



# City of Harrisonburg

409 S. Main Street  
Harrisonburg, VA 22801

## Meeting Agenda - Final-revised City Council

*Mayor Deanna R. Reed*  
*Vice-Mayor Richard A. Baugh*  
*Council Member Ted Byrd*  
*Council Member George Hirschmann*  
*Council Member Christopher B. Jones*

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Tuesday, September 12, 2017

7:00 PM

Council Chambers

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1. Roll Call
2. Invocation
3. Pledge of Allegiance
4. Special Recognition
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 from City Council meeting August 22, 2017

Attachments:     [Minutes](#)

- 5.b. Consider a request from Marusstodd Properties, LLC with representative Blackwell Engineering to rezone five (5) parcels containing a total of 1.3 +/- acres from R-1, Single Family Residential and R-3, Medium Density Residential to R-5C, High Density Residential District Conditional and addressed as 1340, 1348, and 1356 South Main Street and 1341 Edgelawn Drive.

Review & Recommendation: Planning Commission recommended to deny (6-0) the rezoning request to R-5C, for the five parcels identified as tax map numbers 18-R-22, 22A, 23, 24, and 24A

This request has been amended and revised since initial council meeting on 07/11/17. All revised documents are attached.

**Attachments:**      [\(Updated\) Memorandum](#)  
[\(Updated\) Final Proffers](#)  
[\(Updated\) Sub. #1 Site Layout for PC 05-10-17](#)  
[\(Updated\) Sub. #2 Site Layout for CC 07-11-17](#)  
[\(Updated\) Sub. #3 Site Layout for CC 08-22-17](#)  
[\(Updated\) Powerpoint Presentation](#)  
[Memorandum](#)  
[Extract ZO Amendment](#)  
[Site Maps](#)  
[Application, Applicant's letter, proffers, TIA](#)  
[Proposed site development layout](#)  
[Citizen Letters](#)  
[Surrounding Property Notice](#)  
[Public hearing notice](#)

- 5.c.** Consider a supplemental appropriation for the purchase of radios for the city/county radio system in the amount of \$8,791,000

**Review & Recommendation:** Consider a supplemental appropriation for the purchase of radios for the city/county radio system. A presentation was made by Jim Junkins, ECC Director, to City Council on June 27, 2017.

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

- 5.d.** Consider amending and re-enacting Sections 16-6-36 and 16-6-41 of the Harrisonburg City Code

**Review & Recommendation:** Proposed amendments to Sections 16-6-36 (Gravel shooters, air guns, slingshots, etc.) and 16-6-41 (Discharge of firearms within city) to update the City's ordinances to comply with recent changes to the Code of Virginia.

Current Section 16-6-36 prohibits the shooting of any air gun, gravel shooter, slingshot or any other type of missile-throwing device capable of doing injury to persons or property. Since the time that ordinance was passed, Code of Virginia Section 15.2-915.4 came into effect, limiting the City's authority to regulating the shooting of "pneumatic guns." The proposed Section 16-6-36 complies, by adding exceptions for "pneumatic guns" - guns that use air pressure to shoot a BB, pellet, etc.

**Attachments:**      [Memorandum](#)  
[Current Ordinance 16-6-36 reflecting recommended amendments](#)  
[Current Ordinance 16-6-41 reflecting recommended amendments](#)

- 5.e.** Consider amending and re-enacting Section 6-2-38, Refuse Disposal for Multifamily and Boardinghouses, of the Harrisonburg City Code

**Review & Recommendation:** Current Section 6-2-38 requires most multifamily developments to provide a garbage storage area, appropriate storage devices (dumpsters) for use by residents of the development, and contracting for trash collection; however, as written, it applies only to developments with at least six units and where at least half of the units are rented. Determining the percentage of a development that is owner-occupied, rather than rented, is a time-consuming process. The proposed changes would remove this exemption.

Additionally, as written, it's not always clear who is responsible for continuing the upkeep of the refuse storage areas if there is not a single owner of the entire development. Therefore, the amendments clarify that either the owner or property owners' association is responsible for providing the refuse storage area and arranging for trash collection.

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

## 6. Public Hearings

- 6.a. Consider a request from Benjamin Ray Landes to rezone one parcel, located at 1164 South High Street, from M-1, General Industrial District to B-2C, General Business District Conditional.

**Review & Recommendation:** Planning Commission recommended approval of rezoning the 1.18 +/- acre property identified as tax map parcel 20-A-5.

**Attachments:** [Memorandum RZ](#)  
[Extract](#)  
[Site Maps](#)  
[Application, applicant letter, and supporting documents](#)  
[Surrounding property owners notice](#)  
[Public Hearing notice](#)  
[Powerpoint presentation](#)

- 6.b. Consider a request from Acorn LC with representative Alan Strawderman for a special use permit to allow a religious use which does not provide housing facilities within the M-1, General Industrial District on a proposed 4.82 +/- acre site that would have frontage along Mount Clinton Pike.

**Review & Recommendation:** Planning Commission recommended approval (5-0) of the special use permit per Section 10-3-97 (9) of the M-1, General Industrial District. The site is part of a 51.48 +/- acre piece of land in the City that has public street frontage along Mount Clinton Pike, Acorn Drive, and North Liberty Street. The parent tract is larger still and extends into Rockingham County; the 51.48 +/- acre section located in the City is identified as tax map parcel 44-C-2.

**Attachments:**      [Memorandum](#)  
[Extract SUP](#)  
[Zoning and Land Use Guide Maps](#)  
[Site maps](#)  
[Application, applicant letter, and supporting documents](#)  
[surrounding property owners notice](#)  
[Public Hearing Notice](#)  
[Powerpoint presentation](#)

**6.c. Consider a Certificate of Public Convenience and Necessity for Rocktown Transportation, LLC dba Yellow Cab**

**Review & Recommendation:**      The Taxi Committee recommends approval for the renewal of the Certificate of Public Convenience and Necessity for Rocktown Transportation, LLC dba Yellow Cab of Harrisonburg. Mr. Gary Beatty continues to operate Yellow Cab in a professional manner and the City of Harrisonburg has not received any complaints against the company.

**Attachments:**      [Memorandum](#)  
[Notice of expiration](#)  
[Renewal Application](#)  
[Public Hearing Notice](#)

**6.d. Consider CDBG 2016-2017 Consolidated Annual Performance Evaluation Report (CAPER)**

**Review & Recommendation:**      Kristin McCombe, Grant Compliance Officer, 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 2016-2017. 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 September 28, 2017.

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

## **7. Regular Items**

**7.a. Consider a resolution recognizing Welcome Week**

**Review & Recommendation:**      Welcoming Week is an annual celebration and series of events that work to bring together immigrants, refugees, and native-born residents to raise awareness of the benefits of welcoming everyone. As part of the first full year of being a Welcoming American community, the City is working with organizations and citizens to create and raise awareness of events that promote opportunities for residents to come together and celebrate the stories of our families and our community.

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

**7.b. Report from the Harrisonburg-Rockingham Community Service Board**

**Review &** Click here to enter the action/summary (insert the summary from the memo here).

**Recommendation:**

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

#### 7.c. Report of the I-81/I-64 Inter-Regional Public Transportation Feasibility Study

**Review &** To provide a copy of the Final Report of I-81/I-64 Inter-Regional Public Transportation

**Recommendation:** Feasibility Study to Council.

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

[Final Report](#)

#### 7.d. Presentation of new transit system and phone application available to transit customers.

**Review &** Transit Technology Analyst, Alex Milburn, will show council new system and APP

**Recommendation:** available to transit customers.

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

[HDPT Transit ITS Update](#)

[Power Point presentation](#)

#### 7.e. Consider amending and re-enacting Section 15-2-24, Fowl, chickens and other domestic birds, of the Harrisonburg City Code

**Review &** The proposed amendment to Section 15-2-24, Fowl, chickens and other domestic birds,

**Recommendation:** would allow schools to keep chickens on school property, provided the property otherwise meets the conditions for a chicken permit. The proposed amendment also increases the number of chickens allowed with a permit from four (4) to six (6).

Additionally, the amendment clarifies that chickens kept in violation of the ordinance may be impounded and confiscated by the animal control officers, and clarifies the requirements for chicken pens.

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

[Proposal](#)

[Current ordinance reflecting recommended amendments](#)

#### 7.f. Consider a VML Conference Voting Delegate and an Alternate Voting Delegate for the upcoming VML Conference

**Review &** Vice-Mayor Baugh and Council Member Byrd were the only council members registered

**Recommendation:** for the VML conference in October.

**Attachments:** [Urban Section Voting](#)

### 8. Special Event Application Requests

#### 8.a. Consider a Special Event application for Skeleton Festival, October 21, 2017

**Review &** Consider the event application request for Skeleton Festival on Saturday, October 21,

**Recommendation:** 2017.

**Attachments:**      [Memorandum](#)  
[Application](#)  
[Map1](#)  
[Map2](#)  
[ABC License](#)  
[Certificate of Insurance](#)  
[Endorsement](#)

- 8.b.** Consider a special event application for the Harrisonburg Holiday Parade to be held on December 1, 2017

**Review & Recommendation:** Consider the event application request for the Harrisonburg Holiday Parade on Friday, December 1, 2017.

**Attachments:**      [Memorandum](#)  
[Application](#)  
[Map](#)

## 9. Supplementals

- 9.a.** Consider a supplemental appropriation for the Fire Department in the amount of \$313,162.17 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](#)

- 9.b.** Consider a supplemental appropriation and transfer of funds to fund the purchase of radios for use by the ECC in the amount of \$215,000

**Review & Recommendation:** City Council previously approved a budget adjustment for the purchase of radios for the city/county radio system. It was intended to use ECC fund balance to fund the purchase of ECC's own use radios but was inadvertently not included on the August 22, 2017 supplemental appropriation.

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

- 9.c.** Consider a supplemental appropriation for the Police Department in the amount of \$9,135.00

**Review & Recommendation:** Consider a supplemental appropriation for the Police Department in the amount of \$9,135.00 from state asset funds (to be used for Law Enforcement purposes only). Funds will be used for purchasing a new system to provide child id fingerprinting and DNA kits to parents at special events.

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

- 9.d.** Consider a supplemental appropriation for the Police and Fire Departments in the

amount of \$179,386.12

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

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

## 10. Other Matters

10.a. Comments from the public, limited to five minutes, on matters not on the regular agenda.  
(Name and address are required)

10.b. City Council and Staff

## 11. Boards and Commissions

### 11.a. Shenandoah Valley Partnership

**Review & Recommendation:** There is an expired term which expired June 30, 2015. In updating the Boards and Commissions, the Deputy City Clerk checked with the current member to see if they were still interested. Brian Shull is still interested in continuing membership with this board, with a new term expiration of June 30, 2019. There are no other applications on file.

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

### 11.b. Shenandoah Valley Workforce Development Board

**Review & Recommendation:** The Shenandoah Valley Workforce Development Board requests the nomination of Wesley Dove of Blauch Brothers to serve on the Board. The board seat is reserved for a private sector representative from the City of Harrisonburg. The recommended term is four years, extending through June 30, 2021

**Attachments:** [Wesley Dove Nomination Form](#)

### 11.c. Building Code Board of Appeals

**Review & Recommendation:** There are currently four positions available on this board. Three terms expired November 30, 2015, and one expired November 30, 2016. Attached is an application received recently who is interested in serving on this board. The deputy city clerk reached out to the existing members whose terms had expired to determine if they were interested, one member responded that he was no longer interested in serving, others are still pending.

**Attachments:** [Annett Tobey](#)

### 11.d. Rockingham - Harrisonburg Alcohol Safety Action Program Commission

**Review & Recommendation:** Elsie Siegenfus has been serving on this board since her term expired on December 31, 2015 until the position could be filled. The deputy city clerk received an application, which is attached, for review of council. This would be for a term to expire December 31, 2022.

**Attachments:** [Kristen Loflin](#)

### 11.e. Environmental Performance Standards Committee (EPSAC)

**Review &  
Recommendation:**

Raymond Scott Sellers submitted his resignation effective August 25th, 2017. Deputy city clerk noted there are eight applications on file and each have been emailed to see if they were still interested in serving on this board, three have replied that they are still interested, two are no longer interested and three are still pending response.

This is a committee appointed by City Council, and the bylaws state that the committee shall consist of 7 to 11 members.

The Deputy City Clerk asks City Council if they would like to appoint a new member or if they would like to keep the membership to the 10 members currently serving.

**Attachments:**

[Bradley Striebig w Supplemental](#)

[Paige Ober w Supplemental](#)

[Samuel Morton w Supplemental](#)

## 12. Closed Session

### 12.a. Virginia Code Section 2.2-3711(A), under:

Subsection 3 for a discussion of the acquisition of real estate for a public purpose;

and

Subsection 5 for a discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made.

## 13. Adjournment