can increase its affordable housing supply. It was noted those individuals living in the county aren't supplied the option of public transportation. Mayor Jones asked about the efforts that have been made or are being made for desegregation. Ms. Willow stated to address desegregation it is suggested to create or to foster the creation of affordable housing opportunities outside of the noted areas. Michael Wong, executive director of HRHA, stated that

no concentrated effort has been made to date. Ms. Willow stated some factors working against the city are the city's high cost of land and the availability of land. Council Member Degner stated in his field of real estate there are habits from the past still being overcome from realtors leading individuals to certain locations within the city.

At 7:59 p.m., Mayor Jones closed the regular session and called the joint public hearing to order. A notice appeared in the Daily News-Record on Monday, July 25, 2016.

James "Bucky" Berry, 30 West Washington Street, stated he was concerned that credit or criminal records weren't addressed in the report and brought attention to individuals staying in shelters trying to save up for initial deposits.

Mr. Miller stated the HRHA is interested to evolve our capacity to serve individuals that need low income housing and it is a part of their strategic plan and the HRHA hopes to work with the city to facilitate intention over future years.

At 8:01 p.m., Mayor Jones closed the joint public hearing and the joint meeting reconvened.

At 8:02 p.m., the joint meeting ended and the regular meeting reconvened.

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

City Manager Hodgen stated this is an annual process to re-appropriate funds that were not expended prior to end of the last fiscal year. City Manager Hodgen noted the larger projects include paving projects and the acquisition and delivery of new transit buses. City Manager Hodgen stated that \$2.3M comes from General Fund projects with the largest being the Public Transportation fund carryover of approximately \$3.16M and schools are carrying over approximately \$358,000. City Manager Hodgen stated staff recommended that the appropriation be approved.

At 8:04p.m., Mayor Jones closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, August 1, 2016.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 8:04 p.m., and the regular session reconvened.

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

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 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

Adam Fletcher, director of Planning and Community Development, presented a request from Girl Power, LLC to rezone a property located at 40 West Washington Street, containing .45 acres, per Section 10-3-97 Subsection 3 of the M1 General Industrial District to allow for business and professional office. Mr. Fletcher reviewed the surrounding properties all zoned as M1 and the history of the location. Mr. Fletcher noted the property is located in a transitional area, the existing business on the property will remain, and additional businesses will be added to the vacant portion of the building. Mr. Fletcher noted that no major remodeling needs to be done, but the applicant was made aware if remodeling takes place proper permits would need to be obtained. Mr. Fletcher stated parking has been reviewed and only 13 parking spaces would be required in the existing parking lot, but the applicant's layout demonstrates they can provide 27 parking spaces. Mr. Fletcher stated both staff and Planning Commission recommended approval with the following condition: the parking area in front of the existing building shall be striped as angled parking facing west.

At 8:11p.m., Mayor Jones closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, July 25, 2016 and Monday, August 1, 2016.

Ashley Swartz, member of Girl Power, LLC, stated they intend to reline the parking lot per required conditions prior to the opening of the building.

James "Bucky" Berry, 30 West Washington Street, provided a brief history of the building and noted he is excited to see new tenants and new business on that end of town.

Panayotis "Poti" Giannakourous, 98 Emery Street, noted that since the applicant will be relining parking lot he asked that the applicant considers not using toxic high PH coal tar sealant. Mr. Giannakourous hopes the city can advise the applicant of safer alternatives and he looked forward to the new business being a healthy business to attract more people downtown.

At 8:13 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

A motion was made by Vice Mayor Baugh, seconded by Council Member Shearer to approve the rezoning request as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 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

Adam Fletcher, director of Planning and Community Development, noted he would be covering both Agenda item 7.c. and 7.d. Mr. Fletcher presented the rezoning request from Thomas W. Richardson and James F. Richardson, of Mossy Creek Fly Fishing, for property located at 480 E Market Street, it is one parcel with two zoning designations (R-3 medium density and R-2) and the applicant is requesting to be rezoned to B-2C as well as a special use permit (SUP) request per Section 10-30-91, Subsection 8, which allows for reduced parking areas. Mr. Fletcher reviewed the surrounding properties and mixed zoning designations. Mr. Fletcher stated the applicant is eager to move from the Kroger shopping center to be nearer to the downtown area. Mr. Fletcher noted that this property is located in the professional corridor area and is designated as a Corridor Enhancement Area.

Mr. Fletcher stated the applicant proffered the following regarding the rezoning request: the property shall be redeveloped by improving and maintaining the existing structure, which means the historic structure cannot be demolished without being rezoned; B-2 uses will be retained to include mercantile establishments to promote the show, sale and rental of goods, personal service establishments and other shops; governmental, business and professional offices and financial institutions; 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; religious, educational, charitable or benevolent institutional uses which do not provide housing facilities; accessory buildings and uses customarily incidental to any of the above listed uses; and, public uses. Mr. Fletcher stated the applicant is also seeking a SUP for any uses allowed by such in a B-2 designated area and proffered the following regarding the site: a landscaping buffer shall be established along the western and northern property line, existing vegetation may be maintained or new materials planted which when planted, shall be six (6) feet in height at the time of planting and planted at a minimum of five (5) feet on center; dedicated 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; the southern access to the property along Sterling Street shall be marked as exit only; and, all freestanding signs shall be no taller than ten (10) feet in height, and no freestanding sign shall exceed 50 square feet, there will be no LED scrolling message board sign.

Mr. Fletcher noted that Planning Commission recommended the city to remove the parking allowed from the exit to the intersection along Sterling Street. Mr. Fletcher noted the applicant is aware that, if approved, future additions to the existing

building would be limited by setback regulations due to the existing setbacks.

Mr. Fletcher noted that for the requested SUP the applicant is only requesting nine (9) parking spaces instead of the required 17, with the remaining space being turned into open space. Mr. Fletcher noted staff and Planning Commission recommended approval to both requests, provided 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.

Mr. Fletcher stated although not proffered, when a comprehensive site plan is submitted to the city engineer for review, all typical street frontage improvements are required. As depicted in the submitted layout, the applicant understands that a sidewalk would be required along Sterling Street and East Elizabeth Street. Whether the sidewalk will include the standard 2-ft grass strip or not will be determined with staff at the time of comprehensive site plan development.

Mayor Jones asked about the parking on Sterling Street. Mr. Fletcher noted parking is allowed currently, but should be considered by the city to not be allowed. Vice-Mayor Baugh noted the business doesn't anticipate a high volume of traffic but, should leave the option to address parking at a later date if problem occurs.

At 8:34 p.m., Mayor Jones closed the regular session and called the third and fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, July 25, 2016 and Monday, August 1, 2016.

Brian Trough and Colby Trough, owners of Mossy Creek Holdings and owners representative, stated that Harrisonburg Downtown Renaissance has been after them over the past 11 years to move downtown, they like what is happening downtown, they network with a lot of business's, and they offer a lot of services for people all over the world and feel this will help in sharing downtown with those customers, and they see a need in increasing green space in the city.

Mayor Jones thanked the applicant for being so forthright and clear and concerned of green space in the city.

At 8:37 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Vice-Mayor Baugh noted this request is the closest to a spot rezoning, it reflects that proffers work, reflects great work between city staff and the applicant, and is hopeful that subsequent requests would be considered if they are similar to this request.

Mayor Jones stated this request is a perfect example of the vision for business he has for the city.

Council Member Byrd stated issues regarding parking reduction have come up in the last three requests and asked if the city needs to revisit our parking ordinance, since green space is preferred.

Additional discussion took place regarding parking ordinances and it concluded with Vice-Mayor Baugh noting it is on the list of things to be reviewed by Planning Commission.

A motion was made by Vice-Mayor Baugh seconded by Council Member Shearer, to approve the rezoning request as presented with the stated proffers. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 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

Presented along with agenda item 7.c. by Mr. Fletcher.

A motion was made by Vice-Mayor Baugh seconded by Council Member Shearer, to approve the special use permit as presented with the stated proffers. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

8. Regular Items

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

Tom Hartman, assistant director of Public Works, provided an update regarding the Stormwater Utility Program and Fee Review after council requested an updated after the report given in May. Mr. Hartman presented the current program, 2013-2018, and noted the three documents they are regulated to follow: MS4 regulations, Special Conditions for Chesapeake Bay TMDL and TMDL Action Plan Guidance, in addition to the DEQ BMP Clearinghouse, and the Chesapeake Bay Program. Mr. Hartman noted the city successfully met the first cycle goal via the street sweeping approach, but noted there will be changes on how items are calculated.

Mr. Hartman reviewed the three different projects in place to meet the goals which were the following: East Market Street Regenerative Stormwater Conveyance Chanel (50% grant funded from DEQ), Northend Greenway (NEG) Stream Restoration (fully funded in the FY17 budget) and, the Stormwater Improvement Plan (SWIP). Council Member Byrd asked if these were the projects that would

get us through the end of the first permit cycle, in which Mr. Hartman replied yes. Mr. Hartman noted DEQ is reassessing the water shed model, which may cause changes to the city's removal requirements for the second cycle. Mr. Hartman reviewed the pollutant removal for upcoming cycles.

Mr. Hartman reviewed the stormwater fee, reflecting the current and adjusted expenditures and revenues. Mr. Hartman stated that the street sweeper fleet is a very valuable BMP for the city, and must be used daily. Mr. Hartman noted that some projects originally planned were removed from the SWIP due to cost versus value and lack of grant funding. Mr. Hartman noted the NEG project was extended to a two year budget item rather than one.

Council Member Byrd asked if any of the engineering has begun on the stream bed restoration project. Mr. Hartman stated preliminary studies have been done for the route, flood plain impacts, and pollutant analysis. Council Member Shearer asked if the stream restoration project is an appropriate use for the stormwater fee and asked for confirmation on it being a two year program. Mr. Hartman replied yes, and noted that the shared use path will be funded through revenue sharing so the project would be administered carefully to ensure demarcation.

Council Member Byrd asked with the changes to the stormwater fee collected, if there will still be a positive fund balance at the end of FY18 in excess of \$1M. Mr. Hartman responded that provided the expenditures stay static, there will be a fund balance of \$300,000 approximately.

Mr. Hartman reviewed changes expected to be made to the program in regard to the way the street sweeping is being credited, which may increase the city's deficiency for the second and third permit cycle removal requirements.

Jim Baker, director of Public Works, spoke to emphasize the importance of the SWIP and that once it is in place it will be flexible and will serve as a good guide for future grant applications. Mr. Baker stated that with the constant changes to the program, the SWIP shows that the city has been proactive in the program and remain sustainable. Mr. Baker noted that the projects will keep this working and states joining projects, keeping a clear delineation on funding, will help save money in the long run by being able to use the same contractors etc. Mr. Baker suggested citizens be reminded that even though the stormwater fee has been reduced, they should continue to take advantage of the credit program to reduce the individual stormwater fee and by doing so the city gets credits as well.

Mr. Hartman noted that the Stormwater Advisory Committee (SWAC) still recommends the \$10.50 rate with a 4 to 1 vote.

There was a discussion regarding the changing requirements with this program, and it was noted when the SWIP RFP is completed (expected end of 2017) it will help rank the projects and assess the whole program; with new regulations, requirements and the new street sweeping program, continuation of the original

\$10.50 fee is no longer needed, and decrease in the fee should cover what is needed, but can be reviewed each year, depending on requirements and needs.

City Attorney Brown presented proposed amended ordinance of the stormwater fee and noted the specific changes, to include the interest rate adjustment, and how the petitions for adjustments are being processed.

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, to approve the amended and reinstated ordinance as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

- 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

See Agenda Item 8a for discussion and minutes

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, to approve the amended and reinstate the ordinance as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

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

Mr. David Gray, engineering superintendent for the Public Utilities Department, stated in May of this year, the Virginia Department of Health (VDH) approached Public Utilities on the renewal of the Local Review Program, with proposed changes regarding the disinfecting and flushing standards of water mains.

Mr. Gray stated there are several waterline failures due to corrosion and after research and consultation with the Ductile Iron Pipe Research Association (DIPRA), polyethylene encasement (polywrap) is recommended to fix the current problems. Mr. Gray noted this product has been used in Public Utilities over the past five years with minor additional to cost, it is non-cumbersome and according to DIPRA, the life expectancy of this product is 300 years and beyond. Therefore, Mr. Gray recommended the standards be modified to allow alternate materials other than ductile iron pipe and accept the requested changes from VDH.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Byrd, to approve the changes to the city of Harrisonburg's Design and Construction Standards Manual as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

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

City Attorney Brown stated this request is brought from the Harrisonburg's Industrial Development Authority to change their name to the Economic Development Authority due to a broader mandate and a more accurate description of the authority's role.

A motion was made by Council Member Degner, seconded by Council Member Byrd, to approve the name change. The motion carried with a unanimous voice vote.

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

City Attorney Brown stated currently the South Main Street and Grace Street intersection allows pedestrians to cross diagonally. City Attorney Brown stated the Code of Virginia states it is permissible, but the local government needs to enact an ordinance to permit crossing intersections diagonally under certain circumstances. City Attorney Brown stated there are a couple more intersections that the city anticipates to review to allow diagonal crossing surrounding the James Madison University campus. Council Member Byrd asked if this could only occur at a four-way stop. City Attorney responded yes and added that it could also occur where police officers have traffic stopped in all directions.

A motion was made by Council Member Degner, seconded by Council Member Byrd, that this ordinance be approved on first reading. The motion carried by a voice vote.

- 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

City Attorney Brown stated after receiving numerous concerns from city resident's, council asked staff to review the noise ordinance. City Attorney Brown reviewed the proposed changes and additions which included the following: defines a mass outdoor gathering, eliminates the time restraint, and a permit would need to be submitted at least 30 days prior to the gathering. City Attorney Brown also stated staff is currently working on a nuisance party ordinance that they have requested the Commonwealth Attorney's office to review, since it would be found within the criminal code section. City Attorney Brown stated staff is also reviewing zoning regulations as well as meeting with James Madison University (JMU) on Friday. City Attorney Brown highlighted a portion of the application which included the following: the applicant has to show evidence of plans to reduce the sound from the mass outdoor gathering; contact information; boundaries; the number of anticipated attendees; date; time; and, adequate plans for toilet facilities, refuse containers, and parking spots. City Attorney Brown stated there is an opportunity that the city manager, or designee, could sit down with the applicant to adjust some requirements for unusual circumstances. Council asked about the number being 100 to be considered a mass gathering. City Attorney Brown stated the town of Blacksburg considered 200 as a mass gathering and stated the city is protected with the noise ordinance referencing ten or more people.

Mayor Jones called Police Chief Monticelli to the podium and asked if he had a chance to review the changes and additions. Police Chief Monticelli stated he worked with City Attorney Brown on the changes and stated these ordinances provide more tools to his police officers. There was a brief discussion on the Harrisonburg Police Department working with the Virginia Department of Alcoholic Beverage Control (ABC). Police Chief Monticelli stated an education program will take place when the students arrive to notify them about any changes made to the ordinances being discussed. Mayor Jones noted that he and Vice-Mayor Baugh met with President Alger and others from JMU and he hopes that they contact the campus police. Council Member Byrd asked if JMU administration is committed. Police Chief Monticelli stated the administration took an active part last year in the first four weeks of students returning to the city. Council Member Shearer stated when the city meets with the administration it is important to reiterate that students don't fear the consequences from the police as they fear from the university in which they attend. Council Member Byrd stated other universities expect the same behavior on and off-campus from their students as representatives of their school. Council Member Degner questioned if this ordinance would encumber citizens having a birthday party at Purcell Park and feels that the city needs to be careful with solving one problem by creating another. City Attorney Brown stated he was going to recommend council have a public hearing regarding the changes and additions for educational purposes as well as to hear others thoughts to make sure all circumstances were considered. Mayor Jones stated he wants to push the ABC piece not only in large gathering situations. Mayor Jones stated we can't control what JMU wants to do with their students and we need citizens not to become lenient after they call with a complaint. Council Member Degner asked what assistance the police chief needs from ABC. Police Chief Monticelli stated the department gets assistance from ABC and they are a part of the department's operational plan and educational program. Police Chief Monticelli stated a lot of the police officers are known so ABC will assist in helping stop underage drinking. ABC will also help in bars and other locations as they have more weight than the city's police department has. Mayor Jones stated it isn't the size of a party that is typically the problem it is those individuals that are intoxicated that cause issues and he doesn't want neighbors and police enforcement to be lenient. Council Member Shearer stated the city shouldn't have to be speaking about an ordinance, but over his years on council the issue is becoming persistently worse and if this issue is going to be solved there needs to be buy-in from JMU administration. Police Chief Monticelli stated the department would only use the tools when there are individuals acting irresponsible and disrupting the peace. City Attorney Brown noted that this ordinance needs two readings, tonight would be considered the first and next meeting would be considered the second with or without a public hearing. Council feels that an ordinance needs be in place prior to August 27, 2016 so that students are aware of the city's expectations. Police Chief Monticelli stated that an educational period occurs at the beginning of each school year where officers go door to door. Police Chief Monticelli stated this occurs often times when parents are there helping the students unpack. Mayor Jones stated after community meetings have been held after the recent shootings throughout the nation there is still a high respect from residents toward our police department and he doesn't

want drunken students to deter the police department from doing what they need to be doing to protect our city.

Council Member Byrd offered a motion, seconded by Council Member Shearer, to amend and react Section 15-3-2(b) and 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.

After discussion regarding whether a public hearing was going to be held during the August 26, 2016 meeting the following motion took place.

Council Member Byrd offered a motion, seconded by Council Member Shearer, to amend the original motion to include a public hearing to be held during the August 23, 2016 meeting.

Council Member Byrd offered a motion, seconded by Council Member Shearer, to amend and react Section 15-3-2(b) and 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.

Council Member Byrd offered a motion, seconded by Council Member Shearer, to amend the original motion to include a public hearing to be held during the August 23, 2016 meeting. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

9. Other Matters

Mayor Jones announced the household hazardous waste collection will be held on August 20, 2016 beginning at 8:00 a.m., at 2055 Beery Road and noted that this was open to both city and county residents.

Mayor Jones announced the Emergency Communications Center (ECC) is currently recruiting for new team members and if anyone is interested in this field or any other field to visit the city's website at www.harrisonburgva.gov/jobs or stop by City Hall.

Mayor Jones announced volunteers are still being sought for the volunteer desk at City Hall and if interested to contact Erica Kann, city clerk, or submit an application by visiting the city's website.

Mayor Jones announced volunteers are still needed for this weekend's Youth TryAthlon and if interested to contact Matt Little with the Department of Parks and Recreation.

Mayor Jones announced that Dog Days Dog Swim will be held at Westover Pool on Sunday, August 28, 2016 from noon until 3:00 p.m.

Mayor Jones stated a workshop will be held at the Lucy Simms Continuing

Education Center on Tuesday, August 16, 2016 from 1:00 p.m. to 3:30 p.m. to learn more about the Virginia Fair Housing Law and your rights related to access to fair housing.

City Manager Hodgen introduced the newly appointed fire chief Ian Bennett.

Fire Chief Bennett stated he is excited to work with the city in this capacity and will continue Larry Shiffett's legacy.

Council Member Degner noted the first meeting in November would fall on Election Day and stated there was a proposal to move the meeting to the third Tuesday of the month and only have one meeting. After a brief discussion was held, City Manager Hodgen stated he would check with staff regarding changing the meeting date.

Council Member Degner noted that National Night Out was a great success and thanked all the staff members that organized the event.

10. Boards and Commissions

10.a. Metropolitan Planning Organization (MPO)

City Manager Hodgen stated due to recent changes in personnel appointments need to be made to the MPO Policy Board and the MPO Technical Advisory Committee (TAC) and those recommended names were included in the agenda.

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, to appoint Ande Banks, acting deputy city manager as an alternative 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 to the MPO Polcy Board. The motion carried with a unanimous voice vote.

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, to appoint Erin Yancey, planning manager for Public Works, Gerald Gatobu, assistant director of the HDPT, and Cheryl Spain and Avery Daughter, transit superintendent, as alternates for Gerald Gatobu to the MPO Technical Advisory Committee (TAC). The motion carried with a unanimous voice vote.

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

City Manager Hodgen stated due to recent changes in personnel an appointment needs to be made to the Harrisonburg-Rockingham Regional Sewer Authority (HRRSA) and the recommended change was included in the agenda.

A motion was made by Council Member Byrd, seconded by Council Member Shearer, to appoint Ande Banks, acting deputy city manager, as the city manager's alternate to the HRRSA. The motion carried with a unanimous voice vote.

11. Closed Session

At 10:08 p.m., a motion was made by Council Member Byrd, seconded by Council Member Shearer, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: subsection 3 for a discussion of the acquisition of real estate for a public purpose. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Jones, Vice-Mayor Baugh, Council Member Byrd, Council Member Degner and Council Member Shearer

No: 0

12. Adjournment

At 10:17 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.

At 10:18 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR