



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Agenda - 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, January 10, 2017

7:00 PM

Council Chambers

1. Roll Call
2. Invocation
3. Pledge of Allegiance
4. Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)
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)

5.a. Minutes

Attachments: [December 13, 2017 Draft Meeting Minutes](#)

5.b. Reorganization minutes

Attachments: [Draft Meeting Minutes January 3, 2017](#)

- 5.c. Consider a request from Robert Cook with representative Dick Blackwell to rezone a 0.85 +/- acre parcel zoned R-3C, Multiple Dwelling Residential District Conditional to R-3C, Medium Density Residential District Conditional at the property located on the northwestern corner of the intersection of Wine Drive and Little Sorrell Drive

Review & Recommendation:

Planning Commission recommended approval (6-0) of the R-3C rezoning request on the property identified by tax map parcel 88-H-8 by amending the existing proffers that were approved when the property was rezoned in 2007 with the following:

The subject lot containing 0.852 acres is presently zoned R-3C. I am requesting that the existing proffers be amended to the following:

1. All buildings would be used only for medical offices and professional offices.
2. Screening between properties zoned R-1 and the subject property will be a six-foot-tall vinyl fence, similar to the picture from 2007 rezoning.
3. All buildings would be no more than two story, substantially of brick material, and of colonial design similar to attached pictures. Design would have to be approved by Architectural Control Committee.
4. Islands would be landscaped by Developer and maintained by adjoining property owners. This is a deed requirement..

Attachments: [Memorandum](#)
[Extract from Planning Commission](#)
[Site Maps](#)
[Application, applicants letter, and supporting documents](#)
[Surrounding Properties Notice](#)

- 5.d. Consider a request from Tidewater Communications, LLC with representative David C. Nahm to rezone a 2.14 +/- acre site zoned B-2C, General Business District Conditional by amending existing proffers on property located at 1820 Heritage Center Way

Review & Recommendation: Planning Commission recommended approval (6-0) of the rezoning request to allow for a taller radio tower on the property located on tax map parcel 122-B-2, by amending the proffers as follows:

It is proffered that the estimated 2.14 acre portion of the property zoned as B-2C will be used only for the following uses permitted by right under section 10-3-90:

- 8) Radio and television stations and studios or recording studios.
- 18) Public uses.

It is also proffered that:

1. The proffers dated February 5, 2007 are still in effect ("2007 Proffers").
2. Proffer number 1 of the 2007 Proffers will be hereby amended for the relocation of the STL radio tower as shown on the attached drawing..

Attachments: [Memorandum](#)
[Extract from Planning Commission](#)
[Site Maps](#)
[Applications, applicants letters, and supporting documents](#)
[Surrounding Properties Notice](#)

- 5.e. Consider amending and reenacting Section 2-2-23 of the Harrisonburg City Code, General order of business

Review & Recommendation: During the December 13, 2016 council meeting brief discussion was held regarding the movement of the "comment from the public" period on the agenda. Section 2-2-23 was last amended August 8, 2006 when council took action to add a new subsection immediately following the Pledge of Allegiance, titled "comments from the public". Prior to the amendment, public comments were allowed under the "other matters" portion of the agenda, which is just prior to "boards and commissions" and "adjournment". As is the case now, public comment was limited to five minutes, on matters, which are not on the regular agenda.

Attachments: [Memorandum](#)
[Ordinance - Reflecting Proposed Changes](#)

6. Public Hearings

- 6.a. Consider a request from Robert Cook with representative Dick Blackwell to rezone a 0.69 +/- acre parcel zoned R-3C, Multiple Dwelling Residential District Conditional to located at 1375 Wine Drive

Review & Recommendation: Planning Commission recommended to deny (4-0) the request to rezone the parcel identified as tax map parcel 88-1-7.

Attachments: [Memorandum](#)
[Extract](#)
[Site Maps](#)
[Application, applicant letter, proposed site development layout, supporting docu](#)
[May 2007 R-3C, Proffer Statement and supporting documents](#)
[Surrounding Property Notice](#)
[Mountain View Apartments Support Letter](#)

- 6.b.** Consider a request from Whitesel Brothers, Inc. for a special use permit to allow facilities designed for the sales or convenience of over the road tractors, their trailers, and heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment served by a permanent building facility unless already incidental to an existing building. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed at 1332 Garbers Church Road

Review & Recommendation: Planning Commission recommended to approve (6-0) the special use permit request per Section 10-3-91(10) of the zoning ordinance, on the 3.6 +/- acre site, which consists of 3 parcels, and is identified as tax map parcels 114-B-1, 3, and 4..

Attachments: [Memorandum](#)
[Extract](#)
[Site Maps](#)
[Application](#)
[Surrounding Property Notice](#)

- 6.c.** Consider a request from Carletta Walker with representative Karita Burrill for a special use permit to allow a major family day home in the R-1, Single-Family Residential District on a 7,840 +/- square feet property located at 831 Grant Street

Review & Recommendation: Planning Commission recommended approval (6-0) of the special use permit per Section 10-3-34(6) for a major family day home with up to 12 children under the age of 13, on the property identified as tax map parcel 39-G-5.

Attachments: [Memorandum](#)
[Extract](#)
[Site maps](#)
[Application and Supporting Documents](#)
[Surrounding Property Notice](#)

7. Regular Items

- 7.a.** Harrisonburg/Rockingham/Page Reentry Council on council activities and 2017 and beyond goals update

Review & Recommendation: Ruth Jost will provide an update regarding the Harrisonburg/Rockingham/Page Reentry Council's activities and 2017 and beyond goals.

- 7.b.** Receive the 2016 Board of Zoning Appeals Annual Report

Review & Recommendation: Four requests were heard by the Board; three variances were approved and one appeal was denied.

Attachments: [Memorandum](#)
[BZA Annual Summary 2016](#)

- 7.c. Notice of receipt of unsolicited proposal for the proposed Northend Greenway Shared Use Path section with Blacks Run Stream Restoration. Council consideration of whether to initiate conceptual phase consideration.

Review & Recommendation: The city has received an Unsolicited PPEA Proposal to construct a significant section of the proposed Northend Greenway Shared Use Path combined with Blacks Run Stream Restoration improvements producing both nutrient and sediment reduction. City staff has performed a preliminary review of the project proposal submitted by the team of Momentum Earthworks, LLC, Ecosystem Services, LLC and their sub-consultant Gay and Neel, Inc. Both components of this proposal are included in the city's Capital Improvement Plan and have funding allocated for implementation. Staff is comfortable with its initial review findings and therefore requests Council's approval to solicit competing proposals under the city's adopted PPEA Procedures.

Attachments: [Memorandum](#)
[NEG PPEA Proposal - Cover Letter 122016](#)

- 7.d. University Court drainage/erosion update

Review & Recommendation: At its November 29, 2016 meeting, City Council received a report from a property owner concerning stormwater and erosion issues at the University Court Townhouses, located off of Martin Luther King, Jr. Way. Such owner requested that Council accept responsibility for the problems there and approve funding for corrective measures. Council then asked that staff report back at a future Council meeting. The attached memo constitutes such report.

Attachments: [Memorandum](#)

- 7.e. Consider amending and re-enacting Section 13-1-51, Parking Methods of the Harrisonburg City Code

Review & Recommendation: The amendments to Section 13-1-51 clarify language regarding parking methods and add a prohibition against parking or stopping a car in such a way that it blocks access to a mailbox.

Attachments: [Memorandum](#)
[Current ordinance reflecting recommended amendments](#)

- 7.f. Consider enacting Section 13-1-51.1 Bicycle Lanes of the Harrisonburg City Code

Review & Recommendation: Presently, the locations of many bus stops require Harrisonburg Department of Public Transit (HDPT) vehicles to stop in bicycle lanes temporarily, in order to allow passengers to board and disembark. Section 13-1-51.1 clarifies that HDPT vehicles, including school buses, are permitted to stop in bicycle lanes for this limited purpose and only after ensuring it would be safe to do so, while additionally clarifying that this is the sole circumstance in which a vehicle is permitted to stop in a bicycle lane.

Attachments: [Memorandum](#)
[Ordinance](#)

- 7.g. Consider amending and re-enacting Section 13-1-58 Unlawful Opening of Doors of the Harrisonburg City Code

Review & Recommendation: The amendments to Section 13-1-58 clarify when opening a car door into traffic is prohibited, exempts law-enforcement officers, firefighters, and emergency medical services personnel engaged in the performance of their duties, and adds a reference to the similar State Code section.

Attachments: [Memorandum](#)
[Current ordinance reflecting recommended amendments](#)

7.h. Consider amending and re-enacting Section 13-1-66 Guest Cards of the Harrisonburg City Code

Review & Recommendation: The amendment to Section 13-1-66 adds a provision requiring that guest cards issued to permit parking in a residential permit parking zone identify the address of the person(s) to whom the guest card is issued, and limits the area guest cards permit parking to within 500 feet of the property line of the address listed on the guest card. This provision is intended to ensure guest cards are only used for their intended purpose of providing parking to guests visiting a residence. Presently, there is concern that some residents of residential permit parking zones are abusing their guest cards by lending them to non-residents, who then use the guest card for personal convenience unrelated to time spent as a guest of a resident in the residential permit parking zone.

Attachments: [Memorandum](#)
[Current ordinance reflecting recommended amendments](#)

7.i. Consider a resolution adopting the 2017 Legislative Agenda

Review & Recommendation: A draft legislative agenda and resolution adopting the same was presented to Council at the December 13 Council meeting for review. Some revisions were suggested along with a request to bring this item back to Council at the January 10 meeting. The attached memo addresses the changes that have been made. Also attached is the resolution to adopt the legislative agenda and the agenda itself.

Attachments: [Memorandum](#)
[Resolution](#)
[2017 Harrisonburg Legislative Agenda](#)

7.j. Consider authorizing the mayor to execute the contract agreements for both City Manager Hodgen and City Attorney Brown

Review & Recommendation: During the reorganization meeting held on Tuesday, January 3, 2017, council reappointed City Manager Hodgen and City Attorney Brown to a two year contract.

8. Supplementals

8.a. Consider a supplemental appropriation for the Police Department in the amount of \$4,583.12 to purchase WRAP Restraint System's

Review & Recommendation: The Harrisonburg Police Department often deals with community members who are in crisis. During these high stress and high impact times, the offenders need to be safely restrained to minimize the likelihood of injury to them and/or to the officers. The Harrisonburg Police Department has researched the most effective and safe manner to restrain a violently resisting offender and chose the Safe Restraint "Wrap System."

Attachments: [Memorandum](#)
[Supplemental Appropriation](#)
[WRAP Endorsement Letters](#)
[Dr Frank Sheridan Letter](#)
[WRAP Cost Specification](#)

9. Other Matters

10. Boards and Commissions

10.a. Harrisonburg Transportation Safety and Advisory Commission

Review & Recommendation: The city clerk just received Russell Presnell's resignation from the Harrisonburg Transportation Safety and Advisory Commission. Mr. Presnell was serving a northwest term to expire on December 31, 2018. The city clerk has three applications on file, but they don't reside in the northwest section of the city.

11. Adjournment