

## REGULAR MEETING

JANUARY 27, 1998

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Member John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper. Absent: Assistant City Manager Roger Baker.

Council Member Rogers delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes and the second reading of an ordinance amending and re-enacting Section 1-1-13, enacting Sections 3-5-9, 3-5-10 and enacting Chapter 5 of Title 10 of the City Code. The motion also included the second reading to amend FY 97-98 budget. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner presented a recommendation from the Planning Commission to amend Section 10-3-24 of the Zoning Ordinance pertaining to hotels, motels, and similar transient housing. She explained that the current definition of hotels, motels, and similar transient housing in the zoning ordinance is a building or group of buildings which are designed to be used or hired out primarily for transient occupancy. She said that the department had recently received an inquiry from a company wanting to construct an extended stay facility in Harrisonburg. An extended stay facility primary is not for transient occupancy, but could be for temporary occupancy. The zoning ordinance defines transient as staying 30 days or less. She mentioned that many hotels and motels in the City house people on a monthly extended basis. Trends in the lodging industry indicate that there is increasing consumer demand for longer term accommodations, especially for business travelers on long-term assignments, and people relocating to the area who need longer stay hotels to fulfill their housing requirements. To bring existing facilities into conformance with the zoning ordinance, and to permit extended stay hotels, staff upon the advice of the City Attorney, proposes the following definition: *A building or group of buildings which are designed or intended to be used or hired out on a daily or weekly basis, primarily for transient or temporary occupancy.* This amendment would bring many existing hotels that are being used for longer-term stays into conformance with the zoning ordinance.

At 7:37 p.m., Mayor Eagle closed the regular session temporarily and called evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 12, and January 19, 1998.

**NOTICE OF PUBLIC HEARING**

The Harrisonburg City Council will hold a public hearing on Tuesday, January 27, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following.

**Ordinance Amendment**

Consider amending the definition of "hotel, motel, and similar transient housing" contained in Section 10-3-24, of the City of Harrisonburg Zoning Ordinance to read as follows:

**Hotel, motel, and similar transient housing:** A building or group of buildings which are designed or intended to be used or hired out on a daily or weekly basis, primarily for transient or temporary occupancy.

Information is available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least five (5) days prior to the time of the meeting.

**CITY OF HARRISONBURG**  
**Steven E. Stewart**  
**City Manager**

Mayor Eagle called on anyone to speak either for or against this proposed amendment. Mark Callahan stated that he was in favor of the amendment. There being no others desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Council Member Green offered a motion to approve amending this zoning ordinance for a first reading as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

✓ Planning and Community Development Director Turner presented a resolution supporting an application for the Commonwealth of Virginia Transportation Enhancement Program. She explained that Staff is preparing an application to apply for grant funding for a proposed project for construction of bicycle and pedestrian facilities on Port Republic Road from Forest Hills Drive to Devon Lane. The proposed improvements would include a four-foot bike lane inside the curb lane on the highway and a five-foot sidewalk on the south side of Port Republic Road between Forest Hills Drive and Devon Lane. Once the bike lane is in place, there will be a two-foot grass buffer and a surface treated walkway for pedestrians to use. The anticipated projects cost is approximately \$533,164, of which (\$106,633) or 20% must be funded by the City. Staff is currently working with a property owner in the area who has indicated that he may be willing to donate some right-of-way to this project. This could reduce the City's share of the funding by \$11,500.

At 7:42 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Thursday, January 22, 1998.

### NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 27, 1998, at 7:30 p.m., or as soon thereafter as the matter may be heard, in the City Council Chambers, 345 South Main Street, to receive comments on an application for the Commonwealth of Virginia Transportation Enhancement Program. The proposed project is "Port Republic Road Bikeway and Pedestrian Facility" for construction of bicycle and pedestrian facilities on Port Republic Road from Forest Hills Drive to Devon Lane.

Maps and other information are available for review in the Department of Planning and Community, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the Director of Planning and Community Development at least five (5) days prior to the time of the meeting.

Stacy Turner  
Director of Planning and Community Development

Mayor Eagle called on anyone present to speak either for or against this application for the Commonwealth of Virginia Transportation Enhancement Program. There being no one desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened. Council Member Rogers questioned if the private property owner would be recognized for his donation of the right-of-way land. Mrs. Turner replied that the donation would be recognized. City Manager Stewart noted that the earliest the City might expect the grant money, if approved, would be in the fall of 1999. Council Member Rogers offered a motion to support this resolution. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented the following resolution for Council's consideration of approval:

**A RESOLUTION TO INCLUDE EMPLOYEES OF THE  
COMMISSIONER OF THE REVENUE AND TREASURER  
IN THE CITY'S CLASSIFICATION AND COMPENSATION PLANS AND  
THE POLICIES AS SET FORTH IN THE PERSONNEL POLICY MANUAL**

WHEREAS, the Commissioner of the Revenue and Treasurer of the City of Harrisonburg, Virginia have requested that their employees be included in the City's Classification and Compensation Plans and further subject to the policies as set forth in the City's Personnel Policy Manual, and have agreed to such inclusion; and

**WHEREAS, the City Council finds that it is in the best interests of the City;**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg, Virginia, that pursuant to the provisions of Sections 3-5-9 and 3-5-10 of the Harrisonburg City Code, the employees of the Commissioner of the Revenue and Treasurer of the City of Harrisonburg, excluding the Commissioner of the Revenue and Treasurer, be, and they are hereby, included in the Classification and Compensation Plans, and subject to the City's Personnel Policy Manual; and**

**BE IT FURTHER RESOLVED that such inclusion of these employees shall not constitute inclusion in the City's grievance procedure; and**

**BE IT FURTHER RESOLVED that such inclusion shall be contingent upon acceptance in writing of the terms of this resolution by the Commissioner of the Revenue and Treasurer; and**

**BE IT FURTHER RESOLVED that such inclusion shall become effective as of February 1, 1998, and shall remain in effect until amended or discontinued by Council, or until discontinued by the Commissioner of the Revenue or Treasurer.**

**ADOPTED AND APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_, 1998, by the City Council.**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CLERK OF THE COUNCIL**

✓ He explained that Council had approved a second reading on the consent agenda amending the City Code to include the employees of the Commissioner of Revenue and Treasurer in the City's classification and compensation plans and the City's Personnel Policy Manual. It will establish a procedure for these employees to be subject to the City's personnel policies and procedures, except grievance procedures. Mr. Stewart noted that the employees in these two offices are and will always be employees of the Constitutional Officers. Vice-Mayor Lantz offered a motion to adopt this resolution and to authorize the transfer of the appropriate funds out of reserve for contingencies to implement the pay plan. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request from the March for Jesus organization to hold a parade on May 30, 1998. He explained that staff does support approving the parade permit; however, they condition it upon receiving additional information closer to May 30 on the number of people who will be participating in the parade. He noted that they need this information to make sure the City can accommodate the number of people safely. Vice-Mayor Lantz offered a motion

to approve this permit for the parade based upon the conditions stated by the City Manager. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a supplemental appropriation for a debt payment for the renovation of the building which houses the Social Services and Health Department. This transaction reflects the rental payment being made on the facility and the City must show its share of the transactions on it's year end CAFR. There is no request for additional funds from the City. Council Member Green offered a motion to approve this request for a first reading, and that:

\$93,469.00 chge. to: 1000-31521 Rental of properties

\$29,963.00 approp. to: 1000-980142-49102 Public facility - Social Service & Health Dept. - Principal  
63,506.00 approp. to: 1000-980142-49132 Public facility - Social Service & Health Dept. - Interest

The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Commissioner of Revenue Hosaflook thanked City Council and City Manager Stewart for allowing Treasurer Neal and herself to place their employees on the City's pay plan. She stated that the City's Mission Statement specially states that Harrisonburg strives to hire, train and retain quality employees and she noted that Council's action tonight is a true demonstration of putting your money into the mission. She noted that the Constitutional Officers' employees are the people that the citizens see and talk to every day in this building and bringing their salaries in line with other City employees will really make them a part of the City's team. This action will benefit both the City and their employees and this resolution will demonstrate to the employees that they are valued and recognized for the excellent job that they are doing.

At 7:55 p.m., Council Member Byrd offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Planning Commission, Community Criminal Justice Board, recommendation for Harrisonburg Board of Zoning Appeals, Industrial Development Authority, Blue Ridge Disability Services Board, and Alcohol Safety Action Program, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney pertaining to three (3) existing contracts, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, namely, economic development, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:17 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the

motion by which the executive or closed meeting were convened were heard, discussed or considered in the executive session by the City Council.

City Manager Stewart advised Council that the funds being held in reserve for the Rockingham Library Association in the amount of \$22,409 would be released, unless there were any objections. No objections were noted.

At 10:22 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR