



# 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, October 14, 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:**      [September 23, 2014 Draft Meeting Minutes](#)

- 5.b. Consider a resolution authorizing the conveyance of a portion of Chesapeake Avenue, East Grace Street, a portion of South Mason Street, and a 10 foot alley located between South Main Street and South Mason Street to JMU

**Review & Recommendation:**      This is the resolution formalizing City Council's action at its September 23, 2014 meeting authorizing the City Manager to execute a Real Estate Purchase Agreement, deed, and other closing documents necessary to conveying certain property to JMU. The Real Estate Purchase Agreement has been agreed upon and endorsed by the respective parties and is attached for review.

**Attachments:**      [JMU - Real Estate Purchase Agreement'](#)  
[JMU - Resolution](#)

- 5.c. Consider a supplemental appropriation for the Police Department in the amount totaling \$52,887.50

**Review & Recommendation:** These funds were requested from Federal Seized Asset Forfeiture funds, to be used for law enforcement purposes only and will be used for the purchase of the following:

Outer vests:

To supply uniformed personnel with an exterior vest cover to allow officers to remove their ballistic vests easily when in office settings, or in an assignment where the vest could be removed for comfort and easily donned for emergency responses. Existing ballistic panels will slide into exterior carriers purchased. This supplemental appropriation totals \$17,296.00.

Axon body-worn cameras:

Thirty Axon flex, body-worn cameras, docking stations, and evidence.com storage for video footage. The thirty cameras will provide on-duty personnel with a body worn camera.

The cameras will provide an improvement of evidence collection, strengthen officer performance and accountability, enhance agency transparency, document encounters between police and the public, and help to investigate and resolve complaints and officer involved incidents. This supplemental appropriation totals \$35,591.50

**Attachments:** [Supplemental Appropriation](#)  
[Outer Vests Quote](#)  
[Body Worn Cameras Quote](#)

## 6. Public Hearings

- 6.a. Consider the City entering into agreements related to the development, financing, construction, and operation of a 205 room hotel and associated conference center project (the "project")

**Review & Recommendation:** The project will be located in downtown Harrisonburg at the corner of South Main Street and Martin Luther King, Jr. Way. A 205 room hotel and connected conference center will be constructed on land currently owned by James Madison University. JMU will lease the property to be occupied by the hotel and conference center to dpM Partners, LLC, which will construct and operate the hotel using all private funds. dpM Partners, LLC will sublease the portion of the property occupied by the conference center to the JMU Foundation, Inc. (the "Foundation"). The Foundation will secure financing in the amount of approximately ten million dollars for the construction and equipping of the conference center. The City and the Industrial Development Authority of the City of Harrisonburg (the "IDA") will adopt economic development policies and enter into a non-binding, moral obligation support agreement with the Foundation where by the Foundation will receive an annual grant from the IDA in an amount equal to sum of certain taxes received by the City from the Project. The moral obligation support agreement is anticipated to remain in effect until the Foundation repays the amount financed by the Foundation for the construction and equipping of the conference center, together with certain other costs.

**Attachments:**      [Memorandum](#)  
[Notice of Public Hearing](#)  
[Memo of Understanding](#)  
[Resolution](#)  
[Resolution - IDA](#)  
[Hotel Madison Conference View](#)  
[Hotel Madison Hotel View](#)  
[JMU](#)  
[Hotel Madison Center View](#)

**6.b.** Consider an ordinance granting a franchise to use the streets and other public lands of the City of Harrisonburg for the operation of a fiber optic network

**Review & Recommendation:** As part of the City's Main Street Streetscape Project, the City will be installing a Utility Duct Bank (UDB) in the downtown area for utilities owned by the City and other utility providers. The City's Public Works Department has been approached by at least one utility company interested in installing fiber optic cable in the UDB. Such an installation would provide fiber optic services to the downtown area, and generate funds to help offset the cost of the City's Main Street Streetscape Project. Any potential utility provider will seek to use the City's UDB for a term longer than five years. Such a time period would make the use a franchise. Under state law, before a locality may grant a franchise, it must publish a notice inviting potential bidders to offer proposals for use of the locality's properties. The City has published such notice. Any offer received by the City must be read by the Mayor at the Council meeting on October 14, 2014.

**Attachments:**      [Public Hearing Notice](#)  
[Fiber Optic Franchise](#)

**6.c.** Consider a request from Eastern Mennonite University to amend their master plan by rezoning 26.6 +/- acres of property located along Park Road, West Dogwood Drive, and Hillcrest Drive, with minimal street frontages along College Avenue and Smith Avenue and zoned R-3, Medium Density Residential District and I-1, Institutional Overlay District

**Review & Recommendation:** Planning Commission recommended approval (6-0) of the rezoning request for master plan amendment to allow the applicant to increase the allowable height of their previously approved multi-panel array of solar cells resting on carport style structures located on the University Commons parking lot. The amendment also includes eliminating the single width solar cell carport style structure that was previously approved and planned to be located up to 5-feet from the property line along Dogwood Drive. Furthermore, solar panels will now be located on portions of the University Commons building rather than on the roof of the Hillside building. All other specifics of the master plan would remain the same. The property is identified as tax map parcel 51-A-1.

**Attachments:**      [Application, staff report, maps and other supporting documents](#)  
[Extract RZ EMU Master Plan Change.doc](#)

**6.d.** Consider a request from Lutheran Family Services of Virginia, Inc. (LFSVA) the sole "member" of Massanutten Street, LLC to close approximately 700 +/- sq. ft. of an undeveloped public alley right-of-way adjacent to 780 North Liberty Street and 779 Massanutten Street

**Review & Recommendation:** Planning Commission recommended (6-0) closure of an approximate 14-foot by 50-foot portion of a public alley located adjacent to tax map parcels 40-N-13A and 40-N-14 with the following conditions:  
\* The City shall reserve, at minimum, a 20-foot wide sanitary sewer easement, centered on the infrastructure within the alley.  
\* The City shall reserve an easement over the entire section of the alley to be closed to allow Columbia Gas of Virginia, inc. to maintain their infrastructure.

**Attachments:** [Alley Closing Supporting Documents](#)  
[Parking & Curb Layout - Topo layer](#)  
[Parking & Cub Layout - Aerial layer](#)  
[Application, staff report, maps, and other supporting documents from Septembe](#)  
[Extract Alley Closing LFSVA along Massanutten Street.doc](#)  
[Surrounding Property Owners Notification.pdf](#)  
[Notice of Public Hearing](#)

**6.e.** Consider a resolution of support for the Harrisonburg Streetscape Project Phase III

**Review & Recommendation:** Consider a resolution of support for the Harrisonburg Streetscape Project Phase III. The Transportation Alternatives Program Grant process requires that any locality requesting funds through a TAP grant submit a resolution of support for the project. This phase of the Harrisonburg Streetscape Project will be along Main Street from Elizabeth Street and to Wolfe Street, and include new curb and gutter, brick paver sidewalks, and upgraded signals with pedestrian facilities. The TAP grant is an 80/20 program requiring a 20% match from the locality.

This phase of the project is estimated to cost \$586,665, and will require an \$117,333 local match.

**Attachments:** [Resolution of Support](#)  
[Harrisonburg-Rockingham MPO - Resolution](#)  
[Project Detail Map Streetscape Phase III TAP Grant](#)  
[Public Hearing Notice](#)

**7. Special Event Application Requests**

**7.a.** Consider the Sherry Burcham Anderson Memorial 5K Run/Walk and Kids Fun-Run for special event request

**Review & Recommendation:** The Sherry Burcham Anderson Memorial 5K Run/Walk and Kids Fun-Run on October 18, 2014 will be held at Skyline Elementary & Middle School starting at 9:00am. The course will require police and public works assistance to close Linda Lane during the event. With the chosen route for this year Linda Lane will be closed at 8:15am on Saturday with NO exceptions. Only EMS, Fire, and Police vehicles will be able to pass through after that time in case of emergency. The event organizers are responsible for communicating with participant's alternant routes of access, letting the hotel know of the event, and communicating with the company located on Country Club Road that their Linda Lane access road will also be blocked off during this time. We would like to add that going forward the departments would like to see the course altered to make the route safer as it grows each year.

**Attachments:**     [Application - Sherry Anderson 5k](#)  
                          [Sherry Anderson 5K Map](#)  
                          [Sherry Anderson Notes](#)  
                          [COL Insurance - Anderson](#)  
                          [COH Endorsement](#)  
                          [PW Staff Requirements](#)

**7.b.**    Consider the Halloween on the Square for a special event request

**Review & Recommendation:**   Halloween on the Square will be held on Saturday, October 25th from 10am - 2pm in downtown Harrisonburg. Main Street from Bruce to Elizabeth will be closed to insure public safety during the event and trick-or-treating.

**Attachments:**     [Special Event Application](#)  
                          [Street Closures](#)  
                          [Map of Activities](#)  
                          [PW Staff Requirements](#)  
                          [City of Hburg Halloween on the Square](#)  
                          [Rockingham Co. V4, Block - COL](#)  
                          [Additional Insured](#)

**8. Regular Items**

**8.a.**    Consider a Memorandum of Understanding for the Harrisonburg Police Department and the James Madison University Police Department to expand concurrent jurisdiction

**Review & Recommendation:**   On April 11, 2003, the Harrisonburg Police Department and the James Madison University Police Department (collectively referred to as "Departments") entered into an agreement of concurrent jurisdiction. The agreement permitted officers of the James Madison University Police Department to patrol areas of the City that neighbor the campus of James Madison University as well as residential areas with a substantial population of JMU students. The agreement defined these areas as the "Cooperative Patrol Area". These collectively patrolled areas allowed officers in the Departments to respond to public safety issues and order maintenance problems more efficiently, increasing the safety and quality of life for City residents and visitors.

While this agreement is still in effect, the Departments have proposed expanding the Cooperative Patrol Area City-wide due to a considerable increase in student population and the correlative expansion of areas within the City in which students reside.

The attached Memorandum of Understanding depicts the suggested Cooperative Patrol Area and restates the rights, duties, and responsibilities of the Departments. The Petition and Order, also attached, will be filed with the Rockingham County Circuit Court if the Memorandum of Understanding is approved by City Council and executed by the respective parties.

**Attachments:**     [Hburg.JMU Police - Agreement](#)  
                          [Hburg.JMU Police - Petition](#)  
                          [Hburg.JMU Police - Order](#)

**9. Supplementals**

- 9.a.** Consider a supplemental appropriation for the Police and Fire Departments in the amount of \$218,390.96

**Review &**

The Police and Fire Department were awarded various grants in the prior fiscal year.

**Recommendation:**

The Fire Department also receives funding through the State's Fire Programs Fund which may only be used for Fire Department purposes. This request will reappropriate these unexpended prior year grant awards and Fire Programs Funds.

**Attachments:**

[Supplemental Appropriation](#)

**10. Other Matters****11. Boards and Commissions****12. Adjournment**