



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, May 9, 2017

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Deanna R. Reed, Vice-Mayor Richard Baugh, Council Member Ted Byrd, Council Member Christopher B. Jones and Council Member George Hirschmann

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

2. Invocation

Council Member Jones offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

4.a. Proclamations

Mayor Reed presented a proclamation declaring May 7 - 13, 2017 as National Travel and Tourism Week and Brenda Black, director of Visitor and Tourism Services presented an invitation to council for the Shenandoah Valley Tourism Partnership to be held on May 24th, 2017 at 10:00 a.m. in Weyers Cave, Virginia.

Mayor Reed presented proclamations declaring May 20th, 2017 as Kids to Parks Day, honoring Allen Litten, recognizing May 14 - May 20th as National Police Week and recognizing the Auxiliary Policy Unit of the Harrisonburg Police Department. Stephen Monticelli, police chief for the Harrisonburg Police Department (HPD) announced the kick off for Police Week will be on Monday May 15th, 2017 at 9:00 a.m., the Rockingham County Sherriff's department and the HPD will have the honor guard raising the flag.

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 Vice Mayor Baugh, seconded by Council Member Byrd 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. City Council Minutes from April 25th, 2017 Meeting

These minutes were approved on the Consent Agenda.

5.b. Consider amending Section 4-2-62 (Levy of Tax; amount) and Section 7-4-1 (Schedule of rates and charges generally) of the City Code of Harrisonburg, Virginia

This Ordinance Amendment was approved on second reading

6. Public Hearings

6.a. Consider a request from Sunrise Church of the Brethren with representative Curtis Joiner to rezone four parcels zoned R-3, Medium Density Residential District to B-2C, General Business District Conditional, on property located at 1476 & 1486 South Main Street.

Adam Fletcher, director of Planning and Community Development, presented a rezoning request from the Sunrise church of the Brethren to rezone four parcels which total combined are a little over half an acre of property with frontage along South Main Street. Mr. Fletcher noted the request is to rezone those parcels from R3 Medium Density Residential District to the B2-C General Business District, with proffers that are voluntarily submitted by the applicant.

Mr. Fletcher reviewed the adjoining properties, noting R3 non-residential zoned properties include professional offices, with the opportunity to have by right uses of single family detached dwellings, townhomes, and duplexes occupied by up to four individuals per unit with multi-family by special use permit only.

Mr. Fletcher noted the land use designation for these parcels are for planned business, and stated proffers have been submitted by applicant which include: types of uses that would be permitted on the site, screening to include fencing and potential vegetative buffering, exterior lighting and performance of a potential traffic impact analysis. Mr. Fletcher stated the proffer statement outlined the uses that would be retained (permitted to be used on site), and reviewed the uses removed from that list.

Proffer written involving the Traffic Impact Analysis (TIA) allows for the planned uses for the site to be easily transitioned knowing how big the existing structure is,

and alleviates concerns from staff as it states that when redevelopment of the site triggers a comprehensive site plan, the TIA would be evaluated based on the square footage of the existing building but on a baseline use of a professional office building. Mr. Fletcher stated the reasoning for this wording is that if this rezoning were approved, it allows and gives an opportunity that if any incremental small changes were made to the site a TIA will be triggered by the change of the uses. Mr. Fletcher shared an example of such a change.

Mr. Fletcher stated the applicant/property owner is in negotiations with a food truck operator that is hoping to locate on site, making incremental changes to the structure so the business can be changed from a food truck operation to a sit down restaurant and is what triggered this rezoning request.

Mr. Fletcher reviewed the proffer associated with fencing and the ten foot vegetative landscape buffer and noted the Comprehensive Plan designates this area as business.

Mr. Fletcher stated staff recommended approval and Planning Commission voted 5-2 in favor of the rezoning as presented.

Council Member Byrd asked what the land use area was highlighted in blue. Mr. Fletcher stated it is designated as professional.

At 7:23 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, April 24, 2017 and Monday, May 1, 2017.

Curtis Joiner, representing Sunrise Church of the Brethren, stated he was willing to answer any questions or concerns. Mr. Joiner stated the owner of Grilled Cheese Mania is present as well, should council have any questions.

At 7:23 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Baugh stated there was not a lot of discussion about this request at the planning commission meeting, however what caught their attention was a concern the proffers were just not good enough, as the applicant didn't want to limit the proffers in anticipation of the day when they might want to sell the property. Vice Mayor Baugh stated the protection is the 10 foot vegetative buffer. And noted the Planning Commission wrestles with these questions every time they have these non-compatible uses, especially in the corridors with major highways with a residential area behind them.

Council Member Hirschmann asked if the applicant did try to build up that area would they have to come back through council for approval. Vice Mayor Baugh stated they did not unless they wanted to do something not allowed by these proffers.

A discussion took place as to the thoughts of why two Planning Commission members voted against the rezoning.

Council Member Byrd stated he was prepared to support this as presented however, requested Planning Commission provides reasons as to why they oppose something to help council make decisions for future items. Council Member Jones and Mayor Reed agreed to that suggestion.

Vice Mayor Baugh stated ultimately, the proffers were good enough but no one said they were overwhelmingly great and noted proffers cannot be negotiated.

A motion was made by Vice Mayor Baugh seconded by Council Member Byrd, to approve the rezoning 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 Davis Mill, LLC, Mary L. Shifflett, and Brent Mumbert with representative Blackwell Engineering to rezone a 4.34 +/- acre area zoned R-3, Medium Density Residential District to R-5C, High Density Residential District Conditional on property located at 2465, 2485, 2511, and 2521 Reservoir Street, and 2401, 2402, and 2408 Clubhouse Court.

Adam Fletcher, director of Planning and Community Development, presented a rezoning request for four parcels and a portion of a fifth parcel located on Reservoir Street, from R-3 Medium Density District to R-5C High Density Residential District. Mr. Fletcher stated the area is approximately 4.34 acres. Mr. Fletcher presented photographs of the site with part already under construction which was allowed by a comprehensive site plan which was approved in 2014. Mr. Fletcher stated the proposed housing to be built will be the typical three story building, four units on each, comprising of mostly 12 units per building, similar to those on the adjoining property known as Campus View. Mr. Fletcher reviewed the surrounding properties, and noted the Campus View name encompasses several different properties, Campus View Condominiums and Campus View Apartments, which original construction took place in 2008. Mr. Fletcher stated in 2008 it was a by-right use, R-3 Multiple Dwelling Residential District before the R-3 category was changed in 2010, and property owner had planned to build 14 buildings for a total of 156 units. Mr. Fletcher reviewed the history of the construction of Campus View Condominiums and Campus View Apartments, and the purchase of two additional parcels from the city.

Mr. Fletcher reviewed the site design and stated proffers were offered with the application request, and reviewed the possible following options for the 4.34 acre site: R-3 with Special Use Permit would provide for 61 dwellings and a clubhouse; R-5 without proffers would provide for 101 dwelling units and clubhouse; R-5 with submitted proffers would provide for 66 dwelling units and a clubhouse. Mr.

Fletcher reviewed the density calculations for the entire 11.37 acre site. Mr. Fletcher reviewed the proffers offered.

Mr. Fletcher stated staff recommended approval and Planning Commission voted 7-0 in favor of the rezoning as presented.

Council Member Hirschmann asked if the developer/owner is planning on adding units later, what time frame will these be built. Mr. Fletcher stated it was up to the developer, but the number of any future units would be capped at 174 units.

At 7:41 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, April 24, 2017 and Monday, May 1, 2017.

Dick Blackwell, 70 Payton Randolph Court with Blackwell Engineering, stated the owners bought the two properties from the city in order to expand which are all zoned R3 and which allows for all but 6 of the units requested. Mr. Blackwell stated the rest are zoned R-5, this request would make it all zoned R-5. Mr. Blackwell stated they are still in site planning and not sure at this point if those six units can actually be incorporated, depending on the topography. Mr. Blackwell stated there was some mention of the entrance at the Planning Commission meeting but that particular location was indicated by the street department as where they wanted it.

Council Member Hirschmann asked if an entrance will be on Reservoir Street and if there is a median in that section. Mr. Blackwell stated there will be an entrance however there is no median in that section.

Vice Mayor Baugh stated Public Works has looked at the entrance thoroughly, and a left turn lane will be placed.

Mr. Blackwell stated there is hope for a bus stop as well.

City Attorney Brown stated one of the reason staff recommended to council to sell the two properties was to reduce the entrances from four to one.

At 7:45 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Byrd stated this would have been an ideal location for a traffic circle considering the number of crossovers and recommended in future designs for roads, this design would help eliminate left turns and for a smoother traffic flow.

A motion was made by Vice Mayor Baugh seconded by Council Member Jones, to approve the rezoning 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

7. Regular Items

7.a. Consider amending and re-enacting Section 11-1-11 of the Building Code Regulations - Fees for Permits

Adam Fletcher, director of Planning and Community Development, presented a request to amend the Building Code Ordinance Title 11 Section 1 Subsection 11, associated with fees for permits. Mr. Fletcher noted its a "house cleaning" item but also an opportunity to allow for more transparency about the building permit fees. Mr. Fletcher noted in 2011 this section was amended to remove all building permit fees out of the city code and replacing it with a generic sentence with the idea that should fees increase, it would be easier on the process to do within the annual budget process.

Vice-Mayor Baugh stated it was an annual exercise so that each time an increase in fees occurred an amended ordinance did not need to be requested.

Mr. Fletcher stated it was recognized that all fees are listed in the city ordinance with the exception of these fees and feels it is a bit more difficult for the public to find the annual appropriations ordinance to determine the permit fees rather than being referred to a specific code.

Mr. Fletcher noted they are not adding, removing, increasing, or decreasing any fees, simply adding the fees back in and stated staff recommended approval.

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

Yes: 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

7.b. Consider adopting the appropriation ordinance of the City of Harrisonburg, Virginia for the Fiscal Year Ending June 30, 2018 for the second reading

City Manager Hodgen presented the appropriation ordinance for the fiscal year budget beginning July 1, 2017 and noted this constitutes the second reading. Mr. Hodgen stated the adjustments discussed at the April 25th, 2017 council meeting have been included in the budget.

Council Member Byrd stated the seven cent increase in real estate taxes equates to \$2.8M, the actual increase this year for our appropriation to the schools is in excess of \$4M, therefore 100% of the real estate tax increase is going for the increase funding in schools. Council Member Byrd stated this is the opening of an elementary school and a pre-kindergarten school, and an estimated \$2.1M to open a new high school and wants to make people aware of where these funding dollars are going.

A motion was made by Vice Mayor Baugh seconded by Council Member Jones, to approve the appropriation ordinance for FY18 as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

7.c. Consider approval of HUD FY2017 Action Plan and 2017-2021 Consolidated Plan

Ande Banks, Deputy City Manager, presented for final consideration the 2017-2021 Consolidated Plan for the Community Development Block Grant (CDBG) and the first year annual Action Plan. Mr. Banks stated the public hearing had been held, comment period has expired, and notes funding recommendations from the selection committee have been made. Mr. Banks stated with the federal funding appropriation or continuing resolution that was passed last week, the city does not have the actual allocation from the U. S. Department of Housing and Urban Development (HUD), however the selection committee has addressed that by accommodating fluctuation in the JMU Suitcase Clinic, the ARC, Pleasant View and the administration funds.

A motion was made by Vice Mayor Baugh seconded by Council Member Hirschmann, to approve the 2017 Action Plan and the 2017-2021 Consolidated Plan as presented. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

No: 0

7.d. Consider amending and re-enacting Section 5-2-35 - Fire Chief: Appointment; duties; term of office and enacting Section 5-2-41 - Powers and duties of fire marshal; assistants.

City Attorney Chris Brown presented proposed ordinance amendment and ordinance enactment classified as "clean ups" in the fire code. Mr. Brown stated Section 5-2-35 clarifies the Fire Chief has the authority to appoint assistant Fire Marshals and Section 5-2-41 is a new section created to match the General Assembly's Code of Virginia using state law and state language so that all the powers of the Fire Marshal are in one place.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to approve the ordinance amendment and enactment 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

8. Special Event Application Requests

8.a. Consider a special event application for Farm to City June 24, 2017

Andrea Dono, executive director for Harrisonburg Downtown Renaissance (HDR), presented a special event application for Farm to City event on June 24, 2017. Ms. Dono stated this is an annual event that has been approved in the past and the special event subcommittee is recommending for approval.

A motion was made by Vice Mayor Baugh seconded by Council Member Hirschmann, to approve the special events application as presented. The motion carried with a unanimous voice vote.

8.b. Consider the special event request for the Youth TryAthlon on August 12, 2017

Andrea Dono, executive director for Harrisonburg Downtown Renaissance (HDR), presented a special event application for the Youth TryAthlon event on August 12, 2017. Ms. Dono stated this is an annual event that has been approved in the past and the special event subcommittee is recommending for approval.

A motion was made by Council Member Jones seconded by Vice Mayor Baugh, to approve the special events application as presented. The motion carried with a unanimous voice vote.

8.c. Consider a special event application request for Fundfest, to be held on May 17, May 31, June 14, June 28, July 12, July 26, August 9, and August 23 from 5:30 p.m. to 8:00 p.m.

Andrea Dono, executive director for Harrisonburg Downtown Renaissance (HDR), presented a special event application for Fundfest to be held on May 17, 2017, May 31, 2017, June 14, 2017, June 28, 2017, July 12, 2017, July 26, 2017, August 9, 2017, and August 23, 2017 from 5:30 p.m. to 8:00 p.m.

Ms. Dono stated this is an annual event that had been approved in the past and the special event subcommittee is recommending for approval.

Council Member Jones requested the application requests be submitted for approval with more lead time. Ms. Dono stated they are working on a new process.

A motion was made by Council Member Hirschmann, seconded by Vice Mayor Baugh, to approve the special events application as presented. The motion carried with a unanimous voice vote.

9. Supplementals

- 9.a. Consider a supplemental appropriation for the Police and Fire Departments in the amount of \$225,859

City Manager Kurt Hodgen presented a supplemental appropriation for the Police and Fire Departments to transfer received grant funds into their appropriate operating line items. Mr. Hodgen noted the amount of \$225,859 that is listed in the heading should be \$239,359, as there was a \$13,500 fire grant that was overlooked. Staff recommends approval.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to approve the supplemental appropriation as restated. The motion carried with a recorded roll call vote taken as follows:

10. Other Matters

- 10.a. Comments from the public, limited to five minutes, on matters not on the regular agenda.
(Name and address are required)

Jim Orndoff, 22 East Market Street, stated he is the chair of the school space study committee and the recommendations from the committee will be presented on Thursday, May 11, 2017 at the Harrisonburg High School from 5 to 8 p.m. and is open to the public. Mr. Orndoff stated the presentation will reflect all of the options that have been reviewed, pros and cons for each and the rationale for the recommendation. Mr. Orndoff extended an invitation to council and to help make the public aware as the committee would like as many people as possible in attendance.

Council Member Jones asked if there will be a way for the public to comment on the recommendations. Mr. Orndoff stated there will be an opportunity for the public to place their comments on comment cards, and request follow up and all findings will be summarized in the final report to the school board. Mr. Orndoff stated all committee members should be in attendance to answer any questions.

- 10.b. City Council and Staff

Council Member Jones stated ironically, in addition to what Jim was speaking about, a man spoke today at the community conversations that brought up some public works items, which he has heard from others as well, regarding operational costs on a second high school. Mr. Jones stated the council needs to be mindful of operational expenses when reviewing the options.

Council Member Byrd asked if there was any additional information on the school transportation costs in reference to accommodating those students that prefer to not be redistricted. Mr. Hodgen stated no additional information has been received at this point but has asked HDPT to provide a cost estimate of what the impact would be for the number of students that will be accommodated. Council Member Byrd stated the transportation figure of 12% will most likely go up if it wasn't factored in originally.

Council Member Byrd asked Mr. Hodgen to tell Norfolk Southern that we do not want them to feed the ducks. Mr. Hodgen stated we are fortunate, as there are a lot worse things that can come from a train derailment and we can count our blessings that no one was hurt.

Council Member Jones asks City Attorney Brown if the search process can be discussed. Mr. Brown stated we have closed the RFP process, applications by firms offering executive search services have been received, and he has gone through the applications with the director of Human Resources. Mr. Brown stated he hopes to have a summary out to council within the next few days of the leading firms.

Vice Mayor Baugh stated the Planning Commission has a fairly full plate for the May 10, 2017 meeting, with a rezoning/special use permit request on Waterman Drive, parking reduction request, special use permit request from Park Place for increased occupancy, rezoning VMRC master plan amendment, ordinance amendment, comp plan amendment, rezoning request, special use permit on Edgelawn/South Main, so the meeting will be busy.

Council Member Jones stated please attend Valley Fest which is held Memorial Day weekend, help keep the Chamber of Commerce going.

Mayor Reed stated the Food Truck Rally is this coming Saturday, May 13, 2017 at the Lucy F. Simms Center from 11am to 3pm; Bike to Work day is Friday, May 19, 2017 as part of National Bike Month; please check out the cities website for all events related to National Police Week which is honored next week; the Virginia Department of Health Office of Drinking Water awarded the Public Utilities department's water treatment plant with a 2016 Excellence in Water Works Operations and Performance award and congratulated them on providing the city with clean drinking water; congratulated the Harrisonburg Department of Public Transportation for receiving the 2017 Outstanding Safety Award through the Virginia Transit Association; there are board member openings on the Parks and Recreation Commission and the Rockingham-Harrisonburg Safety Action Board and can be applied for through the city's website; wished happy birthday to Council Member Jones and noted hers is on May 11, 2017; Olive Garden opens on May 22, 2017.

11. Adjournment

Adjournment:

At 8:10 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR