



# 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, August 23, 2016

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:**      [Draft Meeting Minutes - 08/09/16](#)

- 5.b. Consider the reappropriation of encumbrances that were outstanding at the end of Fiscal Year 2016 in the amount of \$6,802,550.51

**Review & Recommendation:**      At the end of Fiscal Year 2016 there were outstanding encumbrances for purchase orders which were issued prior to June 30, 2016. These purchase orders were carried forward to the new Fiscal Year 2017 budget; however, the budgeted funds lapsed as of June 30, 2016. The purchase orders were for goods and/or services which were contracted for but not received prior to June 30, 2016. 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..

**Attachments:**      [Memorandum](#)  
[Supplemental Appropriation](#)  
[Public Hearing Notice](#)

**Legislative History**

8/9/16                      City Council                                      approved on first reading

- 5.c. Consider a request from Thomas W. Richardson and James F. Richardson with property representative Mossy Creek Holdings to rezone a parcel from R-2, Residential District and R-3, Medium Density Residential District to B-2C, General Business District Conditional

**Review &  
Recommendation:**

This property is located at 480 East Market Street. Planning Commission recommended approval (6-0) to rezone the 26,258 +/- square foot property identified as tax map parcel 27-A-6 from R-2/R-3 to B-2C with the following proffers:

With regard to the rezoning, the applicant has proffered the following (written verbatim):

The property shall be redeveloped by improving and maintaining the existing structure, which may include additions to the building, and where the following B-2 uses will be retained:

(By Reference to Numbered Paragraphs of the Existing B-2 Ordinance with Some Modifications)

(1) Mercantile establishments which promote the show, sale and rental of goods, personal service establishments and other shops.

(2) Governmental, business and professional offices and financial institutions.

(4) Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education. In addition, customary recreational and leisure-time activities which are compatible with surrounding uses are permitted.

(5) Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities.

(15) Accessory buildings and uses customarily incidental to any of the above listed uses.

(18) Public uses.

In addition, the applicant would retain the right to seek a special use permit for any uses allowed by such in B-2.

With regard to the site the applicant proffers:

A landscaping buffer with intent to form a dense screen shall be established along the western and northern perimeter of the property as indicated on the site plan. prepared by Engineering Solutions, dated July 6th 2016, and submitted with this application. Existing vegetation may be maintained or new materials planted. When new materials are planted, they shall be 6 feet in height at the time of planting and planted at a minimum of 5 feet on center.

Dedicate right-of-way as needed along East Market Street for the city's future traffic signal improvements at the intersection of East Market Street and Sterling Street / Reservoir Street as indicated on the site plan, prepared by Engineering Solutions, dated July 6th 2016, and submitted with this application.

The southern access to the property along Sterling Street shall be marked as exit only.

All freestanding signs shall be no taller than 10ft in height, and no freestanding sign shall exceed 50 square feet. There will be no LED, scrolling message board sign.

**Attachments:**      [Memorandum](#)  
[Extract RZ 480 E. Market St](#)  
[Site Maps](#)  
[Application, Applicant letter and supporting documents](#)  
[Surrounding Property Notifiacation](#)  
[PowerPoint](#)

**Legislative History**

8/9/16                  City Council                                  approved on first reading

**5.d.** Consider amending and re-enacting Chapter 6 Article C Section 3-6-32 of the Harrisonburg City Code

**Review & Recommendation:** This request is to amend Section 3-6-32 to change the name of the Industrial Development Authority of the city of Harrisonburg to the Economic Development Authority of the city of Harrisonburg.

**Attachments:**      [Memorandum](#)  
[Current Ordinance reflecting recommended change](#)

**Legislative History**

8/9/16                  City Council                                  approved on first reading

**5.e.** Consider enacting Section 6-1-27 of the Harrisonburg City Code on crossing intersections diagonally

**Review & Recommendation:** This is a request to enact new Section 6-1-27 which permits crossing intersections diagonally under certain circumstances per Virginia Code Section 46.2-923.

**Attachments:**      [Memorandum](#)  
[Current Ordinance with recommended changes](#)

**Legislative History**

8/9/16                  City Council                                  approved on first reading

**5.f.** Consider amending Sections 6-5-3, 6-5-5, 6-5-7, and 6-5-9 of the Harrisonburg City Code in regard to the Stormwater Utility Fee

**Review & Recommendation:** This request is to amend Sections 6-5-3, 6-5-5, 6-5-7, and 6-5-9 of the Harrisonburg City Code in regards to the Stormwater Utility Fee Ordinance to make several administrative changes.

**Attachments:**      [Memorandum](#)  
[Current ordinance reflecting recommended amendments](#)

**Legislative History**

8/9/16                  City Council                                  approved on first reading

**6. Public Hearings**

**6.a.** Consider amending and re-enacting Section 15-3-2(b), 15-3-2(c)(7), 15-3-2(d)(4) and enacting Section 15-3-2(c)(8) and 15-3-3 of the Harrisonburg City Code in regard to the noise ordinance and mass outdoor social gatherings

**Review & Recommendation:** This request is to amend Section 15-3-2 to add several definitions, including the definition of mass outdoor social gathering, amend requirements related to large party nuisance to make requirements applicable all day instead of from 10pm to 7am. This request is to also enact a new ordinance, Section 15-3-3 regulating mass outdoor social gatherings. This section will require a permit for outdoor parties at which more than 100 people are invited, expected, or actually attend and in which sound amplifying equipment is used.

**Attachments:** [Memorandum](#)  
[Current ordinance reflecting recommended amendments and enactments](#)  
[Public Hearing Notice](#)

**6.b.** Consider the disposition of real estate owned by the City of Harrisonburg along Reservoir Street to Davis Mill, LLC

**Review & Recommendation:** The city has entered into a contract with Davis Mill, LLC, subject to approval by council, for the sale of two parcels on Reservoir Street for a total price of \$125,215.00.

**Attachments:** [Memorandum](#)  
[Public Hearing](#)

## 7. Regular Items

**7.a.** Consider a resolution to approve the submission of a membership application to Welcoming America

**Review & Recommendation:** Faith in Action will present to Council its request that the City consider membership in Welcoming America, a national organization with a focus on helping immigrants become fully integrated into their communities. The attached resolution, prepared by City staff and based on a draft provided by Faith in Action, authorizes application for membership in Welcoming America and designating a city staff person as the city key contact for Welcoming America upon membership acceptance.

**Attachments:** [Resolution \(staff approved\)](#)

**7.b.** Consider amending and re-enacting Sections 13-1-79 and 13-1-84 of the Harrisonburg City Code, parking violation fines and appeals

**Review & Recommendation:** This is a request to amend Section 13-1-79 to clarify the procedure to contest parking citations and amend Section 13-1-84 to make violations for exceeding time limit in the downtown area consistent with the rest of the City.

**Attachments:** [Memorandum](#)  
[Current ordinance reflecting requested amendments](#)

**7.c.** Consider approval of the State Performance Contract for the 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, 2016, it is considered approved. An executive summary of the contract is attached, along with a comparative budget overview for FY2016 and 2017.

**Attachments:** [State Performance Contract](#)

## 8. Supplementals

- 8.a. Consider a supplemental appropriation for the Fire Department in the amount of \$207,371.63 from Fire Program and Four-for-Life funds

**Review & Recommendation:** The city receives Fire Program funds and Four-for-Life funds each year from the Commonwealth of Virginia. This supplemental appropriation will budget the unexpended prior year funds received from these programs.

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

- 8.b. Consider a supplemental appropriation for the Police and Fire Departments in the amount of \$76,179.41 from various grants

**Review & Recommendation:** The Police and Fire Departments were awarded various grants in prior fiscal years. This request will reappropriate these unexpended prior year grant awards.

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

- 8.c. Consider a supplemental appropriation for the Police Department in the amount of \$18,078.00 to purchase a special events vehicle

**Review & Recommendation:** The Harrisonburg Police Department is requesting the transfer of \$18,078 from the federal assets (funds to be used for Law Enforcement purposes only) account for the purchase of a multi-use utility vehicle to be used during all downtown events and incidents occurring on multi use paths which do not provide access to a regular emergency vehicle.

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

## 9. Other Matters

## 10. Boards and Commissions

### 10.a. Rockingham-Harrisonburg ASAP

**Review & Recommendation:** There are three policy board members with expired terms. The three members are Marsha Garst, Esq.; The Honorable Thomas J. Wilson, and Elsie Ziegenfus. Mrs. Garst and Mr. Wilson are willing to continue to serve on the board and their re-appointment would be welcomed by the ASAP Commission.

Mrs. Ziegenfus is not interested in being reappointed, but is happy to continue serving until a replacement is appointed. The ASAP Commission will be September 21, 2016.

All three terms will expire December 31, 2020. This vacancy is being advertised on the city's website and the Commission is willing to provide names for potential candidates..

**Attachments:** [Letter](#)

### 10.b. Metropolitan Planning Organization Technical Advisory Committee (TAC)

**Review & Recommendation:** It is recommended to appoint Thanh Dang, city planner, to the MPO TAC to replace Dan Rublee, city engineer, and appoint Mr. Rublee as Mrs. Dang's alternate. .

## 11. Adjournment

