

TO: Eric D. Campbell, City Manager
FROM: Chris Brown, city attorney
DATE: June 6, 2018
RE: Northend Greenway Shared Use Path with Blacks Run Stream Restoration Public Hearing

Summary:

City staff and Momentum Earthworks, LLC are finalizing a comprehensive agreement in furtherance of an unsolicited PPEA proposal from Momentum Earthworks, LLC for a Northend Greenway Shared Use Path with Blacks Run Stream Restoration. Council has previously accepted the proposal and authorized the City to enter into an interim agreement and to negotiate a comprehensive agreement and associated documents that address both stream restoration work and shared use path construction along a portion of the Northend Greenway. In accordance with PPEA requirements, Council is required to hold a public hearing on the proposal to allow public input. Both components of this proposal are included in the City's Capital Improvement Plan and have funding allocated in the FY2017-2018 budget for implementation. Staff recommends proceeding with this project and requests Council to hold the mandated public hearing.

Background:

A proposed shared use path linking the Parkview area of northern Harrisonburg with the downtown central business district, now labeled the Northend Greenway, has been in the idea stage for over a decade and has been in planning stages for more than 5 years. This Greenway was amended into the City's adopted Bicycle & Pedestrian Plan in 2011. An active citizens group known as The Northend Greenway, which is an initiative of New Community Project Harrisonburg, has been promoting this project since 2010. The group is continuing fundraising efforts to provide for certain amenities along the Shared Use Path.

Momentum Earthworks, LLC submitted the initial proposal in December 2016. Council accepted the proposal at the conceptual stage and solicited competing proposals. Receiving no competing proposals, Council directed staff to negotiate a draft interim agreement, which was approved by City Council on July 27, 2017. Staff is now finalizing a comprehensive agreement to move the project to the next phase. The final draft of the comprehensive agreement and associated documents will be presented to County at its July 26, 2018 meeting.

Key Issues:

The route of the proposed Shared Use Path includes mostly privately-owned property. Therefore, this project is a prime candidate for a public-private partnership.

The City is mandated to achieve significant nutrient and sediment reductions in accordance with its MS4 permit and its TMDL action plan. This PPEA proposal offers the City an opportunity to reduce phosphorous, nitrogen, and sediment to help it get closer to mandated benchmarks.

This proposal addresses two important goals that the City of Harrisonburg hopes to achieve combined within one project.

Environmental Impact:

The proposed Northend Greenway project will have minor environmental impacts. The proposing project team seeks to avoid and minimize impacts to nontidal wetlands and waters of the US and will also design and install proper erosion and sediment controls throughout the project area during construction. Strict adherence to erosion and sediment control measures and stormwater permit requirements will seek to mitigate these impacts. The Shared Use Path will provide citizens with opportunities to bike and walk to destinations instead of driving, and the Blacks Run Stream Restoration improvements will improve local water quality by reducing nutrient and sediment loads.

Fiscal Impact:

City Council previously allocated \$600,000 of capital funds for the development of the Northend Greenway Shared Use Path project. An additional \$600,000 of matching funds has been provided by VDOT for this project through its Revenue Sharing Program for the Shared Used Path Project. City staff is operating under the direction that \$1.2 million is the maximum available for this project at this time.

The City of Harrisonburg has also budgeted funding for the Blacks Run Stream Restoration identified in this proposal. The City's FY16-17 Capital Budget allocated \$825,000 to be utilized for this project. An additional \$859,000 is included in the FY17-18 Capital Budget. This revenue source could be utilized in order to complete the scope of the project contained in this proposal.

Prior Actions:

City Council endorsed the concept of a Northend Greenway Shared Use Path in 2011 as part of Harrisonburg's Bicycle & Pedestrian Plan. Momentum Earthworks, LLC submitted the initial proposal in December 2016. Council accepted the proposal at the conceptual stage and solicited competing proposals. Receiving no competing proposals, Council directed staff to negotiate a draft interim agreement. The interim agreement was approved by Council on July 27, 2017, and Council directed staff to negotiate a comprehensive agreement.

Alternatives:

- (a) Hold required public hearing
- (b) Choose not to hold public hearing

Community Engagement:

Two formal periods of public comment have been opened and widely publicized. The initial proposal was presented to City Council in a public meeting and a 45-day period was opened for competing proposals. After an interim agreement was drafted, it was posted for 30 days on www.harrisonburgva.gov and also BeHeardHarrisonburg.com

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Recommendation:

City staff recommends Alternative A -- that Council hold a public hearing on the proposal.

Attachments:

Public notice

Review:

The initiating Department Director will place in Legistar, in sequence of transmittal, the names of each department that must initial their review in order for this item to be placed on the City Council agenda. The completion of review only addresses the readiness of the issue for Council consideration. This does not address the recommendation for approval or denial of the issue.

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