



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Agenda - Final-revised City Council

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

Tuesday, March 22, 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: [Draft Meeting Minutes March 8, 2016](#)

- 5.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](#)

Legislative History

3/8/16

City Council

approved on first reading

- 5.c. 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](#)

Legislative History

3/8/16 City Council approved on first reading

5.d. 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](#)

Legislative History

3/8/16 City Council approved on first reading

5.e. 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](#)

Legislative History

3/8/16 City Council approved on first reading

- 5.f. 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](#)

Legislative History

3/8/16 City Council approved on first reading

6. Public Hearings

- 6.a. Consider request for exemption from local personal property taxation for one city non-profit organization - Postponed until April 12, 2016.

Review & Recommendation: On December 18, 2015, Anicura Veterinary Center applied for personal property tax exemption on an additional vehicle.

Attachments: [Memorandum](#)
[Application](#)
[Public Hearing Notice 2016](#)

- 6.b. Consider the HUD FY2016 Action Plan for Community Development Block Grant Program (CDBG)

Review & Recommendation: The 2016 Annual Action Plan for the CDBG program serves as the planning document for addressing overall community development and housing needs that will utilize the \$514,843 entitlement of CDBG funding available to the city for 2016. The city received \$696,622 in requests. The selection committee has reviewed these requests and funding recommendations are attached. A complete Action Plan document is available upon request

Staff requests that council hold a public hearing on this Action Plan. This public hearing will open the 30 day HUD-required public comment period for this document. At the end of this comment period and at the May 10, 2016 regular council meeting, staff will bring this Action Plan to council for approval. Once council approval is obtained, the Action Plan will be submitted to HUD for final approval.

Attachments: [Memorandum](#)
[Proposed funding for Council 2016-2017](#)
[Public Hearing](#)
[TENTATIVE Schedule](#)

- 6.c. Consider the issuance of general obligation bonds that will finance various capital projects

Review & Recommendation: Consider approving a resolution for the issuance of up to \$50 million in general obligation bonds that will primarily finance several school capital projects.

Attachments: [Memorandum](#)
 [Bond Resolution](#)

7. Regular Items

7.a. Consider approval of the HUD FY-2014 CDBG Amendment

Review & Recommendation: The required 30 day Public Comment Period concluded on March 14th at 9:00AM, and no comments were received. Staff recommends approval of the HUD FY-2014 amendment, which proposes that funds from the Mercy House Small Mercies Expansion Project be moved to the NEW Mercy House Family Shelter Appliances project.

Attachments: Mercy House Agenda Memo.docx

7.b. Blue Ridge Community College annual update

Review & Recommendation: Dr. Downey will provide an annual update regarding Blue Ridge Community College.

7.c. Update on Fields of Gold Farm Trail

Review & Recommendation: The goals of the Fields of Gold program are to market the Shenandoah Valley as a top agritourism destination, create and retain jobs on the farm, expand tourism jobs off of the farm, and nurture an environment for entrepreneurship. It is a regional agritourism program designed to collectively market and promote the region's agritourism sites and activities. The Shenandoah Valley is asset- rich in both quantity and quality of farms and farm businesses. Four of the top five agriculture-producing counties in the state of Virginia are located in the Fields of Gold region (Rockingham, Augusta, Page, and Shenandoah).

Attachments: [Memorandum](#)
 [Newsletter](#)
 [Fields of Gold Farm Trail News](#)

7.d. Consider a resolution requested by Build Our Park for a USDA grant application for the Turner Pavilion expansion

Review & Recommendation: A team including city staff, The Farmers' Market, Harrisonburg Downtown Renaissance and Build Our Park will present a resolution for council's consideration that expresses city support for a USDA grant application that, if successful, will go toward construction of the Turner Pavilion expansion.

Attachments: [Memorandum](#)
 [Resolution](#)

7.e. Discussion on the School RFP for A/E services for the Annex project

Review & Recommendation: The minutes from the January with the School Board are fairly ambiguous relative to any decision or formal direction on the referenced matter. For long-range financial planning purposes it is important that staff has clarity from Council as there appear to be two trains of thought on what was decided and there are significant differences in their financial implications. The attached memo provides further details.

Attachments: [Memorandum](#)

7.f. Consider amending and re-enacting Section 5-2-8: Purpose, Section 5-2-19: Use of

combustible landscape cover material, and Section 5-2-20: Effective date of the Harrisonburg City Code

Review & Recommendation: At its 2016 session, the Virginia General Assembly passed Senate Bill 736, which was signed by the Governor. This legislation, copy of which is attached, states in relevant part that the "The City of Harrisonburg shall not include in any local fire prevention regulations a requirement that an owner of real property who has an occupancy permit issued by the City, use specific landscape cover materials or retrofit existing landscape cover materials at such property." This legislation affects Harrisonburg's ordinance regarding use of combustible landscape cover materials. The proposed amendment to sections 5-2-18, 5-2-19 and 5-2-20 of the Harrisonburg City Code are recommended to the council to bring these sections into compliance with the newly enacted state law.

Attachments: [Memorandum](#)
[Senate Bill 736](#)
[Current Ordinance reflecting proposed changes](#)

7.g. Consider nominations for the 2016 VML Policy Committees

Review & Recommendation: The Virginia Municipal League is now accepting nominations for its 2016 policy committees. Attached is a memorandum, description of the policy committees and policy process, and the nomination form. VML is asking for nominations to be submitted by April 15, 2016.

Attachments: [Memorandum](#)
[Description of the policy committees and policy process](#)
[2016 VML policy nominations form](#)

8. Annual Special Event Application Requests

8.a. Consider the approval of a special event permit for the Rocktown Beer & Music Festival on Saturday, April 30, 2016

Review & Recommendation: The Rocktown Beer & Music Festival will take place on Saturday, April 30th from 3:00 p.m. until 8:30 p.m. at the Turner Pavilion and parking lot.

Attachments: [Memorandum](#)
[Special Event Application 2016](#)
[Layout](#)
[Rocktown Spring COI - City](#)
[Rocktown Spring COI - Pepperjack](#)
[General Liability - City](#)

8.b. Consider the approval of a special event application for the Parks & Recreation Race to Beat Breast Cancer 5k to be held on Saturday, October 22, 2016

Review & Recommendation: The Parks & Recreation Race to Beat Breast Cancer 5k will be held on Saturday, October 22 at Westover Park and the surrounding neighborhood area. .

Attachments: [Memorandum](#)
[Special Event Application](#)
[Route](#)

8.c. Consider the approval of a special event application for the Eastern Mennonite

University Commencement to be held on Sunday, May 1, 2016

Review & Eastern Mennonite University Commencement will be held on Sunday, May 1, 2016.

Recommendation: The University will need to have Park Road closed for the duration of graduation.

Attachments: [Memorandum](#)

[Application and Other Supporting Documents](#)

9. New Special Event Application Requests

9.a. Consider the approval of a special event request for the Divine Unity Community Church Prayer Walk on Saturday on April 16, 2016

Review & The Divine Unity Community Church Prayer Walk on Saturday, April 16, 2016 at
Recommendation: 11:00am. The walk will begin at City Hall and proceed down South down Main Street until reaching Court Square. Prayer to be held on the Court House grounds. Rockingham County has already approved. .

Attachments: [Memorandum](#)

[Application](#)

[Rockingham County grounds approval](#)

[Grounds Request](#)

[Insurance Certificate](#)

10. Supplementals

10.a. Consider a supplemental appropriation for the Harrisonburg City School Board in the amount of \$332,638.88

Review & The Harrisonburg City School division is requesting a supplemental appropriation for
Recommendation: various state and federal grant revenues awarded after the approval of the fiscal year 2016 budget.

Attachments: [Memorandum](#)

[Supplemental Appropriation](#)

[School Board Memorandum](#)

11. Other Matters

12. Boards and Commissions

12.a. Central Shenandoah Planning District Commission

Review & The terms of Ted Byrd, Abe Shearer, and Adam Fletcher as Commissioners of the
Recommendation: CSPDC expire June 30, 2016. All three are eligible for reappointment to the Commission for another three-year term. A letter from the CSPDC is attached.

Attachments: [Letter](#)

13. Adjournment