



# 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*

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Tuesday, January 12, 2016

7:00 PM

Council Chambers

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### 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, Deputy City Manager Anne Lewis, City Clerk Erica Kann, City Attorney Chris Brown and Police Chief Stephen Monticelli

### 2. Invocation

Mayor Jones offered the invocation.

### 3. Pledge of Allegiance

Mayor Jones led the Pledge of Allegiance.

Mayor Jones noted two active citizens' deaths at the end of last year, Fred Gibson and Rick Blackwell.

### 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, provided an update on his 2015 food drive and stated to date over \$273,000 has been collected, which helped serve 9,000 families over the past seven years. Mr. Berry provided information on possible upcoming events.

Karen Thomas, with the Northeast Neighborhood Association, presented a full scope proposal on behalf of the Newtown Cemetery Trustees and the Northeast Neighborhood Association (NENA) from Lineage Architects of Verona, Virginia for the beatification and preservation of the historic Newtown Cemetery and the northeast community of Harrisonburg. Ms. Thomas stated Lineage Architects has extended a 15% discount for their service for local projects and stated Newtown Cemetery is in fair condition, but in much need of some improvements. Members of NENA and the Newtown Trustees have met with Mr. John Garber of Lineage on two occasions and they endorsed the proposal. This project will not only enhance the beauty and the appearance of the neighborhood but also foster pride among the residents. Ms. Thomas stated they feel the enhancement of the beauty and the preservation of the community will benefit the city of Harrisonburg as well and

humbly requests that the council considers supporting and funding the proposal to beautify and preserve this historic landmark.

Mayor Jones expressed his sympathies of the recent vandalism at the Newtown Cemetery and acknowledged that citizens helped clean up the vandalism. Mayor Jones stated that a workshop was coming up and this project would be discussed before the end of February.

Council Member Degner asked if a full budget was included with the proposal. Ms. Thomas stated that the full budget was not yet available, but Mr. Garber was willing to come discuss the budget with council.

Jeff High, 311 Dixie Avenue, presented a petition to the council with over 400 signatures, and acknowledged the large supporting group attending meeting. Mr. High stated the petition is a request by the residents and business owners of the city of Harrisonburg, requesting City Council adopt environmental performance standards for public and private development as stated in Objective 8.3 of the Comprehensive Plan that was adopted in 2011. In addition, they are asking council to create an advisory committee tasked with creating these standards with a goal of implementing these standards by the end of October 2016. Mr. High stated they are not proposing specific standards or regulations, nor is this an attempt to circumvent the normal process of council; they just request to collaborate with council to create standards as the citizens of Harrisonburg. Mr. High stated they do not represent all citizens of Harrisonburg, but are a strong coalition of people and request that an advisory committee be formed and made up of qualified individuals. He suggested that we would be wise to take a proactive approach to the inevitable costs of carbon emissions and the point of this advisory committee should be to study and work with and develop standards to achieve the goals and minimize adverse effects.

Several supporters spoke regarding climate change and plan to grow a community garden and help educate the community and requested we all come together to help.

Several supporters with the Young Activists of Harrisonburg High School, a group of students working towards a bigger voice for young people in the community, spoke. They brought attention to Section 8.3 in the Harrisonburg City Comprehension Plan, which is already in place, its objective being to create a set of environmental performance standards for public and private development and redevelopment projects and they are questioning why they aren't being acted upon and requested action be taken.

Members of the James Madison University (JMU) Growth International Volunteer Excursions (GIVE) spoke, noting some of their accomplishments globally and would like to see more efforts done here.

Members of Divest JMU spoke, urging the adoption of the Environmental

Performance Standards and requested that renewable energy options be given to the citizens of Harrisonburg.

Students of EMU spoke, noting that the EMU campus has a very active voice in climate change and bio sustainability.

Johannes Zimmerman, 1296 Greystone St, President of JZ Engineering, stated he has been a director of design and construction for Habitat for Humanity for seven years and pushed sustainable housing and getting environmental standards going. Mr. Zimmerman stated the Habitat for Humanity Board finally realized the cost savings potential, and he believes that part of council's job is to provide money saving efforts for the city and its citizens.

Jim Orndorff, 2 N Main Street, acknowledged that the city has design and construction standards for all of its municipal projects and suggested the council adopt environmental standards as well. Mr. Orndorff stated by using Energy Use Intensity (EUI) determinations, comparisons can be done on all public buildings and translated into dollar expenditures. Mr. Orndorff felt as elected officials the council has a fiduciary obligation to the citizens of Harrisonburg to manage their tax dollars responsibly, and a moral and ethical obligation to conserve and reduce impact. Mr. Orndorff urged the use of environmental standards for all public facilities.

Charles Hendricks, 57 S Main Street, architect, acknowledged Mr. Orndorff's comments, stated that although we have environmental standards in place, they are code minimum, cited examples of cost savings and energy efficiency if increasing standards, and suggested our standards to reflect energy efficient requirements need to be increased.

Panayotis "Poti" Giannakouros, 98 Emory Street, acknowledged that he is aware that the city staff has been thinking of these issues with sophistication, reflected that by the attendance of this council meeting, the community is in support, and urged all the citizens to register to vote and continue to attend these meetings. Mr. Giannakouros discussed upcoming Martin Luther King, Jr., events which could be found at [www.mlkjrway.org](http://www.mlkjrway.org).

Mayor Jones polled the attendees of the voting age if they were registered to vote and urged all to vote. Mayor Jones recommended everyone to stay thru the entire meeting as above discussion may be brought up during the other matters section of the agenda.

**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 Shearer, to approve the Consent Agenda. 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

**5.a.** Minutes

**These Minutes were approved.**

**5.b.** Consider a request from Edwin Joya to rezone a 7,461 +/- square foot parcel located at 707 North Main Street, from R-2, Residential District to M-1, General Industrial District

**This Rezoning was approved on second reading.**

**5.c.** Consider a request from 137 Water, LLC, with representative Barry Kelley to rezone a 2,460 +/- square foot parcel located at 137 West Water Street, from M-1, General Industrial District to B-1C, Central Business District Conditional

**This Rezoning was approved on second reading.**

**6. Public Hearings**

**6.a.** Consider a supplemental appropriation in the amount of \$9,874,000 for the issuance of bonds in December 2015 and for VDOT Revenue Sharing Funds

City Manager Hodgen stated the city issued \$7,622,000 in bonds to finance the Park View water tank project, renovations to Fire Station No. 1, Reservoir Street improvement project, and the Pleasant Valley Road bridge replacement project.

At 7:32 p.m., Mayor Jones closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Tuesday, January 5, 2016.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 7:33 p.m., and the regular session reconvened.

**A motion was made by Council Member Byrd, seconded by Council Member Degner, to approve the Supplemental Appropriation 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

**6.b.** Consider Community Development Block Grant (CDBG) funding priorities

Kristin McCombe, Grants Compliance Officer, stated that this is a public hearing and a 30-day public comment period to solicit input from the public on the upcoming Community Development Block Grant (CDBG) program year. Mrs. McCombe defined the CDBG program and stated CDBG provides direct grants

which can be used to revitalize the neighborhoods, expand affordable housing and economic opportunities, and improve community facilities and services principally to low to moderate income families and individuals. Mrs. McCombe stated non-profits, for-profit businesses, and government agencies are eligible; however, individuals are not eligible unless part of a larger program. Mrs. McCombe stated all CDBG activities must benefit low and moderate income people, aid in the prevention or elimination of slums and blight or address other serious community development needs. Mrs. McCombe stated funding for the CDBG is provided by the United States Department of Housing and Urban Development (HUD) and presented the allocations provided for the years 2007 through 2015, and noted the 2016 amount has not been released from HUD. Mrs. McCombe explained how the city is guided in the administration of CDBG funds by a strategic plan called the Consolidated Plan, which identifies the needs of our community and assesses the priorities, which in turn provide direction on which projects should be funded. The Consolidated Plan identifies three broad categories of goals as areas of need to be addressed through the funded project over the course of the next several years, which consist of housing, homelessness, and non-housing community development. Mrs. McCombe provided a tentative schedule for this upcoming program year and stated a training session for anyone interested in applying for CDBG funds would be held on January 14, 2016 at 2:00 p.m. in the Council Chambers. Mrs. McCombe stressed that the grant applications are due by noon on February 18, 2016 and urged any organization to contact the city as soon as possible, if interested.

At 7:38 p.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, December 21, 2015.

Beth Bland, Director of Senior Services for the Valley Program for Aging Services (VPAS), stated that VPAS has been receiving CDBG funds since 2010 to provide meals to low income adults living in the city. She acknowledged her appreciation for the support, and wants to bring attention to the rising need that senior hunger is growing in our community. Ms. Bland stated this past year 12,749 meals were served in Harrisonburg, which is an increase of 13% over the previous year. Ms. Bland requested VPAS continue receiving support and funding.

Panayotis "Poti" Giannakouros, 98 Emory Street, brought attention to budgeting of federal and municipal funds, that it is important to keep a distinction in mind as federal funds serve a different purpose than municipal funds do.

At 7:42 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Mayor Jones urged all those interested to either attend the upcoming training or contact Ande Banks for more information.

Council Member Shearer noted that he was a member that serves on this

committee and states that the city is faced every year with declining funds and increasing needs. Council Member Shearer stated based on the parameters of the program; it is the job of council to insure that these CDBG funds are utilized in the best possible way for the community, and that the decisions for the funding are not taken lightly.

- 6.c.** Consider a request from Spotswood Country Club Inc. with club representatives Aki Heydarian and Ben Amoss and application representative Dick Blackwell to amend the Comprehensive Plan's Land Use Guide map within Chapter 5 Land Use & Development Quality

Council Member Byrd read a statement of disqualification stating he had conflict of interest in agenda items 6.c. and 6.d. with personal interest of being a stockholder and member of Spotswood Country club.

Adam Fletcher, Director of Community Development, stated agenda items 6.c. and 6.d. would be presented together. Mr. Fletcher stated the Spotswood Country Club is requesting to amend the Comprehensive Plan by changing the Land Use Guide designation for 8 +/- acres of their property along Country Club Road and East Market Street while requesting to rezone the same acreage. Mr. Fletcher reviewed the history of the property and the surrounding property and noted the engineered layout submitted by Blackwell Engineering is only a conceptual layout and is not proffered. Mr. Fletcher noted that two of the six previous proposed amendments made to the Comprehensive Plan were text changes by city staff and the others were by private developers. Mr. Fletcher noted the current amendment request would occur on the Land Use Guide map, which is part of the Comprehensive Plan's Chapter 5 Land Use & Development Quality. The proposal is to amend the Land Use Guide designation for the subject property from the Conservation, Recreation, and Open Space designation to the Commercial designation and to rezone the subject area from R-1, Single Family Residential District to B-2C, General Business District Conditional. Mr. Fletcher reviewed why the Land Use Guide map is a key component of the Comprehensive Plan and illustrates the recommended future land uses for parcels in the city. Mr. Fletcher presented the applicant's proffers, and they were the following: 1. Only the following uses allowed in the B-2 General Business District will be allowed: a. Mercantile establishments which promote the show, sale and rental of goods, personal service establishments, restaurants and other shops and stores customary to shopping centers and convenience outlets; b. Governmental, business and professional offices and financial institutions; c. Hotels, motels and similar types of transient accommodations. Nontransient housing facilities are not permitted nor may existing housing facilities be expanded; d. 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 which are compatible with surrounding uses are permitted; e. Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities; f. General service or repair shops permitted by right in the B-1 Central Business district but without the limitation as to the number of employees; g. pet shop or pet grooming establishment and animal hospitals however no

outside space shall be permitted; h. Public utilities, public service or public transportation uses or buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange and transformer or substations; i. Public and privately owned parking lots and parking garages; j. Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than fifteen (15) percent of the gross floor area in the assembling or processing of products. Any assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed; k. Plant nurseries and greenhouses provided any outside storage of materials, other than plants, must be screened; l. Public uses; m. vehicle fuel stations. Vehicles excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed; n. Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are permitted only by special use permit. Wireless telecommunications facilities are further regulated by article CC; o. Accessory buildings and uses customarily incidental to any of the above listed uses; 2. Special use permits shall be permitted as approved by City Council; and, 3. Traffic and street improvements as recommended by the Traffic Impact Analysis completed by Ramey Kemp, RKA Project 15175 dated October 2015, shall be constructed and implemented as required by the city of Harrisonburg. In addition, any traffic and street improvements recommended by revisions to the identified TIA or by future TIAs completed for planned uses on the subject property shall be constructed and implemented as required by the city of Harrisonburg. Mr. Fletcher noted that the proffers are similar to the by-right permitted uses listed in Section 10-3-90 in the B-2 district; however, the applicant omitted subsections (6), (7), (10), (12), and (13). These subsections include the following: the sale of vehicles, recreation equipment, and trailers; the repair of vehicles, recreation equipment, and trailers; radio and television stations and studios or recording studios; warehousing and other storage facilities with floor area limited to 20,000 square feet, which are contiguous to permitted uses in the B-2 district; and, funeral homes, respectively. Mr. Fletcher stated although proffer item "1 g" allows the same uses as those within Section 10-3-90 (9), the stated proffer specifically prohibits outdoor spaces associated with pet shops, pet grooming establishments, and animal hospitals. Also, within item "m," which is similar to Section 10-3-90 (19), the applicant excluded the ability for "bus terminals or other facilities designed for vehicular convenience." As noted by proffer numbers 2 and 3, if approved, the property owners would be able to apply for any available SUP; and, they would be required to implement the approved recommendations of the already completed traffic impact analysis (TIA) or any revision to the TIA or other TIA that could be required depending upon the actual use that is to operate on site. Mr. Fletcher stated it should be understood that although it is rarely required at the time of application submission, the Zoning Ordinance requires TIAs to be completed and then reviewed by the city prior to the acceptance of an application for a rezoning or Comprehensive Plan amendment. Mr. Fletcher described TIAs as

they are described in the Design and Construction Standards Manual. Mr. Fletcher stated the results of the TIA concluded that no improvements were recommended at any of the following studied intersections: East Market Street/University Boulevard, East Market Street/Country Club Road, East Market Street/Evelyn Byrd Avenue, and Country Club Road/Keezletown Road. There were, however, solutions offered to mitigate impacts at both ingress and egress locations studied for the site. With regard to the right-in right-out access, a westbound right turn lane on East Market Street with 150 feet of storage and appropriate taper shall be constructed as well as to construct one ingress lane and one egress lane on the proposed site driveway. Mr. Fletcher stated in regards to the full access along Country Club Road, a northbound right turn lane and a southbound left turn lane both with 100 feet of storage and appropriate taper shall be constructed on Country Club Road. Lastly, one ingress lane and two egress lanes shall be provided on the proposed site driveway to Country Club Road. Mr. Fletcher stated although not proffered or part of the necessary explanations in the TIA, as the site develops, all typical street frontage improvements associated with any required curb and gutter and pedestrian and bicycle improvements would be required. As depicted on the submitted layout, the applicant already understands that the city would require a shared use path in lieu of a sidewalk along both street frontages. Mr. Fletcher stated utilities and existing public sanitary sewer along Country Club Road would more than likely accommodate additional flows that commercial development on this property would generate. The existing water supply to this area is limited, but can be increased with upgrades or upsizing of existing public water mains at the expense of the developer. Mr. Fletcher noted that the Harrisonburg Electric Commission (HEC) has significant power poles along this property and the applicant is aware that any development that impacts those poles or any HEC infrastructure shall be improved or relocated at the developer's expense. The applicant further understands that actual relocation of the large utility poles is limited. Mr. Fletcher noted if the applications are approved and the site develops as planned by the applicant, the most observable change would occur is the hillside would likely be deforested. Staff understands the importance of urban forests and would like the developer to try to conserve as many mature trees as possible. Mr. Fletcher stated it should be recognized that the existing zoning of the site does not prevent the property owner from already deforesting this area of their property. If the site is to be built with such an expansive parking lot, where there is significant parking lot street frontage, staff has faith in the minimum stipulations of the parking lot landscaping regulations to end up with a respectably landscaped commercial development. Mr. Fletcher stated staff suggested that the city, during the upcoming Comprehensive Plan review, consider whether the other privately owned parcels with the Conservation, Recreation and Open Space designation should be changed to something that would be more practical for overall city planning. Mr. Fletcher stated both staff and Planning Commission recommend approval to both agenda items 6.c. and 6.d.

City Manager Hodgen congratulated Mr. Fletcher for being selected as the new Director of Community Development. City Manager Hodgen noted Mr. Fletcher was selected out of 40 applicants.

- 6.c.** Consider a request from Spotswood Country Club Inc. with club representatives Aki Heydarian and Ben Amoss and application representative Dick Blackwell to amend the Comprehensive Plan's Land Use Guide map within Chapter 5 Land Use & Development Quality

At 8:07 p.m., Mayor Jones closed the regular session and called the third public hearing to order for agenda items 6.c. and 6.d. A notice appeared in the Daily News-Record on Monday December 28, 2015 and Monday, January 4, 2016.

Tim Brenneman, 735 Keezletown Rd, stated he is concerned with traffic along Country Club Road and that it is unsafe for bicycle traffic. Mr. Brenneman stated he remembered council tabling improvements along the road due to the I-81 bridge and noted the multiuse path that leads out to the school. Mr. Brenneman asked as council considered the request to carefully consider improvements along Country Club Road.

Joseph Funkhouser, President of Funkhouser Real Estate Group, thanked staff and Planning Commission for their recommendation for approval. Mr. Funkhouser noted that the Spotswood Country Club is celebrating their 90th year anniversary. Mr. Funkhouser noted the economic downturn several years ago created issues with lenders and country clubs. Mr. Funkhouser stated this piece of property can't be developed as a golf course and they feel they have found a developer who is conscious of the surrounding neighbors. Mr. Funkhouser requested the rezoning be approved and noted by approving this request it would increase the tax base.

Mr. Blackwell, representative, stated he was available to answer any technical questions regarding this request.

Mayor Jones noted he attended the Planning Commission meeting regarding this matter. Council Member Degner noted on this particular land, improvements would begin along Country Club Road.

At 8:11 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Mayor Jones stated he was in favor of economic development.

Vice-Mayor Baugh stated that improvements were approved and money was available for improvements along Country Club Road, but the city couldn't get landowners along the road to donate right of way. Vice-Mayor Baugh noted that the piece of property already has an R-1 zoning and it could be turned into residential without approval. Vice-Mayor Baugh suggested speaking with Congressman Bob Goodlatte about funding for the I-81 bridge overpass. Vice-Mayor Baugh noted that there are train tracks, a creek, and rock as other obstacles along Country Club Road. Vice-Mayor Baugh stated with the uncertainty of the overpass, it doesn't make sense to improve the area working around the pillars.

Council Member Shearer stated the applicant is not moving and they want complimentary use to their adjoining property.

Council Member Degner noted the Comprehensive Plan is reviewed every five years and encouraged citizens to be engaged in the process.

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

**Yes:** 4 - Mayor Jones, Vice-Mayor Baugh, Council Member Degner and Council Member Shearer

**No:** 0

**Abstain:** 1 - Council Member Byrd

- 6.d.** Consider a request from Spotswood Country Club Inc. with club representatives Aki Heydarian and Ben Amoss and application representative Dick Blackwell to rezone a total of 8 acres located at 1980 Country Club Road, from R-1, Single Family Residential District to B-2C, General Business District Conditional

The public hearing and discussion on this agenda item was combined with the discussion and vote with agenda item 6.c.

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

**Yes:** 4 - Mayor Jones, Vice-Mayor Baugh, Council Member Degner and Council Member Shearer

**No:** 0

**Abstain:** 1 - Council Member Byrd

- 6.e.** Consider a request from Dean Weaver to amend the Zoning Ordinance Section 10-3-57.5 Area, density and dimensional regulations of the R-7, Medium Density Mixed Residential Planned Community District

Mr. Fletcher stated Ken Group, LLC, is requesting to increase density allowed in R-7 from 12 units per acre to 15 units per acre. Mr. Fletcher reviewed the history of the applicant's approval in 2013 to rezone and master plan the 127,195 +/- square feet of property known as Collicello North. Mr. Fletcher noted that the applicant had increased costs associated with infill of the development and by adding additional units, would help offset the expense. Mr. Fletcher reviewed a chart created by staff to compare the existing maximum allowable residential density per unit type per zoning district. Mr. Fletcher stated it should be understood that although the density is being proposed to increase by three units per acre, in actuality, the increase would be a minimum of six potential additional units because the R-7 master plan requires a minimum of two acres for such developments. Also remember that R-7 developments require at least two types of residential housing types (i.e. lot size variations and configurations, single family

attached, etc.) and no one housing type can exceed 70 percent of the master plan. As well, no more than 30 percent of the total dwellings may be multi-family units. Mr. Fletcher stated staff researched the records of when the R-7 district was being created and there is no documented reasoning for the maximum density of 12 units per acre within the R-7 district. Mr. Fletcher stated staff believes the request for the increase in density is within keeping the intent of the R-7 district. Staff has discussed that any new, or existing R-7 master plan development that would like to increase density, if this is approved, would need to go through the rezoning and master plan process. Mr. Fletcher stated staff and Planning Commission recommend approval of the requested zoning ordinance amendment.

At 8:24 p.m., Mayor Jones closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, December 28, 2015 and Monday, January 4, 2016.

Dean Weaver, applicant, made himself available to answer any specific questions.

Diane Gray, Lake Terrace Drive, stated she still owns a house adjacent to the property and she previously requested to not rezone the property from R-2 to R-7 and since the approval she has had to deal with all the items that came along with construction. Ms. Gray also noted that the house that has been leased during the construction has brought many annoyances. Ms. Gray feels that the construction has been detrimental to those that own the surrounding property and she feels that she is stuck with her property as she has been unable to sell it. Ms. Gray asked council to not allow the density to increase.

At 8:28 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

Vice-Mayor Baugh stated approval of the request would be for internal purposes and would allow for those requesting to amend a master plan options. A brief discussion took place regarding if applicants wanted to amend a master plan, a public process would still occur and this vote is separate from the development that is taking place at Collicello North.

**A motion was made by Vice-Mayor Baugh, seconded by Council Member Degner, that this Zoning Ordinance be approved. 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. Regular Items

- 7.a. Consider a request from Walter W. Carr III and Cindy H. Carr per Section 7-2-4 of the City Code for the city to provide water and sewer service to a commercial use within Rockingham County

Mr. Fletcher presented a request by Walter W. Carr, III and Cindy H. Carr, for the city to provide water and sewer service to a commercial use within Rockingham County. Mr. Fletcher reviewed the property that is located at 1380 Blackberry Lane, Harrisonburg and consists of five +/- acres. Mr. Fletcher stated the applicants have also filed for a special use permit with the county of Rockingham to operate for weddings and special events. Mr. Fletcher noted currently, a church operates on the site. Mr. Fletcher stated the proper application has been completed and submitted by the owners. Mr. Fletcher stated according to Section 724(b) of the City Code all uses other than residential uses involving fewer than 10 units that request connection to city water and sewer, state that all structures must be reviewed by Planning Commission before being presented to City Council presentation, and does not get to the Planning Commission stage until all obligations with the Public Utilities Department has been met. Mr. Fletcher stated the Public Utilities Department have completed the preliminary review of the request and is recommending approval with the understanding that specific conditions must be met by the owners as per the letter provided to the applicant. Mr. Fletcher stated to his knowledge, the owners have obtained the required easements. Mr. Fletcher noted if approved, the applicants would need to work closely with the city to ensure that all conditions are met as described within the letter. Mr. Fletcher stated both staff and Planning Commission recommend approval of the request.

**A motion was made by Council Member Degner, seconded by Council Member Shearer, that the request from Walter W. Carr, III and Cindy H. Carr per Section 724 of the City Code for the city to provide city water and sewer service to property located in Rockingham County, Virginia be adopted. 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. Presentation regarding Church World Service**

Jim Hershberger, Director of Church World Service Immigration and Refugee Program, stated the program is celebrating 28 years this year and within those 28 years the program has resettled 2,700 refugees. Mr. Hershberger reported where the refugees came from in fiscal year 2015 and provided the definition for a refugee. Mr. Hershberger reported that the program's primary goal is to help the refugee form a long lasting relationship in the community which becomes the basis of self-sufficiency. Mr. Hershberger reviewed the minimum core services that are offered in the first month. Mr. Hershberger stated refugees have learned English, work in our factories and farms, have started new businesses, and send their children to our schools. Mr. Hershberger stated the program believes their entrepreneurial skills and hard work make this a stronger, resilient city and county.

Council Member Degner asked for Mr. Hershberger to review the process that takes place prior to the refugees' arrival.

Mr. Hershberger stated it takes a minimum of three years for a refugee to be

placed here and noted the United Nations provides them with refugee status prior to the United States doing additional background checks.

After brief comments were made by council, Mr. Hershberger asked council to consider Harrisonburg becoming a "Welcoming America" city and noted other localities that have become one.

Mayor Jones suggested Mr. Hershberger send an email regarding further information of his request. Mr. Hershberger also noted that the program only had received one negative phone call within the last four months and has received a tremendous amount of support from the community.

## 8. Other Matters

Council Member Byrd requested update on performance contract from City Manager Hodgen. City Manager Hodgen stated that the ABM contract was signed in 2013 and that construction was to begin in 2014. The city is still finalizing punch list items for the systems in the Public Safety Building and the Community Activity Center. The next phase is the measurement and verification stage, where the savings at the end of each year are reviewed to determine if improvements in energy costs, usage, etc are noticed. City Manager Hodgen stated to date based on our tracking, the Public Safety Building electric bills for the 2013, 2014, and 2015 years went from \$120,333 to \$83,415.99 per year, so improvements are reflected in electrical usage as expected. The construction results are mixed at best, results in terms of responsiveness of the contractor and settling on final issues, and getting the system balanced and so forth. City Manager Hodgen stated originally our deciding factors were: the price and proposal which was in line as to what we expected to go if we went through the conventional RFP process and items needed to be replaced. We were pleased with the financial results of the equipment replacement. City Manager Hodgen however stated, the process itself has not impressed staff enough to necessarily do this type of project again.

Council Member Byrd requested to continuously be updated on this project. Council Member Degner stated that we have not yet reached a full year of the project being finished and it will be awhile before a full year comparison of data can be made. Council Member Byrd stated that it has been alluded that the project is running six months behind completion. City Manager Hodgen acknowledged that the total project has not been completed but a reduction of energy consumption is being seen which is ultimately what we were looking for. Council Member Shearer stated that it was "a given" that energy savings would be apparent and the question was the performance contract versus the standard route of getting it done, which is a different question all together.

## Discussion on implementation of Objective 8.3 of the City of Harrisonburg's Comprehensive Plan

Vice-Mayor Baugh noted the petition presented during the comments from the public as part of the "ask" is in regard to Objective 8.3 of Comprehensive Plan,

which has been affirmed already by the council. Vice-Mayor Baugh stated there are things in the Comprehensive Plan that aren't anticipated; however, it does have a section that sets priorities, and this item should be one of those. Vice-Mayor Baugh stated the high school students said it right, it is time to move this up to the top of the priorities and we should start looking proactively at this and make an effort with these issues. Vice-Mayor Baugh made a motion that council affirms its prior adoption of Objective 8.3 of the Comprehensive Plan and staff is directed to report back to council with recommendations on how to implement Objective 8.3 of the Comprehensive Plan specifically including the merits of creating an advisory committee and otherwise how best to engage stakeholders in the process.

Mayor Jones asked if there was a specific timeline to go along with these efforts.

Vice-Mayor Baugh stated that Objective 8.3, was presumably something the city already wanted to do, so the question is what this actually means which we don't entirely know, but as the speakers pointed out, it needs to be looked at and worked on and brought to the forefront and get moving on. Vice-Mayor Baugh asked if City Manager Hodgen had a timeline estimate.

City Manager Hodgen stated a report can be given, depending on what it is the council is looking for. City Manager Hodgen stated after hearing the presentations tonight, there are still some definitions that need to be established and what the city considers performance standards versus meeting state and federal requirements currently being imposed. City Manager Hodgen stated he could defend a reading of the current Objective 8.3 and the strategies implemented in Objective 8.3 and make the argument that the city is already doing what it is required. City Manager Hodgen stated standards are included in the Design Construction Standards Manual and included in the regulatory requirements imposed upon the city by DEQ, EPA, etc; however, after listening to the presenters this evening, it seems to not be satisfactory to what they are requesting.

Vice-Mayor Baugh stated that that is why he made a motion and suggested we go with the momentum of the people and see where that leads. If staff reports back to council that more direction is needed, then it can be addressed. Vice-Mayor Baugh agreed that the city is implementing Objective 8.3, but what does that mean. In regards to the current legal minimums the city should be in the front of the curve and should check with other jurisdictions to see what they have done. Vice-Mayor Baugh asked for a Comprehensive Plan amendment to reflect a new objective from dialogue between council and staff since the objective originated in 2004.

Mayor Jones stated he thought the biggest part of this is when standards and regulations are questioned and the city wants to move forward, the people and government should establish goals above our minimums to establish success. Mayor Jones stated when those goals are unknown, a dialogue with citizens and staff would steer the city in the right direction. Mayor Jones suggested it be done

as a workshop.

Council Member Byrd stated questions should come to council and staff for collective answers, which would open up pathways to continue. Council Member Byrd stated the literature on sustainability performance contracting is part of a growing fiscally resilient community and Deputy City Manager Lewis and he took part in a presentation recently. Council Member Byrd stated if these goals need to be applied to both public and private facilities, this would not be a quick process and feedback will be needed from council and staff to clarify definitions.

City Manager Hodgen compared the request to building a house without specs and he would reach out to other Virginia localities to see what they are doing and see if they have information to provide. City Manager Hodgen stated using the process we used for the Stormwater Management might be an option. Council Member Byrd reminded everyone that the Stormwater Management plan did not happen overnight.

Mayor Jones stated that the city should look at what was done regarding the diversity hiring process. Mayor Jones suggested to pull citizens right from the beginning and establish goals and to review other cities and their goals.

Council Member Shearer stated that it still needed to be determined what the "ask" is, in order for the city to be clear on what is needed. Council Member Shearer stated there are ancillary parties that can be affected by some of these proposals, which deserve a place at the table as well, which is something that cannot be expected to happen or acted upon immediately.

Mayor Jones stated that he never asked for that, he just asked for a timeline, whether it is something that should be a priority or reported on monthly or two years. Mayor Jones would like civic engagement so that citizens are included in the process and that we make sure that we have those citizens that are well versed in such issues be involved. Mayor Jones noted that it is also similar to when the city moved to a single stream process.

Council Member Byrd stated that the single stream process was an effort to also make the city fiscally responsible. Mayor Jones stated the city should be able to do both, be environmentally and fiscally responsible.

Vice-Mayor Baugh stated that he is looking to see if the council will support the motion, which specifically states "including the merits of creating an advisory committee and other wise help as to engage stakeholders in the process".

Mayor Jones stated he believes just as the city is held accountable, the individuals asking should be held accountable as well, and the only way to do that is to have everyone in the same room.

Vice-Mayor Baugh stated that the phrasing of private and public development that

is used is because that is the phrasing used in Objective 8.3 and how the council reviews them together or separate is to be determined, but both will be done.

Council Member Degner stated that he thinks the “ask” is clear which is to set up a committee, which anticipates all of these concerns, have a forum set up to engage on these things and gives the council a chance to do it in a structured way, allows the council to facilitate in a manner that addresses all those things, and ultimately through that process, if that committee wants to present something to the council to approve, engage stakeholders so that their opinions are incorporated. Council Member Degner stated that he would support this motion because it anticipates in its wording, stakeholder involvement. He also invited staff to hear the public when they say they have experts and professionals in the community that would be willing to do the legwork and share experience and knowledge. The “ask” is also an offer, in the sense of the community being here to help with issues.

**A motion was made by Vice-Mayor Baugh, seconded by Council Member Degner, that council affirms its prior adoption of Objective 8.3 of the Comprehensive Plan and staff is directed to report back to council with recommendations on how to implement Objective 8.3 of the Comprehensive Plan specifically including the merits of creating an advisory committee and otherwise how best to engage stakeholders in the process. 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. Other Matters

Vice-Mayor Baugh reviewed the upcoming planning commission items.

Vice-Mayor Baugh reported the Plan Our Park group met today and stated the group hasn't made a decision, but an offer was received by Blue Ridge Architect to offer volunteer services for the conceptual design and expansion of the Farmers Market. Vice-Mayor Baugh stated the group raised money to get the initial study completed. Council Member Shearer stated that the group's conversation the past few months has been to approach the plan can't all be completed at once.

Council Member Degner stated the Building Better Communities page is collecting MLK, Jr. events for the area. Mayor Jones reviewed upcoming events throughout the area for the upcoming weekend in regards to MLK, Jr.

Council Member Degner noted Fred Gibson commemoration would be held at 11:00 a.m., on Saturday.

Council Member Shearer noted former Mayor Heath's memorial would be held at 2:00 p.m., on Saturday.

City Manager Hodgen noted that council should be thinking about setting a date for a City Council Budget Work Session. City Manager Hodgen stated typically the

meetings last approximately four hours. After a brief conversation of possible dates, it was suggested that City Clerk Kann send out possible dates for feedback.

## **9. Boards and Commissions**

### **9.a. Board of Equalization**

No action was taken.

### **9.b. Building Code Board of Appeals**

No action was taken.

### **9.c. Deer Population Task Force**

A motion was made by Council Member Shearer, seconded by Vice-Mayor Baugh to appoint Steve Parsons, 501 Hickory Grove Circle, to the Deer Population Task Force. The motion carried with a recorded unanimous voice vote.

### **9.d. Industrial Development Authority**

A motion was made by Council Member Byrd, seconded by Council Member Degner, to reappoint James Acker, 302 Fairway Drive, Eileen Shifflett, 1411 Fieldale Place, and John Jack Broaddus, 64 Maplehurst Avenue, to the Industrial Development Authority. The motion carried with a unanimous voice vote.

A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, to extend Chris Pipkins' term to reflect expiration date of 2019 on the Industrial Development Authority. The motion carried with a unanimous voice vote.

### **9.e. Parks and Recreation Commission**

A motion was made by Council Member Degner, seconded by Council Member Shearer, to appoint Chris Pipkins, 470 West Wolfe Street, to an at-large first term on the Parks and Recreation Commission to expire December 31, 2019. This motion was carried with a unanimous voice vote.

### **9.f. Transportation Safety and Advisory Commission**

A motion was made by Vice-Mayor Baugh, seconded by Council Member Shearer, to appoint Chance Ebersold, 260 Franklin Street, to a first term on the Harrisonburg Transportation Safety Council to expire December 31, 2018. The motion carried with a unanimous voice vote.

### **9.g. Shenandoah Valley Airport Commission**

A motion was made by Council Member Byrd, seconded by Council Member Shearer, to appoint Joe Bowman, 3309 Mesinnetto Creek Drive, to a tenth term on the Shenandoah Valley Airport Commission, to expire January 28, 2019. The motion carried with a unanimous voice vote.

## **10. Adjournment**

At 9:30 p.m., there being no further business and on motion adopted, the meeting

was adjourned.

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CITY CLERK

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MAYOR