



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, August 8, 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 Hirschmann offered the invocation

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

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 Vice Mayor Baugh 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 City Council meeting July 25, 2017

These minutes were approved on the Consent Agenda

5.b. Consider a supplemental appropriation for the Police Department in the amount of \$56,000

This Supplemental Appropriation was approved on second reading,

6. Public Hearings

- 6.a. Consider a request from Davis Mill, LLC with representative Blackwell Engineering for a special use permit to allow multiple family dwellings of more than 12 units per building within the R-5, High Density Residential District on a 4.34 +/- acre site, addressed as 2465, 2485, 2511, and 2521 Reservoir Street, and 2401, 2402, and 2408 Clubhouse Court.

Adam Fletcher, director of Planning and Community Development, presented a Special Use Permit request from Davis Mill, LLC 10-3-55.4(1) allowing multi-family dwelling structures to have more than 12 units per building for property within the R-5 High Density Residential District, located on Reservoir Street and Clubhouse Court. Mr. Fletcher stated Special Use Permits have already been approved on different portions of the subject site. Mr. Fletcher reviewed the subject site, referred to recently approved rezoning requests, and current proffers consisting of the following: No more than 42 additional units constructed on the subject property; 19 additional trees; and there shall be a total of 13 buildings with no more than 174 units. Mr. Fletcher stated this request is to allow two of the buildings to have 13 units per building for a total of 172 units. Mr. Fletcher reviewed the surrounding properties, and current structures in this development. Mr. Fletcher stated staff recommended approval of the special use permit and the Planning Commission voted 6-0 to recommend approval by council.

At 7:06 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, July 31, 2017 and Monday, August 7, 2017

Ed Blackwell, Blackwell Engineering, as representative for the owner, stated he is available to answer any questions council may have.

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

Vice Mayor Baugh stated this is the type of things that have been looked at for years, as it creates more flexibility to adjust for terrain and this project comes out to two less units than originally planned and less disruption of the terrain.

Council Member Hirschmann asked if the residents will have direct access to Reservoir Street from these units. Vice Mayor Baugh stated yes, there have been discussions with planning commission and public works and it was thoroughly reviewed for all the best options for access to property and it was realized that stacking problems would arise if a right-in/right-out access was in the design.

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones, to approve the Special Use Permit request as presented. The motion carried with a recorded roll call

vote taken as follows:

Yes: 4 - Mayor Reed, Vice-Mayor Baugh, Council Member Byrd and Council Member Jones

No: 1 - Council Member Hirschmann

- 6.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.

Adam Fletcher, director of Planning and Community Development, presented the recommend changes to specific zoning ordinances and to the Design and Construction Standards Manual (DCSM) Section 2.6.10 (agenda items 6b and 6c). Mr. Fletcher noted it is requested to enact one section which would be Section 10-3-25.1, and the requested amendments are to make a distinction between bicycle parking and vehicle parking. Mr. Fletcher reviewed the proposed amendments and the rationale behind the recommended changes. Mr. Fletcher noted the current DCSM shows a blanket statement stating developments, with 15 or greater car parking spaces, must provide one bicycle space per 25 car parking spaces with a minimum of 4 bicycle spaces. Mr. Fletcher noted the DCSM references the Bicycle Parking Guidelines as adopted by the Association of Pedestrian and Bicycle Professionals (APB), but staff realized many of the engineers that develop in the city do not have access to that guideline. Mr. Fletcher noted the recommendations that come from the guideline and to most "best practices" are associated with regulating bicycle parking just as the city does with vehicle parking spaces. Mr. Fletcher stated staff, per some recommendations and the APB manual, created a design criteria to be inserted into the DCSM as well as recommended cleanup of the DCSM language to just refer to the zoning ordinance for specific regulations. Mr. Fletcher reviewed the recommended design criteria and noted the proposed amendments are for short term bicycle parking only. Mr. Fletcher noted B-1 zoning does not require minimum parking requirements, however if vehicle parking spaces are provided in B-1 one must comply with the design criteria and landscaping regulations, with the same approach on bicycle parking requirements on private parking in the downtown area, however if one chooses to provide bicycle parking in those areas, specified guidelines must be followed. Mr. Fletcher reviewed some examples of current business and what their bicycle parking space requirements would be. Mr. Fletcher stated the Bicycle and Pedestrian Subcommittee reviewed these proposed amendments in March of 2017 and gave favorable support to continue forward, comments were then solicited online and then presented to Planning Commission. Mr. Fletcher stated staff recommended approval of these proposed amendments and the Planning Commission voted 6-0 to recommend approval by council.

At 7:20 p.m., Mayor Reed closed the regular session and called the second and third public hearing to order. A notice appeared in the Daily News-Record on Monday, July 31, 2017 and Monday, August 7, 2017

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:21 p.m., and the regular session reconvened.

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones to approve the amendment and re-enactment of Article G Sections as presented. The motion carried with a recorded roll call vote taken as follows

- 6.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.

discussed with agenda item 6b

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones, to approve the amendments to the Design and Constructions Manual 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 the reappropriation of encumbrances that were outstanding at the end of Fiscal Year 2017 in the amount of \$4,026,881.09

City Manager Kurt Hodgen, presented a re-appropriation of encumbrances request and stated this is an annual practice, reflecting a consideration to re-appropriating funds in the amount of \$4,026,881.09, which were outstanding encumbrances at the end of FY16-17 that need to be carried over into the new fiscal year. Mr. Hodgen stated approximately \$2.7M is from the general fund, with a balance being split between the various other funds, school fund, transportation fund etc.

At 7:21 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, July 31, 2017.

James "Bucky" Berry, 30 West Washington, asked if there is funding leftover why were the taxes raised. Mr. Hodgen stated this is not extra money, these are funds that have already been appropriated to pay for things like paving etc. Vice Mayor Baugh stated since the city didn't spend these funds in FY16-17, we are authorizing it to be spent this year.

At 7:23 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to approve the reappropriation 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. Regular Items

7.a. Report on services offered by Anicura

Cate Lemmond, President and CEO of Anicura, presented a report on services offered by Anicura. Ms. Lemmond reviewed the facilities mission and vision and noted the name is derived from Latin and means "animal care". Ms. Lemmond reviewed Anicura's philosophy, community impact since 2005, and noted over 12,000 pets are served each year with \$1.25M of subsidized and pro bono services offered and over 150,000 spay and neuter surgeries having been performed. Ms. Lemmond reviewed programs offered such as outreach and partnerships, medical assistance provided to approximately 1,200 pets per year, a pet food pantry, which was created due to community need with over 3,000 pounds of food being distributed each month purely funded by donations; and an adoption program. Ms. Lemmond showed photos from Adoption Day, reviewed the history of a few animals that were treated medically and with behavior modification that were adopted after such care. Ms. Lemmond stated in May of 2017 the former Veterinary practice was converted into a licensed and inspected animal shelter on North Liberty Street. Ms. Lemmond stated many animals can be saved through a "no-kill" philosophy, and explained that "no-kill" means reserving euthanasia for animals that are terminally ill, critically injured or a threat to public safety. Ms. Lemmond stated according to Webster's Dictionary the definition of euthanasia is "the act of permitting the death of hopelessly sick or injured individuals or domesticated pets in a relatively painless way for reasons of mercy". Ms. Lemmond stated their 90% "no-kill" rate is just the start of "no-kill" sheltering. Ms. Lemmond reviewed myths of "no-kill" shelters, 2016 intake figures adoption friendly policies, partnerships with areas that have a need for adoptable animals, the 2016 intake figures for what the Harrisonburg Police Department (HPD) brought to the contracted shelter and the total intake figures for both Harrisonburg and Rockingham County. Ms. Lemmond stated Anicura provided veterinarian services to over 12,000 cats and dogs a year and reviewed the death rate in the local contracted shelter and shelters in other localities. Ms. Lemmond stated this year they are anticipating to adopt out over 500 dogs, some will be transferred to one of the 90 "no-kill" partnerships and communities up and down the east coast and others will be given to some of the 100 foster care givers in the local area until

adoption can be made. Ms. Lemmond noted based on the data received from HPD there are fewer than ten animals from the city held each year over the past three years on bite holds or court holds, and she feels Anicira can accommodate those as well. Ms. Lemmond stated per the statistics, more animals leave the current local shelter dead than do alive at 51% euthanasia rate and feels Anicira can do significantly better. Ms. Lemmond shared Anicira's new and improved operating model and guarantees a live release rate improvement and put the city on track of becoming a "no-kill" city. Ms. Lemmond stated best practices and industry standards will be used, spaying/neutering all animals before release, will not have surrender fees, will have collaborative active local partnerships where the HPD will have access to the facility 24 hours a day 7 days a week and availability to Anicira team members, so animals would not have to wait for emergency veterinary care. Ms. Lemmond stated reunification and pet retention programs are key features of their approach. Anicira has received grant funding from PetSmart Charities that provide spay and neuter assistance and a Petco Foundation grant was also received. Ms. Lemmond stated in collaboration with the HPD, Anicira would love to see the Community Animal Response Team (CART) program reinstated and would like to have social services and public health initiatives implemented and/or increased. Ms. Lemmond stated data analysis is key to shelter management. By better understanding the intake and the numbers, the programs can be addressed and tweaked as needed. Ms. Lemmond stated one of the most important aspects of the new approach is access to veterinary care as all successful shelters have a Veterinarian on staff and Anicira is fortunate to have two full time doctors that have experience in shelter medicine and that have a great connection with other local veterinarians for care that cannot be performed at the shelter. Ms. Lemmond stated the funding request is based on the intake data associated with providing cost for all the animals and stated the funding request is 5% less than current budget. Ms. Lemmond stated every dollar, every minute and every resource should be working towards lifesaving goals. Ms. Lemmond stated Anicira feels now is the time to shift to progressive lifesaving models so the community can experience a respect for animals and there is a significant philosophical difference between traditional shelters and "no-kill" shelters. Ms. Lemmond thanked council for allowing her to present Anicira's philosophy and services.

Mayor Reed thanked Ms. Lemmond for presenting and noted questions will be asked to both Anicira and the current contracted shelter (SPCA). Mayor Reed stated she visited Anicira's facility and asked for clarification of what "no-kill" means and what is done if the animal is contagious or terminal. Ms. Lemmond reviewed the definition of 'no-kill'. Mayor Reed asked if the Veterinarians on staff are available 24 hours. Ms. Lemmond stated they are available if need be but other staff members are available on-call who can determine an initial assessment and then call the Veterinarian if necessary. Mayor Reed asked if a network or communication avenues are available with other local Veterinarians. Ms. Lemmond stated there is no network however clients are referred to other Veterinarians in the region. Mayor Reed asked what happens if an animal for some reason is deemed unadoptable. Ms. Lemmond stated that animal would be

euthanized. Ms. Lemmond also stated regarding infectious diseases, Anicira has an isolation ward at both the animal shelter on Liberty St. and at the Veterinary practice on Neff Avenue, and has dealt with infectious diseases on a regular basis. Mayor Reed stated many emails have been received, and asked if pets from other states and countries are being brought in for adoption by Anicira and if so why. Ms. Lemmond stated yes, and the reasoning is because they have not been able to get animals transferred from the local shelter and Anicira has the capacity and the ability to help so rather than wait or postpone, they went ahead and contacted other under resourced shelters and aided. Ms. Lemmond stated thanks to a donor from Thailand they were able to save four dogs from the dog meat trade in that country.

Council Member Jones stated there are several in favor of both sides and he has personally seen this via the bi-weekly community conversations meetings, and asked if the 150,000 spay and neuter surgeries since 2005, how many were for animals from the city versus animals from the county, of the 1,200 helped with medical assistance each year how many are from the city versus how many from the county, and the same with the food provided from the pantry, how much is given to city residents versus county residents. Ms. Lemmond stated she did not have those breakdowns but would provide them. Council Member Jones asked what happens to those animals that are not accepted in the adoption program. Ms. Lemmond stated, as a private organization, the animals that are currently not accepted into Anicira's program are those with known bite histories and stated if an animal does bite either a person or another dog while in the program they are euthanized. Ms. Lemmond stated if they were to become a publicly funded government contracted shelter with open admission, all animals would be accepted. Council Member Jones asked if that would increase the percentage of animals euthanized. Ms. Lemmond stated it shouldn't because of the recent HPD data of animals held on bite holds or court holds. Council Member Jones stated there will most likely be others that come in with those issues, and therefore raise the euthanasia rate. Ms. Lemmond stated based on data from across the country, this would most likely not increase. Council Member Jones stated perhaps the city should be concerned that if Anicira were to get the contract with a "no-kill" philosophy, knowing that Anicira would need to accept all animals within the city limits, the quantity of animals would increase and therefore naturally so would the euthanasia rate.

Mayor Reed stated because Anicira is currently a private shelter, animals can be turned away, however, if Anicira becomes a public shelter they would have to accept all animals from the city, which means the euthanasia rates will most likely increase. Council Member Jones stated as more students and residents move to the city, the animal count will increase, he hopes there is a plan for more room because if not the promise of a lower euthanasia rate made to the public may not be accurate. Ms. Lemmond stated they have considered that and fortunately even with the population changes seen over the past 12 years, an intake rate at the animal shelter has decreased by over 45%, and with Anicira's proactive programs they would expect the numbers to continue to decrease. Council Member Jones

asked who defines unnecessary euthanasia as that is very subjective? Ms. Lemmond stated there are specific definitions as to what is considered terminally ill and critically injured. Council Member Jones stated council would have to have some form of measurement and constraints that can be reviewed on behalf of the citizens that would be funding this contract, it could not be completely subjective to Anicira and their team. Ms. Lemmond agreed and stated something needs to be drawn up that defines the reasoning of euthanasia.

Council Member Jones asked how are Anicira's partnerships in this region. Ms. Lemmond stated they work with Page County Animal Shelter in Luray, Shenandoah Valley Animal Service Center in Lyndhurst, some northern Virginia organizations such as Shenandoah County Humane Society as well as working with Winchester and Front Royal and some national organizations as well. Council Member Jones asked what is Anicira's relationship with the SPCA. Ms. Lemmond stated they do not have a working relationship as they have significant philosophical differences. Council Member Jones asked for the intake numbers for 2016 to be broken down by city and county. Ms. Lemmond stated that is something that needs to come from the SPCA. Council Member Jones asked if the new approach could include working together with the SPCA as more resources would provide greater care. Ms. Lemmond stated they went through a mediation in 2010 and they were unsuccessful in reaching an agreement. Ms. Lemmond stated they asked the SPCA to do a reduction of euthanasia by 20% to no avail. Ms. Lemmond feels given the significant differences in policies, procedures and philosophy and that the SPCA has not embraced a "no-kill" community she doesn't feel it could be done. Council Member Jones asked if council created a standard that all could agree upon, could that work. Ms. Lemmond stated it might, they are wanting a standard, accountability and transparency, but establishing a new acceptable rate for euthanasia has been shown over many years that the SPCA has not been able to reach that number nor have they put in place policies that Anicira knows to work. Council Member Jones applauded Ms. Lemmond for including the data analysis in the new approach, an evaluation and consultation was done last year and having the ability to readily grab more data helps in determining the outcome. Council Member Jones asked about the funding decrease proposed of 5%, is that an accurate discount based on the intake figures and if most services are offered for free now, why would Anicira start charging the city for those fees. Ms. Lemmond stated a higher level of service will be offered such as all animals will be spay/neutered before release, adoption guarantees, veterinary services etc. Ms. Lemmond stated it will cost more money per animal as there are animals that require much more extensive procedures that are more expensive. Ms. Lemmond stated she looked at the 2016 intake figure of 1,231 and based on that number she expects the funding request to decrease as the years continue do to their efforts.

Mayor Reed asked what services will not be done by Anicira. Ms. Lemmond stated veterinarian services for specific care, such as CT, MRI, and advance orthopedic procedures. Council Member Jones stated most people in the area send their animals to Virginia Tech, northern Virginia and Charlottesville for more

intensive care.

Council Member Hirschmann asked why only two cats were shown on the presentation. Ms. Lemmond stated Anicira primarily services dogs however over the past few months more cats have been accepted, with a current count of 8 in the program. Council Member Jones asked if animals are imported from Pennsylvania and Maryland, is that on the request from people who are looking for specific animal or does Anicira feel it would just be more adoptable in this area. Ms. Lemmond stated there are adopters that come from all over, but most animals coming to Anicira are from southwest Virginia. Council Member Hirschmann asked for those animals received that require advanced medical care that Anicira sends to other facilities for that care, do they then accept the animals back once treated. Ms. Lemmond stated yes, they remain in Anicira's program throughout the duration of their treatment. Council Member Jones asked if an animal is adopted and then for whatever reason needs to be returned if Anicira accepts the return. Ms. Lemmond stated there have been 31 returns since March, 2016

Council Member Byrd asked if Anicira currently, or in the past participated in any Trap, Neuter and Release (TNR) programs or partner with groups or individuals that do. Ms. Lemmond stated Anicira provides services through their veterinary center for TNR, and other organizations such as Cat's Cradle or Humane Society of Shenandoah County or Page County bring animals to Anicira's veterinary facility for spay/neuter services. Council Member Byrd asked about the TNR of feral cats, will Anicira continue that if given the city contract and if so do they feel comfortable on their legal footing. Ms. Lemmond stated they do and will continue as part of their veterinary services provided and stated Anicira is not accepting ownership regarding feral cats, they would not be the owner, but has partnerships with other organizations, and if someone is interested in having them spay/neutered and relocated to another barn, Anicira can connect the owner with those organizations. Ms. Lemmond stated they will not be accepting feral cats as an owner and then releasing them into the wild, that is not appropriate.

Mayor Reed asked if any animal would be accepted by Anicira. Ms. Lemmond stated they will not accept livestock, but the organization does have partnerships with farms etc.

Vice Mayor Baugh stated he heard the services offered by Anicira are above and beyond what is being currently received. Vice Mayor Baugh asked if Ms. Lemmond is aware of any services the city is currently receiving that would not be provided by Anicira. Ms. Lemmond stated not to her knowledge.

Council Member Jones stated to be clear this is not about who is better, this is to hear the services offered by either business to evaluate services offered and to make the best choice. Council Member Jones thanked Ms. Lemmond for her submission and to reiterate that a community debate is not on the table.

This Presentation was received and filed.

- 7.b. Consider a request from Founders Way, LLC to preliminarily subdivide a 6.456 +/- acre parcel into 31-townhouse lots, one common area lot, and a parcel to contain condominium units. A variance to the requirements of the Subdivision Ordinance Section 10-2-42 (c) is being requested to allow lots to not have public street frontage. The property is currently addressed as 1230, 1240, 1250, 1260, 1270, 1275, 1280, and 1290 Constitution Court.

Adam Fletcher, director of Planning and Community Development, presented a request from Founders Way, LLC to preliminarily subdivide a 6.456 acre parcel into 31 townhome lots, one common area lot and a parcel to contain condominium units. Mr. Fletcher noted this request is brought to council because of a variance request as per Code Section 10-2-42(c), which is the same code section that is often deviated from to allow many of the townhome communities in the city. Mr. Fletcher reviewed the parcel and surrounding properties, all zoned R-3 medium density residential, and matches the land use guide and the comprehensive plan's long term land use guide. Mr. Fletcher noted this parcel did receive comprehensive site plan approval for 72 apartment units made up among multiple buildings back in 2008. Mr. Fletcher stated the state provided some provisions that if there were outstanding developments in 2009, they would continue to receive favorable approval until 2014, and then as legislation continued through the years, the date kept getting bumped to 2020. Mr. Fletcher stated condominiums and townhouses are classified by the zoning ordinance as the exact same use with lot area requirements. Mr. Fletcher stated two of the condominium units have been constructed for a total of 24 total units, and the applicant had plans to build 48 more within the approved site plan, however, their marketing team has advised to potentially go in a different direction, which would be to preliminarily subdivide townhome lots instead of condominium units. Mr. Fletcher reviewed adjacent properties, and noted if the applicant goes in the direction they would like, the revised plan would reduce density to 55 total units. Mr. Fletcher stated the applicant has not determined whether an entrance location at the intersection of Founders Way and Oriole Lane or four additional parking spaces in its place will be done, they will still provide more than the minimum required parking spaces for the entire complex. Mr. Fletcher noted the applicant is exposed to regulations that have changed since 2008, and will be required to have a vegetative screen buffer, improvement of sidewalks, and a stormwater detention pond compliant with stormwater management practices. Mr. Fletcher noted this development would not have city services such as trash pickup, snow removal etc.

Mr. Fletcher stated staff recommended approval of this request and the Planning Commission voted 6-0 to recommend approval by council.

A motion was made by Vice Mayor Baugh, seconded by Council Member Hirschmann, to approve the preliminary plat with the requested variance 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 a request from Slavic Christian Church per Section 7-2-4 of the City Code for the City to provide water service for a church use on property located along Erickson Avenue, Harrisonburg, Virginia 22801.

Adam Fletcher, director of Planning and Community Development, presented a public utility application connection request along Erickson Avenue in Rockingham County from the Slavic Christian Church and per City Code Section 7-2-4, any use other than a residential use containing less than ten units must receive approval from Council and go through review with the Planning Commission before connections can be made. Mr. Fletcher reviewed location and noted there were concerns about the pressure and capacity issues, however, hydraulic modeling was done and determined no negative impacts would be associated with this connection. Mr. Fletcher noted this connection is for water only and they will be using the county sewer system.

Mr. Fletcher stated staff recommended approval of this request and the Planning Commission voted 6-0 to recommend approval by council.

Council Member Byrd asked if this parcel was correctly zoned in the county for the intended use. Mr. Fletcher stated it is zoned A2 and his understanding that whatever land uses are permitted on the site, the applicant must get approval through the county, and this request may be one of the requirements. Council Member Byrd asked if this request is for this specific use, so not to have use changed after the application is approved.

Attorney Brown stated the approval is based on the specific use in the application. If that changes, re-approval would need to be done.

A motion was made by Vice Mayor Baugh, seconded by Council Member Jones, to approve the requested water service 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.d. Consider a request from Twin Management LLC per Section 7-2-4 of the City Code for the City to provide water service for a commercial use on property located at 4446 Rawley Pike, Harrisonburg, VA 22801.

Adam Fletcher, director of Planning and Community Development, presented a public utility application request to connect into existing infrastructure for property located 2.5 miles west of the city limits along Rawley Pike, from Virginia Silo. Mr. Fletcher noted this request is for water only, the applicant will be utilizing separate

sewer facilities through the county. Mr. Fletcher noted this is a non-residential use and requires Council and Planning Commissions approval. Mr. Fletcher noted in January 2017, the adjacent property had the same request approved, and the applicant will be using the same block culvert. Mr. Fletcher reviewed adjacent properties and existing water lines.

Mr. Fletcher stated staff recommended approval of this request and the Planning Commission voted 6-0 to recommend approval by council.

A motion was made by Vice Mayor Baugh, seconded by Council Member Byrd, to approve the request for water use and connection 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.e.** 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

Chris Brown, City Attorney, stated in 2016 council approved what is referred to as the Mass Outdoor Social Gathering ordinance as well as some minor changes to the noise ordinance. Mr. Brown stated since it's been a year, staff thought it was appropriate to do an analysis and figure out what has worked and what can be improved upon. Mr. Brown stated over the past several months staff has met with different stakeholders such as Harrisonburg Police Department (HPD), Harrisonburg Fire Department (HFD), Emergency Control Center (ECC), student representatives, management companies and land owners to discuss what has or has not worked. Mr. Brown stated the last meeting was with HPD, with several officers who are out there on the streets dealing with the large parties, and determined what changes would be helpful for enforcement of the ordinance. Mr. Brown stated from January 1, 2017 to the end of May 2017, 49 Mass Outdoor Social Gathering permits were issued by the city manager's office, with several withdrawn due to landlord's involvement. Mr. Brown stated there were five violations issued for failure to obtain a permit, 14 of the approved gatherings were shut down by HPD, and there were 396 registered parties with ECC, which included the permitted gatherings and 42 of the registered parties were shut down. Mr. Brown stated this is a small percentage and there are several instances where HPD will not issue citations because the gatherings were voluntarily and cooperatively shut down. Mr. Brown stated that among HPD, property owners and neighbors, the consensus is that the ordinance has been helpful, not only by providing HPD with information for staffing purposes but also because it is required for neighbors to be notified of any upcoming gatherings and a contact person is provided on the permit application. Mr. Brown stated the requested amendments to this ordinance is to merely strengthen the ability to contact a responsible person and avoid many conflicts. Mr. Brown reviewed the proposed amendments and noted the exemption for B1 zoned properties in Section

15-3-2(2) has been questioned, as B1 is for mixed use, and there are commercial and residential properties next to each other. Mr. Brown asked Council if this should be removed from the exemption language.

Council Member Jones stated council needs to determine how many commercial locations are located within the B1 zoned areas and how often these events occur in that zoning. Mr. Brown stated there are only a few, and even less with outdoor seating.

Mr. Brown continued to review the proposed amendments and changes in the Mass Social Outdoor Gathering Permit application. Mayor Reed asked if the contact person on the Mass Social Outdoor Gathering Permit application will be held responsible for anything that happens at the event. Mr. Brown stated that is correct.

Council Member Jones stated regarding the exemption for B1 zoned properties, if the exemption is revoked perhaps it can be a proffer for any new business. Council Member Byrd stated it could be applied for under special use permits as well.

Vice Mayor Baugh stated he has some concerns, as the driver of the exemption being removed for B1 zoned properties is because of one business, and feels it may cause problems for businesses that have been following the rules. Vice Mayor Baugh stated he does feel better knowing this ordinance is not carved in stone and can be re-evaluated. Council Member Byrd stated these ordinances are a work in progress. Further discussion took place regarding the B1 exemption.

A motion was made by Council Member Byrd, seconded by Vice Mayor Baugh, to approve the ordinance amendments with the exemption for B1 zoning removed. 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. Other Matters

8.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 is concerned about the recent flooding and the slow response from Public Works. Mr. Berry stated the Jefferson Street bridge should be raised up and cleaned up to avoid the flooding onto Jefferson Street. Mr. Berry stated it is a concern for public safety and response time for the police. Mr. Berry stated he feels the stormwater tax should go towards fixing areas that are prone to flooding.

Loring Gibson, 1300 Goldfinch Drive, stated he is excited about what he has seen in the city over the past 10 years, and is in favor of growth and progress, and

appreciates Council's thoughtful consideration to the change and having the ability to ignore the emotional component. Mr. Gibson encourages the citizens of the city and city staff to keep doing that.

Pamayotis "Poti" Giannakaouros 98 Emory Street, stated several matters are being handled by council that are very emotionally charged and suggests, in line with Mr. Gibson's comments, it would be good to halt action on some items while they are being deliberated, specifically the enforcement of the tall grass and weeds ordinance where an unfounded complaint has made it all the way up to city administration and is at an impasse. Mr. Giannakaouros requests that council follow up on the instruction given to city staff last time, and please instruct city staff to stop enforcement action while it is under consideration.

8.b. City Council and Staff

Vice Mayor Baugh stated there a few items coming to Planning Commission, a rezoning on South High Street, with favorable recommendation from staff, and a potential Special Use Permit for religious use in the M1, not a favorable recommendation due to being on undeveloped property. Vice Mayor Baugh stated religious uses are permitted in the county in A1 and A2 zoning.

Council Member Byrd asked staff if they could provide year to date data on the number of parking tickets issued, parking tickets voided and parking tickets paid.

Mayor Reed stated Dog Days Dog Swim will be held at Westover Park on August 27, 2017 from 12:00 pm to 3:00 pm; with the first day of school just around the corner she is requesting motorists be mindful of pedestrians and bicyclists and to please use caution around bus stops; the Harrisonburg Police Department and the Rockingham County Sherriff's Office have received calls about a scam that is happening locally, which involves individuals impersonating law enforcement and advising the victim they have missed jury duty or owe fines to the court and are told to pay with a green dot or prepaid money card.

Council Member Jones stated there is also counterfeit money being circulated with Motion Picture Money written on the bill and recommends everyone be cautious and aware when receiving money.

9. Closed Session

9.a. 2.2-3771(A) Subsection 1 Discussion of personnel, and

2.2-3711(A) Subsection 3 Discussion or consideration of the acquisition of real estate for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

At 9:08 p.m., a motion was made by Council Member Jones, seconded by Vice Mayor Baugh, to enter in to a closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 1 Discussion of personnel and Subsection 3 for a discussion of the acquisition of real estate for a public purpose.

City Attorney Brown certified to the best of his knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 of the Code, of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the closed meeting by the City Council

A motion was made by Council Member Jones, seconded by Vice Mayor Baugh, to enter in to a closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: Subsection 1 Discussion of personnel and Subsection 3 for a discussion of the acquisition of real estate for a public purpose.

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

No: 0

10. Adjournment

At 9:41 p.m., there being no further business and on motion adopted, the meeting was adjourned.

DEPUTY CITY CLERK

MAYOR