



City of Harrisonburg

409 South Main Street
Harrisonburg, VA 22801

Meeting Agenda - Final City Council

Mayor Ted Byrd
Vice-Mayor Charles Chenault
Council Member Kai Degner
Council Member Richard Baugh
Council Member Abe Shearer

Tuesday, August 26, 2014

7:00 PM

Council Chambers

1. Roll Call
2. Invocation
3. Pledge of Allegiance
4. Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)
5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

5.a. Approval of minutes

Attachments: [August 12, 2014 Draft Meeting Minutes](#)

- 5.b. Consider ordinance to close a portion of Chesapeake Avenue (24,176 +/- sq. ft.), East Grace Street (50,429 +/- sq. ft.), a portion of South Mason Street (28,575 +/- sq. ft.), and a 10-foot alley located between South Main Street and South Mason Street (6,708 +/- sq. ft.)

Review & Recommendation: Planning Commission recommended (5-0) closure of 109,888 +/- square feet of public street and alley right-of-way with the condition that appropriate easements be reserved for all utilities. City Council approved 4-1 on August 12, 2014 with the recommended easements for utilities and future infrastructure be approved.

Attachments: [JMU Street Closing Ordinance](#)
[Final S. Mason St. Plat](#)
[Final Alley Plat](#)
[Final Chesapeak Ave. Plat](#)
[Final E. Grace St. Plat](#)

- 5.c. Consider a request from Gerdau to amend the Zoning Ordinance to allow junk yards within the M-1, General District by special use permit. The amendment would add text within Section 10-3-96 (8) & (20), add junk yards as an available special use within Section 10-3-97, add additional text within Section 10-3-99 (c), add parking regulations for junk yards within 10-3-25 and correct language within Section

10-3-24

Review & Recommendation:

Planning Commission recommended approval (5-0) of the Zoning Ordinance amendments that would include adding text within Sections 10-3-96 (8) and (20) explaining that vehicle salvage, storage of inoperable vehicles, or sale of junk continues to be prohibited in association with vehicle and other equipment sales or storage and for uses associated with taxicab, limousine, and bus uses, unless the property owner obtains a special use permit allowing junk yard.

Junk yards would be added as an available special use within Section 10-3-97 and Section 10-3-99 (c) would be amended to allow materials (i.e. at junk yard operations) to not have to be completely enclosed within structures when specifically permitted. Other changes are: adding off-street parking regulations within Section 10-3-25 specifically for junk yards and making a correction to Section 10-3-24 within the junk yard definition.

Council approved 5-0; first reading.

Attachments: [Ordinance Amendments](#)

5.d. Consider reappropriation of encumbrances requested by department heads that were outstanding at the end of fiscal year 2014**Review & Recommendation:**

At the end of fiscal year 2014 there were outstanding encumbrances for purchase orders which were issued prior to June 30, 2014. These purchase orders were carried forward to the fiscal year 2015 budget; however, the budgeted funds lapsed as of June 30, 2014. The purchase orders were for goods and/or services which were contracted for but not received prior to June 30, 2014. The purpose of this supplemental appropriation is to request that the funds for these outstanding purchase orders be reappropriated to the current fiscal year's budget.

Approval of this request will increase the Fiscal Year 2015 budget by \$3,487,508.11. This represents an increase of over 1% of the total city budget. Code of Virginia Section 15.2-2507 requires a public hearing for budget amendments that exceed 1% of the budget.

Attachments: [Supplemental Appropriation \(Encumbrances\)](#)
[Encumbrances Listing \(City\)](#)
[Encumbrances Listing \(Schools\)](#)
[Public Hearing Notice \(Encumbrances\)](#)

6. Regular Items**6.a. Report from Up with People****Review & Recommendation:**

Up with People is an international education program that brings communities together through service and music. They travel around the world for 6 months with 100 participants from 15 different countries volunteering with communities, staying with host families, and performing a show of international song and dance. Jennifer and Isaiah will present on the five main aspects of our program which are the following: international participants; world travel; volunteer work; host families; and show.

Attachments: [Harrisonburg Flyer](#)

6.b. Consider approval of State Performance Contract for Community Services Board

Review & Recommendation: The contract is between the Harrisonburg Rockingham Community Services Board and the Virginia Department of Behavioral Health and Development Services. The Code of Virginia calls for a formal vote on this contract. However, if no action is taken by Council by September 30, 2014, it is considered approved. An executive summary of the contract is attached, along with a comparative budget overview for FY2014 and 2015. A complete copy of the contract is available upon request. Also, the presentation will include a brief update on CSB operations.

Attachments: [Executive Summary - Financial](#)

6.c. Consider request from Andre Wallace for support of a historical marker for Edgar A. Love

Review & Recommendation: Council members were contacted by Andre Wallace requesting their support for installing a historical marker near John Wesley United Methodist Church in honor of Edgar A. Love. Mr. Love was a cofounder of Omega Psi Fraternity, social justice advocate, professor, U.S. Army Chaplain, and a Bishop that was born in Harrisonburg in 1891. Prior to the group submitting the application for the historic marker to the Commonwealth of Virginia, the City has to agree to install and maintain the marker. Public Works Department has reviewed the request and recommends approval. If Council approves this request, and subsequently the Commonwealth does, Public Works will install and maintain the marker. The marker will be installed adjacent to John Wesley United Methodist Church at the intersection of Sterling and Effinger Streets.

6.d. Consider by-law changes for Transportation Safety and Advisory Commission

Review & Recommendation: The Transportation Safety and Advisory Commission (TSAC) would like to recommend changes to the Commission's by-laws in the city code, and we would like to inform you of these recommendations before bringing them to City Council.

Since 2010, there have been six voting members of the Commission: four citizen members, plus one representative from the Public Works Department and one from the HPD. Aside from those voting members, we often have representatives from HFD, HDPT, JMU, EMU, and DMV serving in an advisory capacity. We believe these representatives should be included in a formal fashion, i.e., identified as non-voting participants of TSAC meetings in the city code.

We also believe that, because the city has increased in population since the Commission was initially chartered, there should be an additional voting citizen member on the Commission. Adding a member will also create an odd number of members which will assist in voting. We recommend that the five citizen members be chosen, to the extent possible, from different geographical areas of the city: one from each geographical quadrant and one at-large member.

We also recommend that the terms of appointment should be changed from four to three years. With this cycle, the terms of two member would expire every 1st and 2nd year and the term of one member would expire every 3rd year. As usual, members could be reappointed if they reapply and Council wishes. We do not recommend term limits.

All of these recommendations are shown in the attached edits to the City code. We welcome any comments or thoughts you might have regarding these proposed changes.

Attachments: [Proposed code changes](#)

6.e. Report on taxi companies request for rate adjustments

Review & Recommendation: It is recommended to approve the proposed taxi rate increase requested by the City of Harrisonburg taxi companies. The recommendation is based on the letter dated 7-30-14 to remove the fuel surcharge approved May 10, 2011 and add the \$.075 to the initial load fee. The increase is meant to benefit the drivers. Although we cannot request, but we hope the cab company owners will not increase the cab lease fees.

Attachments: [Letter to Council 7-30-14](#)

6.f. Report on "Ban the Box" Initiative

Review & Recommendation: Council had requested that staff look into the removal of the "box" or question on the City job application form which asks if the applicant has been convicted of any offenses. (A copy of the applicable page from our application form is attached)

The idea is that having this on a job application could eliminate some otherwise qualified applicants from consideration and makes it harder for ex-offenders to get jobs.

A number of Virginia cities have eliminated this from their job applications, including Alexandria, Norfolk, Petersburg, Portsmouth and Richmond. Others, including Roanoke and Charlottesville are considering this as well. The Commonwealth of Virginia has not adopted a state-wide policy on this issue.

The City will continue to ask about a job applicant's criminal history, just at a different state in the process. It is currently our practice to run criminal background checks on any applicant to whom we make a conditional job offer. It should be noted that if we rescind an offer of employment, based on information contained in the background check, we must make the applicant aware of this and give them a chance to explain or correct the information in the event that it is erroneous.

Given the preceding paragraph, staff believes that the best interests of the City remain protected if the question is eliminated from our job applications and thus recommend that the question be removed.

Attachments: [Harrisonburg Application](#)

7. Supplementals

7.a. Consider a supplemental appropriation for the Police Department in the amount of \$30,000

Review & Recommendation: These funds would be transferred from the State Asset Seizures budget (Law Enforcement Program Only) to the MV and equipment line item to purchase equipment for a Mine Resistant Armored Personnel Carrier acquired through the United States military.

Equipment includes metal skirting and detachable foot rails, articulating ram, handrails, armored hatch, emergency lights, back up camera system, mobile surveillance video and painting/lettering.

Attachments: [Asset Seizure Supplemental Appropriation](#)
[MRAP memo](#)

7.b. Consider a supplemental appropriation for the Main Street Streetscape Project in the amount of \$880,782

Review & Recommendation: These funds represent monies that will be received from the Transportation Enhancement Program for the Main Street Streetscape - Phase 2 Project.

Attachments: [Supplemental Appropriation \(Downtown Streetscape Grant\)](#)
[Downtown Streetscape Award Letter](#)

- 7.c. Consider a supplemental appropriation for the Department of Public Transportation School Transportation Fund in the amount of \$250,000

Review & Recommendation: These funds will be used to purchase two additional school buses with funding coming from the fund balance of the School Transportation Fund. Harrisonburg has an increased student population and use of mobility devices on school buses.

Attachments: [Supplemental Appropriation \(School Buses\)](#)

8. Other Matters

9. Boards and Commissions

- 9.a. Shenandoah Valley Workforce Investment Board

Review & Recommendation: Attached are two nominations for Council to consider for the Shenandoah Valley Workforce Investment Board (SVWIB). The nominations were submitted by SVWIB and endorsed by Economic Development Director Brian Shull. Andrew Breeding, HR Manager of Tenneco Automotive, has been nominated as a Private Sector representative for City of Harrisonburg. Marshall Price, Director of Massanutten Technical Center, has been nominated as a Public Education representative for Harrisonburg and Rockingham. The terms would run from August 2014 through June 2018. Both Breeding and Price are willing to serve.

Attachments: [Price Nomination](#)
[Breeding Nomination](#)

- 9.b. Social Services Board

Review & Recommendation: Attached are two applications that have both been reviewed by Don Driver. Mr. Driver feels that Mr. Greg Czyszczonek would be a very strong board member and recommends him for appointment.

Attachments: [Greg Czyszczonek](#)
[Tinangeles Abreu](#)

10. Closed Session

- 10.a. Discussion or consideration of the acquisition of real property for a public purpose where discussing in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body
- 10.b. Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel

11. Adjournment