



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

Tuesday, September 9, 2014

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. Approval of minutes

Attachments: [August 26, 2014 Draft Meeting Minutes](#)

- 5.b. Consider by-law changes for Transportation Safety and Advisory Commission

Review & Recommendation: The Transportation Safety and Advisory Commission (TSAC) would like to recommend changes to the Commission's by-laws in the city code, and we would like to inform you of these recommendations before bringing them to City Council.

All of these recommendations are shown in the attached edits to the City code. We welcome any comments or thoughts you might have regarding these proposed changes.

Attachments: [Proposed code changes](#)
[Ordinance](#)

- 5.c. Consider a supplemental appropriation for the Police Department in the amount of \$30,000

Review & Recommendation: These funds would be transferred from the State Asset Seizures budget (Law Enforcement Program Only) to the MV and equipment line item to purchase equipment for a Mine Resistant Armored Personnel Carrier acquired through the United States military.

Equipment includes metal skirting and detachable foot rails, articulating ram, handrails, armored hatch, emergency lights, back up camera system, mobile surveillance video and painting/lettering.

Attachments: [Asset Seizure Supplemental Appropriation](#)
[MRAP memo](#)

- 5.d. Consider a supplemental appropriation for the Main Street Streetscape Project in the amount of \$880,782

Review & Recommendation: These funds represent monies that will be received from the Transportation Enhancement Program for the Main Street Streetscape - Phase 2 Project.

Attachments: [Supplemental Appropriation \(Downtown Streetscape Grant\)](#)
[Downtown Streetscape Award Letter](#)

- 5.e. Consider a supplemental appropriation for the Department of Public Transportation School Transportation Fund in the amount of \$250,000

Review & Recommendation: These funds will be used to purchase two additional school buses with funding coming from the fund balance of the School Transportation Fund. Harrisonburg has an increased student population and use of mobility devices on school buses.

Attachments: [Supplemental Appropriation \(School Buses\)](#)

- 5.f. Refer a request to Planning Commission for the City to vacate a portion of 6th Street that currently is not in use and the 10 feet of alley that is directly behind 930 Lee Avenue

Review & Recommendation: The portion of 6th Street being referred is located between 930 and 928 Lee Avenue. The proposed use is to expand the parcel's size and to prevent traffic from back lot/lots from accessing Lee Avenue from 6th Street. A letter is attached from the representative to Planning Commission. The applicant is the owner of the home and the representative is the tenant of the home, both have signed the application.

Attachments: [Application - Hayward-Hottinger](#)

- 5.g. Consider ordinance to close a portion of Chesapeake Avenue (24,176 +/- sq. ft.), East Grace Street (50,429 +/- sq. ft.), a portion of South Mason Street (28,575 +/- sq. ft.), and a 10-foot alley located between South Main Street and South Mason Street (6,708 +/- sq. ft.)

Review & Recommendation: Planning Commission recommended (5-0) closure of 109,888 +/- square feet of public street and alley right-of-way with the condition that appropriate easements be reserved for all utilities. City Council approved 4-1 on August 12, 2014 with the recommended easements for utilities and future infrastructure be approved.

Attachments: [JMU Street Closing Ordinance](#)
[Final S. Mason St. Plat](#)
[Final Alley Plat](#)
[Final Chesapeak Ave. Plat](#)
[Final E. Grace St. Plat](#)

6. Public Hearings

- 6.a. Consider CDBG 2013-2014 Consolidated Annual Performance Evaluation Report (CAPER)

Review & Recommendation: Ande Banks, Director of Special Projects and Grants Management, will make a short presentation on the Consolidated Annual Performance & Evaluation Report (CAPER) - a document required by the U.S. Department of Housing & Urban Development (HUD) for the evaluation and review of CDBG programs in fiscal year 2013-2014. This presentation will be followed by a public hearing. This will commence the 15 day public comment period, which will end at 9:00am on 09/25/2014.

Attachments: [Summary for Council](#)
[Notice of Public Comment Period for newspaper](#)

- 6.b.** Consider a request to amend multiple sections of the Zoning Ordinance to allow public uses to deviate from requirements of the Zoning Ordinance by approval of a special use permit

Review & Recommendation: Planning Commission recommended approval (6-0) of the Zoning Ordinance amendments that would include adding an additional subsection to each zoning district's list of available special use permits to allow public uses to apply to deviate from zoning regulations. The sections of the Zoning Ordinance that would be amended include: 10-3-34, 10-3-40, 10-3-46, 10-3-48.4, 10-3-52, 10-3-55.4, 10-3-56.4, 10-3-57.4, 10-3-58.4, 10-3-63, 10-3-71, 10-3-79, 10-3-85, 10-3-91, 10-3-97, and 10-3-180.

Attachments: [Staff Report](#)
[Extract](#)
[Advertisement - Notification](#)

- 6.c.** Consider a request from Farhad Koyee, Bahar Mikael, and Sabir Haji to rezone a 0.38-acre (16,553 +/- sq. ft.) portion of a 0.52-acre (22,600 +/- sq. ft.) parcel from R-2, Residential District to B-2C, General Business District Conditional

Review & Recommendation: The property is located along the north side of Ashby Avenue but is addressed as 907 North Main Street. The parcel has 104 feet of lineal road frontage, where 40-feet of it is zoned B-2 and 64-feet is zoned R-2.

Planning Commission recommended approval (6-0) of the rezoning request for a portion of the property identified as tax map parcel 41-C-44 with the following proffers:
* Along the entire length of the western and northern property lines, where the adjacent property is zoned residentially, for a width of 10-feet, the existing vegetation (including all trees and shrubbery) shall be maintained to assist in providing a buffer between the property and the adjacent residentially zoned property. In addition, evergreen trees shall be planted and maintained within the 10-foot buffer zone with the intent to form a dense screen. The evergreen trees shall be three to four feet in height at the time of planting and shall be planted at no greater than 5-foot centers.
* A six-foot solid, opaque fence shall be installed along the same boundaries as identified above.

Attachments: [Site Map](#)
[Zoning Map](#)
[RZ 907 N. Main Street Staff Report](#)
[Extract RZ 907 North Main Street](#)
[Application and Info](#)
[City Council Advertisement](#)

7. Special Event Application Requests

7.a. Consider the Rocktown Fall Beer Fest for a special event request

Review & Recommendation: The Rocktown Fall Beer Festival is planned to be held on Saturday, September 20, 2014 from 2:30pm - 8:00pm at the Turner Pavilion and Municipal Parking lot.

Attachments: [Street Closing Application](#)
[Rocktown Map](#)
[PW Staff Requirements](#)
[City of Harrisonburg - COL](#)
[Liberty South - COL](#)
[Pepperjack - COL](#)
[Rocktown Beer and Music Festival - COL](#)
[City of Hburg Endorsement](#)
[Additional Insured](#)
[ABC License](#)

8. Regular Items**8.a.** Receive Planning Commission's findings, Park View Water Tank ("the Project")

Review & Recommendation: Planning Commission's review under Virginia State Code 15.2-2232 finds the general or approximate location, character, and extent of the Project is substantially in accord with the City's adopted Comprehensive Plan.

Attachments: [Site map](#)
[Zoning map](#)
[Extract 2232 PV Water Tank Review](#)
[Information](#)
[Findings](#)
[Project Development](#)
[Priority PVT site](#)

8.b. Consider a resolution to set the percentage of Personal Property Tax Relief for the Year 2014

Review & Recommendation: This is the annual resolution to set the percentage of personal property tax relief pursuant to Article J of Title 4, chapter 2 of the Harrisonburg City Code. The Commissioner of the Revenue has determined the final percentage for the tax year 2014 to be thirty one percent (31%).

Attachments: [PPTRA](#)

8.c. Report on the Emergency Communications Center power outage and generator failure

Review & Recommendation: At approximately 5:52 p.m. on August 5, 2014, a tree limb fell across a power line on Crawford Avenue causing a power outage in the southeast part of the City. This power outage also affected the Emergency Communications Center (ECC) located in the Public Safety Building (PSB). The PSB has an 800 kw generator that is used to provide emergency power to the building anytime the power supply is interrupted. However, when this event occurred, the generator failed to start. This generator is covered by a 24 hour a day, seven days a week, 365 days a year, service contract. Scheduled service was performed on the generator just two weeks prior to August 5. The generator is started and allowed to run for about 45 minutes each week, and is run under a load once a month. When the generator failed to start, a service technician was called and arrived at the ECC approximately 30 minutes later. After troubleshooting the problem for about approximately 30 minutes, the technician got the generator to start and run properly. This was within minutes of the time that regular power was returned to the building. The technician returned the next day to recheck the generator to make sure everything was working properly. The technician replaced the voltage regulator on the generator, but is unable to determine the exact reason that the generator failed to start. Attached is a full report along with the service report from the service technician.

Attachments: [ECC Power Outage Report](#)
[Service Report ECC Generator](#)

8.d. Consider a resolution setting City taxi rates

Review & Recommendation: Several taxi companies came before City Council on August 26, 2014 to request eliminating a fuel surcharge of \$0.75 and increasing the existing city cab tax rates as described in the attached resolution. City Council approved this request during that meeting.

Attachments: [Resolution Taxi Rates](#)

9. Supplementals

9.a. Consider two supplemental appropriations for Economic Development Department totaling \$70,000

Review & Recommendation: Consider a supplemental appropriation to re-appropriate \$35,000 granted by the Harrisonburg IDA to the Harrisonburg Business Loan Program and to appropriate \$35,000 of grant funds received from the Virginia Department of Housing and Community Development for the new "What's Cooking" entrepreneurial program.

Attachments: [Supplemental Appropriation \(Economic Development\)](#)
[DHCD MOU](#)

9.b. Consider a transfer of funds to the Health Insurance Fund

Review & Recommendation: Funds from the City and the School Board will be used to replenish the fund balance of the Health Insurance Fund. It is also requested that the transfer of funds be retroactive to Fiscal Year 2014 for audit report purposes.

Attachments: [Supplemental Appropriation \(Health Insurance\)](#)

10. Other Matters

11. Boards and Commissions

12. Adjournment