



# 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*

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Tuesday, April 14, 2015

7:00 PM

Council Chambers

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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:**     [March 24, 2015 Draft Meeting Minutes](#)

5.b. Consider amending and re-enacting Title 5, Chapter 2 of the Harrisonburg City Code, Fire Protection and Prevention

**Review & Recommendation:**     The purpose of this proposed ordinance is to provide a buffer zone between combustible landscaping mulch and combustible siding on certain types of buildings, most notably multiple family dwellings. Between January 1, 2008 and December 31, 2014, HFD responded to 211 calls for fires originating in combustible landscaping. Sixteen of those fires damaged structures. Nine of those fires involved multiple family dwellings. The fires resulted in over \$1 million in damages. The proposed ordinance would not apply to single family dwellings unless used as child care or adult care facilities.

**Attachments:**     [Title 5, Chapter 2 Ordinance](#)  
[Public Hearing Notice](#)

**Legislative History**

3/24/15     City Council     approved on first reading

5.c. Consider a supplemental appropriation for a VML Safety Grant in the amount of \$4,000

**Review & Recommendation:**     The city received \$4,000 from VML's Safety Grant program. The Public Transportation and Parks & Recreation departments used the grant to help fund the purchase of automated external defibrillator (AED) equipment.

**Attachments:** [Supplemental Appropriation \(VML Safety Grant\)](#)

**Legislative History**

3/24/15 City Council approved on first reading

- 5.d.** Consider a supplemental appropriation for the Police Department in the amount of \$47,316.58

**Review & Recommendation:** These funds were reimbursed from the JMU Police Department for overtime worked by HPD Officers at athletic and other JMU events. These funds would be transferred from JMU Overtime Reimbursement into Police Operatoins Salaries/Wages OT (Project Code JMUOT)

**Attachments:** [Supplemental Appropriation \(JMU OT\)](#)

[JMUAdvice 8-12 2014](#)

**Legislative History**

3/24/15 City Council approved

- 5.e.** Consider ordinance to close two portions of undeveloped public alleys totaling 4,670 +/- square feet

**Review & Recommendation:** This request from Ridgeway Mennonite Church was approved on June 4, 2013 by Planning Commission and June 11, 2013 by City Council. One section of this request is located between and parallel to Franklin Street and Hawkins Street and is adjacent to tax maps 27-L-8, 8A and 16 through 20. The second section is located off of and perpendicular to Hawkins Street and is adjacent to tax maps 27-L-16 and 17. There are no easements needed for the closing of these alleys. Funds have been received for the application fee and both public hearing notices. These particular alleys were on this list of the city planning to close and the applicant requested City Council to waive the requirement to purchase the public alleys.

**Attachments:** [June 11, 2013 Agenda Attachment](#)  
[Ridgeway Menno Alley Ordinance & Plat](#)

## 6. Public Hearings

- 6.a.** Consider a request from K&K, LLC to rezone a 0.915-acre parcel by amending one of the six existing proffers that were approved when the property was rezoned to R-3C in 1999

**Review & Recommendation:** The property is addressed as 811 and 821 Port Republic Road. Planning Commission recommended approval (6-0) of the proffer amendment rezoning request that would require the property owner of tax map parcel 92-H-0 to install and maintain a fence or shrubs in order to provide both a visual and physical barrier to discourage pedestrian access across the eastern property line rather than the existing proffered requirement of only providing trees or shrubs to accomplish the same purpose. The proposed new proffer six reads as follows: A privacy fence and/or evergreen shrubs or trees shall be provided along the eastern property line to provide a visual and physical barrier to discourage pedestrian access across the property line; installed fences shall be six feet in height and maintained; installed vegetation intended to achieve the purposes as described herein shall, at the time of planting, be at least six feet in height and planted a minimum of five feet on center so as to form a dense screen; and, such vegetation shall be maintained and replaced when necessary.

**Attachments:**      [Extract RZ Westport Village Proffer Amend](#)  
[Site Map and Zoning Map](#)  
[Staff Report RZ Proffer Amend 811 Port Republic Rd](#)  
[Application and Other Supporting Documents](#)  
[Newspaper Public Hearing Ad](#)  
[Surrounding Property Owner Notification - Mailer](#)

- 6.b.** Consider a request from Fred and Carol Showker for a special use permit per Section 10-3-91 (8) of the Zoning Ordinance to allow for the reduction in required parking spaces within the B-2, General Business District

**Review & Recommendation:**      The property is located at 15 Southgate Court. Areas that would have been used for parking must remain as open space and shall not be used to meet any conflicting requirements of the Zoning Ordinance. Planning Commission recommended approval (4-2) with conditions, of the special use permit request to allow for the reduction in required parking spaces for the 14,810 +/- square foot property zoned B-2 and identified as tax map parcels 1-B-7 & 8. The conditions are as follows: At a minimum, a child day care center shall provide 10 off-street parking spaces, where at maximum, five spaces may be located on an adjacent or directly across the street property and available at all times; the SUP shall be applicable only for child day care centers, which operate substantially the same as the proposed use; and, if in the opinion of Planning Commission or City Council, the parking becomes a nuisance, the SUP can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

**Attachments:**      [Extract SUP 15 Southgate Court](#)  
[Site and Zoning Maps](#)  
[Staff Report SUP 15 South Gate Court](#)  
[Application and Supporting Documents](#)  
[Steven Toyota Letter](#)  
[Surrounding Property Notification - Mailer](#)

- 6.c.** Consider amending the Zoning Ordinance Section 10-3-30.1; Parking Lot Landscaping regulations, by proposing minor modifications to add flexibility and to improve and clarify its application

**Review & Recommendation:**      Planning Commission recommended approval (6-0) of the Zoning Ordinance amendments that would modify Section 10-3-30.1, to better clarify the intent of the Parking Lot Landscaping regulations regarding parcels that are being redeveloped, and to provide flexibility for meeting side and rear lot line separation requirements for parking lots adjacent to existing buildings on adjoining lots having established zero lot line setbacks.

**Attachments:**      [Extract ZO Amend Parking Lot Landscape Amend](#)  
[Staff Report Parking Lot Landscaping Amendments \(2015\)](#)  
[Newspaper Public Hearing Ad](#)

- 6.d.** Consider adoption of the Capital Improvement Program

**Review & Recommendation:**      Planning Commission recommended adoption of the Capital Improvement Program with future changes regarding the regional jail expansion or alternatives. (6-0)

**Attachments:**      [CIP Public Hearing Ad](#)  
[Capital Improvement Program Extract](#)  
[DRAFT CIP 2015-2016 through 2019-2020](#)

## 7. Regular Items

### 7.a. Consider request from Karen Thomas for support of a historical marker for the Newtown Cemetery

**Review & Recommendation:**      The City Manager's Office along with Public Works were contacted by Karen Thomas requesting support for installing a historical marker at the Newtown Cemetery after receiving notification of being placed on the Virginia Landmarks Register. The trustees of Newtown Cemetery request support for installing a historical marker for the cemetery at the intersection of Hill and Kelley Street (see attached). 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 as reviewed the request and recommends approval. If council approves this request and subsequently the Commonwealth does, Public Works will install and maintain the marker. It is noted that in the unlikely event the sign is damaged or stolen the applicants will be responsible for replacement of the sign to be reinstalled by the city.

**Attachments:**      [Newtown Cemetery Sign Placement](#)  
[Newtown Virginia Landmarks Register Letter](#)

### 7.b. Restorative Justice Initiative

**Review & Recommendation:**      To inform Council and the community on the collaborative efforts of a Restorative Justice initiative involving James Madison University, Eastern Mennonite University, Fairfield Center, Commonwealth Attorney's Office, members of the community and the Harrisonburg Police Department.

**Attachments:**      [Q A Restorative Justice-March 19 2015](#)  
[Restorative Community Conferencing in Harrisonburg](#)

### 7.c. Consider approval of the 2011, 2012, 2013, and 2014 CDBG Action Plan Amendments

**Review & Recommendation:**      The required public hearing and 30 day public comment period will conclude on April 10, 2015 at 9:00a.m., and currently no comments have been received. Staff recommends approval of the CDBG Amendments, which proposes the unused CDBG funds be moved as follows: \$4,300.26 that was allocated to the Morrison Park Project (14CDBG03) will be moved to the NEW Westover Pool Diving Board Replacement Project (15AMEND2); \$872.63 that was allocated to the A Dream Come True Playground Equipment Project (12CDBG03) will be moved to the NEW Westover Pool Diving Board Replacement Project (15AMEND2); \$850.14 that was allocated to the Ralph Sampson Park Shelter #2 Project (13CDBG03) will be moved to the NEW Westover Pool Diving Board Replacement Project (15AMEND2); and, \$13,726.97 that was allocated to the Westover Park Playground Project (14AMNED1) will be moved to the NEW Westover Pool Diving Board Replacement Project (15AMEND2).

### 7.d. Consider request to write off delinquent utility accounts and accounts receivable accounts

**Review & Recommendation:** The Director of Public Utilities is requesting approval to write off 259 utility accounts that the city incurred as accounts receivable between January 1, 2013 and December 31, 2013. The total value of these accounts is \$36,562.84 or 0.24% of the total billings for that period. These write offs are for accounting purposes only as these accounts will still be pursued by the collection agency. All amounts can be re-entered into the system should they become collectable.

**7.e. Presentation on the Harrisonburg City Schools proposed FY16 budget**

**Review & Recommendation:** Harrisonburg City Schools superintendent, Dr. Scott Kizner, will present information on proposed FY16 school operational and nutrition budgets.

**7.f. Discussion of the School Board member election process**

**Review & Recommendation:** A memorandum and previous minutes reflecting discussion are attached.

**Attachments:** [Memorandum](#)  
[Meeting Minute Extractions](#)

**7.g. Consider the suspension of residential permit parking enforcement on Wednesday, April 22, 2015**

**Review & Recommendation:** This request is from Council Member Ted Byrd to suspend residential parking enforcement for the 82nd Annual Historic Garden Week Home and Garden Tour that is being presented by The Spotswood Garden Club. The event will take place between 10:00 a.m. to 5:00 p.m., in and around Old Town. More information regarding this event can be found at [www.vagardenweek.org](http://www.vagardenweek.org).

**7.h. Distribution of draft FY 15-16 budget to City Council**

**Review & Recommendation:** The City Manager plans to have copies of the draft FY 15-16 Budget for distribution to City Council at the April 14 meeting. No formal presentation is scheduled for this meeting but will occur at the April 28 Council meeting.

**8. Other Matters**

**9. Boards and Commissions**

**9.a. Stormwater Advisory Committee (SWAC)**

**Review & Recommendation:** The terms of the appointed members will typically be for 3 years in a staggered in a 2-2-1 format. However, since this appointment will be for all five (5) members at the same time, City Council will appoint two people to serve for three (3) years, two people to serve to two (2) years, and one person to serve for one (1) year. There is no limit to the number of times a member can apply for reappointment after their term has expired.

**Attachments:** [Rob Alexander - Application](#)  
[Dale Chestnut - Reappointment Application](#)  
[Raymond 'Wick' Fary - Application](#)  
[Eldon Kurtz - Reappointment Application](#)  
[Daniel Michael - Reappointment Application](#)  
[Christopher Mueller - Application](#)

**9.b. Blue Ridge Community College Board of Trustees**

**Review &**

Ms. Beverly McGowan will complete her first four-year term on the BRCC Local Board.

**Recommendation:**

Ms. McGowan has indicated her willingness to serve a second four year term. The attached letter is from Dr. Downey showing his support for her reappointment.

**Attachments:**

[Letter Dr. Downey - McGowan](#)

**10. Adjournment**