



# 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, October 13, 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, Assistant City Manager Anne Lewis, City Clerk Erica Kann, City Attorney Chris Brown and Police Chief Stephen Monticelli

### 2. Invocation

Mayor Jones 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 announced that it was Council Member Degner's birthday and invited all present to sing "Happy Birthday".

James "Bucky" Berry, 30 West Washington Street, announced his upcoming event, Challenges of the Valley, which he stated is a friendly food drive competition between Harrisonburg High School and Broadway High School. Mr. Berry noted other food drives that would be taking place this year and noted the hardship some in the community are facing. Mr. Berry also stated he and his son were going to have a competition to see who can collect the most money by ringing the Salvation Army bell.

### 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 Shearer, that this be approved on the Consent Agenda. 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.**

**5.b.** Consider supplemental appropriation for Economic Development in the amount of \$150,000

**This Supplemental Appropriation was approved.**

**5.c.** Consider a supplemental appropriation for the School Board in the amount of \$1,200,000

**This Supplemental Appropriation was approved.**

**6. Public Hearings**

**6.a.** Consider a request from Eddie Warner to rezone a 37,643 +/- square feet parcel located at 475 Lucy Drive/2065 Reservoir Street, from R-3, Medium Density Residential District to B-2, General Business District

Adam Fletcher, Acting Community Development Director, reviewed the property, the property history and the surrounding properties. Mr. Fletcher stated sanitary sewer is currently available in the Lucy Drive public street right of way (ROW); however, public water is not. He stated there is water infrastructure located nearby in the Reservoir Street ROW and further east within the Lucy Drive ROW. Mr. Fletcher stated the development of the property would likely require a public water main extension which is an engineered Comprehensive Site Plan matter, but not one associated with this rezoning and noted the property owner is aware of this issue. Mr. Fletcher stated if approved, all land use permissions of the B-2 zoning district would be afforded to this lot, including all allowances of the city's sign ordinance. Mr. Fletcher stated the property owner did not submit a plan of development; however, like all developments, during a project review, the site must be developed in accordance with the City's Design and Construction Standards Manual, where the developer could be required to perform a traffic impact analysis, improve the site's public street frontage and install any other required public improvements. Mr. Fletcher stated approving the request would bring the property in line with the city's long term plan for this side of Lucy Drive. Mr. Fletcher stated both staff and Planning Commission recommended approval of the request.

At 7:12 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, September 28, 2015 and Monday, October 5, 2015.

Mr. Warner stood up to make himself available for questions.

At 7:13 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

**A motion was made by Vice-Mayor Baugh, seconded by Council Member Degner, to approve the proposed rezoning request as presented 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

- 6.b.** Consider a request from Molly Bou LLC with representative Glenn Loucks for a special use permit per Section 10-3-97 (3) of the Zoning Ordinance to allow business and professional offices within the M-1, General Industrial District at 206 South Avenue

Mr. Fletcher reviewed the property and the surrounding properties. Mr. Fletcher stated the applicant owns and manages multiple properties throughout the local area and desires to relocate his business, Castle Property Management, to the site. The office/administrative component of the business is described as having limited customers, with a majority of the work handled through the mail or by phone; however, there is a large warehousing component for supplies, appliances, building materials and other equipment for managing property. Mr. Fletcher stated if the special use permit (SUP) is approved, the applicant would utilize a portion of the building for the offices of Castle Property Management and a possible future tenant, with the remainder being utilized as a warehouse for Castle Property Management. Mr. Fletcher stated the applicant is aware that if the SUP is approved, the conversion to a business office use would likely require a change of use permit to ensure the use complies with the building code. Mr. Fletcher also noted if the request is approved, staff would work with the applicant to determine the minimum number of off-street parking needed for all uses. He stated meeting the minimum parking requirements for the intended uses should not be a problem as there is a large parking area which already exists, the spaces must simply be delineated. Mr. Fletcher stated both staff and Planning Commission recommended approval due to the request bringing the use of the property closer in compliance to the Comprehensive Plan.

At 7:17 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, September 28, 2015 and Monday, October 5, 2015.

Glen Loucks, applicant, made himself available for questions.

At 7:18 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

**A motion was made by Vice-Mayor Baugh, seconded by Council Member Shearer, to approve the special use permit as requested. 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 Miguel Hernandez Aguirre and Maria Perez Rebollar to close 1,610 +/- square feet of an undeveloped public alley located perpendicular to and off of East Johnson Street, between 135 and 147 East Johnson Street

Mr. Fletcher reviewed the property and surrounding properties and stated the applicants residing at 135 East Johnson Street desire to close the alley in order to prevent cut-through traffic on and along their property. Mr. Fletcher stated if approved and the applicant continues in the steps to close the alley, the applicant would need to submit a completed survey of the property to the City Attorney. Mr. Fletcher noted the alley didn't have any public or private utilities and isn't marked for any potential future trails. Mr. Fletcher stated both staff and Planning Commission recommended approval with the following condition: an easement is placed across the entire portion of the alley for future drainage or stormwater management projects.

At 7:23 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, September 28, 2015 and Monday, October 5, 2015.

Carletta Walker, 147 East Johnson Street, stated she owns the property but doesn't reside at the property and informed council she wasn't aware of any issues other than children riding their bicycles through the alley. Ms. Walker stated she was not in favor of the closing due to concerns regarding access to the rear of her property.

Nathanial Robinson, 352 E Wolfe Street, stated his mother owned the property behind the alley and she was concerned about the closing affecting the surrounding property values. Mr. Robinson stated people use the alley to access their property and the closing of the alley would impact the entire block.

Karen Thomas, 158 East Johnson Street, stated she was in favor to close the alley. Mrs. Thomas stated vehicles go in and out of the alley at high speeds. Mrs. Thomas stated the applicant didn't want to close the entire alley, just her portion adjacent to her property. Mrs. Thomas stated the Northeast Neighborhood Association has contacted the Harrisonburg Police Department regarding this matter and noted that most of the traffic took place Thursday through Sunday.

Maria Perez Rebollar, applicant, stated she was concerned about her children playing near or in the alley adjacent to her property being hit by one of the vehicles. Ms. Perez Rebollar noted that people are using her driveway to access their property.

A discussion took place between the Ms. Walker, Mr. Robison and Ms. Thomas regarding their views on the request and where they felt the vehicles were going. Mayor Jones clarified that both adjacent property owners would have an

opportunity to purchase half of the alley.

At 7:42 p.m., Mayor Jones closed the public hearing and the regular session reconvened.

A discussion took place among council members in regards to the request. It was noted that more conversations needed to take place between the property owners, the graveled area is private property where vehicles are traveling and the entire alley along the back of the properties will remain open and available to access properties.

Ms. Walker asked where the alley began and ended. City Attorney Brown stated if the request is approved, a survey would need to be completed and each adjacent property owner would have an opportunity to purchase a portion of the property.

**A motion was made by Council Member Shearer, seconded by Vice-Mayor Baugh, to approve the closure of the approximate 10 foot 1,610 +/- square feet of an undeveloped public alley with the stated conditions. 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. Regular Items

### 7.a. Consider amendment to the Memorandum of Understanding regarding the development, ownership and financing of the Hotel and Conference Center

City Manager Hodgen stated approximately a year ago council approved a Memorandum of Understanding (MOU) that included an estimated construction cost of approximately \$10M for the conference center. City Manager Hodgen stated the proposed amendment to the MOU being presented establishes an updated development budget of \$10,974,895 for the conference center portion of the project. This amount includes the guaranteed maximum construction costs and the associated soft costs. City Manager Hodgen stated additional breakdown of the amount had been sent to council members prior to the meeting. City Manager Hodgen stated both James Madison University and the Foundation will also need to consider the MOU amendment. City Manager Hodgen stated the developer of dpM Partners, Mr. Gladd, was also present to answer any questions.

A lengthy discussion was held regarding the increased construction costs. It was noted that the detailed amounts wouldn't have been available a year ago at the time of the original MOU. The original MOU didn't have the level of detail that is being presented tonight with the proposed amendment. City Manger Hodgen noted that project costs often increase as detailed engineering plans materialize.

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

**Yes:** 3 - Mayor Jones, Vice-Mayor Baugh and Council Member Degner

**No:** 2 - Council Member Byrd and Council Member Shearer

**7.b.** Consider amending and re-enacting Section 6-1-15 and 6-1-26 of the Harrisonburg City Code

Jim Baker, Director of Public Works, stated the amendments being presented are to clarify and allow more time for snow removal from sidewalks than currently. Mr. Baker stated there is approximately 65 miles of sidewalk throughout the city that needs to be cleared after snowfall. Mr. Baker reviewed the amendments being presented and stated the phrase "clearing of sidewalks" means clearing a two and a half foot to three foot path. Mr. Baker stated if approved, the Public Works Department would be the enforcers of this ordinance. City Attorney Brown stated an updated ordinance was presented to council to include language within both sections that weren't included on the agenda.

It was noted that a public comment was received through BeHeardHarrisonburg, which commended the changes to the ordinance. Council Member Shearer also noted that if a citizen needs help clearing their sidewalk, he would be happy to get them in touch with help.

**A motion was made by Council Member Shearer, seconded by Council Member Degner, to amend and re-enact Section 6-1-15 and 6-1-26 of the Harrisonburg City Code as outlined tonight and by the City Attorney. 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.** Request for approval of the Gemeinschaft proposal for a Day-Reporting Center pilot project

City Manager Hodgen stated council needed to formally accept the Gemeinschaft proposal for the Day-Reporting Center pilot project. City Manager Hodgen stated the cost varied per case depending on the classification of the participant. It was stated the city and county each included \$255,000 to fund the six month pilot project, but would only pay for those assigned to the program. City Manager Hodgen stated it is possible that we may not spend the entire allotted amount, if the program goes well it can be extended for two additional two year periods and it is recommended for approval.

A brief discussion was held about all the positive items that are taking place even though some might not be happening at a pace everyone would like and this program was approved by the Community Criminal Justice Board.

**A motion was made by Council Member Shearer, seconded by Council Member Degner, to approve the Gemeinschaft proposal for a Day-Reporting Center pilot projects. 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.d.** Consider amendments to the City Code relative to Assistant City Manager

City Manager Hodgen stated titles are typically changed administratively, but since the assistant city manager's title is listed within the City Code, action was needed by council. City Manager Hodgen noted that the assistant city manager title is now more common to be titled deputy city manager. He also noted that with the title change, the job duties would remain the same.

A brief discussion about a few other titles took place as well as the city's organizational structure, but City Manager Hodgen noted if those items needed to be addressed they would be handled administratively.

**A motion was made by Council Member Degner, seconded by Council Member Shearer, to approve the amendments to the City Code relevant to the Assistant City Manager. 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. Special Event Application Requests**

**8.a.** Consider Halloween on the Square for a special event request

Mayor Jones requested that Mrs. Yount present all the special event requests together and council to take one motion.

Katie Yount, Harrisonburg Downtown Renaissance Special Events Director, stated Halloween on the Square will be held on Saturday, October 31, 2015, on Court Square in downtown, with activities on Court Square from 10:00 a.m. until noon and trick-or-treating throughout downtown will be held from noon until 2:00 p.m. Mrs. Yount stated only sidewalks would be utilized for trick-or-treating and a candy map listing participating locations would be handed out to participants.

**A motion was made by Council Member Shearer, seconded by Vice-Mayor Baugh, to approve the special event requests 8.a. through 8.f. 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 the Veterans Day Parade for a special event request

Mrs. Yount stated the Veterans Day Parade will be held on Sunday, November 8,

2015, beginning at 2:00 p.m., down Main Street starting at the Rockingham County Administration Building. Mrs. Yount also stated a recognition ceremony would be held at Harrisonburg High School at 3:30 p.m.

**A motion was made by Council Member Shearer, seconded by Vice-Mayor Baugh, to approve the special event requests 8.a. through 8.f. 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.c.** Consider the Turkey Trot for a special event request

Mrs. Yount stated the Turkey Trot will be held on Thursday, November 26, 2015 at 8:00 a.m. in downtown. This event will be a four mile run/walk to benefit the Blue Ridge Area Food Bank. Mrs. Yount reported all insurance documents have been submitted.

A brief discussion took place regarding the pardoned turkey at the event.

**A motion was made by Council Member Shearer, seconded by Vice-Mayor Baugh, to approve the special event requests 8.a. through 8.f. 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.d.** Consider the Holiday Parade for a special event request

Mrs. Yount stated the Holiday Parade will be held on Friday, December 4, 2015, in downtown Harrisonburg at 7:30 p.m.

A brief discussion took place regarding council's participation in the parade.

**A motion was made by Council Member Shearer, seconded by Vice-Mayor Baugh, to approve the special event requests 8.a. through 8.f. 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.e.** Consider the Generations Crossing 5k as a special event request

Mrs. Yount stated the Generations Crossing 5k will be held on Thursday, December 31, 2015, beginning in downtown Harrisonburg and going throughout the James Madison University's (JMU) campus. Mrs. Yount stated all departments along with JMU have approved the new course.

**A motion was made by Council Member Shearer, seconded by Vice-Mayor Baugh, to approve the special event requests 8.a. through 8.f. 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.f.** Consider First Night Harrisonburg for a special event request

Mrs. Yount stated First Night Harrisonburg will be held on Thursday, December 31, 2015 in downtown Harrisonburg. Mrs. Yount stated the fireworks' permit and vendors' list have not been finalized.

**A motion was made by Council Member Shearer, seconded by Vice-Mayor Baugh, to approve the special event requests 8.a. through 8.f. 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. Supplementals****9.a.** Consider a supplemental appropriation for the Police Department in the amount of \$13,315

City Manager Hodgen stated these were funds received through the U.S. Department of Justice through the Edward Byrne Memorial Justice Assistance Grant. City Manager Hodgen stated the funds will be used to purchase equipment to aid the Police Department in training.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve all three supplementals, 9.a. through 9.c. 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.b.** Consider a supplemental appropriation for the Police Department in the amount of \$6,416.00

City Manager Hodgen stated these funds would be used to purchase a software system that will document employee performance and certifications.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve all three supplementals, 9.a. through 9.c. 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.c.** Consider a supplemental appropriation for the Police Department in the amount of \$22,243.64

City Manager Hodgen stated these funds were awarded through the 2015 Bullet Proof Vest Partnership with the Bureau of Justice Assistance to reimburse half the cost of compliant armored vests.

**A motion was made by Council Member Byrd, seconded by Council Member Shearer, to approve all three supplementals, 9.a. through 9.c. 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

## **10. Other Matters**

City Manager Hodgen reported that a contractor consultant had been selected for the SPCA study, Animal Welfare Management Services. City Manager Hodgen stated this group operates both no-kill shelters and shelters such as ours. City Manager Hodgen reported the study's cost is estimated not to exceed \$15,000, which would be split between the city and the county. City Manager Hodgen stated he would forward the proposal as soon as it is available.

City Manager Hodgen reported a new program began September 1, 2015, at the Shenandoah Valley Juvenile Detention Center to allow local kids to stay local. City Manager Hodgen stated the state is providing \$650,000 for the program, which is based on eight kids per day costing \$225 per day, per year. City Manager Hodgen stated the Commission had to create two new positions to oversee the program costing \$100,000. City Manager Hodgen stated a separate pod is available for local children and our children would have precedents over other children.

Council Member Shearer thanked the work of the city and the Transportation Safety and Advisory Commission and reported the speed will increase on Stone Spring Road along the area that was referenced during the July 14, 2015 council meeting.

Council Member Shearer stated council had received a rough draft of the bike and pedestrian path over to the new elementary complex. Council Member Shearer stated he would like for the Bicycle and Pedestrian Subcommittee to review the proposal and provide feedback of their thoughts on efficiency and costs. City Manager Hodgen stated there are four segments to the bike and pedestrian pathways and stated the estimated cost is \$3.5M. Council Member Byrd suggested reviewing the Rocktown Trail and Northend Greenway project for guidance. Council Member Shearer offered a motion to refer the proposal to the Bicycle and Pedestrian Subcommittee for review during their next meeting. There was no objection to the motion.

Council Member Byrd noted that he and Vice-Mayor Baugh attended a millennial event at the VML Conference.

Mayor Jones noted that he attended a great VML Mayor's Conference. He also noted the Mayor's Institute that he will be attending later in the month and during the creation of his presentation found out it is actually cheaper and would last longer to paint a silo rather than to wrap one.

Mayor Jones noted that the NAACP would be holding a health fair this weekend.

Mayor Jones also noted the upcoming community event on criminal justice that will be held on October 20, 2015 at 7:00 p.m., in the Eastern Mennonite Seminary building.

Vice-Mayor Baugh provided an update regarding upcoming Planning Commission cases and stated they have a heavy agenda in November.

## 11. Boards and Commissions

### 11.a. Tree Advisory Board

A motion was made by Council Member Byrd, seconded by Council Member Shearer, to appoint Jon Henry, 854 Old Furnace Road, to the Tree Advisory Board to a first term to expire January 27, 2018. The motion carried with a recorded unanimous voice vote.

### 11.b. Central Shenandoah Planning District Commission

A motion was made by Council Member Byrd, seconded by Council Member Degner, to appoint Adam Fletcher, Acting Community Development Director, to the Central Shenandoah Planning District Commission, to expire June 30, 2016. The motion carried with a recorded unanimous voice vote.

## 12. Closed Session

### 12.a. Closed Session

At 8:58 p.m., a motion was made by Council Member Shearer, seconded by Council Member Degner, to enter into closed session as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: subsection 3 for the discussion of disposition of real estate. 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

## 13. Adjournment

At 9:42 p.m., the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my

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.

At 9:43 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

\_\_\_\_\_  
MAYOR