



City of Harrisonburg

409 South Main Street
Harrisonburg, VA 22801

Meeting Agenda City Council

Mayor Ted Byrd
Vice-Mayor Charles Chenault
Council Member Kai Degner
Council Member Richard Baugh
Council Member Abe Shearer

Tuesday, June 10, 2014

7:00 PM

Council Chambers

1. 7:00 p.m.

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: [Draft Meeting Minutes 5-27-14](#)

5.b. Consider a supplemental appropriation in the amount of \$451,000 for joint jail services with Rockingham County.

Review & Recommendation: This money will be used for shared court and jail services with Rockingham County.

Attachments: [Joint Jail Supplemental](#)

5.c. Consider a supplemental appropriation in the amount of \$95,991.58 for the Fire Department.

Review & Recommendation: These funds are to recover Fire Department funds collected during the year from donations, recovered costs, haz mat response and reimbursement for the burn building.

Attachments: [FD Supplemental Appropriation](#)

6. Public Hearings

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

Review & Recommendation: The ordinance amendment would increase water rates charged by the City by \$.07 per one thousand (1,000) gallons on all customers with the exception of Rural large users. The ordinance amendment would increase authority rates charged by the City by \$.07 per one thousand (1,000) gallons on all City customers. This is an amendment to raise water and sewer/authority rates as approved by the Council for the FY 14-15 budget.

Attachments: [Rate Revision Effective 7.1.14.pdf](#)
[Public Hearing Notice](#)

6.b. 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

Review & Recommendation: Planning Commission recommended approval (6-0) of the ordinance amendment, including removal of a formatting error in Section 10-3-173 (removal of "E") and removal of the definition of the term "Coastal Zone A" from Section 10-3-176, Definitions.

Attachments: [P.C. - Extract Ordinance Amendment Article Y Floodplain Regulations Extract](#)
[Staff Report - Article Y Flood Plain Ordinance Amendment](#)
[Draft Floodplain Ordinance 04-14-14](#)
[P.H. Surrounding Property Owners](#)

6.c. Consider a request from Northside, LLC with representative Balzer & Associates Inc. to close two separate streets: Wilson Avenue and Boulevard Avenue

Review & Recommendation: Wilson Avenue is a substandard public street (a portion of which is a paper street) that intersects North Main Street approximately 300 feet south of the North Main Street/Mt. Clinton Pike intersection and runs parallel to Mt. Clinton Pike for approximately 1,320 ft. Boulevard Avenue is an undeveloped public street located off of Wilson Avenue extending about 690 feet to the south. The applicant is requesting to close Wilson Avenue from North Main Street to just beyond its intersection with Boulevard Avenue while closing Boulevard Avenue in its entirety. Planning Commission recommended (6-0) closure of 62,004 +/- square feet of public street right-of-way (with the following conditions) to allow development of the contiguous parcels including building over portions of the public street right-of-way. The public street ROW is adjacent to tax map parcels 42-A-2, 42-B-1A, 2, 3, 5, 8, 8A, 8B, 8C, 9, 9A, 32, 33, 34, & 36, and 44-A-31.

- * The City shall reserve easements for all public utilities in the subject area;
- * The recording of the street closing shall not occur before the dedication of the extension of Technology Drive; and
- * All newly created lots have public street frontage.

Since Planning Commission's consideration, the Community Services Board, an adjacent owner, has expressed concern over losing the potential for a secondary access to a public street from the rear of their property. They are working with staff and the applicant on resolving this concern and staff will provide an update at the City Council meeting.

Attachments: [Extract Street Closing Wilson and Boulevard Ave](#)
[ROW Closure Site Map](#)
[Aerial of the Closure](#)
[Street Closing Wilson and Boulevard Avenues Staff Report](#)
[Northside and Moore Properties](#)
[Google Earth View](#)
[OLD Wilson & Boulevard Ave. Closing App. and Layout](#)
[P.H. Surrounding Property Owners](#)

7. Special Event Application Requests

7.a. Consider the 2014 Alpine Loop Gran Fondo for a special event request

Review & Recommendation: Alpine Loop Gran Fondo will be held on Sunday, September 28th from 6:30am until 7:30pm and a finish line festival at the Turner Pavilion. Reviewed by all city departments.

Attachments: [Application - Alpine Loop Gran Fondo.pdf](#)
[2014 Alpine Loop Gran Fondo - PW Equip and Personnel](#)

7.b. Consider the Valley Fourth 2014 for a special event request

Review & Recommendation: Valley Fourth will take place on Friday, July 4th with a full day of activities in downtown Harrisonburg from 8:30am until 9:30pm. All items have been reviewed by City Departments. Firework display is pending approval of permit.

Attachments: [Special Event Application](#)
[Valley Fourth Maps](#)
[Insurance](#)
[Valley Fourth endorsement](#)
[Fireworks Contract](#)
[Fireworks Permit Application](#)
[Vendor list for City](#)
[Valley Fourth RUN](#)
[ABC License](#)

8. Regular Items

8.a. Consider request to proceed with Public Safety Radio System Upgrade

Review & Recommendation:

As has been previously reported to Council and the Board of Supervisors, our Public Safety Radio System requires an upgrade as a result of technology changes and equipment that is no longer manufactured and for which support will end in 2016. We had planned on undertaking this work in two phases, with Phase 1 occurring in FY 14-15, and Phase 2, the more costly phase occurring in FY 15-16. Overall we were anticipating costs in the range of around \$6 million for both phases. Harris Corporation, the radio system manufacturer, has recently approached us offering to provide significant financial incentives if we proceed with both phases in FY 14-15. Those incentives are a reduction in cost of about \$2 million dollars.

The ECC currently has a fund balance of \$2.6 million that was intended to be used on this project. An additional \$748K would be required of both the City and the County to make up the additional funding needed for the discounted project total of just under \$4.1 million.

We have been given until June 20 to execute the contract for this work. Both the City and County Attorneys have reviewed the contract and, subject to a few adjustments, are comfortable with the document. Harris has also advised that they will work with us in terms of billing on the project so we wouldn't have to fund the additional \$748K each until FY 15-16.

I would request that City Council: 1) approve the ECC Board signing the contract with Harris, subject to final changes recommended by the City and County Attorney, and approval by the Rockingham County Bd of Supervisors; and 2) approve the use of the ECC fund balance supplemented by additional funding of \$748K from both the City and County, with the additional funding not being payable until FY 15-16.

Attachments: [Radio System Upgrade Proposal](#)

8.b. Report on Hotel-Conference Center Project

Review & Recommendation:

A framework is coming together for the development of the Hotel and Conference Center. This is a project that has been in discussions for over two years. Both the City and JMU received unsolicited proposals from dPM Partners to construct a 205-room Hotel and a 21,000 sq ft. Conference Center on land owned by James Madison University (JMU) at the corner of South Main and Martin Luther King, Jr. Way. Under the proposed project parameters, JMU would provide the land for the project, and would build a 1,000-vehicle parking deck adjacent to the Hotel/Conference Center to support those facilities. dPM partners (the Developer) will pay to construct the Hotel and the JMU Foundation will pay to construct the Conference Center. dPM will operate and manage both facilities upon their completion. The City, through its Industrial Development Authority, will implement an economic development program to provide annual grants to the JMU Foundation which will be used to reimburse the Foundation for its cost in constructing the Conference Center. The annual grant amount would be based only upon the revenues generated by the Hotel and Conference Center during each fiscal year.

The estimated costs for the project include \$30 million cost for the Hotel; \$10 million for Conference Center, and \$15-16 million for parking deck. An artist's rendering of the Hotel and Conference Center is attached.

The next steps will be to schedule a public hearing for the June 24 meeting to allow citizen comment on the project and to finalize the language of the contract documents and support agreements that will be needed if the project moves forward.

Attachments: [Hotel Conference Center Rendering](#)

8.c. Consider a resolution establishing the City's VRS contribution rate

Review & Recommendation: Legislation from the 2013 General Assembly allows localities to select their employer contribution rate for VRS from either the VRS Board-certified rate or an alternate rate. The attached letter from VRS outlines the two choices. It would not be beneficial for the City to select the alternate rate and as such, staff recommends that the Board-certified rate be selected by the City.

The attached resolution establishes the City's selection and must be returned to VRS no later than July 1, 2014.

Attachments: [Resolution for VRS Contribution Rate](#)
[VRS Letter](#)

8.d. Consider approval of a resolution concurring with the School Division's VRS Contribution Rate for Harrisonburg City School Division

Review & Recommendation: It is requested that the City pass a resolution accepting the school division's election of the VRS contribution rate for the Harrisonburg City School Division. The Harrisonburg City School Division has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"). As the appropriating body, the Harrisonburg City Council is asked to adopt the attached resolution. It has been approved by the Harrisonburg City School Board.

Attachments: [Local Governing Body School Board VRS Resolution](#)
[Approved School Board VRS Resolution](#)

8.e. Consider resolution supporting "Marketplace Fairness" legislation being considered by Congress

Review & Recommendation: The City has been asked to join our regional neighbors, including Roanoke City and Roanoke County, as well as the Chambers of Commerce in Augusta, Rockingham, and Amherst in supporting the attached resolution. Other localities considering the resolution include: Rockingham, Botetourt, Bedford and Allegheny Counties and the City of Lynchburg. A copy of the resolution is attached and basically seeks Congressional legislation that "equalizes the playing field", relative to the application of sales tax, between internet business and traditional "bricks and mortar" businesses.

Attachments: [Marketplace Fairness Resolution](#)

8.f. Consider a request to amend and re-enact Section 7-1-9 of the Harrisonburg City Code

Review & Recommendation: The Public Utilities Department is requesting to amend Section 7-1-9 to reflect that no payment arrangements or extensions shall be accepted by the City. It also adds how the City will address returned payments.

Attachments: [Discontinuance of Service Ordinance](#)

8.g. Consider amending and re-enacting Section 13-1-15 of the Harrisonburg City Code

Review & Recommendation: Proposed amending and re-enacting ordinance section 13-1-15 to reflect approved fiscal budget.

Attachments: [Motor Vehicle Ordinance](#)

8.h. Consider request to write off delinquent utility accounts and accounts receivable accounts

Review & Recommendation: The Director of Public Utilities is requesting approval to write off 260 utility accounts that the City incurred as accounts receivable between January 1, 2012 and December 31, 2012. The total value of these accounts is \$40,841.08 or 0.283% of the total billings for that period. Also requesting approval to write off 2 uncollected accounts receivable accounts with a total value of \$938.87 or 0.5% of the total billings during the period January 2010 through June 2012.

These write offs are for accounting purposes only as these accounts will still be pursued by the collection agency. All amounts can be re-entered into the system should they become collectable. These accounts have been thoroughly reviewed by Public Utilities, Finance, and Real Estate.

Attachments: [Write off Summary](#)
[Write off account graph 2012](#)
[Annual Breakdown](#)
 Write off eligibility list
 2014 AR write off information
 Accounts Receivable Billing

8.i. Consider enacting Title 7, Chapter 6, Illicit Discharge and Connection Ordinance, to the Harrisonburg City Code

Review & Recommendation: This is a new ordinance regulating illicit discharges and illicit connections into and from the City's Municipal Separate Storm Sewer System (the "MS4"). A copy of the draft ordinance is attached.

Attachments: [Illicit Discharges and Connections](#)

9. Supplementals

9.a. Consider a supplemental appropriation for the Public Works Department in the amount of \$290,656.41

Review & Recommendation: This Supplemental Appropriation is to cover additional Snow and Ice Removal expenses incurred in FY 2014. As shown in the attached report the City experienced 11 different snow and ice events, which cost \$527,207.97. The 2014 FY budget included \$236,551 for snow and ice removal. The Public Works Department is requesting this supplemental appropriation to cover this budget deficit.

Attachments: [Public Works Supplemental](#)

9.b. Consider a supplemental appropriation for the Police Department in the amount of \$58,548.58

Review & Recommendation: These funds would be transferred from JMU Overtime Reimbursement into Operations Salaries/Wages OT.

Attachments: [JMU OT Supplemental Appropriation](#)

FY14JMUOTPayments

9.c. Consider a supplemental appropriation for the Police Department in the amount of \$15,564.18

Review & Recommendation: These funds would be transferred from the Internet Crimes Against Children Grant award to the investigation line items for overtime, training, equipment, supplies, hardware, software and service contracts. This has been through the approval tracking system and is recommended for approval.

Attachments: [ICAC2013 Grant Supplemental](#)

- 9.d. Consider a supplemental appropriation for the Police Department in the amount of \$5808.53

Review & These funds were used for overtime saturation patrols through a reimbursement grant,

Recommendation: Drug Free Communities, provided by Sentara/RMH.

Attachments: [RMH OT Supplemental Appropriation](#)
[RMH OT MOU](#)

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

Review & These funds will be reimbursed through a DOJ Bullet Proof Vest Grant. The City

Recommendation: received the maximum amount of funding available to us for the 2013-2014 grant period.

Attachments: [DOJ BVP Grant Supplemental Appropriation](#)
[2014 BPV Award Confirmation](#)

- 9.f. Consider a supplemental appropriation for the Police Department in the amount of \$3,711.04

Review & These funds are provided through the ATF VIPER Task Force to reimburse overtime,

Recommendation: training, travel and equipment expenses associated with work on the Roanoke Field area task force.

Attachments: [ATF OT Supplemental Appropriation](#)
[Harrisonburg PD MOA, signed](#)
[Harrisonburg PD MOU, amendment](#)
[Request for State and Local Overtime Funding 2014 - Harrisonburg PD](#)

10. Reallocations

- 10.a. Consider a re-allocation for the School Board in the amount of \$350,000

Review & The re-allocation is to transfer funds into the appropriate functions for end of year
Recommendation: expenditures.

Attachments: [Reallocation School Board](#)

11. Other Matters

12. Boards and Commissions

Visit <http://www.harrisonburgva.gov/boards> to see current and upcoming vacancies.

13. Closed Session

- 13.a. Closed Session

**Review &
Recommendation:**

Consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel; and discussion or consideration of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

14. Adjournment