



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, August 14, 2018

7:00 PM

Council Chambers

1. Roll Call

Present: 4 - Mayor Deanna R. Reed, Vice-Mayor Richard Baugh, Council Member Ted Byrd and Council Member George Hirschmann

Absent: 1 - Council Member Christopher B. Jones

Also Present: 3 - City Manager Eric Campbell, City Attorney Chris Brown and City Clerk Ande Banks.

2. Invocation

Council Member Hirschmann offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

4.a. Presentation from Mack Layman

Mack Layman, 7125 Rushville Road, Dayton, stated he is a part of the North American Vexillology Association, which is an organization that likes to celebrate flags etc., and noted he has been passionate about flags for about four years. He stated it has come to his attention that Harrisonburg does not have its own flag, and after speaking to the Mayor, he was asked to design a flag. He stated he came up with two designs that represent the city and look nice. He stated he made sure the flag followed the five basic principles of flag design: simple, no lettering or seals, three basic colors, distinctive or related, and use of meaningful symbolism. He explained the meaning behind certain parts of the flag he designed.

Mayor thanked Mr. Layman for his presentation and noted that it looks as if a lot of thought and time went into his design, and appreciates his efforts.

This Presentation was received and filed.

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

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

No: 0

Absent: 1 - Council Member Jones

5.a. Consider approving proposed amendments to Title 7, Chapter 3, "Sewer System," of the Harrisonburg City Code

This ordinance amendment was approved on second reading

5.b. Minutes from July 24, 2018 City Council meeting

These minutes were approved on the Consent Agenda.

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

No: 0

Absent: 1 - Council Member Jones

6. Public Hearings

6.a. Consider the reappropriation of encumbrances that were outstanding at the end of Fiscal Year 2018 in the amount of \$3,975,875.94

Larry Propst, finance director, presented the annual supplemental appropriation to carry over the outstanding encumbrances from the previous fiscal year. He stated the total is just under \$4M across all funds, and because it exceeded our budget by one percent it requires a public hearing. He noted staff recommends approval

At 7:04 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, August 6, 2018.

There being no one desiring to be heard, Mayor Reed closed the public hearing at

7:04 p.m., and the regular session reconvened

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

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

No: 0

Absent: 1 - Council Member Jones

- 6.b.** Consider a request from South High Station, LLC for a special use permit to allow warehousing and other storage facilities within the B-2, General Business District on property located at 1911 South High Street

Adam Fletcher, director of Planning and Community Development, presented a special use permit application request for property located at 1911 South High Street to allow warehousing and other storage facilities per code section 10-3-91(2). He stated it is a property that is a little over 30,000 square feet, noted the property is under construction but due to open August 15, 2018, and stated the site has been razed and redeveloped from one convenience store to another. He stated this property was approved for a special use permit for zero setback in May 2016. He reviewed the property, the property lines, noting an 18-foot elevation change, and reviewed the surrounding properties. He stated during the initial layout and review plans were submitted that showed a one-story building with a crawl space, the second review showed a two-story building with utilization of the bottom floor to be used for warehousing and storage, and staff recognized the site ability for off-street parking was maximized and the use was not permitted. He stated the solution was for accommodation offsite to the south of parking spaces that could be used with a shared parking agreement with adjoining parcel creating five parking spaces dedicated to that use. He stated that the bottom floor of the building will be limited to 3,000 square feet. He reviewed the overall parking for the site and noted staff evaluated the site knowing there were very specific parameters on how the space could be used, although the Comprehensive Plan designates the property as commercial, and recognized the space is usable space in a commercial atmosphere and can also be utilized by adjacent properties or any properties in the surrounding region to rent the space. He stated staff and Planning Commission (7-0) recommended to approve the special use permit request with the following condition: Storage and warehousing operations for a tenant not operating on site shall only occur within the existing structure's basement and shall be limited in square footage to less than 3,000 square feet.

At 7:12 p.m., Mayor Reed closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, July 30, 2018 and Monday, August 6, 2018.

Todd Rhea, attorney at Clark and Bradshaw, stated he represented the applicant, a Holtzman Oil affiliated company, and they are confident that all the technical requirements will be met.

At 7:13 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

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

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

No: 0

Absent: 1 - Council Member Jones

- 6.c.** Consider a request from H2 Investments, LLC for a special use permit to allow multiple family buildings of up to 12 units per building within the R-3, Medium Density Residential District on the property located at 753 Foley Road

Adam Fletcher, director of Planning and Community Development, presented a special use permit application for property located at 753 Foley Road, containing 23,000 feet, per Section 10-3-48.4(6) to allow multiple family buildings of up to 12 units per building. He stated the lot area is not large enough to have 12 units, the maximum permissible would be 7 units, which is what the concept plan shows. He stated the property is zoned R-3 as well as the entire neighborhood. He stated the Comprehensive Plan designated this area as medium density residential, which usually means this area is approved for development for a variety of housing types including single family detached, townhomes, duplexes, and apartment units under special circumstances and noted the density is usually 15 units per acre. He reviewed the subject site, the surrounding properties and reviewed the concept plan reflecting seven different townhome-style apartment complexes. He reviewed the code section 10-3-48.4(6)(e), which states the conditions an applicant must contend with in order to have a more favorable outcome of the special use request. He reviewed the parking layout, which reflects one parking space more than the minimum required as garage spaces are included in some of the apartments.

Mr. Fletcher stated all the open space in vegetation is shown but not required, the screening and landscaping on the parking lot side is required, reviewed the variety of uses in the area, and noted the applicant will be dedicating right-of-way and sidewalk along Foley Road. He stated staff and Planning Commission (5-2) recommended to approve the special use permit as submitted.

Council Member Byrd asked to clarify the applicants request for 12 units but only seven are allowed. Mr. Fletcher stated the special use permit allows for up to 12 but the applicant can only build seven per the density.

Council Member Hirschmann asked how many bedrooms would these units have. Mr. Fletcher stated it is planned to have 2 and 3 bedrooms but that could change and if it increases additional parking spaces would be required. Mr. Hirschmann asked what type of potential tenants will these units house. Mr. Fletcher stated staff is not earmarking for any particular type of tenant and it would be open to anyone interested in this particular site.

At 7:23 p.m., Mayor Reed closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, July 30, 2018 and Monday, August 6, 2018.

Hans Harman, applicant, stated this is a very similar project to what they did in 2012 located across the street from the site. He stated that property is occupied by professionals primarily and he feels this is a responsible land use application and congruent to what is in the neighborhood. He stated he is happy to answer any questions council may have.

At 7:24 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Mayor Reed asked Vice Mayor Baugh why he had initially voted against this item at Planning Commission. Vice Mayor Baugh stated he thinks it is a fair paraphrase point staff made to get the neighborhood more cohesive and he found it easy to support that. He stated his opinion was, to a large extent, based on the history of that area as this is a neighborhood for which he has always had a soft spot. He stated this is an R-3 zoning area and was an area that got a lot of R-3 apartment/townhouse rental development a few years before the zoning ordinance changes, which made it more restrictive. He stated it wasn't that long ago that this neighborhood was all single, detached homes. It is now turning into a medium density neighborhood with townhouses and apartments. He stated the point is well taken that this proposal is consistent with what has happened in the neighborhood but he wishes something else would have happened with that neighborhood. There has been a lot of talk about not wanting to see these types of neighborhoods move in the direction of denser housing and yet this one has. He feels that sooner or later the single family detached homes will be sold and more development of denser housing will occur.

Council Member Byrd stated he is in favor of staff's recommendation as this is infill and redevelopment. He stated this area allows R-3 zoning and can see the point where eventually, somehow, someday, will we have to identify an area for student housing in the city. He stated he has an issue with 12 units on this site, but is ok with seven units.

Council Member Hirschmann stated if it conforms somewhat to the building across the street, it would be easier to handle. He stated it is more professionally and family

oriented and doesn't feel it would disrupt the neighborhood much.

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

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

No: 0

Absent: 1 - Council Member Jones

- 6.d.** Consider a request from 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 the site within the R-2, Residential District on property located at 423 West Market Street.

Adam Fletcher, director of Planning and Community Development, presented a special use permit application for property located at 423 W. Market Street, containing 14,000 square feet, more or less, zoned R-2. He stated the property was brought to staff's attention by the Harrisonburg Police Department (HPD), with concerns of over-occupancy, staff investigated the property and determined there were six individuals residing in the structure, the property owner claimed the structure on the property was a duplex, however no building permits or city record filed showing the conversion from single family detached dwelling to a duplex was permissible. He stated an appeal was filed with the Board of Zoning Appeals in June 2018, and staff's decision was upheld, which was six individuals could no longer reside in the property and is still considered a single family detached home. He stated the applicant then applied for a special use permit per Section 10-3-40(7), which allows for up to four persons provided that one off-street parking space per tenant is provided on site.

He reviewed the property, the surrounding properties, and the zoning classifications of the area which are primarily R-2 with some R-3 containing single family detached homes, duplex dwellings and multifamily structures mixed throughout the neighborhood. He stated occupancy is unknown, however, there are four known properties in the area that staff is certain can have legal permissible occupancy that is above the regulated zoning occupancy and reviewed those. He stated it is designated on the Land Use Guide as neighborhood residential noting the existing conditions dictate the need for careful consideration of the types and densities of future residential development and infill development and redevelopment must be designed to be compatible with the existing character of the neighborhood.

He stated staff recommended denial of the request, believing that this area still has the potential to be a single-family and duplex neighborhood and Planning Commission recommended approval with a 4-3 vote. He stated staff recommended a condition if approved that additional landscape areas must be provided to meet the landscaping requirements per the city code along with a 20-foot travel area for

entrance and exit.

Council Member Byrd asked how many times has HPD brought these types of over-occupancy properties to our attention. Mr. Fletcher stated he was unable to provide the exact figure but estimates 10 to 20 during his tenure with the city.

At 7:39 p.m., Mayor Reed closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, July 30, 2018 and Monday, August 6, 2018.

Glenn Loucks, 1057 South Dogwood, applicant, stated the property was purchased in 1982 by a single female who lived on one level and rented out the upper level, and then later rented out to students when she moved out. He stated he purchased the property 20 years ago, listed as a duplex, with two kitchens and the lot was large enough to have two units and the house next door was also a duplex, so he continued renting it out as a duplex. He stated approximately six months ago he was contacted by city staff with concerns of no proof of building permit from the previous owner regarding the second kitchen. He stated it is tough to sometimes know if properties meet all the current regulations as there is no way to look up the records to determine if a property is legal. He stated the property is no longer well suited for a single-family house, compared the occupancy of the surrounding properties and those that were approved for special use permits, and feels four people is not a heavy use or heavy load.

Dale Chestnut, 452 W. Water St., stated he honors zoning's recommendation to keep this as single-family unit dwellings and to keep the neighborhood consistent as intended in the Comprehensive Plan, and not set a precedent to allow other rental properties to apply for permits for multi-use housing. He stated while four people would not create a burden on the area the increase in traffic would.

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

Vice Mayor Baugh stated he is not big on increasing density anytime it comes up, especially in areas like this and the key is that this corridor hasn't changed and staff would like to keep this area for single-family residences. He stated this is a slippery slope and every time a special use permit is approved it sets a precedent.

Council Member Byrd stated after reading the minutes from the Planning Commission meeting, and stated running an illegal use for 20 years does affect the nature of the neighborhood. He stated he is going to support staff's recommendation

Vice Mayor Baugh stated when he recuses himself from votes, it is due to conflict of interest, the last time there was a similar request in the neighborhood he had to recuse himself, but if he hadn't he probably would have made the same decision he is

now.

Council Member Hirschmann stated he agrees with the slippery slope comment, and wonders if this would set a precedent for other property owners in the neighborhood to apply for increased density use.

Council Member Byrd stated this is not a redevelopment, this is taking an existing home and wanting to increase density.

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

No: 4 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd and Council Member Hirschmann

Absent: 1 - Council Member Jones

- 6.e.** Consider a request from Virginia Valley Homes, Inc. to rezone a 3.6 +/- acre portion of a 6.47 +/- acre parcel located on West Mosby Road and Millwood Loop from R-3C, Multiple Dwelling Residential District Conditional to R-3, Medium Density Residential District.

Adam Fletcher, director of Planning and Community Development, presented a request for rezoning on a split zoned parcel that is zoned R-3 medium density residential and R-3C conditional multiple dwelling residential. He stated the request is to eliminate the existing proffers and approve new proffers. He stated the subject site is a six and one-half acre parcel, however, only an undeveloped 3.47-acre parcel is taken into account on this rezoning request. He reviewed the property, stated per the Comprehensive Plan it is classified as medium density residential, and noted condominiums per the zoning ordinance is no different than a multi-family or apartment building. He stated density in this area could include up to 15 units per acres.

He stated in 2004, property was rezoned from R-2 to R-3C with the idea to put more control on rezoning to the R-3 district. There was some contention and it went through several reviews before Planning Commission recommended it with two proffers and reviewed those proffers. He stated the plan at that time was to have 61.5 units on 4.6 acres. He stated the request is to remove the existing proffers and offer a new proffer that states no more than 39 townhome units will be developed on the property. He reviewed the proposed development plat and noted if this is approved the applicant will have to come back to Planning Commission to request a variance to deviate from the subdivision requirements that every lot created in the city must have public street frontage.

He reviewed the conceptual layout of the site, building back to the concept that was there before, connecting into existing units. He stated because they are redeveloping the site they are required to develop the sidewalk, which is very positive because it will tie in to the existing sidewalk that was just constructed by the city.

He stated if this request is approved there will be three different zoning classifications for the 6.5-acre parcel: R-3 Multiple Dwelling Residential, R-3C Multiple dwelling residential and R-3C Medium Density Residential Conditional

He stated staff and Planning Commission (7-0) recommended approval.

At 7:58 p.m., Mayor Reed closed the regular session and called the fifth public hearing to order. A notice appeared in the Daily News-Record on Monday, July 30, 2018 and Monday, August 6, 2018.

Carl Snyder, Valley Engineering, on behalf of client, stated he would be happy to answer questions.

At 7:59 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Vice Mayor Baugh stated he has been on Planning Commission or Council for 14 years, and the original rezoning on this parcel always bothered him, however, this request reduces density, a sidewalk will be created, and he likes this one.

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: 4 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd and Council Member Hirschmann

No: 0

Absent: 1 - Council Member Jones

6.f. Consider a request from Nancy Pinzon to rezone 1363 North Main Street from R-2, Residential District to B-2C, General Business District Conditional.

Adam Fletcher, director of Planning and Community Development, presented a rezoning request for property located at 1363 North Main Street, from R-2 to B-2C, containing 17,500 square feet and is a single family detached home to be converted into a medical office associated with counseling services. He reviewed the surrounding properties zoning classifications and noted according to the Land Use Guide this property is designated as commercial. He reviewed the surrounding properties, and noted a large majority of the property in the area is zoned for general industrial, with a fairly large section across the street from the subject property being designated as planned business. When one looks at the bigger picture, the entire corridor is planned for more of the same. He stated the applicant submitted proffers, which exclude the much more intensive uses in B-2 such as vehicle sales, vehicle repair, and gas stations.

He stated staff and Planning Commission (7-0) recommended to approve the conditional rezoning request.

At 8:06 p.m., Mayor Reed closed the regular session and called the sixth public hearing to order. A notice appeared in the Daily News-Record on Monday, July 30, 2018 and Monday, August 6, 2018.

Nancy Pinzon, applicant, stated she came to the city 14 years ago to study at Eastern Mennonite University, she became a licensed professional counselor, bought the house in 2010 and started counseling in 2015. She stated her business has grown and her business is now a non-profit entity, she works for the community with a specialty in trauma, and needs to expand.

Gustof Nelson, 1221 Clay Street, shared a story of an injury he sustained at Massanutten which resulted in over 100 doctor visits a year for five years, and his mind could not handle it. He stated his church got him to a counselor, which saved his life. He stated his counselor got him started in volunteering for People Helping People, and spent 10 years with them. He stated this is the avenue that Harrisonburg can have to provide counseling to our constituents. He stated we need Ms. Pinzon to get it going and it will be here forever to help the people.

Dorothy Polanze, professor at JMU, stated she is the board director for the non-profit that was created by Ms. Pinzon and herself called Mental Wellness Now, Ms. Pinzon practices a specialty that not everyone has and is bi-lingual.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:12 p.m., and the regular session reconvened.

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

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

No: 0

Absent: 1 - Council Member Jones

7. Regular Items

- 7.a.** Consider a request from Samuel C. Spicher, Jr. per section 7-2-4 of the City Code for the City to provide water service for an agricultural use within Rockingham County on property located at 3122 Rawley Pike.

Adam Fletcher, director of Planning and Community Development, presented a public utility application for property located at 3122 Rawley Pike as per Code Section 7-2-4(b) noting it does not have public street frontage. He reviewed the property and stated the applicant is only requesting to connect into the water system, not the sewer

system.

This is a relatively small request and has a very low usage of water and would not have any negative impact on the long-term plans for the city. He stated staff and Planning Commission (7-0) recommended approval of the request.

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

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

No: 0

Absent: 1 - Council Member Jones

- 7.b.** Consider a request from Holtzman Oil Corporation, with representative Todd Rhea, to amend the Interstate 81 Overlay Sign District Section 11-7-8 of the Sign Ordinance. Among other things, Section 11-7-8 currently allows parcels within a boundary surrounding interstate interchanges the ability, based upon specific mean sea level elevations, to install signs that are taller than the maximum permitted sign height of 35 feet.

Adam Fletcher, director of planning and community development, presented a request to amend Section 11-7-8, Interstate 81 Overlay District sign ordinance.

He stated the desire began Fall 2017 when the applicant wanted to install a 100-foot sign at the Holtzman truck terminal site on exit 243, however at that time there wasn't a solid idea of exactly how they wanted to move forward. As staff researched the matter and investigated the interstate overlay sign district it was realized that it was much more complicated. The issue was researched and debated in 1998, at which time the amendment was denied. Staff continued to work with the applicant and it was decided the applicant would reevaluate their options which is reflected in the current request. He stated it is requested to only amend the Exit 243 in the Southern Interchange Overlay District and it is specific to the elevation changes and abilities allowed in the district. He reviewed the recommended amendments to the ordinance, the area, the history of the re-write of the zoning, subdivision and sign ordinances and past amendments, current height restrictions, current tall nonconforming signs in the city, and explained the difference between City Gateways and Corridor Enhancement Areas.

He stated the change in allowing a taller sign could have a positive impact on businesses and taxes, staff does not disagree with that, but staff feels they should delve into this issue more and do an updated review based upon what other localities are doing across the region. Mayor Reed asked if other localities have already been researched. Mr. Fletcher stated not yet.

Mr. Fletcher stated there are four alternatives for council to consider on this matter.

Staff recommended council either deny the amendment request or direct staff to investigate this issue and provide a detailed evaluation and recommendation as there was general concern with staff that they do not have very clear direction from community on how to manage this.

Mayor Reed asked what is the hesitation of staff, is staff afraid that if this amendment is approved others will follow or does staff feel more investigation needs to be done. Mr. Fletcher stated if approved it does immediately give the ability for all properties in the Exit 243 Interchange, which includes 32 properties, which based on the lowest elevation in the area a sign could be as tall as 109 feet. He stated it is all about vantage point, the signs look different on Interstate 81 than they do on the secondary roads such as Route 11, and without very good direction from the community based upon the Comprehensive Plan whether they want to allow taller signs in this area, staff is recommending denial of this request.

Council Member Byrd stated he reviewed the 27-page memorandum for this amendment request, and reviewed the benchmark discussions that took place in 1998, and noted at that time the only developed interchanges from Mauzy to the southernmost interchange in Harrisonburg were the three in Harrisonburg. He stated he understands the logic and would like for staff to take a more broader view regarding the interchanges because of the competition and would like for staff to provide a detailed evaluation and recommendation to council within two months. He stated it has been over 20 years since the city has had to deal with this and things have changed in that time.

Mayor Reed agreed with Council Member Byrd and would rather have more evaluation done on this rather than deny the request out right. She stated she understands the applicant's views, and does not quite understand the hesitation of staff, but will approve staff doing further research with a quicker response.

Council Member Byrd stated staff should think outside of the box, if the issue is with heights of the signs, perhaps that can be addressed with special use permits. Mr. Fletcher asked if council is wanting more evaluation on all three interchanges or just Interchange 243. Council Member Byrd stated Interchange 243 may be viewed differently as it is a more industrial setting versus the other two with the college, heavy residential and commercial. Attorney Brown stated this would have to be pulled back into the zoning ordinances in order to be able to apply for a special use permit.

City Manager Campbell stated staff should take a closer look and get it back to council in a more reasonable time frame, before the end of the year.

A motion was made by Council Member Byrd, seconded by Council Member Hirschman, to direct staff to investigate the issue for a more detailed evaluation and recommendation. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

Absent: 1 - Council Member Jones

- 7.c.** Consider approval of a contract change order in excess of \$50,000 for the design services needed for the Garbers Church Road Shared Use Path project

Tom Hartman, assistant director of Public Works, stated the design contract change order is being submitted for the Garbers Church Road Shared Use Path project due to alignment changes. He stated the projects initial contract was for \$497,000 with \$348,000 spent to date, the change order is for an increase of \$170,635.01. He reviewed the revised alignment and noted this path will connect two parks, three schools and surrounding neighborhoods. He reviewed the total cost estimates and anticipated schedule, noting the total project will cost \$4.2M which includes VDOT Revenue Sharing funds in the amount of \$2.1M. He stated 60% of the design will be completed in January, 2019 and total construction will be completed by December, 2020.

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to approve the Design Contract change order as presented. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

Absent: 1 - Council Member Jones

- 7.d.** Consider a resolution to permit the city to use condemnation proceedings to acquire necessary easements for the Eastern Raw Waterline Project

City Attorney Chris Brown presented a resolution to permit the city to use condemnation proceedings to acquire necessary easements for the raw waterline project.

He stated at the council meeting on July 24, 2018 council was presented the resolution for the two properties that easements had not been secured. He stated one of the property owners has since entered into an easement agreement, pending closing. He stated the other land owners, Mr. and Mrs. Speshock, attended the last meeting and asked for additional time as they were waiting on an independent appraisal and council decided to provide additional time with a split vote of 2-2. He stated within the past last three weeks staff had still not received an appraisal from the Speshocks, although a request from an appraiser for additional information was received on August 13, 2018 of which staff replied immediately with the information requested. He noted staff is doing its best to keep things moving along, however, despite that, we are at a very critical point where Public Utilities must have the ability to enter the property. He stated this resolution will allow the city to file the Certificate of Take with the Circuit Court Clerk's office along with payment in court the estimated

value of the easements. He stated he emphasizes that this does not change the City's position with the Speshocks and will continue to negotiate and look forward to receiving the independent appraisal for evaluation. He reiterated that negotiations will continue up until the point it reaches trial, and is hoping it doesn't reach that point. He stated the correct procedure for this item since it was a 2-2 vote at the last meeting, a motion to renew must first occur and then a motion to approve.

Mayor Reed stated she will support the motions as long as staff continues to work with the Speshocks.

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

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

No: 0

Absent: 1 - Council Member Jones

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

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

No: 0

Absent: 1 - Council Member Jones

8. Special Event Application Requests

8.a. Consider the special event application request for the Girls on the Run 5k on November 18, 2018

Erin Smith, events manager with Harrisonburg Downtown Renaissance, presented a special event application for the Girls on the Run 5k, which is planned for Sunday, November 18, 2018, from 12:30 to 3:30pm, utilizing the Linda Lane course. She stated the event is organized by Girls on the Run of the Shenandoah Valley and will be their first 5k in the city. She stated approximately 200 to 300 participants and spectators are expected, the course will be closed for the duration of the event, street closures will require the support of Public Works and Harrisonburg Police Department. She stated all churches in the area, that may be impacted, have been notified of street closure. She stated the event organizer, Julie Beck, is present to answer any questions.

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.

9. Supplementals

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)

NONE

10.b. City Council and Staff

Vice Mayor Baugh stated items from Planning Commission will be a Special Use Permit request for major family day home on Northfield Court, with a split vote, East Water Street rezoning, which is for Urgies Cheesesteak with a unanimous vote in favor of the request and the short-term rentals.

Council Member Byrd stated school is getting ready to start and urges everyone to be careful.

Council Member Hirschmann stated he is worrying about the kids.

City Manager Eric Campbell stated in regard to the Shenandoah Valley Juvenile Center, the Governor released the final report, which was sent to all council members. He stated in the report, his office and staff found now instances of abuse, neglect or mistreatment of the youth at the center and confirmed the long-standing dedication of the facility and employees and concluded the residents were treated with respect and dignity. He stated they did offer some recommendations specifically training on trauma informed care, cultural competency training, bilingual mental health counselors, annual training on the Handle with Care Protocol and continual training for the staff with use of escalation techniques. He stated the staff at the facility are already working on many of these. He stated this report came from DJJ, CPS and the Office of the Secretary of Public Safety and Homeland Security. Mr. Campbell also informed Council at the recent Middle River Regional Jail meeting MRRJ staff noted the population is inching up slowly at the facility and the chair has appointed a special subcommittee to look at options to deal with the population, it is not a recommendation to expand, but it is a recommendation to look at options that are available to the authority to manage the population. He stated he was appointed to the subcommittee.

Mayor Reed stated she officiated her very first wedding by marrying Kai Degner and Diana Tovar Rojas. She stated Dog Days Dog Swim will be held at Westover Pool on August 26, 2018 from 12:00 pm to 3:00 pm; a downtown stream cleanup will be held on August 30, 2018 from 4:30 pm to 6:30 pm; don't forget to sign up for the Harrisonburg Rockingham Emergency Alert by visiting HRECC.org; if you are interested in a career with the city be sure to check out the jobs posted on the city website; and there is a vacancy on the Transportation Safety and Advisory

Committee Board.

11. Boards and Commissions

11.a. Economic Development Advisory Committee

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to reappoint Ms. Alger and Mr. Light and appoint Mr. Gowen and Ms. Sodikoff to the Economic Development Advisory Committee as presented. The motion carried with a unanimous voice vote.

11.b. Shenandoah Valley Workforce Development Board

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to appoint Mr. Lauro and Ms. Staubus to the Shenandoah Valley Workforce Development Board as presented. The motion carried with a unanimous voice vote.

12. Adjournment

At 9:09 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR