



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Agenda - Final City Council

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

Tuesday, March 8, 2016

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. Minutes

Attachments: [February 23, 2016 Draft Meeting Minutes](#)

5.b. Joint School Board and City Council meeting minutes

Attachments: [Draft Joint Meeting Minutes](#)

5.c. Council Planning Work Session minutes

Attachments: [February 3, 2016 Draft Meeting Minutes](#)

5.d. Request for Supplemental Appropriation in the amount of \$10,334 for the Harrisonburg-Rockingham Social Services District.

Review & A memo providing an overview for this request is attached.

Recommendation:

Attachments: [2-23-16 DSS Supplemental Appropriation](#)
 [2-23-16 Agenda Memo Form - DSS Request](#)

Legislative History

2/23/16 City Council approved

5.e. Refer a request to Planning Commission for the city to vacate an alleyway located at the southern end of Red Oak Street

Review & Recommendation: A application for street or alley closing was received from Jamison Black Marble Wildlife Preserve, LLC, with representative Dick Blackwell, requesting that an 8,523 square foot end section of south Red Oak Street be closed/vacated and then purchased by Jamison Black Marble Wildlife Preserve, LLC. In conjunction with the vacated street, eight different parcels around the existing cul-de-sac will donate a total of 4,468 square feet enabling the city to own the entire cul-de-sac with a 60 foot radius. The application and other documents are attached. .

Attachments: [Application and other supporting documents](#)
[Preliminary Plat](#)

6. Public Hearings

6.a. Consider amending and reenacting sections 4-2-89 and 4-2-92 (e), the Meals Tax Ordinance of the Harrisonburg City Code

Review & Recommendation: This is an update of the City's Meals Tax Ordinance to conform to state law and to add all available collection options. These changes accomplish the following: Amending and re-enacting the Meals Tax Ordinance, to clarify exemptions set forth in City Code Section 4-2-89; to amend the interest and penalties set for in City Code Section 4-2-92(e) to ten percent (10%) each; and to add criminal penalties and civil fines for falsifying electronic records.

Attachments: [Memorandum](#)
[Current Ordinance with proposed changes](#)
[Public Hearing Notice](#)

6.b. Consider amending and reenacting sections 4-2-80, 4-2-81, and 4-2-85, the Transient Occupancy Tax Ordinance of the Harrisonburg City Code

Review & Recommendation: This is an update of the city's Transient Occupancy Tax Ordinance to conform to state law and to add all available collection options. These changes accomplish the following: Amending and re-enacting the Transient Occupancy Tax Ordinance to amend Section 4-2-80 to require monthly remittance of collected taxes instead of quarterly remittance, to amend the interest and penalties set forth in City Code Section 4-2-81 to ten percent (10%) each and to amend and add City Code Section 4-2-85(a) thru 4-2-85(d), to include criminal penalties for the willful failure to file returns, criminal penalties and civil fines for falsifying electronic records, and criminal penalties for the failure to pay owed transient occupancy taxes..

Attachments: [Memorandum](#)
[Current Ordinance with proposed changes](#)
[Public Hearing Notice](#)

6.c. Consider amending and reenacting sections 4-2-97, 4-2-97, 4-2-106, and 4-2-107, the Admissions Tax Ordinance of the Harrisonburg City Code

Review & Recommendation: This is an update of the City's Admissions Tax Ordinance to conform to state law and to add all available collection options. These changes accomplish the following: Amending and re-enacting the Admissions Tax, Section 4-2-97, renumbered to set forth levied amounts, Section 4-2-98, renumbered and amended to set forth classes for taxation purposes, Section 4-2-106 to change interest and penalties set forth to ten percent (10%) each, and Section 4-2-107 Penalty to provide for criminal penalties and civil fines for falsifying electronic records and criminal penalties for failure to pay owed Admission Tax.

Attachments: [Memorandum](#)
 [Current ordinance with proposed changes](#)
 [Public Hearing Notice](#)

7. Regular Items

7.a. Receive Planning Commission's 2015 Annual Report

Review & Recommendation: Receive Planning Commission's 2015 Annual Report.

Attachments: [Memorandum](#)
 [Extract SUP PC 2015 Annual Report](#)
 [2015 Annual Report](#)

7.b. Consider repealing Section 16-6-59, Prohibition of pedestrians soliciting rides, contributions, etc, of the Harrisonburg City Code

Review & Recommendation: Harrisonburg currently has a City Ordinance, Section 16-6-59, regarding the prohibition of pedestrians soliciting rides, contributions, etc. This code section generally prohibits a person from standing in or close to the street to solicit rides, contributions or business from occupants of any vehicle. This was enacted in 2003. Early last year, the Fourth Circuit Court of Appeals struck down a similar ordinance in Henrico County. That ordinance was found to be an unconstitutional burden on the First Amendment Freedom of Speech. The city of Harrisonburg's ordinance is broader, prohibiting the solicitation of money and other things.

The city of Waynesboro also has a very similar ordinance prohibiting solicitations of funds and things of value from automobiles. Recently, Waynesboro's ordinance was challenged on grounds that it violates the First Amendment of the Constitution. I have been monitoring the Waynesboro case. This week, Waynesboro elected to not contest the matter, and to repeal its ordinance.

Attachments: [Memorandum](#)
 [Ordinance with proposed changes](#)

7.c. Update on 2016 General Obligation Bond issue

Review & Recommendation: The attached memo provides council with an update on the pending general obligation bond issuance process including key dates and activities.

Attachments: [Memorandum](#)

8. Supplementals

8.a. Consider a supplemental appropriation for the Police Department in the amount of \$29,592.00 for the purchase of Lexipol policy creation software

Review & Recommendation: Consider a supplemental appropriation for the Police Department in the amount of \$29,592.00 from the federal asset forfeiture funds, available for law enforcement use only. This money would be used to purchase the first two years of service for Lexipol System software, plus a one-time fee for a legal review of our current policy manual. This software provides online software with policy content, legal review, daily training bulletins and archiving services through web-based proprietary tools.

Attachments: [Memorandum](#)
 [Supplemental Appropriation](#)

9. Reallocations

- 9.a. Consider a budget reallocation for the Public Works Department in the amount of \$166,000 for the East Market Street Stormwater Improvement project.

Review & Recommendation: The Department of Public Works (DPW) requests a budget reallocation of \$166,000 from the Sampson Park Stormwater Capital Project to the East Market Street Stormwater Improvement Capital Project. This reallocation will allow the DPW to expand this existing project to include an additional bioretention basin near the intersection of East Market Street and Country Club Road. This additional bioretention basin will increase the annual phosphorus removal by roughly 4 lbs annual, bringing the total to 22.5 lbs of phosphorus removed annually.

Attachments: [Memorandum](#)
 [Budget Reallocation](#)
 [EMS Project Area Map](#)

10. Other Matters

11. Boards and Commissions

12. Adjournment