



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

Tuesday, July 25, 2017

7:00 PM

Council Chambers

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: 5 - City Manager Kurt Hodgen, Deputy City Manager Ande Banks, City Attorney Chris Brown, Police Chief Stephen Monticelli and City Clerk Banks Ande

2. Invocation

Council Member Jones offered the invocation.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance

4. Special Recognition

Consider a resolution honoring the work of Harrisonburg Downtown Renaissance

Mayor Reed stated Council Member Jones recommended to council a resolution be done honoring the work of Harrisonburg Downtown Renaissance (HDR).

Mayor Reed presented the resolution to Andrea Dono, Executive Director, Jeremiah Jenkins, Events Coordinator of HDR and Board Member, Hans Harman.

A motion was made by Council Member Jones, seconded by Vice Mayor Baugh to approve the resolution as presented. The motion carried with a unanimous voice vote.

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 Byrd 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. Minutes from July 11, 2017 City Council Meeting

These Minutes were approved.

5.b. Minutes from July 17, 2017 Special Meeting

These Minutes were approved

5.c. Consider a request from George's Food, LLC to close a 2,924 +/- square feet portion of a developed public alley located between North Liberty Street and the northern property line of George's Food, LLC

This alley closing request was approved on second reading

5.d. Consider a request from Marrusstodd Properties, LLC to amend Section 10-3-55.4, Uses permitted by special use permit in the R-5, High Density Residential District.

This Zoning Ordinance amendment request was approved on second reading.

6. Public Hearings

6.a. Consider a Certificate of Public Convenience and Necessity for Benish Corporation, LLC - DBA Royal Cab

Reggie Smith, director of Harrisonburg Department of Public Transportation, presented a renewal of the Certificate of Public Convenience and Necessity for Benish Corporation, LLC doing business as Royal Cab and Limousine. Mr. Smith stated all required documents have been obtained and for the past five years they have met all the requirements, therefore staff recommends renewal.

Open: At 7:07 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 Saturday, July 15, 2017.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:07 p.m., and the regular session reconvened.

A motion was made by Council Member Byrd, seconded by Council Member Hirschmann to approve the renewal of a Certificate of Convenience and Necessity 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 refund for business personal property tax for 2016

Chris Brown, city attorney, presented a refund request for an erroneous tax payment in the amount of \$3,078.35. Mr. Brown stated a company leased a large truck and the Commissioner of Revenue was under the impression it was garaged in Harrisonburg but it was garaged in Rockingham County instead.

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

7.b. Consider authorizing City Manager to sign interim agreement for Northend Greenway Shared Use Path and Streambed Restoration

Brian Shull, director of Economic Development, presented an interim agreement in accordance with the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA) and noted Hans Harman with Momentum Earthworks, LLC and Kip Mumaw with Ecosystems Services are in attendance representing the applicant. Mr. Shull stated this proposal addresses two projects that are included in the city's Capital Improvement Plan (CIP); a shared use path from the Parkview area into the downtown central business district which has been active planning stages for approximately five years; and the second component is a stream bed restoration, which will enable the city to achieve mandated nutrient and sediment reductions. Mr. Shull stated an unsolicited proposal was received from Momentum Earthworks in December 2016, staff analyzed it and concluded it was a prime candidate for a public-private partnership. Mr. Shull stated the city then advertised for competing proposals, but none were received within the 45 day period. Mr. Shull stated an interim agreement between the city and Momentum Earthworks was created, which was posted and advertised for 30 days and shared the one public comment received.

Tom Hartman, assistant director of Public Works, presented information on the Northend Greenway (NEG) - Shared Use Path and Stream Restoration PPEA Interim Agreement. Mr. Hartman reviewed the time line from the beginning of the NEG planning in 2010 forward, reviewed the proposed path of the shared use path project, reviewed the area of the Blacks Run stream restoration which will allow for the purchase of stormwater credits, reviewed the interim agreement requirements,

costs and timeline of completion, and the anticipated next steps.

Council Member Byrd complimented Mr. Hartman on the banking of nutrient credits anticipated. Vice Mayor Baugh agreed with Council Member Byrd and noted as many other localities are still wrestling with this concept he will enjoy telling other people of what the city is doing.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to authorized the city manager to sign the interim agreement 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 for the Police Department in the amount of \$56,000

Stephen Monticelli, police chief for the Harrisonburg Police Department, presented a supplemental appropriation request from the federal asset funds to be utilized to renovate property located at 1020 Greendale Road, which has been used for over a decade for police and fire training. Chief Monticelli stated there are no utilities in the building, has becoming an eyesore in the community and is in need of renovations. Chief Monticelli reviewed current photographs of the property, reviewed the intended functions once renovated and proposed floor plans. Chief Monticelli noted the repurposing of the City-owned structure on Greendale Road is to provide a training facility for classroom instruction, a police substation, a classroom suitable for community meetings and a kitchen/break-room area. Chief Monticelli stated the renovations are anticipated to be completed with police department labor and some subcontracted work to keep costs at a minimum. Finally, Chief Monticelli reviewed anticipated costs.

Council Member Byrd asked Chief Monticelli to explain the training that is held at this location. Chief Monticelli stated the police department and fire department use this property for SWAT operations, search and rescue, etc. and noted the training houses are usually those that are about to be torn down, and set up specifically for training with scattered furniture, etc. Chief Monticelli stated this property will be renovated and used primarily as classroom settings for training.

Council Member Jones stated he was able to see some of the training and commends the officers for training in tough conditions especially with the temperatures as of late. Chief Monticelli noted it is important to train in all kinds of

environments.

A motion was made by Council Member Byrd, seconded by Council Member Jones, 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 West Washington Street, stated he feels the presentation regarding the Harrisonburg Rockingham Emergency Communications Center (HRECC) new radios was misleading to the community when he stated the loan for these radios was interest free.

Ramona Sanders, 355 Hartman Drive, stated she serves on the executive committee of the NAACP and invited council to their 14th annual Freedom Fund banquet fundraiser held on September 17, 2017 at 6:00 p.m. at the campus of James Madison University, with a theme "Now is the Time" and the speaker will be Reverend Dr. James Coleman. Ms. Sanders provided council with ticket order forms and brochures.

9.b. City Council and Staff

Council Member Jones noted he received a letter from Blackwell Engineering regarding their response to the letter from James Madison University Off Campus Life on the special use permit and rezoning requests for property located at 1340, 1348, 1356 South Main Street and 1341 Edgelawn Drive and feels that council can all agree that it was not appropriate. Council Member Jones stated he had received a presentation with different information in regards to animal welfare and recommends council review as well. Council Member Jones noted he suggests staff and council revisit the yard ordinance (weed and grass) and would like to know how much manpower and resources are being put into this ordinance. Council Member Jones stated ultimately, from the amount of complaints, it seems nominal and noted out of the 33 complaints through June the city has only had to mow 3 times. Council Member Jones stated he has seen petitions and other things that have been brought up about this ordinance and feels if we are going to have ordinances they should be used properly and how the city enforces it should be looked at. City Attorney Brown stated staff is looking at that ordinance but there is always an amount of aesthetics, which we try to exclude and is making sure the ordinance can be enforced objectively as a priority.

Vice Mayor Baugh provided a report on what is coming from Planning Commission, which include two public utility applications, a preliminary plat of property located off Old Furnace Road, a special use permit that is a last phase of Campus View, and proposed bicycle parking regulations.

Council Member Byrd stated the Stormwater Advisory Committee will be meeting and there will be more projects to be presented to council.

City Manager Kurt Hodgen stated there will be a liaison meeting with the Rockingham County on July 26, 2017 and a James Madison University liaison meeting on July 27, 2017 if council has any items they would like him to convey please let him know before those meetings.

Mayor Reed stated National Night Out is just around the corner and will be held on Tuesday, August 1, 2017 beginning at 5:00 p.m. from Court Square, additional details can be found on the city's website; Parks and Recreation will host an annual Youth TryAthlon, which is open to kids ages 5 thru 17, on Saturday, August 12, 2017, deadline to register is August 4, 2017; the deadline to apply for the Citizens Academy is Monday, July 31, 2017 and space is limited; the Harrisonburg Department of Public Transportation has rolled out its latest technology upgrade, which provides customers with a real time transit system information and alerts of changes in the service, customers are able to text, visit the website or download the free app, more information can be found on ride.hdpt.com; Dog Days dog swim will be held at Westover pool on September 27, 2017 from noon to 3:00 p.m.

10. Boards and Commissions

10.a. Social Services Advisory Board

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh to re-appoint Roberta McCorkle and appoint Cannie Campbell to the Social Services Advisory Board. The motion carried with a unanimous voice vote.

10.b. Parks and Recreation Commission

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones to appoint Kevin Gibson to the Parks and Recreation Commission. The motion carried with a unanimous voice vote.

11. Adjournment

At 7:42 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR