



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Agenda City Council

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Monday, January 26, 2015

7:00 PM

Council Chambers

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**1. Roll Call**

**2. Invocation**

**3. Pledge of Allegiance**

**3.a. Harrisonburg High School Musical - Seussical**

**Review & Recommendation:** Students from Harrisonburg High School will perform a song from the upcoming musical which will take place at the high school on February 18 through February 22, 2015.

**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:** [January 13, 2015 Draft Meeting Minutes](#)

**5.b. Joint School Board Meeting Minutes**

**Attachments:** [Draft Joint School Board Minutes](#)

**5.c.** Consider a supplemental appropriation for various purposes in the gross amount of \$7,365,566

**Review &**

**Recommendation:**

This agenda item combines two supplemental appropriations into one public hearing as follows:

(1) At its November 25, 2014 meeting, City Council approved various uses of surplus General Fund unappropriated fund balance for capital project and operating purposes. This supplemental appropriation transfers these amounts to the various budget line items.

A portion of the first supplemental appropriation is funding for the January 1, 2015 pay study implementation. These funds will be placed into a pay study reserve account in the General Fund. It is requested that the City Manager is authorized to transfer these budgeted funds within and between the various funds and departmental budgets of the city as needed.

(2) A supplemental appropriation to budget various VDOT grant and revenue sharing funds for three projects. These projects include transportation enhancement grant funding received for East Market Street safety improvements (\$185,191.17) and revenue sharing funding for the Reservoir Street project (\$2,000,000) and Northend Greenway project (\$600,000). The supplemental also appropriates the remaining residual interest earnings from the 2011 bond issue for the Reservoir Street project (\$2,375.12)

The supplemental appropriations represent 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](#)

[Supplemental Appropriation \(PW VDOT\)](#)

[Public Hearing Notice](#)

**Legislative History**

1/13/15

City Council

approved

**6. Unfinished Business**

## 6.a. Consider solid waste management resolution

**Review & Recommendation:**

The City of Harrisonburg operates a solid waste collection and disposal system for the City's residents and businesses. As part of the solid waste management system the City has a Solid Waste Management Plan which is required and has been approved by the Commonwealth of Virginia. One of the goals of the Solid Waste Management Plan is to assist the City in meeting the Commonwealth's requirement that the City recycle at least 25% of the total solid waste generated each year in the City. In order to achieve the state mandate, the City has a curbside recycling collection and disposal program in addition to its solid waste collection and disposal system.

Under applicable state law, the City is entitled to charge for its solid waste and recycling collection and disposal services provided to its citizens. Harrisonburg City Code Section 6-2-39 provides that the monthly rates for such services be set by City Council from time to time and maintained on file in the City Manager's office. In May of 2008 the City Council passed a resolution setting a fee of \$20.00 per month for solid waste collection. As part of that resolution, Council designated \$10.00 of that fee for refuse collection and \$10.00 as the City's solid waste management fee. Since 2008, changes to the refuse collection fees and the solid waste management fees were approved as part of the City's annual budget. The result has been that it is now difficult to locate and identify the approved fees, and to maintain the list of fees in the City Manager's office as required by the City Code. Furthermore, the resolution approved by Council in 2008 set the refuse collection fees and solid waste management fees for "city residences". Although the intent of the resolution appears to have been to set fees for all those within the City receiving solid waste collection services, the use of the term "residences" could be seen as not inclusive.

To address these concerns, staff has prepared the attached resolution for Council's consideration.

**Attachments:**

[Trash Recycling Fees](#)

[Trash.Recycling Fees Amended](#)

[Trash.Recycling Fees Clean](#)

**Legislative History**

1/13/15            City Council                            tabled

## 7. Public Hearings

### 7.a. Consider an amendment to 2014 CDBG Action Plan

**Review & Recommendation:**

This public hearing is required by HUD to receive citizen comments on an amendment to the Community Development Block Grant 2014 Action Plan. Staff proposes that the following amendment be made:

\* \$99,570.75 that was allocated to the E. Wolfe St. Sidewalks Project (15CDBG03) will be moved to the NEW West Mosby Rd. Sidewalks Project (15AMEND1).

Staff will make a short presentation, to be followed by a public hearing and a 30 day public comment period. There is no action needed on this item at this time.

**Attachments:**

[Amendment Schedule](#)

[Public Hearing Notice](#)

## 8. Regular Items

**8.a. Presentation about the 6th Annual Brent Berry Food Drive**

**Review & Recommendation:** Bucky and Brent Berry will present to Council the results of the 2014 6th annual Brent Berry Food Drive. Among the highlights of this endeavor, two tractor trailer loads of food were collected and 3500 families in the City of Harrisonburg and Rockingham County were helped.

**8.b. Consider amendments to the City's employment policy**

**Review & Recommendation:** This is a revision to the City's employment policy. In accordance with previous direction of Council, staff has met with and received feedback from members of the community, has contacted various other localities, and reviewed employment policies from a variety of businesses and Virginia localities. Based on that research, staff recommends several changes to the City's existing employment policy. These changes include the following general items.

Staff added language to affirmatively state that the City seeks a diverse and inclusive workforce. Other language was added to the policy to ensure that this goal is considered in hiring decisions.

Going forward, internal only job postings will not be used. All openings will be advertised to existing employees and to the general public. A manager or supervisor may apply to the Human Resources Director for a waiver of this requirement if there is a current employee already trained and qualified for the opening.

The policy revisions instruct the Human Resources Department to advertise job openings in a variety of ways to increase the diversity of applicants.

The City may continue to consider an existing employee's service and job performance during the hiring process. City employees and the general public will be notified of job openings at the same time. The City will also give preferential consideration to qualified City employees who have been laid off.

There is a legal issue related to the employment policy which should be brought to Council's attention. The policy list various classes of individuals protected from discrimination. These classes for the most part are found in various federal laws, the Virginia Human Rights Act, or other state laws. These classes include race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, disability, or veteran status.

Several years ago the City's employment policy was amended to add sexual orientation and gender to the non-discrimination sections. The use of the term "gender" could be read to include gender identity. There are several Attorney General Opinions from the last twenty five years or so that opine that localities have no authority to add protected classes to their employment policies outside of the classes found in state and federal law. Sexual orientation and gender identity are not classes specifically protected by federal or state statute (although in July of last year President Obama signed an executive order protecting employees of the federal government and federal contractors from discrimination based on sexual orientation and gender identity).

Attempts to add sexual orientation and/or gender identity to the Virginia Humans Rights Act as protected classes have repeatedly failed in the General Assembly. Virginia's current Attorney General has not issued an opinion on this issue.

In short, there is a viable argument that adding sexual orientation and gender identity to the City's employment policy's prohibition on discrimination is not authorized by state law. Despite this, many jurisdictions in Virginia have included these classes for protection under their employment policies. There is no legal penalty associated with adding classes to our employment without authorization.

**Attachments:** [Section II - Employment - Draft](#)  
[Section II - Employment - Clean Version](#)

**8.c. Consider Amendment to Section 4-2-31 of the Harrisonburg City Code (Retail Revitalization Zone)**

**Review & Recommendation:** This proposal expands the boundary of the South Main Street Retail Revitalization Zone. The current zone extends from the southern city limits along S. Main Street to the Stone Spring / Erickson Avenue intersection. City staff and the Economic Development Advisory Committee recommend extending this zone further north along S. Main Street to the South Avenue intersection. The intent is to encourage continued retail redevelopment along this corridor by offering incentives for new capital investment. This is a first reading.

**Attachments:** [Retail Revitalization Zone Ordinance](#)  
[South Main Retail Zone - CURRENT MAP](#)  
[South Main Retail Zone - NEW MAP](#)  
[Retail Revitalization Zone - NEW Southern Boundary](#)

**8.d. Presentation on a proposed project to replace the Park View tank and Pump Station**

**Review & Recommendation:** Harrisonburg Public Utilities (HPU) will present the Preliminary Engineering Report (PER) for a proposed capital improvement funded project to replace Park View Tank and Pump Station. The PER is presented at a time in the project schedule when approvals of scope, cost, and schedule are decisive to continuing or stopping the project. Approvals are required from both the Harrisonburg City Council and the Virginia Department of Health Water Resources Division (VDH).

The PER is a technical document intended to meet Virginia Waterworks requirements to plan water related projects with technical complexity and to also serve as the procurement scope for engineering services that are needed to continue the project. An executive summary generalizes the technical contents and is provided at the beginning of the PER. The HPU Director will provide additional information in a PowerPoint presentation of the project.

**Attachments:** [Park View Tank & Pump Station PER](#)

**8.e. Consider Resolution incorporating additional lane mileage into VDOT's Highway Maintenance Inventory**

**Review & Recommendation:** Due to a 2014 VDOT Urban Maintenance Inventory Reconciliation project, it was determined the following streets required mileage adjustments. With this resolution, we are requesting that this street mileage be updated to the lengths shown on the attached U-1 report. The FY16 maintenance payments received from VDOT will be updated accordingly.

**Attachments:** [2015-01-21 U-1 MAP](#)  
[2015-01-21 U-1 Form](#)  
[Resolution](#)

**9. Supplementals**

**9.a. Consider a supplemental appropriation for the Parks & Recreation Department in the amount of \$12,577.50**

**Attachments:** [Supplemental Appropriation \(P&R\)](#)

- 9.b. Consider a supplemental appropriation for the Police Department in the amount of \$14,183.00

**Review & Recommendation:** These funds were awarded through a DOJ Edward Byrne Memorial Justice Assistance Grant. Funds will be used to purchase force-on-force training equipment.

**Attachments:** [Supplemental Appropriation \(PD DOJ\)](#)  
[2014DJBX0268Approval](#)  
[2014DJBX0268Award](#)

- 9.c. Consider a supplemental appropriation for the Police Department in the amount of \$34,675.00

**Review & Recommendation:** These funds were awarded through a DMV Grant for transportation safety. This grant provides funds for saturation patrols, checkpoints, equipment and training with the objective to increase safety belt usage; reduce the number of alcohol/drug related crashes, injuries and fatalities; decrease speed related crashes; reduce motorcycle crashes; and improve the collection & accessibility of traffic records data.

**Attachments:** [Supplemental Appropriation \(PD DMV\)](#)  
[2015DMVA Award](#)  
[2015DMVS Award](#)

- 9.d. Consider a supplemental appropriation for the Police Department in the amount of \$47,000.00

**Review & Recommendation:** These funds would be transferred from Federal Asset Forfeiture Funds (Law Enforcement use only) the Administration Police Supply line item to purchase new Glock 9mm pistols and accessories. Attached is a quote for the cost of the equipment.

**Attachments:** [Supplemental Appropriation \(PD\)](#)  
[Glock - Council Agenda](#)  
[Glock 9mm Replacement Proposal 20 JAN 2015](#)

- 9.e. Consider a budget reallocation for the Public Works Department in the amount of \$2,613,995

**Review & Recommendation:** The Public Works Department requests the following budget reallocations:  
\* \$2,500,000 from Erickson/Stone Spring (910141-48363) to Reservoir St (910141-48659).  
\* \$113,995 from Ramblewood Athletic Complex (910141-49737) to Pleasant Valley Road Bridge (910141-48730).

**Attachments:** [Budget Reallocation \(PW\)](#)

- 9.f. Consider a supplemental appropriation for the School Board in the amount of \$100,000

**Review & Recommendation:** The School Board has incurred approximately \$100,000 in architecture and engineering costs to-date for new school construction. These funds will be transferred to the School Capital Projects Fund from the General Fund's unappropriated fund balance.

**Attachments:** [Supplemental Appropriation \(HCPS\)](#)

## 10. Other Matters

**11. Boards and Commissions**

**12. Adjournment**

**13. Closed Session**

**13.a.** Discussion or consideration of the acquisition of real property for a public purpose