



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Agenda - Final-revised City Council

Mayor Christopher B. Jones
Vice-Mayor Richard Baugh
Council Member Ted Byrd
Council Member Kai Degner
Council Member Abe Shearer

Tuesday, June 14, 2016

7:00 PM

Council Chambers

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. Minutes

Attachments: [May 24, 2016 Draft Meeting Minutes](#)

- 5.b. Consider a request from Miguel Hernandez Aguirre and Maria Perez Rebollar to close 1,610 +/- square feet of an undeveloped public alley located perpendicular to and off of East Johnson Street, between 135 and 147 East Johnson Street

Review & Recommendation: Council approved the first reading on October 13, 2015 and letters were sent to both property owners notifying them of a price for their portion of the alley. City Manager Hodgen received notice that payment would be received from Ms. Walker in April and to-date the City Manager's Office has only received money from the applicant. Letters to both property owners have been sent notifying them that the applicant's portion will be closed tonight and if money isn't received from Ms. Walker by October 13, 2016, the applicant will have the opportunity to purchase the remaining portion of the alley.

Attachments: [Extract Alley Closing between 33-C-4 & 5](#)
[Site Maps](#)
[Staff Report Alley Closing Between 33-C-4 & 5](#)
[Application and Other Supporting Documents](#)
[Surrounding Property Notification - Alley Closing](#)
[Ordinance](#)

Legislative History

10/13/15 City Council approved

- 5.c. Consider a supplemental appropriation in the amount of \$18,245 for the Registrar's office for reimbursements from James Madison University for campus precinct

Review & Recommendation: It is requested that City Council consider approving a supplemental appropriation in the amount of \$18,245 for costs reimbursed by James Madison University for the new campus precinct.

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

Legislative History

4/26/16 City Council approved

- 5.d. Consider an amendment to Section 15-2-24 of the Harrisonburg City Code, Chicken Ordinance

Review & Recommendation: A public hearing was held on proposed revisions to Section 15-2-24 Fowl, Chickens and other Domestic Birds (commonly referred to as the Chicken Ordinance), additional revisions were requested by council, which are now included in the amended and re-enacted Ordinance.

Attachments: [Memorandum](#)
[Current ordinance with recommended revisions](#)
[Public Hearing Notice](#)

Legislative History

5/24/16 City Council amended

5/24/16 City Council amended and approved on first reading

- 5.e. Consider an amendment to Section 7-4-1 of the Harrisonburg City Code increasing water rates

Review & Recommendation: The Director of Public Utilities is requesting to amend ordinance 7-4-1 to increase water rates charged by the city by \$.15 cents per one thousand (1,000) gallons on all customers. This is an amendment to raise water rates as set forth in the proposed FY16-17 budget.

Attachments: [Memorandum](#)
[Current Ordinance reflecting proposed changes](#)
[Public Hearing](#)

Legislative History

5/24/16 City Council approved on first reading

- 5.f. Consider a supplemental appropriation in the amount of \$39,710,416.60 for the General and School Capital Project Funds

Review & Recommendation: It is requested that City Council consider approving a supplemental appropriation for the bonds that were sold on April 26, 2016.

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

Legislative History

5/24/16 City Council approved on first reading

6. Regular Items

- 6.a.** Consider a public utilities request from Randy Cosner of Cosner Construction, Inc. per Section 7-2-4 of the City Code, to extend city water and sewer services for a new development within Rockingham County

Review & Recommendation: Planning Commission recommended approval (5-0) of the request to extend water and sewer services for a residential townhouse development into Rockingham County. The parcel is identified as County tax map parcel 109(A)-1-L45 and located within the 300 block of Vine Street, Harrisonburg.

Attachments: [Memorandum](#)
[Extract PUA 300 Block Vine Street](#)
[Site Maps](#)
[Public Utilities Application](#)
[Proposed site development layout](#)

- 6.b.** Update on the changes to the Virginia Employment Commission

Review & Recommendation: The Shenandoah Valley Workforce Development Board (SVWDB) notified both the city and the county that the Virginia Employment Commission (VEC) will be co-locating its operations with the Valley Workforce Center located at 160 North Mason Street beginning August 1, 2016. The new location will include services for the VEC, the Virginia Department for Aging and Rehabilitative Services, Massanutten Technical Center, Senior Community Service Employment program, Telamon Corporation, WIOA programs, and Rapid Response. The details regarding a memorandum of understanding and cost allocation agreement for the new location are being discussed with the Harrisonburg Rockingham Redevelopment and Housing Authority. Sharon Johnson, chief executive officer, with the SVWDB will provide an update and will address any questions that council may have.

Attachments: [Press Release](#)

- 6.c.** Presentation on the K9s For Warriors event that will be held in Harrisonburg on Saturday, July 23, 2016

Review & Recommendation: The Harrisonburg Police Department/SWAT Team and K9s For Warriors is teaming up to raise money for Veterans struggling with PTSD. Our big fundraising event is Saturday, July 23rd at Harper/Presgrass Training Grounds (1010 Greendale Road), Harrisonburg, Virginia. It will be an adventure race, with courses for all levels, that includes a music concert, kids events, knockerball, food trucks, and much more. No alcoholic beverages are allowed; Veterans and Military personnel must pay the entry fee to do the races, but can get in free to the concert. There will also be free food for the Veterans and Active Duty Military. All proceeds go to K9s For Warriors.

Attachments: [K9 For Warriors Overview](#)
[K9 Event Flyer](#)
[Jim Kuiken, Guest Speaker](#)
[Reason Why We Are Doing This](#)
[K9 For Warriors Graduate](#)

- 6.d.** Consider a request to advertise delinquent Real Estate taxes for the years 2013-2014 & 2014-2015

Review & Recommendation: As stipulated in City code section 4-1-29, the treasurer requests permission from council to advertise unpaid real estate taxes for years 2013-2014 & 2014-2015.

Attachments: [Memorandum](#)
[Letter to advertise delinquent RE taxes](#)
[RE Tax List 2013-2014](#)

- 6.e. Consider a request of the removal of delinquent taxes from current collections accounts

Review & Recommendation: As stipulated in City Code section 4-1-36 and the Code of Virginia 58.1-3940, which stipulates the duration of time taxes can be collected, the treasurer requests from council that 1995-1996 real estate taxes, and 2010 personal property taxes be removed from current collection accounts.

Attachments: [Memorandum](#)
[Letter to write off delinquent taxes](#)
[Delinquent RE Tax 1995](#)
[Delinquent PP Tax 2010](#)

- 6.f. Consider the approval of Business, Professional and Occupational License (BPOL) refunds for 2016

Review & Recommendation: Approval of business, professional, and occupational license refunds for 2016.

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

- 6.g. Consider expansion of Harrisonburg Arts & Cultural District Boundaries

Review & Recommendation: Harrisonburg is home to the first Arts & Cultural District in Virginia. Created by City Council in 1994, this district is a sense of pride for the area's arts community. In consultation with Arts Council of the Valley staff, several existing arts venues located on the fringes of the district were identified. The Spitzer Art Center and the Lucy F. Simms Continuing Education Center are two venues that would be added to the District under this proposal. In addition, an existing facility on West Washington Street is an ideal candidate to be added to the district. The attached map shows the existing boundaries in blue and the proposed expansion areas in red.

Attachments: [Arts & Cultural Map](#)
[Current Ordinance](#)

- 6.h. Consider a Restated and Second Amendment to the Memorandum of Understanding for the development, ownership, and financing of a hotel and conference center

Review & Recommendation: Over the last months representatives of the parties to the MOU negotiated the attached Restated and Second Amendment to Memorandum of Understanding (the Restated MOU). The most significant change to the structure of the transaction is how the financing funds for the conference center will move from the Foundation to the developer. This change is set out in paragraph 4 of the Restated MOU. The IDA will enter into a Development Agreement with the Foundation by which the Foundation will pay the \$10,974,895 to the IDA (in draws) in exchange for a nonrecourse note from the IDA to the Foundation in that amount. The note will be payable only from Project Tax Receipts and will not be a debt of the city of Harrisonburg or IDA. The IDA will also enter into a Development Agreement with the developer and make economic development grants of the funds received from the Foundation to the developer. Repayment to the Foundation of the conference center financing funds will remain as previously approved by council.

The Restated MOU also reflects a few other changes as the original transaction structure has evolved. First, the conference center will now be owned by the developer. Previously, the Foundation was going to own the conference center and lease it to the developer. Second, JMU will now lease the real property occupied by the conference center to the developer. Previously, JMU was going to lease that property to the Foundation and the Foundation would sublease to the developer. Third, the cost of the conference center is held at \$10,974,895. Finally, the interest rate set out in the Support Agreement signed by the city is reduced to a floor of 2% and a cap of 5%. Previously, it was 4% and 8%. The only document to be approved by Council is the Restated MOU.

Attachments: [Memorandum](#)
[Restated and Second Amendment to MOU](#)
[Development Agreement - IDA JMUF and City](#)
[Hotel Madison - IDA Development and Grant Agreement \(Conference Center\)](#)
[SV Conference Center Note](#)
[Memorandum of Understanding October 2014](#)
[Resolution - IDA](#)
[Resolution - ED](#)
[Amendment to MOU October 2015](#)

- 6.i. Consider appointing Pam Ulmer, administrative specialist, as clerk pro tempore during the absence of the city clerk

Review & Recommendation: Currently, neither the Harrisonburg City Code nor the city's classification list include provisions for a deputy clerk. Therefore, in order to maintain operations during the clerk's absence, a clerk pro tempore should be appointed.

7. New Special Event Application Requests

- 7.a. Consider the special event application for the Explore More Discovery Museums Farm to City event on Saturday, June 25, 2016

Review & Recommendation: Explore More will be hosting a Farm to City event on Newman Avenue and parking lot. The event will be 9:30 a.m. until 5:00 p.m. and will include children's activities, farm animals, and large farm equipment.

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

8. Reallocations

- 8.a. Consider a budget reallocation in the amount of \$13,766.59 for the General Capital Projects fund

Review & Recommendation: Remaining budgeted funds in the amount of \$13,766.59 will be reallocated from the Stone Spring Elementary School Safe Route to Schools project to the Carlton Street improvements project where they are needed for project closeout and completion.

Attachments: [Memorandum](#)
[Budget Reallocation](#)

- 8.b. Consider a budget reallocation in the amount of \$200,000 for the School Fund

Review & Recommendation: A budget reallocation is requested within the school's operating budget totaling \$200,000. This reallocation is a normal procedure for this time of year to make funds available where they are needed within the School Fund. No additional city dollars are required for the school division.

Attachments: [Memorandum](#)
[Budget Reallocation](#)

- 8.c. Consider a budget reallocation in the amount of \$40,000 for the Public Transportation Department

Review & Recommendation: A budget reallocation is requested for the Public Transportation Department. This reallocation will transfer \$40,000 in budgeted funds from the Public Transportation Fund to the Central Garage Fund.

Attachments: [Memorandum](#)
[Budget Reallocation](#)

9. Other Matters

10. Boards and Commissions

- 10.a. Community Services Board

Review & Recommendation: Ellen Harrison, Community Services Board executive director, contacted the city clerk notifying her that Daphyne Thomas is no longer eligible to serve on the board once her term expires on June 30, 2016. Judy Bland 's unexpired first term is due to expire June 30, 2016, and she is interested in serving again. Ms. Bland has been a committed and engaged board member.

John Minnis and Abdelrahman Rabie are family members. The board looks to the wisdom of council for the selection of a new board member.

The newly appointed members will be appointed to a three year term to expire on June 30, 2019.

- Attachments:** [Judy Bland - Reappointment Application](#)
[Aaron Boggs](#)
[Joshua Humphries](#)
[John Minnis](#)
[Abdelrahman Rabie](#)

11. Closed Session

- 11.a. 2.2-3711(A)(1)(5) Discussion concerning an expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in expanding its facilities in the city

12. Adjournment