



# City of Harrisonburg

409 South Main Street  
Harrisonburg, VA 22801

## Meeting Agenda - Final-revised City Council

*Mayor Ted Byrd*  
*Vice-Mayor Charles Chenault*  
*Council Member Kai Degner*  
*Council Member Richard Baugh*  
*Council Member Abe Shearer*

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Tuesday, July 8, 2014

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. Approval of minutes

**Attachments:**     [June 24, 2014](#)
  - 5.b. Consideration of approval for alarm monitoring company and adoption of alarm ordinance

**Review & Recommendation:**     The Ordinance Enacting Title 5, Chapter 7 "Malfunctioning Alarm Systems and False Alarms" was tabled at the June 24, 2014 City Council Meeting. Please see the attached documents which reflect the revisions. This was reviewed by both the HPD and HFD.

**Attachments:**     [PMAM-City of Harrisonburg VA Contract](#)  
                          [Nuisance Alarms - Hawk Security letter](#)  
                          [Revised False Alarm](#)  
                          [Revised Clean False Alarm](#)
  - 5.c. Ordinance amending and re-enacting Section 16-10-7; Pawnbrokers, junk dealers, etc.

**Review & Recommendation:**

Over the last several years, the Harrisonburg Police Department has seen an increase in the amount of pawn shops, precious metals, and scrap dealers, and the amount of items being passed through these respective businesses. Many times over the past years, HPD has conducted investigations in which these stores are used to pass stolen goods. This presents a challenge to law enforcement in the aspect of attempting to quickly track down stolen items. Under the current City Code, pawn dealers and like businesses are required to report all items taken in to their business to the police department within a 24 hour period of them taking possession of an item. Until recently, these items were reported on a facsimile sheet or spread sheet which would be emailed to the records unit. This created massive piles of paper that had no categorization to it and made attempting to locate stolen/pawned items almost impossible.

In July of 2013, the Harrisonburg Police Department purchased an online pawn reporting program (Leads Online) that has greatly increased the efficiency of the Harrisonburg Police Department and has cut down on the amount of work required by pawn dealer and like businesses. It is the intent of HPD to try and update and modify our City ordinance to now require all pawn dealers and like business to be mandated to use this online reporting program. This will expedite us learning about items that are stolen within our local pawn and like businesses. In addition, this program maintains a searchable database that can be accessed years later if needed to look for stolen property that may have been pawned. Most local pawn dealers are currently using this program, but are not currently required to by code. Our current ordinance, does also not specifically address any required reporting by scrap metal buyers. Over the past several years, the Harrisonburg Police Department has worked numerous investigations in which large amounts of scrap metal have been stolen from businesses, construction sites, etc., and sold for cash value and there is no reporting to law enforcement of these activities.

Leads Online is a national database that hundreds of law enforcement and pawn dealers use across the United States. When a pawn shop, or like business, enters their items into this database, it automatically checks the item against the national stolen records list, via serial number /model/description. It then alerts the agency that a possible stolen item is in possession of the pawn dealer. Leads online also allows the Harrisonburg Police Department to cross check stolen items against the database by very detailed or limited description and this cross check occurs throughout the US with those agencies that utilize Leads Online.

**Attachments:** [Section 16-10-7 Pawnbreakers Ordinance](#)

- 5.d.** Consider a request for a supplemental appropriation to adjust the Fiscal Year 2014 budget to account for a recent bond issue.

**Review & Recommendation:**

On June 5, 2014, the City sold \$56,285,000 in bonds to provide funding for several capital projects and to refinance existing debt.

\$13,610,000 in bonds were issued as General Obligation Public Improvement Bonds, Series 2014A to fund the City Hall project, energy efficiency project and Ramblewood athletic complex project.

\$42,675,000 in bonds were issued as General Obligation Public Improvement Refunding Bonds, Series 2014B to refinance the following debt:

1. General Obligation Bond, Series 2005
2. General Obligation Public Improvement Bonds, Series 2006

This request will appropriate funds for the respective debt service line items, bond issuance costs and the various capital project line items.

**Attachments:**      [Supplemental Appropriation \(Bond Issue 2014\)](#)  
[DNR \(Public Hearing Notice\)](#)

- 5.e.** Consider referring an application to Planning Commission for closing public street and alley right-of-way from James Madison University. The rights-of-ways include portions of South Mason Street and East Grace Street, an Alley between South Main Street and South Mason Street, and portions of Chesapeake Avenue near the former Rockingham Cooperative site.

**Review & Recommendation:** JMU requests that the City close, vacate and transfer to the University the above referenced streets in order to make those areas more pedestrian and bicycle-friendly as a part of the Grace Street Corridor and the opening of the Student Success Center. JMU also wishes to close the alley to accommodate a planned parking deck to be located at the corner of Martin Luther King Jr Way and South Mason Street which is already in design and is intended to support the newly renovated Student Success Center and the pending construction of the College of Health and Behavioral Studies located on the site of the former East Tower of Rockingham Memorial Hospital. The University would like to close a section of Chesapeake Avenue in order to support the construction of a 20,000 square foot annex for our Facilities Management Staff. This is planned to go before Planning Commission during their July 9, 2014 meeting. Chesapeake Avenue (24,176 +/- sq. ft.), East Grace Street (approximately 50,429 +/- sq. ft.), South Mason Street (28,575 +/- sq. ft.), and a 10-foot alley between South Main Street and South Mason Street (6,708 +/- sq. ft.). The section of Chesapeake Avenue is adjacent to tax map parcels 24-S-12, 13 & 15. The section of East Grace Street is adjacent to tax map parcels 17-B-1 and 25-P-1. The section of South Mason Street is adjacent to tax map parcels 17-C-0 through 4 and 25-P-1 & 11 through 14. The 10-foot alley located between South Main Street and South Mason Street is adjacent to tax map parcels 25-P-3, 4, 5, 10, 12, 13, and 13A.

**Attachments:**      [JMU Alley Closing](#)

## 6. Public Hearings

- 6.a.** Consider a request from Gerdau with representative Richard Gallegos to amend the zoning ordinance to allow junk yards within the M-1, General District by special use permit - POSTPONED.

**Review & Recommendation:** Postponed - This agenda item was advertised for a public hearing and since then we have been notified by Community Development that Planning Commission needs to revisit the action taken.

- 6.b.** Consider a request from Erica Lynn Dorsey for a special use permit to allow a Major Family Day Home within the R-1, Single Family Residential District. Major family day homes can have from six to 12 children under the age of 13, exclusive of any children who reside in the home. The property is located at 1214 Windsor Road.

**Review & Recommendation:** Planning Commission recommended approval (7-0), for the special use permit request, per Section 10-3-34 (6) of the Zoning Ordinance, to allow the major family day home at the 21,444 +/- sq. ft. parcel found on tax map 84-E-4 with the following condition: If in the opinion of Planning Commission or City Council, parking becomes a nuisance, the special use permit 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 1214 Windsor Road](#)  
[SUP 1214 Windsor Road Site Map](#)  
[Zoning Map](#)  
[Aerial Map](#)  
[SUP MFDH 1214 Windsor Road Staff Report](#)  
[Application Info](#)  
[Surrounding Property Owners Notice](#)

- 6.c. Consider a request from Northside, LLC and Joseph and Linda Moore with representative Balzer & Associates, Inc. to rezone 6.69 +/- acres of property from R-2, Residential District to B-2C, General Business District Conditional

**Review & Recommendation:** The subject property is made up from 7 parcels and portions of 6 parcels and portions of the existing public street right-of-way of Wilson Avenue and Boulevard Avenue. The applicants are in the process to close and purchase the necessary portions of Wilson and Boulevard Avenues. The properties are addressed as 1411 North Main Street, 36, 44, 75, & 81 Wilson Avenue, and 25, 35, 45, 55, & 65 Mt. Clinton Pike. Planning Commission recommended approval (7-0) of the rezoning request (with proffers) for the properties identified as tax map parcels 42-B-8B, 8C, 32, 33, 34, 35, & 35A, portions of tax map parcels 42-B-8, 8A, 9, 9A, & 36 and 44-A-31, along with portions of Wilson Avenue and Boulevard Avenue found on tax map sheets 42 and 44.

**Attachments:** [Extract RZ West of N Main South of Mt Clinton](#)  
[Northside LLC site map](#)  
[Zoning Map](#)  
[Aerial Map](#)  
[Land Use Guide](#)  
[RZ West of N. Main & South of Mt. Clinton Staff Report](#)  
[Exhibit A \(As of 06-10-14\)](#)  
[Sheet EX-3 \(As of 06-10-14\)](#)  
[Sheet 1 Grocery Store Layout \(As of 06-11-14\)](#)  
[Application Info](#)  
[Surrounding Property Owner Notice](#)

- 6.d. Consider adopting the City of Harrisonburg Downtown Streetscape Plan

**Review & Recommendation:** The plan's goal is to present an easily communicable, comprehensive vision for the public streetscape in downtown Harrisonburg that can be utilized by public and private agencies to further develop and sustain a vibrant downtown. Planning Commission recommends adopting the City of Harrisonburg Downtown Streetscape Plan (7-0) with a recommendation that there is a review of the document within every ten years.

**Attachments:** [Extract Downtown Streetscape Plan](#)  
[June 2014 Downtown Streetscape Plan PC Submission](#)

- 6.e. Consider an Option and Structure Lease Agreement City of Harrisonburg Virginia Tower Street Water Tank

**Review & Recommendation:** This lease agreement would lease approximately one hundred eight (180') square feet, including the air space above such area space, located at 525 East Washington Street to Virginia PCS Alliance, L.C., d/b/a/ NTELOS in connection with its federally licensed communications business.

**Attachments:** [Ntelos Agreement](#)  
[Exhibit 1](#)  
[Public Hearing Advertisement](#)

## 7. Regular Items

- 7.a. Consider a request of the removal of delinquent taxes from current collections accounts

**Review & Recommendation:** As stipulated in City Code section 4-1-36 and the Code of Virginia 58.1-3940, which stipulates the duration of time taxes can be collected, the Treasurer requests from Council that 1993-1994 real estate taxes, and 2008 personal property taxes be removed from current collection accounts.

**Attachments:** [Letter to Write off Taxes](#)  
[RE List 1993](#)  
[PP List 2008](#)

- 7.b. Consider a request to advertise delinquent Real Estate taxes for the years 2010-2011 & 2011-2012.

**Review & Recommendation:** As stipulated in City code section 4-1-29, the Treasurer requests permission from Council to advertise unpaid real estate taxes for years 2010-2011 & 2011-2012.

**Attachments:** [Letter to Advertise RE Taxes](#)  
[List of RE Taxes to Advertise](#)

## 8. Other Matters

## 9. Boards and Commissions

## 10. Closed Session

- 10.a. Consultation with legal counsel regarding specific legal matters requiring the provisions of legal advice by such counsel.
- 10.b. Discussion or consideration of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

## 11. Adjournment