



City of Harrisonburg

409 South Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final City Council

Mayor Ted Byrd
Vice-Mayor Charles Chenault
Council Member Kai Degner
Council Member Richard Baugh
Council Member Abe Shearer

Tuesday, May 13, 2014

7:00 PM

Council Chambers

1. 7:00 p.m. roll call

Present: 5 - Mayor Ted Byrd, Vice-Mayor Charles Chenault, Council Member Richard Baugh, Council Member Kai Degner, and Council Member Abe Shearer

Also Present: 5 - City Manager Kurt Hodgen, Assistant City Manager Anne Lewis, City Clerk Erica Kann, City Attorney Chris Brown, and Police Chief Stephen Monticelli

2. Invocation

Mayor Byrd offered the invocation.

3. Pledge of Allegiance

Mayor Byrd led the Pledge of Allegiance

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

Mayor Byrd reminded citizens that Police Week is taking place and a Flag Ceremony would take place on Thursday, May 15, 2014, at 9:00 a.m., at the Public Safety Building.

Beth Bland, Director of Senior Services Valley Program Aging Services (VPAS), extended an invitation to Council Members to participate in Leaders in Action Day on Wednesday, May 21, 2014.

Paul Bogard, 1320 Crawford Avenue, stated he was one of the key organizers of the Starry Night events in March. Mr. Bogard stated the main goal was to raise awareness of light pollution and he felt the week was a success. He also thanked members of Council and staff who showed support.

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)

These matters were approved on the Consent Agenda

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

No: 0

- 5.a. Approval of minutes of the previous meetings, and dispensing with reading of minutes.

These Minutes were approved.

- 5.b. Consider enacting City Code Section Title 10, Section 7 "Stormwater Management" and related fees and standards

This Ordinance was approved on the Consent Agenda.

- 5.c. Consider a supplemental appropriation in the amount of \$10,229.88 for the Police Department.

This Supplemental Appropriation was approved on the Consent Agenda.

6. Public Hearings

- 6.a. FY2014-2015 Budget

City Manager Hodgen presented the FY 2014-2015 proposed budget. City Manager Hodgen reviewed both the general fund revenues and general fund expenditures both equaling \$94,121,902. City Manager Hodgen provided a graph of a dollar bill demonstrating where local tax dollars go which were those that follow: \$0.33 transfers (school and sanitation funds, etc.); \$0.19 public safety; \$0.14 debt service; \$0.11 public works; \$0.08 non-departmental (joint services with Rockingham County, CSA, airport, etc.); \$0.05 parks, recreation and cultural; \$0.05 general government administration; \$0.02 planning and community development; and \$0.01 health and welfare. City Manager Hodgen reviewed all fund expenditures which totaled \$214,343,363.00. City Manager Hodgen reviewed revenue highlights which included the following: some growth in revenue from commercial and retail; real estate revenue growth has essentially remained flat for several years; total revenue increase of just over \$7M for all funds (\$3.35M for the general fund) compared to FY14 original budget; and continued annual push in the General Assembly to eliminate the BPOL and machinery and tools tax, which is a significant source of revenue for the City. City Manager Hodgen reviewed the revenue highlights that are associated with non general fund notables which included the following: \$1.7M increase in state revenue for school fund; \$280,000 increase in federal revenue for school nutrition fund; \$368,000 increase in federal transit funding; \$134,500 in additional water revenues generated from a rate increase of \$0.07 per 1000 gallons; and \$110,620 in additional sewer revenues generated from a rate increase of \$0.07 per 1000 gallons. City Manager reviewed the expenditure highlights which included the following: making up for use of \$1.6M in fund balance to balance current year budget; increase in school appropriation of \$1.4M; increase in "shared costs" with the County of \$800K (due to increased jail costs); implementation of "option 2" of the compensation study recommendations; increase in health insurance rates of 13.1%; and no increases or new outside agencies added from previous budget. City Manager Hodgen recommended the following to balance the proposed budget: \$0.06/\$100 real estate tax rate increase making the proposed rate \$0.69; \$0.50/\$100 personal property tax rate increase making the

proposed rate \$3.50; \$0.12/\$100 business personal property and machinery and tools increase making the proposed rate \$2.12; and 33% vehicle license fee increase making the fee \$40.00. The recommendations do not propose the use of any fund balance to balance the budget. City Manager Hodgen provided a chart showing comparative demographics and rates. With the assumption the recommendations are approved, Harrisonburg would be tied with two other localities for the second lowest real estate tax rate of the 38 cities in Virginia. The City's population growth remains at a pace of just under 1,000 new residents per year which affects all areas of municipal service. City Manager Hodgen showed a water and sewer rates (residential) chart showing Harrisonburg as the lowest in water rates, second lowest in sewer rates and lower than the Draper Aden Benchmark. The budget focus remains on the following four areas: education; public safety; transportation; and water, sewer, and solid waste management. The upcoming budget eliminated most new capital projects, but the following are projects underway, nearing construction or in design phase: transit maintenance and operations facility; Reservoir Street widening; Bluestone Trail Phase 1; North End Greenway (NEG) Phase 1 (design pending); Smithland Park Soccer Fields; Ramblewood Park and Landfill remediation; new City Hall; Chicago Avenue/Mt. Clinton Pike widening; and Stone Spring Erickson Phase 4 (pending). City Manager Hodgen presented the potential challenges ahead: Stormwater Management Program; new elementary school; completion of Eastern Water Line; VRS adjustments; further health insurance increases; expansion of jail or building a second site; completion of Bluestone and NEG bike trails (beyond Phase 1); Park View area water storage tank; completion of Smithland and Ramblewood Park projects; renovations of Fire Station #1; and police records management system.

Mayor Byrd closed the regular session and called the first public hearing to order at 7:19 p.m.

Gary Bridges, 423 Hickory Grove Circle, asked Council to think about citizens who have a set income. Mr. Bridges spoke on the following: his money being used to pay other peoples insurance; would like the police to address texting while driving issues; need to have children walk more versus free transportation to school; lots of empty buildings that could be used in the City to replace building a new City Hall; city decals; and against tax increases.

Laura Logie stated she was a Rockingham County resident but owned a home at 363 Hillandale Avenue. Ms. Logie spoke on the following: lives on tight fixed income; add trailers to school instead of building a new one; cut back more; questioned why citizens pay for decals if they don't receive one; and against the proposed tax increases.

Jose Buchholz, 290 Emerald Drive, asked the following questions: what is the average income of Harrisonburg residents; what is the income growth in the past year for Harrisonburg residents; what is the income distribution between \$10,000 to \$20,000 and \$20,000 to \$30,000; and what percentage of residents are over 65? Mr. Buchholz spoke on the following: income average in valley is \$36,000 compared to \$50,000 in state; 0.95% growth in state; 7.8% of residents are over age 65; proposed lowering the amount of \$30,000 that is listed on the real estate tax relief form; and was also against the tax and real estate increases.

Ralph Getz proposed that when you purchase a piece of property, the taxes remain the same until the property is sold and once the property is sold a new real estate tax is applied. Mr. Getz stated with the budget coming from the State, the City should set December the 1st as their tax date to help balance the budget.

Bucky Berry, 30 West Washington Street, stated if there is a tax increase more citizens will be in need of food. Mr. Berry also stated he would like to see a point system in place versus years of service in regard to the Compensation Study. Mr. Berry stated he was against the tax increases, wants to see City stop borrowing money and plan for the future, would like to see Station 1 funded; and against take home vehicles.

Helen Shibut, 17 East South Avenue, stated she felt that is was a thoughtful budget. Ms. Shibut would like to see the City partner with students through EMU and JMU and use place based education in lieu of consultants.

Vaunda Brown, 820 College Ave, asked Council to consider funding the request to help the International Festival that brings money and people to the City. Ms. Brown thanked Council for their time and effort.

Tim Ruebke, Community Center of Executive Director, thanked Council for their support through in-kind donations and also asked them to consider supporting the funding request to help the International Festival. The organization will continue to seek other donation methods.

Laura Gabriele, 261 Paul Street, requested Council to consider supporting the entire amount for City Schools. Mrs. Gabriele stated she didn't want to be average, but continue with programs already in place.

Virginia Healy, 1683 Parklawn Drive and President of Harrisonburg Education Association, thanked Council for their partnership and asked for them to find a way to support the City Schools in full.

Beth Bland, VPAS, stated the organization asked for a \$5,000 increase from the previous year due to the increase of residents being served and the increase of requests wanting to participate. Mrs. Bland thanked Council for their past support and to consider their request for the upcoming year.

Michael Weaver, 473 West Bruce and Manager Court Square Theater, thanked Council for their continued support to the Arts Council of the Valley. Mr. Weaver spoke on the following: continuing to get other funds, increase of programs, open an average of 60 hours per week, increase of quality programs, served 56,000 people which was an increase over 26,000 from previous year, increased economic impact, and \$30,000 into artist hands. Mr. Weaver asked Council to maintain last year's budget amount.

Laura Purvis, Development Manager of Arts Council of the Valley (ACV), also

supported Michael's request. Ms. Purvis stated Harrisonburg is known for arts and the ACV will continue to seek private sectors.

Paul Simmers, 622 East Wolfe and ACV Board Member, also supported Michael's request and thanked Council for their continued support for arts in the City of Harrisonburg.

At 8:08 p.m., Mayor Byrd closed the public hearing and the regular session reconvened.

A motion was made by Vice Mayor Chenault, seconded by Council Member Degner, to approve the budget as presented with same tax rates or millage as recommended with the exception of replacing the recommended pay option from Option 2 to Option 3c, removing the rent charge for Harrisonburg Downtown Renaissance, removing funds for the replacement of the West Rock Street bridge and the engineering funds for the Pleasant Valley Road Bridge, replacing approximately \$480,000.00 removed from the School Board budget with funding from the reserve fund.

The motion was amended by Vice-Mayor Chenault and seconded by Council Member Degner to include the original motion made, but to change the amount of the School Board section of the motion to \$180,000 from the fund balance.

Yes: 2 - Vice-Mayor Chenault, and Council Member Degner

No: 3 - Mayor Byrd, Council Member Baugh, and Council Member Shearer

Council Member Shearer offered a motion to approve the budget as presented which includes Option 2, removing the bridge on West Rock Street and Pleasant Valley for the year, \$180,000 from fund balance be moved to School Board and repaid if at the end of the year there are funds remaining in their fund balance, and removing \$0.01 from the proposed real estate tax rate. The motion failed due to lack of a second.

A motion was made by Council Member Baugh, seconded by Council Member Degner, to approve the budget as presented with the exceptions of the statement of the \$180,000 for the schools and to restore \$8,700.00 to Harrisonburg Downtown Renaissance. The motion carried with a recorded roll call vote taken as follows:

Yes: 3 - Council Member Baugh, Council Member Degner, and Council Member Shearer

No: 2 - Mayor Byrd, and Vice-Mayor Chenault

7. Regular Items

- 7.a.** Consider a request from Theda and Merle Brunk and John Harding and others to preliminarily subdivide three lots totaling 2.26 +/- acres into 19 lots with variance requests to the Subdivision Ordinance Sections 10-2-41 (a), 10-2-42 (c), 10-2-45, 10-2-66, and 10-2-67

Stacy Turner, Community Development Director, presented the request and provided a history of the property and stated the preliminary plat would create the 15 residential parcels and three common areas comprising the Village of Chicago Park, along with one residual, single family lot, zoned R-3, Medium Density Residential that front on a private street Saturday Drive. Mrs. Turner stated the applicant is requesting variances

to Sections 10-2-41(a) and 10-2-42(c) of the Subdivision Ordinance to permit the proposed private cul-de-sac to deviate from the private street standards of the DCSM and to allow lots to not have public street frontage. The applicants are also requesting a variance to subdivision Sections 10-2-45, 10-2-66, and 10-2-67 to allow for the subdivision without dedicating public street right-of-way and building required street improvements along the residual R-3 parcel located at 1041 Chicago Avenue. Mrs. Turner reminded Council that Section 10-2-41(a) allows City Council to review variances to the standards on a case-by-case basis. Mrs. Turner stated staff supports the following variances: no 2 ft strip of grass between the sidewalk and street and a 26 ft wide street with parking on one side. Both staff and Planning Commission approved the cul-de-sac, which Council doesn't have to approve. If the needed right-of-way is dedicated along this parcel, the existing house would have to be relocated or demolished, because the right-of-way would proceed through the house. The applicants do not wish to dedicate or build the street improvements along this parcel and are requesting variances to the Subdivision Ordinance Sections 10-2-45, 66, and 67. At this time, given the circumstances of the structures location, staff is supportive of the requested variances. If and when the remaining portions of Chicago Avenue are ready for widening improvements, the City can negotiate with the property owner, and decide at that time the best approach for improvements. Mrs. Turner stated both staff and Planning Commission recommend approval.

The following discussion took place regarding the R-3 parcel: if the City chose to widen Chicago Avenue a compensation would take place; house is in livable condition; recognition from staff that it was extreme to not approve due to this parcel's conditions and improvements made on the opposite side of Saturday Drive; and Chicago Avenue improvements aren't required by this development. It was noted that if an applicant comes in with a development, plan the City would ask to have area dedicated for a bike trail.

A motion was made by Council Member Baugh, seconded by Vice-Mayor Chenault, that this request be approved. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

At 8:54 p.m., Mayor Byrd called for a brief recess. At 9:01 p.m., Mayor Byrd reconvened the regular meeting.

7.b. Presentation on the recently completed community survey

Mary-Hope Vass, Public Information Officer, stated tonight's presentation were results from the scientific survey conducted. Mrs. Vass noted that the online survey was open until Thursday.

Damema Mann, Senior Project Manager, with the National Research Center, provided

the following background on the National Citizen Survey that was used as the mailed survey: a fixed survey to result in high quality and low cost; eight key focus areas of community livability were mobility, safety, natural environment, built environment, economy, recreation and wellness, education and enrichment, and community engagement; 1200 households randomly selected; 20% response rate with a +/-6% margin error for scientific survey. Ms. Mann presented the benchmark comparisons that showed the City receiving 12 higher ratings, 113 similar ratings, and four lower ratings. The higher ratings included the following: vibrant downtown, cost of living, opportunities to attend cultural activities, adult educational opportunities, street repair, availability of affordable childcare, bus or transit services, participation in religious activities, and volunteerism. Ms. Mann stated those that came in below weren't city services, but rates of participation, for example fewer citizens of Harrisonburg contacted city employees compared the other jurisdictions. Within the eight key focus areas these were noted as the most important in the next two years: safety, mobility, and natural environment. Ms. Mann reviewed the key findings from the study and some special questions that were specific to Harrisonburg which were the following: student status, communication efforts, enhancing public transportation, and dialing 9-1-1. The survey showed that out of 236 surveys received 53 were students at one of the local colleges. Ms. Mann concluded by stating, seeing majority of citizens are provided excellent or good ratings is impressive and not always the case in other jurisdictions. Ms. Mann stated usually studies are completed every two years, so you are your own benchmark.

Council Member Degner stated with just seeing the information, he found it interesting that 66% reported that they had made environmental improvements and we are shown below average. Council Member Degner also stated even though we are similar to other jurisdictions, we might want to take this information to improve in some areas.

7.c. Consider a request to amend sections of the City Code Sign Ordinance

Mrs. Turner stated staff is proposing to modify several sections of the Sign Ordinance for the following two objectives: to allow property owners ability to have onsite advertising painted on structures, and to give M-1 zoned property owners, in the same situation, the opportunity to apply for a variance to allow off-premises advertising for their use. Mrs. Turner stated that these proposed amendments began last fall when staff learned that a group of citizens were planning to paint an advertisement on the Our Community Place (OCP) building. In an effort to prevent this violation, staff visited the site to communicate that such a practice was prohibited, to find the OCP logo had already been painted on the building. Mrs. Turner stated staff decided to hold off on an official violation notification and to research the matter further to determine whether this was a practice the City should continue prohibiting. After research, staff recommends that any mural incorporating any associations with products or services available or advertising a use shall be considered a sign. Once a mural or other art becomes defined as a sign, the entire square footage of the piece

shall be counted toward the allotted sign area for the property or business. Staff does not believe this type of signage should be treated any differently than any other permitted signage and does not anticipate negative impacts from such a change. Mrs. Turner reviewed the second objective referring to providing M-1 zoned properties the opportunity to apply for a variance to allow off-premises advertising for their use as B-2 properties currently have. Staff believes the existing regulations controlling these variance-approved signs should be maintained. The regulations state that the sign shall be the only freestanding sign permitted for the off-premises use advertised, regardless of the number of uses; the sign area shall be determined by City Council, provided the area shall not exceed the amount of signage previously allowed for an on-premises sign on the same lot; and the sign area calculated shall not count against the allowable sign area for the lot on which it is situated but shall be counted against the allowable signage for the lot served by the off-premises sign. In addition, City Council may impose such conditions regarding the location, character, and other features of the proposed sign as it deems necessary in the public interest. Furthermore, the variance request currently requires a public hearing to be held per Section 15.2.-2204 of the Code of Virginia and that the applicant shall pay the cost of the public notice. Staff, however, is proposing in this amendment to require an application fee of \$275.00, which is the same fee for applying for a Board of Zoning Appeals variance, rather than paying for the public notice. Staff recommends approving the changes to Section 11-7-9 to allow M-1 property owners that have no public street frontage the ability to apply for a variance to allow off-premises signage.

A motion was made by Vice-Mayor Chenault, seconded by Council Member Degner, to approve modifications to the sign regulations referenced in the agenda item to allow property owners the ability to have onsite advertisement painted on structures and to give M-1 zoned property owners that have no street frontage the same ability as is currently allowed in B-2 property owners in the same situation and the opportunity to apply for a variance to allow off-premises advertising for their use. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

7.d. Consider approval of the FY 2014-2015 CDBG Action Plan

Ande Banks, Director of Special Projects and Grant Management, reviewed the 2014-2015 Annual Action Plan for the Community Development Block Grant (CDBG) Program. Mr. Banks reviewed the information that had been presented during the April 8, 2014 Council meeting and stated the public comment period ended on May 10, 2014 and several comments were received. Mr. Banks stated tonight he would like Council to consider approving the 2014-2015 Action Plan and the Plan was due to HUD by May 15, 2014.

Council Member Degner stated the Newtown Cemetery Trustees would be meeting on Tuesday, May 20, 2014 at 6:00 p.m., at the County Chambers to endorse a fund raising group in effort towards a fence to surround the property and he plans to attend .

A motion was made by Vice-Mayor Chenault, seconded by Council Member Shearer, to approve the 2014-2015 Action Plan be approved. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

7.e. Receive Planning Commission's Findings, Proposed New Harrisonburg City Hall

City Manager Hodgen stated the Planning Commission found the general or approximate location, character, and extent of the City Hall project is substantially in accord with the City's adopted Comprehensive Plan. No further action was required or taken by Council.

7.f. Consider acceptance of low bid for new City Hall project

City Manager Hodgen stated local contractor Nielsen was the apparent low bidder at \$9,214,000. Five firms submitted bids and the difference between the lowest and highest bids was \$566,000.00. The low bid was also \$301,000 lower than the architect's estimate, which had been revised. Going back to the early stages of this project, the estimated construction cost was \$7.5M. Since that time, however, the atrium was added, along with an emergency generator, and a basement level for the building. Finally, there were some site changes that resulted from including the atrium and making changes to the parking plan in order to accommodate a potential future of the property behind the building. City Manager Hodgen stated staff and the project architect are both recommending accepting the low bid.

A motion was made by Vice-Mayor Chenault, seconded by Council Member Degner, to accept the low bid from Nielson for the City Hall project. The motion carried with a recorded roll call vote taken as follows:

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

No: 0

8. Special Event Requests

8.b. Consider request for police support for the Walk to End Alzheimer's event on October 25

Katie Yount, Harrisonburg Downtown Renaissance Special Events Director, stated the event will take place in the County Administration parking lot. Ms. Yount stated this is the fourth year of the event with approximately 500 participants and all City

departments have approved the request.

A motion was made by Vice-Mayor Chenault, seconded by Council Member Baugh, that this Special Event Application be approved. The motion carried by a voice vote.

- 8.a.** Consider a request from the Rockingham Rotary Club to close East Washington Street from Main Street to Vine Street for the All American Soap Box Derby

Ms. Yount stated the event is scheduled for June 14, 2014 (rain date June 15) from 5:00 a.m. until 6:00 p.m. on East Washington Street. Ms. Yount stated this is the fifth year of the event with approximately 150 participants and spectators and all City departments have approved the request. It was noted Mayor Byrd was unable to attend the event so Vice-Mayor Chenault will attend.

A motion was made by Vice-Mayor Chenault, seconded by Council Member Baugh, that this Special Event Application be approved. The motion carried by a voice vote.

Ms. Yount reminded Council and citizens about the upcoming Renaissance Night on Saturday, May 17, 2014.

9. Other Matters

City Manager Hodgen stated the Farmer's Market has requested the City to consider allowing them to place a temporary storage facility on City property. City Manager Hodgen stated since it is temporary, Planning Commission review is not necessary. City Manager Hodgen stated there were three possible location sites provided, but staff is suggesting if it fits, to store it in the old school board office basement.

City Attorney Brown stated there has been a request from the Police Department to declare the public safety parking lot a no trespassing zone from 10:00 p.m. to 5:00 a.m., due to damage that has occurred to both personal and City vehicles. The following discussion took place: main path for Blue Nile to Union Station foot traffic, installing cameras, gate could possibly slow emergency response time, sign is to address those who are hanging around in the parking lot, discretion of police officers to use this as a tool, and it is a policy not an ordinance.

A no trespassing zone sign would be installed to see if that alleviates the issue.

10. Boards and Commissions

- 10.a.** Harrisonburg Rockingham Metropolitan Planning Organization/TAC

A motion was made by Vice-Mayor Chenault, seconded by Council Member Shearer, that Tom Hartman be appointed as an alternate to the MPO/TAC to replace Drew Williams. The motion carried by a voice vote.

10.b. Community Services Board

A motion was made by Council Member Degner, seconded by Vice-Mayor Chenault, that Geraldine Rush be appointed to a first full term to the CSB to expire July 1, 2017. The motion carried by a voice vote.

11. Adjournment

At 9:52 p.m., there being no further business and on motion adopted, the meeting was adjourned.