



# City of Harrisonburg

409 South Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final 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, June 24, 2014

7:00 PM

Council Chambers

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### 1. Roll Call

**Present:** 5 - Mayor Ted Byrd, Vice-Mayor Charles Chenault, Council Member Richard Baugh, Council Member Kai Degner, and Council Member Abe Shearer

**Absent:** 1 - Police Chief Stephen Monticelli

**Also Present:** 5 - City Manager Kurt Hodgen, Assistant City Manager Anne Lewis, City Clerk Erica Kann, City Attorney Chris Brown, and Captain Dan Claytor

### 2. Invocation

Council Member Baugh offered the invocation.

### 3. Pledge of Allegiance

Mayor Byrd led the Pledge of Allegiance.

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

No comments were heard.

### 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)

A motion was made by Vice-Mayor Chenault, seconded by Council Member Degner, to approve the Consent Agenda. The motion carried with a recorded roll call vote taken as follows:

**Yes:** 5 - Mayor Byrd, Vice-Mayor Chenault, Council Member Baugh, Council Member Degner, and Council Member Shearer

**No:** 0

#### 5.a. Approval of minutes.

These Minutes were approved on the Consent Agenda.

#### 5.b. Consider a request to amend sections of the City Code Sign Ordinance

- 5.c.** Consider a supplemental appropriation for the Public Works Department in the amount of \$290,656.41

**This Supplemental Appropriation was approved on second reading.**

- 5.d.** Consider a supplemental appropriation for the Police Department in the amount of \$58,548.58

**This Supplemental Appropriation was approved on second reading.**

- 5.e.** Consider a supplemental appropriation for the Police Department in the amount of \$15,564.18

**This Supplemental Appropriation was approved on second reading.**

- 5.f.** Consider a supplemental appropriation for the Police Department in the amount of \$5808.53

**This Supplemental Appropriation was approved on second reading.**

- 5.g.** Consider a supplemental appropriation for the Police Department in the amount of \$5,823.48

**This Supplemental Appropriation was approved on second reading.**

- 5.h.** Consider a supplemental appropriation for the Police Department in the amount of \$3,711.04

**This Supplemental Appropriation was approved on second reading.**

- 5.i.** Consider a request to amend and re-enact Section 7-1-9 of the Harrisonburg City Code

**This Ordinance was approved on second reading.**

- 5.j.** Consider ordinance amendment Section 7-4-1 of the Harrisonburg City Code increasing water and sewer/authority rates

**This Ordinance was approved on second reading.**

- 5.k.** Consider amending and re-enacting Section 13-1-15 of the Harrisonburg City

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Code

**This Ordinance was approved on second reading.**

- 5.l.** Consider enacting Title 7, Chapter 6, Illicit Discharge and Connection Ordinance, to the Harrisonburg City Code

**This Ordinance was approved on second reading.**

- 5.m.** Consider referring the Park View Tank Project to Planning Commission for review.

**This Action Item was referred to the Planning Commission.**

- 5.n.** Consider a request from the City of Harrisonburg to amend the Zoning Ordinance Article Y Floodplain Zoning District by replacing the entire article with new and updated Floodplain regulations

## **6. Public Hearings**

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

City Manager Hodgen stated this request would move the new money proceeds to the appropriate line items in the Capital Projects Fund for the City Hall project, energy efficiency projects, and the Ramblewood athletic complex project. It also places the \$42,675,000 in refunding in the appropriate debt service line items and a portion of the bond issuance costs.

At 7:03 p.m., Mayor Byrd closed the regular session and called the first public hearing to order. A notice appeared in the Daily News-Record on Monday, June 16, 2014.

At 7:04 p.m., Mayor Byrd closed the public hearing and the regular session reconvened.

City Manager Hodgen stated he didn't have exact numbers, but it was between \$3.5M and \$4M in savings due to the 2.8% interest the City received.

**A motion was made by Vice-Mayor Chenault, seconded by Council Member Degner, that this Supplemental Appropriation be approved on first reading. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Byrd, Vice-Mayor Chenault, Council Member Baugh, Council Member Degner, and Council Member Shearer

**No:** 0

## **7. Regular Items**

- 7.a.** Consideration of approval for alarm monitoring company and adoption of alarm ordinance

Lieutenant Chris Rush, Harrisonburg Police Department, reviewed the false alarm numbers presented to Council during the October 22, 2014 meeting. Lieutenant Rush reported as of yesterday there has been 816 alarms year-to-date and only 19 of those were not considered false. Lieutenant Rush stated a false alarm for the Police Department is different from the Fire Departments false alarm. The definition is in the ordinance, but it pertains to a user error or malfunction that can be caused by not maintaining the equipment. Lieutenant Rush stated tonight is considered the second reading of the ordinance; and if approved, the ordinance wouldn't go into effect until September 1, 2014. Also, it would direct the City Manager to enter into a contract with a third party company, PMAM, to be the service provider monitoring the false alarms. Lieutenant Rush informed Council over the next few months there would be an education phase. Vice-Mayor Chenault noted that false alarms are not only an inconvenience and cost money, but they are a major public safety issue. City Attorney Brown stated two important items that are taken care of by this ordinance is to help with repeat offenders and getting companies to register, so emergency personnel can get in contact with the key holder in a more timely manner. A brief discussion took place regarding the possible registration fee and the \$100.00 failure to register fee. Council was in agreement to table the agenda item so that modifications could be made to the portion noting there won't be a registration fee and a section dealing with false alarms being cancelled en route.

**This Ordinance was tabled.**

- 7.b.** Ordinance amending and re-enacting Section 16-10-7; Pawnbrokers, junk dealers, etc.

Lieutenant Rush stated recently the Police Department purchased an online pawn reporting program, Leads Online, that has served as an increased efficiency for both pawn dealers and like businesses to record items that were received by their businesses. Lieutenant Rush reported this system can be viewed by law enforcement and pawn dealers across the United States. This system is no cost to dealers and it automatically cross references items, so they can notify police of any suspicious items. It was noted, several dealers are currently using the system and are having great success with it. Lieutenant Rush requested Council to approve the ordinance to require all pawn dealers and like businesses to be mandated to use the online reporting system, add scrap metal dealers to be mandated to report their items into the system, and add electronic reporting. Lieutenant Rush stated currently all dealers have internet access and, if for some reason the system is down, they could fall back on paper reporting and enter the items into the system when it is running again.

**A motion was made by Vice-Mayor Chenault, seconded by Council Member Degner, that this Ordinance be approved on first reading. The motion carried with a recorded roll call vote taken as**

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**follows:**

**Yes:** 5 - Mayor Byrd, Vice-Mayor Chenault, Council Member Baugh, Council Member Degner, and Council Member Shearer

**No:** 0

**7.c. Public Works Project Update.**

Jim Baker, Director of Public Works, stated there were a total of 19 current projects taking place and he was here to provide an update to Council about the following three projects: Bluestone Trail, Reservoir Street, and Main Street Phase II.

The Bluestone Trail project is now underway through the park and James Madison University (JMU). The Purcell Park portion began in April and is scheduled for a December 2014 completion date with funding through VDOT Revenue Sharing Grant, DCR Land and Water Conservation Fund Grant, and City funds. The JMU portion began in May and is scheduled for completion in August 2014 and JMU is providing the funding.

The Reservoir Street Reconstruction project is underway and the project deals with 104 different right-of-way (ROW) parcels, with 19 total takes that cost roughly \$6M. City staff negotiated 75% of the properties and some are still under negotiation and have been submitted with eminent domain status. The utility relocation phase began in January 2014 and anticipated to end March 2015. The ROW and engineering funding is through VDOT Revenue Sharing and City funds. The construction documents are planned to be finalized in December 2014, with an anticipated advertisement date in January 2015, notice to proceed in April 2015, and completion in summer 2017. Public Works is trying to coordinate this project with the Reservoir portion in Rockingham County. Mr. Baker stated we have funding for the ROW and preliminary engineering, but with cost increases he does feel another grant application will have to be completed for additional funding.

Main Street Phase II began with a pre-construction meeting that was held on June 23, 2014. Mr. Baker stated a public pre-construction meeting will be held at the library on June 30, 2014. Scheduled completion date is December 2014 with funding through a Transportation Enhancing Grant and the City.

Council thanked Mr. Baker and his staff.

**7.d. Parks & Recreation Project Update.**

Lee Foerster, Director of Parks and Recreation, provided an update on the Dog Park. Mr. Foerster reminded Council that Happy Dogs Unleashed is the group that has been advocating for this park. The park hours are from 8:00 a.m. to sunset and will be closed on Christmas and New Years Day. Mr. Foerster reviewed the property and the progress that began in fall 2012. The shelter has been placed on the property was put in at no cost to the city, except for the gravel underneath. He reviewed the many donors and some of the rules and regulations for the park. Mr. Foerster stated there will be two gated areas where one side would serve for large dogs and the other for small dogs. The fence is to be completed by August 15, 2014 at a cost of \$45,700.00. After the fence is completed, finishing touches will occur prior to the opening of the park. It was noted there isn't water currently at the park, but it has been added to

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Public Utilities list.

## 8. Reallocations

- 8.a.** Consider a reallocation of budgeted funds in the amount of \$495,000 from the ECC Fund to the ECC Capital Projects Fund.

City Manager Hodgen reported that these funds would be transferred in order to fund an upgrade to the E911 system. The reason for the reallocation request is the 9-1-1 system manufacturer has been delayed in releasing the new system anticipated in spring 2014. The newest version of the system is expected to be released in fall 2014 with project completion in spring 2015.

**A motion was made by Council Member Degner, seconded by Vice-Mayor Chenault, that this Reallocation be approved. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Byrd, Vice-Mayor Chenault, Council Member Baugh, Council Member Degner, and Council Member Shearer

**No:** 0

- 8.b.** Consider a reallocation of budgeted funds in the amount of \$250,000 from the IT Department to the General Capital Projects Fund.

City Manager Hodgen stated an IT project wasn't going to be completed during the current fiscal year so the request is to move the funds into the upcoming fiscal year.

**A motion was made by Council Member Shearer, seconded by Council Member Baugh, that this Reallocation be approved. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Byrd, Vice-Mayor Chenault, Council Member Baugh, Council Member Degner, and Council Member Shearer

**No:** 0

## 9. Other Matters

City Attorney Brown stated the Collicello North project has been brought before Council several times with alley and road closing requests. The amount owed by the developer, the Kin Group, LLC, for the areas closed is approximately \$135,000. A representative of the Kin Group contacted staff with an offer of an equal exchange of the closed alleys and roads for the new right-of-way being dedicated to the City by the developer. After review, staff feels that the Kin Group should be given a credit of \$29,936.25 towards the purchase of the ROW and alleys approved for closure for Collicello North. The figure was derived from multiplying the 7,983 square feet of ROW to be dedicated as part of the development by the \$3.75/square foot assessment of the land. This is the same per square foot price to be paid by the developer for the closed areas. Council showed no objection to staff's recommendation.

City Manager Hodgen reported the City obtained \$3.8M in savings on the recent bond refunds.

City Manager Hodgen stated that Mr. Baker referenced earlier the City possibly applying for another VDOT Revenue Sharing Grant for the Reservoir Street project. City Manager Hodgen stated the City plans to explore possibilities with VDOT about shifting the revenue sharing from Erickson Avenue Phase 4 to Reservoir Street caused by the higher costs due to utilities being relocated. City Manager Hodgen believes that if VDOT approves the transfer, we would be able to apply for grant funding again for the Erickson Avenue Phase 4. City Manager stated during the work session held in January, it was discussed delaying the Erickson Avenue Phase 4 project due to concerns with not having the matching funds. Mr. Baker has reported that \$2M is available for the City's match toward the project after closing out the Erickson Avenue Phase 3 portion of the project and transferring some funds from Public Utilities since cost savings occurred during the reconstruction. Council showed no objection toward pursuing VDOT about the transfer. City Manager Hodgen stated the County has not given any indication about picking up Reservoir Street on 33W, but 33E will be done in conjunction with our portion and funds are available for the County's portion for the improvements.

City Manager Hodgen provided an update about the Community Corrections Plan and Facility Study associated with expanding the current jail. He reported that he and Council Member Degner served on the review committee for the architectural and engineering proposals. He reported that Moseley Architects have been selected. City Manager Hodgen stated the group had questions about their effort towards alternatives exploration, which have been addressed. City Manager Hodgen stated there was one application that had strong alternatives to incarceration, but was not strong in architect and engineering. City Manager Hodgen stated if the project would have been split into two separate parts, more knowledge might have been provided. The contract with Moseley is currently being negotiated. The idea is to have the study completed by the end of this year so it can get on a possible funding list from Richmond for construction in 2016. Council Member Degner stated he has learned from this process. A valid question comes to his mind, how do we tell the community that we aren't committed to building and we have hired an architectural firm to write the corrections plan? Council Member Degner reported that currently we don't have the infrastructure to implement many of the alternatives to incarceration. Council Member Degner stated there are important conversations that need to happen, and we need to come up with programs and ways to relieve the pressure of incarcerating people. Council Member Degner stated he doesn't know if the community has expertise or commitment to come up with programming that is going to take time. Council Member Degner stated hopefully building a high security facility will not have to occur. Council Member Shearer stated that we need to pay close attention while staying compliant but we should review alternative ways to house some of the people.

Council Member Degner reminded citizens that there is two weeks left to apply for the 12 week long Citizens Academy. The deadline is July 11, 2014.

Mayor Byrd reminded citizens to drive slower around the City with all the projects taking place.

## **10. Boards and Commissions**

- 10.a.** Consider replacing Vice-Mayor Chenault on the Central Shenandoah Planning District Commission.

**A motion was made by Council Member Baugh, seconded by Vice-Mayor Chenault, to appoint Council Member Shearer to the Central Shenandoah Planning District Commission. The motion carried by a**

voice vote.

**11. Adjournment**

At 8:16 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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MAYOR

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CITY CLERK