



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

*Mayor Christopher B. Jones*  
*Vice-Mayor Richard Baugh*  
*Council Member Ted Byrd*  
*Council Member Kai Degner*  
*Council Member Abe Shearer*

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Tuesday, November 10, 2015

7:00 PM

Council Chambers

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### 1. Roll Call

**Present:** 5 - Mayor Christopher B. Jones, Vice-Mayor Richard Baugh, Council Member Ted Byrd, Council Member Kai Degner and Council Member Abe Shearer

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

### 2. Invocation

Vice-Mayor Baugh offered the invocation.

### 3. Pledge of Allegiance

Mayor Jones 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 Jones recognized the 2015 Citizen Academy graduates and spoke briefly about the program.

Michael Wong, Executive Director of the Harrisonburg Redevelopment and Housing Authority (HRHA), stated community organizations have been focused on getting homeless veterans places to live since July when Mayor Jones and Governor McAuliffe signed off on the Challenge to End Veteran Homelessness. Mr. Wong reported 32 out of the 37 homeless veterans identified in our area have been housed. Mr. Wong also reported that the HRHA has received 15 vouchers through a grant to be used toward veterans, so he feels positive the other five will be housed. Mr. Wong stated the grand opening for Commerce Village will take place on Thursday, December 10, 2015.

James "Bucky" Berry, 30 West Washington Street, reported George's and Shenandoah Valley Organic will be providing enough chickens to feed 800 to 900 families through the Salvation Army this Thanksgiving. Mr. Berry noted information about his upcoming food drives and that he would be ringing the Salvation Army bell. Mr. Berry requested more funds to go toward homelessness and he would like to see better paying jobs. Mr. Berry also shared his concern about the intersection of North Main Street and West Washington Street.

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

A motion was made by Council Member Byrd, seconded by Council Member Degner, that the Consent Agenda be approved. The motion carried with a recorded roll call vote taken as follows:

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

**No:** 0

**5.a. Minutes**

These minutes were approved on the Consent Agenda.

**6. Public Hearings**

**6.a. Consider a request to amend the Zoning Ordinance's Article G Off-Street Parking regulations Section 10-3-26 Location in Relation to Building or Use Served**

Adam Fletcher, Acting Director of Community Development, reviewed the history of Section 10-3-26 subsection (a) and (b). Mr. Fletcher presented the proposed modifications which included adding an additional subsection to Section 10-3-26 (a) (1). Mr. Fletcher stated these modifications would affect any parcel within the area bounded by Gay Street to the north, Mason Street to the east, Martin Luther King Jr. Way to the south, and High Street to the west. Mr. Fletcher stated the review of this ordinance was brought on originally by a request from an applicant regarding a property located at 37 Paul Street. Mr. Fletcher reviewed zoning, land use, and other designated areas in the downtown area within the bounded area. Mr. Fletcher clarified that the building or professional office use must be located within the boundary to take advantage of this accommodation, but the off-site parking may be located within or outside of the boundary as long as the parcel's zoning permits parking and the site is no more than one quarter mile from the use served.

At 7:24 p.m., Mayor Jones closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, October 26, 2015 and Monday, November 2, 2015.

There being no one desiring to be heard, Mayor Jones closed the public hearing at 7:25 p.m., and the regular session reconvened.

A brief discussion took place about how these amendments would encourage business in the area, it was suggested to look at other areas in the city for similar opportunities, and also to look at other localities to see how they are handling similar situations.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Shearer, to amend

and re-enact the changes as presented. The motion carried with a recorded roll call vote taken as follows:

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

**No:** 0

- 6.b.** Consider a request from Erica and Brock Dorsey to amend an existing special use permit allowing a Major Family Day Home in the R-1, Single Family Residential District per Section 10-3-34 (6) of the Zoning Ordinance

Mr. Fletcher reviewed the history of the property, the current special use permit, and reviewed the property and surrounding area. Mr. Fletcher noted the city doesn't limit the number of children the applicant may have enrolled, but limits the number of children that can receive care in the residence at one time. Mr. Fletcher stated the applicant is requesting to increase the number of children from ten to the maximum of 12. Mr. Fletcher also stated this increase is to accommodate the forthcoming birth of the sole employee's child and the birth of a sibling to a currently enrolled child. Mr. Fletcher reported the Department of Social Services conducted three unannounced inspections finding no violations. Mr. Fletcher stated staff hasn't received any concerns regarding the use, parking, or traffic since the 2014 SUP approval; however, staff and Planning Commission recommend approval with the following condition: if in the opinion of Planning Commission or City Council, parking becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

At 7:33 p.m., Mayor Jones closed the regular session and called the second public hearing to order. A notice appeared in the Daily News-Record on Monday, October 26, 2015 and Monday, November 2, 2015.

Erika Dorsey, applicant, introduced Callie Simmons, other care giver, and stated they have had tremendous success, proven to be compliant, and hadn't received any complaints. Ms. Dorsey stated there wouldn't be an increase to traffic, until at least two years where an additional vehicle might be added.

Roger Jones, 1216 Windsor Road, stated he hadn't noticed any additional traffic, majority of the neighbors are retired, and he didn't have any concerns.

Barbara McKee, 1213 Windsor Road, stated she and the other neighbors supported the request.

At 7:44 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

A brief discussion took place about the applicant proving themselves and the importance of quality childcare.

A motion was made by Vice-Mayor Baugh, seconded by Council Member Byrd, to approve

the SUP as presented. The motion carried with a recorded roll call vote taken as follows:

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

**No:** 0

- 6.c.** Consider a request from Michael's Auto Body and KAR Towing, with representative Eddie Edwards Signs, Inc., for a sign ordinance variance to allow off-premises signage to be located at 3120 South Main Street

Mr. Fletcher stated this is a presentation from staff after receiving an application requesting a sign ordinance variance to allow off-premises advertising. Mr. Fletcher reviewed the property located at 3116 South Main Street, Michael's Auto Body/Hertz and 3120 South Main Street, KAR Towing, and Sections 11-7-6.1 and 11-7-9 of the City Code. Mr. Fletcher stated Michael's Auto Body/Hertz are requesting to locate a sign on the KAR Towing parcel. Mr. Fletcher stated the current sign for Michael's Auto Body/Hertz is located at 3106 South Main Street, Valley Lanes Bowling Alley, which was permitted by the Board of Zoning Appeals in 1991. Mr. Fletcher stated KAR Towing currently has two free-standing signs. Mr. Fletcher stated all of the current free-standing signs on the three parcels are being removed and are requesting to place a shared 96 square foot sign, where 40 square feet will advertise the on-premises business, KAR Towing, and the remaining 56 square feet will be used to advertise the off-premises businesses, Michael's Auto Body/Hertz. Mr. Fletcher stated if approved, both parcels would still have unused sign area allotments that could be used as wall signage on their respective buildings. Mr. Fletcher also stated that it should be understood that approving the request does not prevent a second freestanding sign from being erected on 3120 South Main Street, which must meet a 30 foot setback.

At 7:52 p.m., Mayor Jones closed the regular session and called the third public hearing to order. A notice appeared in the Daily News-Record on Monday, October 26, 2015 and Monday, November 2, 2015.

Mark Runion, Eddie Edward Signs, stated this request is to help improve the signage for the area businesses and the area and made himself available for additional questions.

At 7:52 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

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

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

**No:** 0

Mayor Jones thanked Adam Fletcher

Mayor Jones thanked Mr. Fletcher for his assistance on his Mayor's Institute presentation and project.

## 7. Regular Items

- 7.a. Consider a Memorandum of Understanding by and between the Commonwealth of Virginia Department of Emergency Management and the City of Harrisonburg on behalf of Division 2 Search and Technical Rescue / Urban Search and Rescue (USAR) Team

Ian Bennett, Deputy Chief of the Harrisonburg Fire Department, stated the document being presented is a proposed memorandum of understanding (MOU) between the city of Harrisonburg and the Virginia Department of Emergency Management (VDEM). Mr. Bennett stated in 2005, the state established a Technical Rescue/Urban Search and Rescue program whereby VDEM selected several localities across the state and identified them as Regional Technical Rescue/Urban Search and Rescue teams to provide services to the rest of the state. The city of Harrisonburg was selected to lead the Division II Team which consists of Rockingham and Augusta county and the cities of Staunton and Waynesboro. Mr. Bennett stated over the last ten years the team has received over \$800,000 in personnel and equipment. Mr. Bennett reported that the team will be receiving an additional \$75,000 in personnel and equipment this year. Mr. Bennett stated one of the challenges is to receive reimbursement for personnel and equipment expenses during deployment and the city of Harrisonburg is leading the effort to address this challenge with the MOU being presented.

Council Member Shearer noted that it is great to see our departments being recognized across the state as being highly qualified.

Mayor Jones thanked Ariel Rodriguez, car seat technician, for helping him place his car seat in his vehicle.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve the MOU as stated. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

- 7.b. Consider amending and re-enacting Section 13-1-61 of the Harrisonburg City Code

City Attorney Brown stated this ordinance amendment is proposed to permit residents of properties fronting on streets that do not allow on-street parking to receive two guest cards. City Attorney Brown stated in November 2013, council amended Section 13-1-61 to prohibit the issuance of parking permits to any property fronting on a street where on-street parking is not permitted. City Attorney Brown stated there were a number of properties affected by the 2013 ordinance

amendment and feedback was received. City Attorney Brown stated the proposed amendment seeks to alleviate some of that hardship by allowing two guest cards to be issued to any property fronting on a street where on-street parking is not permitted. City Attorney Brown also stated the guest cards are subject to the restrictions set forth in Section 13-1-66 and may not be used by renters or for long term parking.

A brief discussion was held regarding the process of ordinances and how they can be amended to improve processes.

**A motion was made by Council Member Byrd, seconded by Vice-Mayor Baugh, to amend and re-enact Section 13-1-61 of the City Code as presented. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

**7.c. Consider enacting Section 4-2-19 of the Harrisonburg City Code**

City Attorney Brown stated the proposed ordinance will implement a \$5.00 fee to each criminal and traffic case prosecuted on a city warrant or summons with the Circuit Court, General District Court, or the Juvenile Domestic Relations Court. City Attorney Brown stated the fee will be used to implement an electronic summons system that will be used by the Harrisonburg Police Department beginning December 1, 2015. City Attorney Brown explained that under the system, when an officer stops a motorist for a traffic infraction, the officer will be able to swipe the motorist's driver license to retrieve the name, address, and other personal information of the motorist on file with the DMV. City Attorney Brown explained the information for the driver, the officer, court date, charge, and other required information will be auto populated in the system and printed out on a small printer in the police cruiser. City Attorney Brown further explained the printed summons will be presented to the motorist and sent electronically to the court. City Attorney Brown stated the system should reduce wait time, reduce mistakes, and generate enough funds to cover the cost of the system. It was noted that state code allows the money generated by this program to be used only towards this system and will sit with our treasurer until it is needed.

There was brief discussion of how some papers will still be generated for the courts and the possibility of this system working with a future system. City Manager Hodgen stated Jim Junkins, director of the emergency communications center, is reviewing possible dates for the CAD/data management system replacement working group to meet. City Manager Hodgen stated by December 2015 an RFP is to be issued for the actual system; by July 2016 we would want a consultant hired; and, a new system selected by December 2016.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to enact Section 4-2-19 of the City Code. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

## 8. Supplementals

- 8.a.** Consider a supplemental appropriation for the Economic Development Department in the amount of \$75,000

Brian Shull, Director of Economic Development, stated the city had received a Commonwealth Opportunity Fund award in the amount of \$75,000 that Governor McAuliffe authorized for AxonAI, Inc. to utilize to recruit, hire, and train future employees.

Mark Slonecker, AxonAI, Inc., stated AI stands for artificial intelligence and stated AxonAI, Inc. develops software and products and analyzes data to help predict future happenings. Mr. Slonecker stated the company is looking to expand into the medical field and recently submitted an application to Medicare. Mr. Slonecker stated they are excited to be in Harrisonburg and have a partnership with James Madison University. Mr. Slonecker stated they will be moving to a new facility located on the fifth floor at 2 North Main Street and they will be having an open house on Wednesday, January 27, 2016.

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

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

**No:** 0

- 8.b.** Consider a supplemental appropriation for the Police Department in the amount of \$62,500

Police Chief Monticelli stated the first six months of funds that were awarded through the 2015 Community Oriented Policing Services Grant have been received. Police Chief Monticelli stated through this grant four new police officer positions will staff a specialized Mental Illness Crisis Team (MICT) to focus on issues of the mentally ill. Police Chief Monticelli stated one of the primary goals of the MICT team is to establish a positive collaborative relationship with mental health professionals throughout the area and to work with them as partners when dealing with mentally ill individuals. Police Chief Monticelli stated the four officers will be assigned to different squads so they would be available 24 hours a day.

A brief discussion was held about the program being in line with other community initiatives dealing with criminal justice; the Harrisonburg Police Department has not filled all the open positions, but currently is going through the selection process for more officers; these four MICT positions haven't been filled, but will be filled prior to other current vacancies, six new officers were just sworn in, five officers have

been assigned to the Community Action Team, and the time it takes to train new officers.

**A motion was made by Vice-Mayor Baugh, seconded by Council Member Degner, that this Supplemental Appropriation be approved on first reading. The motion carried with a recorded roll call vote taken as follows:**

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

**No:** 0

## 9. Other Matters

Vice-Mayor Baugh stated he had been approached by a group of citizens concerned that Harrisonburg didn't have an ordinance addressing tethering of dogs. After no objection shown by council, staff will review the information provided and make a presentation before council.

Vice-Mayor Baugh questioned if the SPCA was on track with the consultant. City Manager Hodgen stated he and the county administrator would be meeting with the SPCA board tomorrow and presumably getting the board's final approval to proceed.

Vice-Mayor Baugh provided an update about upcoming cases being presented to Planning Commission.

City Manager Hodgen reported the School Board Liaison Committee met and discussed the next steps for addressing the high school's overcrowding situation. City Manager Hodgen stated the city has an understanding of the numbers being projected in terms of students and the School Board has an understanding of the financial limits the city has over the next several years after the new elementary and pre-k begin. City Manager Hodgen stated the committee would like to explore the possibility of an request for proposal (RFP) for a architectural and engineering (A&E) firm to complete a feasibility study to look both on-site to determine if an annex building would work on the existing high school site and also explore non-attached sites to see overall needs for space, such as parking, support service, etc. The RFP would be worked on by a working group made up of both city and school personnel. The working group would interview and select the A&E firm. City Manager Hodgen stated he didn't anticipate this to be an extremely expensive project and funds from the Reserve for Contingencies could be used. Vice-Mayor Baugh added there would be direct participation from the city in the process. Mayor Jones stated he was in favor to have the A&E study completed and bringing it before the combined bodies after the School Board listening sessions are finished.

City Manager Hodgen referenced an article within the Daily News-Record in regards to a previous School Board meeting referencing an amount of \$1.5M for roadwork that needs to be completed on Garbers Church Road associated with the school project. City Manager Hodgen reported that the Public Works



Department used the A&E consultant's numbers and broke it down to what they felt reasonable costs would be with the school construction project and costs that would be reasonably born by the city separately as additional work that we would do on the road. City Manager Hodgen reported that city staff felt approximately \$700,000 would be applicable to the school construction. City Manager Hodgen stated schools don't feel that amount should be a part of their project. City Manager Hodgen stated he had sent information regarding previous similar projects and how funds were used. City Manager Hodgen also stated he received an email today from the School Board Superintendent seeking direction on how to address the impasse. It was noted these numbers have been discussed with the consultants since at least June/July of the current year. There was a discussion on the following: this was addressed even before it went to the consultants; the number has already been decreased once; it was strongly encouraged that classroom space not be sacrificed, but other luxuries might have to be; easily segmented cost from the rest of the project; a little premature to be discussing the numbers because bids haven't been received; the schools paid for the widening of the road and the city paid for the installation of the signals on Garbers Church Road when the high school was first built; some don't understand why the \$1.5M amount is still being discussed; and, council felt the answer could be provided at the next council meeting due to just receiving the email today. Council Member Degner noted that he doesn't have the expertise over these types of decisions.

Council Member Shearer stated he has been approached again from concerned citizens in the Old Town Neighborhood about the increase of inappropriate behavior in their neighborhood. Council Member Shearer stated children are being exposed to things they shouldn't be and homeowners are looking for recourse measures to address the situation. Council Member Shearer stated community members, city staff, and council members have been involved with addressing the situation which seems to work for a limited amount of time. Council Member Shearer asked staff to reach out to other communities to see how they address anti-social behavior.

City Manager Hodgen stated auditors are still on site and their report is typically provided in December.

Council Member Byrd noted the second meeting December will fall on December 22. City Manager Hodgen stated he was planning to bring the request to cancel the second meeting in December to the next meeting. Council Member Degner noted that he would not be present at the first meeting in December.

Council Member Degner stated with Veterans Day tomorrow he appreciated Mr. Wong's report on the housing of 32 homeless veterans.

Mayor Jones reported he would be attending and reading a proclamation at a Veteran's Day event tomorrow at 11:00 a.m.

Council members thanked veterans for their service.

There was brief discussion about the mayor and vice-mayor participating in the Veteran's Day parade.

**10. Boards and Commissions**

**10.a. Harrisonburg Redevelopment and Housing Authority**

A motion was made by Vice-Mayor Baugh, seconded by Council Member Shearer, to reappoint Timothy Smith, 197 Diamond Court, to a second term to expire November 29, 2019, on the Harrisonburg Redevelopment and Housing Authority. The motion carried with a recorded with an unanimous voice vote.

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

**No:** 0

**10.b. Community Policy and Management Team**

A motion was made by Vice-Mayor Baugh, seconded by Council Member Shearer, to reappoint Ms. Mary Ellen Chewning, parent representative, and Mr. Dane Byers, private organization representative, to another one year term on the Community Policy and Management Team to expire on December 31, 2016. The motion carried with a recorded with an unanimous voice vote.

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

**No:** 0

**11. Adjournment**

At 8:50 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR