



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Agenda - Final-revised City Council

Mayor Deanna R. Reed
Vice-Mayor Richard A. Baugh
Council Member Ted Byrd
Council Member George Hirschmann
Council Member Christopher B. Jones

Tuesday, August 22, 2017

7:00 PM

Council Chambers

1. Roll Call

2. Invocation

3. Pledge of Allegiance

4. Special Recognition

4..a. National Health Center Week

Attachments: [Proclamation](#)

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 from August 8, 2017 City Council Meeting

Attachments: [Minutes](#)

5.b. Consider amending and re-enacting Article G Sections 10-3-25, 10-3-26, 10-3-28 and 10-3-29, 10-3-34(10), 10-3-40(11), 10-3-46(3), 10-3-48.4(3), 10-3-52(6), 10-3-55.4(6), 10-3-56.4(g), 10-3-57.4(g), 10-3-58.4(6), 10-3-79(1), 10-3-91(8), 10-3-97(8), 10-3-106(a), 10-3-180(8) and Article F Section 10-3-24 of the City of Harrisonburg, Virginia, Code of Ordinances and enacting Section 10-3-25.1 of the City of Harrisonburg, Virginia, Code of Ordinances associated with adding requirements for minimum off-street bicycle parking spaces for development and redevelopment.

Review & Recommendation: Planning Commission recommended approval of the amendments adding minimum off-street bicycle parking regulations within Article G for all development and redevelopment projects, where the minimum number of bicycle parking spaces varies depending upon the use on the parcel (note that bicycle parking is not required for single family detached or duplex units). The amendments further include: specifications for bicycle parking plan submittals; a modification to the definition of "off-street parking" in Section 10-3-24 to refer to both vehicle and bicycle parking; and changes to Section 10-3-28 to clarify rules for computing the required number of minimum parking spaces. Lastly, the following sections will be amended to clarify that the existing regulations noted in the sections refer only to vehicle parking spaces: Sections 10-3-26, 10-3-29, 10-3-34, 10-3-40, 10-3-46, 10-3-48.4, 10-3-52, 10-3-55.4, 10-3-56.4, 10-3-57.4, 10-3-58.4, 10-3-79, 10-3-91, 10-3-97, 10-3-106, and 10-3-180.

Attachments: [Memorandum](#)
[Extract ZO Amendment](#)
[Proposed DCSM amendments](#)
[Current Ordinance reflecting requested amendments](#)
[Public Hearing Notice](#)
[Surrounding Property Owners notice](#)
[PowerPoint presentation](#)

- 5.c. Consider amending the Design and Construction Standards Manual (DCSM) Chapter 2 General Design Standards. Specifically, the changes are to amend Section 2.6.10 by replacing the existing requirement with statements that require developers to meet the standards as specified in the Zoning Ordinance and that such details shall include the location, design, and spacing of bicycle parking on site.

Review & Recommendation: Two drawings are also being added to the DCSM to illustrate examples of how to apply regulations related to bicycle parking.

Attachments: [Memorandum](#)
[Extract ZO Amendment](#)
[Amendment DCSM Bicycle Parking - staff proposal](#)
[DCSM Bike Rack Details](#)

- 5.d. Consider the reappropriation of encumbrances that were outstanding at the end of Fiscal Year 2017 in the amount of \$4,026,881.09

Review & Recommendation: At the end of Fiscal Year 2017 there were outstanding encumbrances for purchase orders which were issued prior to June 30, 2017. These purchase orders were carried forward to the new Fiscal Year 2018 budget; however, the budgeted funds lapsed as of June 30, 2017. The purchase orders were for goods and/or services which were contracted for but not received prior to June 30, 2017. The purpose of the supplemental appropriation is to request that the funds for these outstanding purchase orders be reappropriated to the current fiscal year's budget.

This supplemental appropriation represents an increase of over 1% of the total city budget. Code of Virginia Section 15.2-2507 requires a public hearing for budget amendments that exceed 1% of the budget.

Attachments: [Memorandum](#)
[Supplemental Appropriation](#)

6. Public Hearings

6.a. Consider amendment to the 2017 CDBG Action Plan

Review & Recommendation: This Public Hearing is required by HUD to receive citizen comments on a Community Development Block Grant amendment to the 2017 Action Plan. Staff proposes that \$240,000 that was allocated to the Westover Pool Interior Resurfacing project (18CDBG09) and \$58,881 that was allocated to the Westover Pool Deck Resurfacing project (18CDBG10) will be reallocated to the NEW Westover Pool Resurfacing and Upgrades project (18AMEND01).

Staff will make a short presentation, to be followed by a Public Hearing and a 30 day Public Comment period.

There is no action needed on this item at this time.

Attachments: [Memorandum](#)
[Public Hearing Notice](#)

6.b. Consider the issuance and award of up to \$2.6 million in general obligation bonds to finance the purchase of radios

Review & Recommendation: The city is required by the Code of Virginia to hold a public hearing in advance of the issuance of debt. The proceeds from this issuance will be used to fund the purchase of handheld radios for the city/county radio system. The public hearing was advertised in the Daily News-Record on August 8, 2017 and August 15, 2017.

Attachments: [Memorandum](#)
[Bond Resolution](#)
[Public Hearing Notice](#)

6.c. Consider a supplemental appropriation for the purchase of radios for the city/county radio system in the amount of \$8,791,000

Review & Recommendation: Consider a supplemental appropriation for the purchase of radios for the city/county radio system. A presentation was made by Jim Junkins, ECC Director, to City Council on June 27, 2017.

Attachments: [Memorandum](#)
[Supplemental Appropriation](#)
[Public Hearing Notice](#)

7. Regular Items

7.a. Consider a request from Marusstodd Properties, LLC with representative Blackwell Engineering for a special use permit per Section 10-3-55.4(4) to allow retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities) under conditions set forth in subsections 10-3-55.6 (f) and (g) and such other conditions deemed necessary by City Council. The subject property consists of five (5) parcels addressed as 1340, 1348, and 1356 South Main Street and 1341 Edgelawn Drive

Review & Recommendation: The special use permit would also permit business and professional offices if this section is amended as proposed in a separate application. Planning Commission recommended to deny (6-0) the special use permit per Section 10-3-55.4(4) of the zoning ordinance for the 1.3 +/- acre site identified as tax map numbers 18-R-22, 22A, 23, 24, and 24A.

This request has been amended and revised since initial council meeting on 07/11/17. All revised documents are attached.

Attachments:

- [\(Updated\) Memorandum](#)
- [\(Updated\) Final Proffers](#)
- [\(Updated\) Sub. #1 Site Layout for PC 05-10-17](#)
- [\(Updated\) Sub. #2 Site Layout for CC 07-11-17](#)
- [\(Updated\) Sub. #3 Site Layout for CC 08-22-17](#)
- [\(Updated\) Powerpoint presentation](#)
- [Memorandum](#)
- [Extract ZO Amendment](#)
- [Site Maps](#)
- [Application and applicant's letter](#)
- [Proposed site development layout](#)
- [Citizen Letters](#)
- [Surrounding Property Notice](#)
- [Public Hearing Notice](#)

- 7.b. Consider a request from Marusstodd Properties, LLC with representative Blackwell Engineering for a special use permit per Section 10-3-55.4(1) to allow multi-family dwellings of more than twelve (12) units per building under conditions set forth in subsection 10-3-55.6(e) and such other conditions deemed necessary by City Council on five (5) parcels located at 1340, 1348, and 1356 South Main Street and 1341 Edgelawn Drive

Review & Recommendation: Planning Commission recommended to deny (6-0) the special use permit per Section 10-3-55.4(1) of the zoning ordinance for the 1.3 +/- acre site consisting of five parcels identified as tax map numbers 18-R-22, 22A, 23, 24, and 24A.

This request has been amended and revised since initial council meeting on 07/11/17. All revised documents are attached.

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- 7.c. Consider a request from Marusstodd, Properties, LLC to amend the Comprehensive Plan's Land Use Guide map designation for 5 parcels fronting South Main Street, East Weaver Avenue, and Edgelawn Drive from Professional and Low Density Residential, to Mixed Use Development Areas. The subject properties are addressed as 1340, 1348, and 1356 South Main Street and 1341 Edgelawn Drive.

Review & Recommendation: Planning Commission recommended to deny (6-0) the request to amend the Comprehensive Plan's Land Use Guide map within Chapter 5 Land Use & Development Quality, for the 1.3 +/- acres of land identified as tax map numbers 18-R-22, 22A, 23, 24, and 24A.

This request has been amended and revised since initial council meeting on 07/11/17. All revised documents are attached.

Attachments: [\(Updated\) Memorandum 08-22-17](#)
[\(Updated\) Final Proffers](#)
[\(Updated\) Sub. #1 Site Layout for PC 05-10-17](#)
[\(Updated\) Sub. #2 Site Layout for CC 07-11-17](#)
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[Public Hearing](#)
[Power Point Presentation](#)

- 7.d. Consider a request from Marusstodd Properties, LLC with representative Blackwell Engineering to rezone five (5) parcels containing a total of 1.3 +/- acres from R-1, Single Family Residential and R-3, Medium Density Residential to R-5C, High Density Residential District Conditional and addressed as 1340, 1348, and 1356 South Main Street and 1341 Edgelawn Drive.

Review & Recommendation: Planning Commission recommended to deny (6-0) the rezoning request to R-5C, for the five parcels identified as tax map numbers 18-R-22, 22A, 23, 24, and 24A

This request has been amended and revised since initial council meeting on 07/11/17. All revised documents are attached.

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[\(Updated\) Sub. #1 Site Layout for PC 05-10-17](#)
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- 7.e. Presentation from Rockingham-Harrisonburg SPCA

Attachments: [2016 Annual Report Narrative](#)
[Attorney General's Opinion Feral Cats 12-100 Napier](#)
[VDACS Lawful Dispositions for Animal Shelters](#)
[Evaluation Recommendations](#)
[DHS Chesterfield letter](#)
[Power Point Presentation](#)

- 7.f. Consider amending and re-enacting Sections 16-6-36 and 16-6-41 of the Harrisonburg City Code

Review & Recommendation: Proposed amendments to Sections 16-6-36 (Gravel shooters, air guns, slingshots, etc.) and 16-6-41 (Discharge of firearms within city) to update the City's ordinances to comply with recent changes to the Code of Virginia.

Current Section 16-6-36 prohibits the shooting of any air gun, gravel shooter, slingshot or any other type of missile-throwing device capable of doing injury to persons or property. Since the time that ordinance was passed, Code of Virginia Section 15.2-915.4 came into effect, limiting the City's authority to regulating the shooting of "pneumatic guns." The proposed Section 16-6-36 complies, by adding exceptions for "pneumatic guns" - guns that use air pressure to shoot a BB, pellet, etc.

Attachments: [Memorandum](#)
[Current Ordinance 16-6-36 reflecting recommended amendments](#)
[Current Ordinance 16-6-41 reflecting recommended amendments](#)

7.g. Consider amending and re-enacting Section 6-2-38, Refuse Disposal for Multifamily and Boardinghouses, of the Harrisonburg City Code

Review & Recommendation: Current Section 6-2-38 requires most multifamily developments to provide a garbage storage area, appropriate storage devices (dumpsters) for use by residents of the development, and contracting for trash collection; however, as written, it applies only to developments with at least six units and where at least half of the units are rented. Determining the percentage of a development that is owner-occupied, rather than rented, is a time-consuming process. The proposed changes would remove this exemption.

Additionally, as written, it's not always clear who is responsible for continuing the upkeep of the refuse storage areas if there is not a single owner of the entire development. Therefore, the amendments clarify that either the owner or property owners' association is responsible for providing the refuse storage area and arranging for trash collection.

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

7.h. Consider amending Section 15-3-2 Noise Violations; penalties and 15-3-3 Mass Social Outdoor Gatherings of the Harrisonburg City Code to clarify and strengthen certain aspects of these ordinances

Review & Recommendation: In August of 2016, city council enacted Section 15-3-3 regarding noise permits for mass outdoor social gatherings, and certain provisions of Section 15-3-2, the Noise Ordinance, in order to address issues and problems emanating from large parties. Now that the Mass Social Outdoor Gathering Ordinance has been in effect for a year, staff has met with various interested parties, including students, property owners, property managers, and law enforcement and other emergency services in order to ascertain what changes should be made to these Ordinances.

After the Council Meeting on August 8, 2017, additional amendments were recommended to be presented at the following council meeting on August 22, 2017.

Attachments: [Memorandum](#)
[\(Updated\) Current Ordinance reflecting proposed amendments](#)
[Current ordinance reflecting proposed changes](#)

7.i. Report on Branding Assessment

Review & Recommendation: The city's Tourism Office, Harrisonburg Economic Development, and Harrisonburg Downtown Renaissance have partnered to participate in a branding assessment. In an effort to understand the current collateral being used and to outline the purpose of creating a brand, all city departments have been invited to participate in the process. Community branding is a preservation process. It is our goal to proactively identify attributes people love about Harrisonburg and highlight those characteristics to brand the culture, resources, partnerships, and city.

This process will solicit input from different stakeholders and the community at large through a public process.

Attachments: [Memorandum](#)

8. Special Event Application Requests

8.a. Consider a special event application request for ArctoberFest, September 29, 2017

Review & Recommendation: Consider the event application request for ArctoberFest on Saturday, September 29, 2017.

Attachments: [Memorandum](#)

[Application](#)

[Map](#)

[Map2](#)

[Insurance](#)

[Endorsement](#)

[ABC license](#)

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)

9.b. City Council and Staff

10. Closed Session

10.a. 2.2-3771(A) Subsection 1 Discussion of personnel

11. Adjournment