



# 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*

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Tuesday, November 13, 2018

7:00 PM

Council Chambers

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### 1. Roll Call

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

**Also Present:** 4 - City Manager Eric Campbell, Deputy City Clerk Pam Ulmer, City Attorney Chris Brown and Police Chief Eric English

### 2. Invocation

Vice Mayor Baugh offered the invocation.

### 3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

### 4. Special Recognition

#### 4.a. Recognition of the 2018 Citizens Academy Graduates

Mayor Reed recognized the 2018 Citizen Academy graduates who participated in a 12-week program where they learned about the city and how the city operates.

### 5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

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

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

**No:** 0

#### 5.a. October 23, 2018 City Council Minutes

**These minutes were approved on the Consent Agenda.**

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

**No:** 0

## **6. Public Hearings**

- 6.a.** Consider a request to rezone a 0.46 +/- acre portion of a 2.96 +/- acre parcel a 1.56 +/- acre parcel located at 1353 and 1361 North Main Street.

Adam Fletcher, director of Planning and Community Development, presented a request to rezone a parcel from a B-2C, General Business District Conditional to B-2C, General Business District Conditional by removing existing proffers, and to rezone a 1.56 +/- acre parcel from R-2, Residential District to B-2C, General Business District Conditional, for parcels located at 1353 and 1361 North Main Street. He stated if rezoned the Harrisonburg Rockingham Community Services Board (HRCSB) would own three of the parcels in the area as part of their larger campus and will be able to continue moving forward with their plans for redevelopment to better serve the community.

He reviewed the surrounding properties, zoning classifications and the proffers to be removed. He stated staff and Planning Commission recommend approval (7-0) of the rezoning as requested.

At 7:08 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, October 29, 2018 and Monday, November 5, 2018.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:08 p.m., and the regular session reconvened

**A motion was made by Council Member Jones, 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:** 5 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd, Council Member Jones and Council Member Hirschmann

**No:** 0

- 6.b.** Consider a request to rezone eight parcels located at 76 and 85 West Gay Street, and 76, 325, 335, 357, 365, 381, and 394 North Liberty Street.

Adam Fletcher, director of Planning and Community Development, presented a request from Bismarck, LLC to rezone property on West Gay Street and North Liberty Street from M-1 to B-1C, containing 1.4 acres. He reviewed the property, the land use designation for the area, the possible uses which could include offices, apartment

units, townhouses, restaurants and retail space, the surrounding properties and the proffers submitted. He stated such proffers include all uses in B1 except convenience shops, all Special Use Permits approved by city council, and a minimum total of 41 parking spaces.

He stated this area was designated mixed use in the 2011 Comprehensive Plan and is located in the Edom Road revitalization area which specifically encourages reinvestment and seeks coordinated redevelopment of the area transforming into an attractive and vital city asset.

He stated staff and Planning Commission (7-0) recommend approval of the rezoning as requested.

Council Member Jones asked if sidewalks will be part of the development. Mr. Fletcher stated it was discussed but until the final design is submitted it is not certain if there is space for a sidewalk. Vice Mayor Baugh stated it is generally required but there are some circumstances that sidewalks may not fit.

At 7:17 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, October 29, 2018 and Monday, November 5, 2018.

James "Bucky" Berry, 30 West Washington Street, stated he is concerned about the intersection and the safety but feels this project would be good for the city.

Danielle Harshberger, business owner in the subject area, stated she is ecstatic about this project and feels anything that will help with additional business and apartments in that area will help the current businesses located there.

John Sallah, owner of Bismarck, LLC, stated he lives and works downtown and has been investing in the city since 2004. He stated this area is in desperate need of a makeover. He stated this area of town is currently very industrial and has high density housing and uses similar to what is proposed. He stated if this is approved any structures that exist will be replaced with historically accurate renovations, newly constructed townhouses and attractive landscaping. He feels this project will have a positive impact on the quality of life in the city.

At 7:21 p.m., Mayor Reed closed the public hearing and the regular session reconvened

Council Member Jones stated the topic of revitalization of the north end of downtown had been discussed often during the Harrisonburg Downtown Renaissance board meetings, for citizens to live, work and play in the area. He stated he would like to see more public art on that end and the best economic driver we could have is some kind of mixed use development.

Council Member Byrd stated he likes that the private sector is helping revitalize the downtown area and the city.

Mayor Reed stated it is exciting that we are looking beyond downtown and to go north of Main Street and noted this used to be a very vital area and it's good to see the rejuvenation of that area.

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

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

**No:** 0

**6.c.** Consider a rezoning request of two 3,250 +/- sq. ft. parcels located at 455 and 457 North Liberty Street.

Adam Fletcher, director of Planning and Community Development, presented a request from Robert, Nickell Jackson Trust to rezone property located at 455 and 457 North Liberty Street from M-1 to B-1C, containing 6,500 square feet. He stated this is a unique situation as in July 2017 building code violations were found as the building on the property had been converted from a duplex to an apartment building illegally. He stated the property owner was advised they had lost their non-conforming status and the property would need to be brought into compliance within the zoning regulations of the M-1 district. He stated the owner appealed the decision which allowed the staff to reevaluate as the property was too small to be utilized as an M-1 property. He stated the 2011 Comprehensive Plan designated this property to be neighborhood residential and the proposed 2018 Comprehensive Plan shows this property to be designated as mixed-use.

He reviewed the surrounding properties and the submitted proffers to include: a maximum of four dwelling units, and occupancy of each dwelling unit can be a family or not more than two unrelated persons; religious, educational, charitable and benevolent institutional uses which do not provide housing facilities; Special Use Permits shall be permitted as approved by City Council; and if the use of some or all of the properties is changed from dwelling to another use, five off-street parking spaces must be provided.

He stated staff and Planning Commission recommended approval (7-0) of the rezoning as requested.

At 7:31 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, October 29, 2018 and Monday, November 5, 2018.

Josh Everard, representative for applicant, stated he believes the most important

facts to be considered are: lots are not suitable for industrial uses due to size limitations; and rezoning to B-1C is consistent with other rezoning in the area, in line with the land use plan and encourages the best and most viable use of the property. He stated they request council approve the rezoning.

At 7:34 p.m., Mayor Reed closed the public hearing and the regular session reconvened

Vice Mayor Baugh stated there are many owners of properties in this part of town that have the same characteristics and have been waiting to see how things would sort out and feels staff has done a great job working with property owners to make order out of chaos.

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

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

**No:** 0

**6.d.** Consider amending and reenacting Section 10-3-25(17) and 10-3-25(27) Off-street vehicle parking regulations, of the Code of Ordinances City of Harrisonburg, Virginia.

Adam Fletcher, director of Planning and Community Development, presented an ordinance amendment related to Off-Street Parking Regulations, Section 10-3-25(17), and to add a new Section 10-3-25(27). He reviewed the ordinance and the recommended amendments which address parking requirements for retail stores, sales rooms and similar mercantile establishments. He noted the enactment of the new subsection would specifically clarify parking requirements for property operating as retail of furniture and/or appliances.

He stated staff and Planning Commission (7-0) recommend approval of the ordinance amendment and enactment as requested.

Mayor Reed asked if there was a specific site in question. Mr. Fletcher stated it was not relative to this request, but the site is along East Market Street. Council Member Byrd asked if property owners decided to change the type of business would additional parking be required. Mr. Fletcher stated that is correct, but there could be other options such as utilizing shared parking.

At 7:40 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, October 29, 2018 and Monday, November 5, 2018.

Seth Roderick, representative for the applicant, stated that although there was a specific case that drove the issue, they are hoping to create a situation that improves the city's parking ordinance across the board. He provided an example of where the

amendment and enactment would help keep a potential project in the city and several examples of unnecessary parking spaces required. He stated if this amendment and enactment are approved it could help reduce impervious areas, improve waterways, reduce runoff and promote walkability. He stated he appreciates council's time and consideration.

At 7:44 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 Jones, to approve the ordinance amendment and enactment as presented. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

- 6.e.** Consider amending and reenacting Article E Sections 10-3-20 through 10-3-22, Nonconforming Buildings and Uses and Section 10-3-24 - Definitions, of the Code of Ordinances City of Harrisonburg, Virginia.

Adam Fletcher, director of Planning and Community Development, presented a zoning ordinance amendment regarding nonconforming buildings and uses, Article E, Sections 10-3-20, 10-3-21, 10-3-22, and 10-3-24 in order to make these ordinances clearer and in line with state code. He explained the differences between conforming, nonconforming and illegal uses and structures and reviewed how a property maintains or loses its nonconforming status. He reviewed the recommended amendments and noted the burden of establishing nonconforming status shall be that of the owner of the property.

He stated staff and Planning Commission (6-1) recommend approval of the ordinance amendment and enactment as requested. He noted the one board member who dissented was concerned about Section 10-3-21(a) and felt that Board of Zoning Appeals (BZA) should still have a hand in determining if a property becomes illegal if enlarged or extended.

Council Member Byrd asked if the 24 months of discontinued use in state code. Mr. Fletcher stated it was. Council Member Byrd stated he is aware that other localities are interpreting differently.

At 7:57 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, October 29, 2018 and Monday, November 5, 2018.

Pamayotis "Poti" Giannakaouros requested these amendments be tabled as he feels it is a very sensitive issue and he doesn't trust the attorney's input, as it affects the zoning ordinance which is not truly understood. He stated he feels zoning was originally created in the 1920's and 1930's to facilitate segregation and thinks it is

premature to jump to this enforcement until evaluations can be done on how these original ordinances came about and where we want our city to go.

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

Council Member Jones stated he feels that part of what Mr. Giannakaouros stated was accurate, but these amendments are to bring forth more clarity to our ordinances and not so much breaking the pattern of what happened from the 1920's to current.

Vice Mayor Baugh stated the context is that we make zoning changes from time to time which do allow for nonconforming uses. This item is to clarify nonconforming uses and structures and tracks the state statute better.

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

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

**No:** 0

**6.f.** Consider adoption of the comprehensively updated City Comprehensive Plan.

Adam Fletcher, director of Planning and Community Development, acknowledged the tremendous amount of work that city staff has done over the past two and a half years on the Comprehensive Plan update, and noted all of this would not have occurred without the guidance, knowledge, skills and leadership from Thanh Dang.

Henry Way, chair of the Planning Commission, stated he recommends the update of the Comprehensive Plan to council. He stated it has been an honor and delight to work with members of the community and excellent staff to produce this plan. He stated this has been a truly collaborative effort guided by the Planning Commission, deliver by city staff, that incorporates the aspirations and priorities of the people, businesses and institutions of the city. He stated throughout this process city residents and public and private sector leaders were engaged in extensive conversations. He stated rich and productive conversations took place through deliberations in advisory committees, each looking at particular parts of the plan. He stated workshops, open houses and information sessions were held. He stated the Planning Commission is confident and excited for a plan that represents a collective community vision. He stated he hopes we can continue the spirit of collaboration and team work as some of the items in the plan are put into action. He stated the Comprehensive Plan is a guide, not a regulatory document, and offers a high-level vision for the priorities of the city.

Thanh Dang, city planner with the Department of Planning and Community Development, acknowledged everyone involved in creating this Comprehensive Plan.

She stated a Comprehensive Plan presents a vision of what kind of community our city would like to be and identifies steps that could be used to move towards that vision. She stated the plan itself is an essential organizing umbrella, which references other city plans as well as regulations and initiatives. She stated the State Code requires that we review the plan every five years, and to update if necessary. She stated the plan deals fundamentally with the physical characteristics of the city, and therefore the Land Use is a core component of the plan. She stated State Code specifically requires surveys and studies of the existing conditions, trends, growth, future requirements, and states the plan must have the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will best promote health, safety, morals, order, prosperity and general welfare of the inhabitants. She stated State Code requires specific categories such as Land Use, Transportation, affordable housing, and broad band infrastructure.

She reviewed the timeline of how the Comprehensive Plan update came about in the beginning in June 2016, the 16 Chapters of the Plan, reviewed data that was used from the Census Bureau, the American Community Survey, the Weldon Cooper Center, and the Virginia Employment Commission. She stated the age and sex of our population is heavily influenced by the local universities, reviewed the poverty levels and Asset Limited, Income Constrained, Employed (ALICE) thresholds, building department data, Land Use changes, the Street Improvement Plan, Gateway and Corridor enhancement areas, and the visions, goals, objectives and strategies within the Comprehensive Plan update. She reviewed the priority objectives for specific chapters and stated the next step for her team and staff will begin working on updating the zoning ordinances to match the updated Comprehensive Plan.

She stated staff and Planning Commission recommend approval (7-0) of the updated Comprehensive Plan.

At 8:56 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, October 29, 2018 and Monday, November 5, 2018.

James "Bucky" Berry, 30 W Washington Street, stated the Comprehensive Plan is a wish list. He stated over 26 years ago Parkview area was annexed and there still isn't a fire station out there, one needs to be built to service that community.

Jeff Lebowitz, Wynnwood Ln., stated he has followed this work with great interest, it is a vital component to planning and staff has done a great job, however, he is not sure it is finished. He stated the vision of Harrisonburg in the next five or ten years is missing, we are in need of a more futurist context that will incorporate the technological revolution that is taking place in the world. He stated missing are the concepts of a smart city, integrated data, plan for autonomous vehicles, and noted things will be different in five to ten years all built around technology.



David Rudmin, 864 Chicago Ave., shared a hand out of his vision in making transportation more workable using roundabouts, straight-through viaducts, improvements to Country Club Road and East Market Street, to name a few.

Paul Clancey, 261 Emerald Dr., he stated last month there was a denied request for rezoning on Lucy Drive, and the updated Comprehensive Plan shows this area classified as limited commercial, rather than R-3, and asked if this was just a wording change or is the R-3 dead. Vice Mayor Baugh stated the property is still R-3, but the Land Use guide is an aspiration.

Barry Kelly, 1531 Hillcrest Drive, stated as a developer in the city he served on the Land Use Committee over the last few years, and commends staff and Ms. Dang for the work they have done, it was a pleasure to have this sort of direction and an opportunity to move forward in such a positive fashion. He stated one item that staff did support, that did not make it on the final version of the update, was the change to mixed use in the downtown area. He stated he is 99% in favor of the update, however, there are a few blocks of property surrounded by Federal Alley, Franklin Street, Campbell Street, and Mason Street that he would like to request the change to mixed-use.

Pamayotis "Poti" Giannakaouros stated he agrees with Mr. Lebowitz and would add the plan does not include anything about a federal job guarantee. He stated the Attorney General announced a multi-million-dollar initiative in a Richmond neighborhood including related elements. He stated Ms. Dang did have more time and that points at the heart of his comments, this plan doesn't represent a collective community vision and it shouldn't be called that. He stated the statutory minimum should be used that was advocated at the start of the process and leave the Comprehensive Plan aside as a reference. He stated there was a lot of concern about public input, because the process didn't have those features. He stated Chairman Way's comment that the Comprehensive Plan was guided by the commission and delivered by staff was stated properly. He stated the process was very well advertised and he was a part of multiple groups that anticipated mobilizing around rewriting the plan. He stated while at the 85-person meeting he met a friend that was displaced during a redevelopment and while she was leaving she stated she thought this was going to be something about her neighborhood, but she felt she didn't belong in this meeting. He stated she had a lengthy list of items that were needed in the Comprehensive Plan, he had plans to help bring those items to light but was not one of the chosen few to be on a committee. He stated not all input was used, not all ideas were even entertained, and he feels insecure of the process that was used to finalize the updated Comprehensive Plan. He stated the Environmental Performance Standards Advisory Committee (EPSAC) and the group that had demands for criminal justice reform was not reflected in the plan. He requests that Council does not accept the Comprehensive Plan, create a statutory minimum, and use the plan for reference only.

At 9:19 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Council Member Byrd stated the transportation portion of the plan, for street plan itself, is in excess of \$737M excluding I-81 and moving the interstate. He stated he would go with Ms. Dangs recommendation to consider. He stated there are a lot of good ideas captured, likes the plan, but use it as a reference going forward.

Vice Mayor Baugh stated the plan doesn't purport to capture all good ideas, it affirms what it affirms, and feels that as people actually move forward to implementation they will find it is considerably more complex and may end up doing something that is not what was affirmed in the plan.

Council Member Hirschmann stated he felt there is a certain amount of flexibility built into the plan, it wasn't in cement, and can adjust as we go along. Vice Mayor Baugh agreed and stated the plan is referred to as a starting point. He stated he would be concerned if he saw topics in the plan that were impediments, but at this point he didn't see any. He stated he hopes that we are looking forward enough so that when ideas come up we haven't built an edifice that states we can't do those things. He stated it's hard to look to far out to the future too far,

Council Member Jones stated this is not the Bible, Torah, Koran etc., it can be used as a guide to help make a decision and we can use it as a guide that would be good for the city to work together and create a vision. He stated this is not code, not written in stone, the process remains the same, and even though an idea may not be in the plan, it doesn't mean anyone is left out. He stated he wants any resident or business owner to have the ability to have their requests and needs addressed. He stated this is not to discredit the work that went into the plan.

Mayor Reed stated when we have these committees people feel only certain people get picked to be on them, however, we have gotten better, the leadership of the city is different, council will be different next year, there are more voices being heard, and if residents feel their views are not being represented, council will work on that.

Council Member Jones stated that is exactly what he had told the EPSAC committee, was to go out into the community and make sure the residents are heard and understood the plan.

Council Member Byrd thanked Ms. Dang for her professionalism, dedication and work she has done on the Comprehensive Plan. Vice Mayor Baugh stated this is not a finished product, and if anyone has thoughts of how we can do a better job in getting input that reflects the community we need to hear about it and improve it.

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

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

**No:** 0

## 7. Regular Items

- 7.a. Consider a request to preliminarily subdivide five parcels totaling 1.5 +/- acres into two parcels for a future mixed use development and a single-family home lot on properties addressed as 1340, 1348, and 1356 South Main Street and 1341 Edgelawn Drive.

Adam Fletcher, director of Planning and Community Development, presented a preliminary plat for a variance request for property located at the corner of S. Main Street and E. Weaver Avenue, known as the Stone Suites project. He reviewed the history of this property from September 2017, when council approved the rezoning of this property, and is requesting multiple variances from the Subdivision Ordinance Sections 10-2-41(a), 10-2-45, 10-2-61, 10-2-66 and 10-2-67. He stated all these code sections work together requiring projects during the subdivision phase to not only dedicate right-of-way for street improvement projects and to build those improvements at their own expense, but also to insure that it is all done in conformance with the Comprehensive Plan. He stated staff was aware of the deviations from these codes in 2017. He reviewed the property, noting all the structures on the subject site have since been demolished, and reviewed the surrounding properties. He stated the applicant is requesting to preliminarily subdivide five parcels into two parcels and reviewed the variances requested pertaining to right-of-way dedications and improvements along Edgelawn Drive, which currently is a substandard street. He reviewed Code Section 10-2-41(a), which authorizes City Council to approve variances to standards for streets and sidewalks on a case by case basis if certain conditions apply.

He stated staff and Planning Commission recommend approval (7-0) the variances with one condition: when frontage improvements along Edgelawn Drive are required as part of development or redevelopment for any property that is associated with this preliminary plat request, then the developer will be responsible for constructing frontage improvements along Edgelawn Drive for all the properties associated with the request. The length of frontage along Edgelawn Drive is shown as 210.63 linear feet on the preliminary plat.

Vice Mayor Baugh stated he would have loved to have seen the residential portion of the property to stay in two parcels, but this is a reflection of the limitations of our zoning, and we have talked about continuing to look at allowing small lot size uses in a residential area, with more flexibility.

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

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

**No:** 0

**7.b.** Consider adopting a resolution approving the Harrisonburg Department of Transportation Title VI Program and Limited English Proficiency (LEP) Assessment

Chris Brown, city attorney, presented a resolution on behalf of the Harrisonburg Department of Public Transportation (HDPT). He stated HDPT receives a significant amount of federal funding for its operations and as part of that one of the requirements is every three years city council approve and adopt the HDPT Title VI Program and Limited English Proficiency Assessment. He reviewed the resolution, noting it is very similar to the one they adopted three years ago. He stated last year there was an audit by the Federal Department of Transportation and found no issues, no complaints or investigations for violations.

**A motion was made by Council Member Byrd, seconded by Council Member Hirschmann, to adopt the resolution as presented. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

**7.c.** Consider an ordinance amendment to create a new North Liberty Street Residential Permit Parking zone

Chris Brown, city attorney, presented an ordinance amendment to change a portion of North Liberty Street in the vicinity of West Washington Street to the green zone for parking permits, as discussed and approved several months ago by council.

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

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

**No:** 0

## **8. Supplementals**

**8.a.** Consider a supplemental appropriation and reallocation of budgeted funds for the Virginia Public School Authority (VPSA) bond sale

Larry Propst, director of Finance, stated this supplemental appropriation is the last piece of the school land purchase, budgeting the bond proceeds received last week and returning those funds to the general fund. He stated staff recommends approval.

**A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to approve the Supplemental Appropriation as presented. The motion carried with a recorded roll call**

**vote taken as follows:**

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

**No:** 0

**9. Other Matters**

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

James "Bucky" Berry, 30 W Washington Street, stated on November 14th, James Madison University Business class students will be giving between 15,000-20,000 bags of food, and have been doing this since 2009. He stated the Harrisonburg Police Department, Harrisonburg Fire Department, Rockingham County Sheriff's Department, and JMU police will be assisting in the collection. He stated this is a family food drive, not a Salvation Army event, and will be known as the Brent Berry Family Community Food Drive. He stated Chief English and the HPD have agreed to participate in the Challenge of the Valley between first responders, on who can raise the most food donations. He stated there are over 300 homeless kids in the city and Rockingham County and homelessness won't stop unless we stop raising taxes.

Pamayotis "Poti" Giannakaouros, stated he has some things that we can do to help people be better included. He stated Council Member Jones' comments and interactions with EPSAC was exemplary of where our city is going and what we need, however, there is a meeting coming up soon and he has not been made aware of any processes where the outreach has or could happen. He suggested a concrete proposal, before their next meeting disband the EPSAC Committee and reconstitute it as an open meeting, have a provisional chair to facilitate the meeting, the way it was done for the Stop Punishing our Nephews Movement where there were multiple open meetings that were productive and engaging on how to deal with the jail issue that had come up. He suggested the city doesn't hire a Justice Coordinator, and reviewed an opinion piece from the New York Times, by Michelle Alexander, which reflects why a coordinator should not be hired. He read, as the secretary of the Martin Luther King Jr. Coalition, the vision statement written by a committee long ago. He invited council to the annual commemoration of the Martin Luther King, Jr. holiday, Monday, January 21, 2019 at 2:00 p.m., meeting at the corner of Mason and Martin Luther King Jr. Way and walk around the block.

9.b. City Council and Staff

Council Member Jones congratulated Tom Hartman for being the new director of our Public Works department, he is an extremely kind individual, easy to work with and always eager to be helpful and always a willing participant in the process.

Vice Mayor Baugh stated the December meeting for items coming from Planning Commission looks lighter with just two items, a rezoning request and ordinance amendments dealing with off-street parking.

Eric Campbell, city manager stated staff has received emails, calls, etc., regarding the scooters and how they are affecting the community and staff is working on issues and trying to find a remedy. Chris Brown, city attorney, stated there has been a dramatic increase in scooters as a second company started operations on Saturday. He stated there seems to be over 300 scooters in the downtown area and staff is working on a few things, including working with the city's traffic officer, to ensure the scooters stay off the sidewalks and are not blocking the sidewalks. He stated staff is also trying to open dialogue with the two companies to limit the number of scooters that are popping up all over town, especially downtown.

Adam Fletcher provided updates on three items: Short term rentals, the I-81 Overlay Sign District and the Tall Grass and Weeds data. He stated staff presented to council in October with recommendations on how Short-term rentals may be handled. He stated staff was directed to look at creating opportunities for by-right use, staff went back to the drawing board and came up with similar options that were discussed very early on in the short-term rental discussion. He stated if council wants staff to continue down that route, they would have to go back to Planning Commission to re-advertise zoning ordinance amendments. He stated staff drafted two different uses, home-stay (by-right use) and short-term rental (special use permit required), and he reviewed the differences and the zoning categories. Council member Byrd stated we can cap occupancy and number of stays. He stated renting a property is a by-right use. Mr. Fletcher stated they will continue to discuss with internal staff and he is looking for guidance from council. Some discussion took place about what other localities are doing. Council Member Jones stated he needs to see what the enforcement of violations will look like. Vice Mayor Baugh stated that is why Planning Commission went the direction they went. Mr. Fletcher stated we have no idea how to enforce the number of nights used in a years-time, the number of individuals renting etc.

Mr. Fletcher stated regarding the I-81 Overlay Sign district, research was done up and down the valley and what other regulations were out there. He stated they found the city was not out of the ordinary and he reviewed the regulations found. He stated after review, staff continues to believe that a recommendation to change the zoning ordinance is not a recommendation they are willing to offer, however, if council still wants staff to craft an ordinance that does exceed the by-right permissions they would be happy to do so. Council Member Byrd stated it seems there is ability for some comparative advantage economically for that section versus the surrounding localities. Council Member Jones stated he can't make a decision at this point.

Mr. Fletcher provided a handout of the Tall Grass and Weeds data reflecting complaints, proactive enforcement, properties mowed by the city, notices sent and no violations upon inspection. Council Member Jones stated this is exactly what he was looking for.

Mayor Reed stated the annual curbside leaf collection is underway, for schedules please visit the city’s website; City offices will be closed for the Thanksgiving holiday, November 22nd and November 23rd; Anyone who lives, works, or attends school in the City of Harrisonburg or Rockingham County are asked to sign up for the Harrisonburg-Rockingham Emergency Alert. The emergency alert will notify you in the event of an emergency or life-threatening weather event. Registration is free and simple. To sign up visit [HRECC.org/emergency-alert](http://HRECC.org/emergency-alert); The Holiday Parade will take place on December 7th at 7:00 pm and will go south on Main Street starting at the Rockingham County office buildings. To participate in the parade please visit the city’s website for an entry form; City Council retreat will be held on February 1st through the 3rd, 2019.

**10. Adjournment**

ADJOURNMENT:

At 10:18 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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DEPUTY CITY CLERK

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MAYOR