

## REGULAR MEETING

FEBRUARY 8, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Lantz gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Members from the cast of Godspell presented a brief performance of a musical to be held at the Harrisonburg High School Auditorium February 17-20, 2005.

Rose Stauffer, representing HHS StageStreak Boosters, said that the drama team consisting of a cast of 50 students will be performing Godspell at Harrisonburg High School February 17-20. This is also the last musical to be performed at the current Harrisonburg High School. She said that Harrisonburg High School was selected and invited, out of approximately 200 schools in the United States, to be one of 30 high schools to attend the International Arts Festival in Edinburgh, Scotland in August 2005. It is an incredible honor, which is organized by the American High School Theatre Festival. The Harrisonburg High School StageStreak drama team will be performing Godspell in Edinburgh, Scotland. She said that the educational trip is expensive and students have started fundraising events in the community. She encouraged everyone to support the HHS StageStreak Drama Club.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of Supplemental Appropriations for the Police Department, School Board, Public Works Department, Fire Department and recovering funds for purchasing the Cable property. The motion also included setting the E-911 tax at \$3.00 per month per telephone access line and adjusting the budget for fiscal year 2004-2005. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was amending Sections 10-3-113(6) and 10-3-114(a) of the City's Zoning Ordinance. Planning and Community Development Director Turner said this

amendment was brought to Planning during the discussions for the proposed development of Liberty Square townhouse development. She said that the City has allowed attached garages in townhouses, but didn't have any regulations regarding distance from primary buildings, setbacks from property lines, or anything else for having detached garages in townhouse developments. She reviewed the proposed language in the amended ordinance. She said that Planning Commission has recommended approval of the request.

At 7:40 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 24, and January 31, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, February 8, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **ORDINANCE AMENDMENT – DETACHED GARAGES FOR TOWNHOUSES**

**Public hearing to consider a request from Harrisonburg Townhomes, LLC to amend Sections 10-3-113 and 10-3-114 of the City's Zoning Ordinance to allow detached rear yard garages on townhouse lots under certain conditions.**

**All persons interested will have an opportunity to express their views at this public hearing.**

**Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.**

**CITY OF HARRISONBURG  
Roger D. Baker  
City Manager**

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve amending these ordinances. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was a request for a special use permit for the City of Harrisonburg to allow telecommunications equipment on the roof of the Emergency Communications Center. Planning and Community Development Director Turner said the building is located at 101 North Main Street. The Comprehensive Plan designates this area as Public/Semi-Public. She reviewed the surrounding uses in the area. The City has requested two special use permits to allow unenclosed telecommunications equipment to be located at a height above 75 feet on the roof of the Harrison Plaza. The second special use permit permits structures to exceed the 75-foot height limit in the B-1 zoning classification. It would allow this tower to reach the proposed height of 88 feet. The tower is a self-supporting 25-foot metal structure mounted on a 3-foot tall pedestal atop the roof for a total of total height of 28 feet. This elevation is needed to allow the antennas to clear the 6-foot parapet wall and the 14-screening wall that surrounds the building and the 14 foot screening wall that surrounds mechanical equipment of the roof. She reviewed the sketch of the structure. The system will support 911 emergency communication operations and will function as the command center for Harrisonburg and Rockingham County. She said that Planning Commission has recommended approval of the request.

At 7:55 p.m., Mayor Rogers 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 Monday, January 24, and January 31, 2005.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, February 8, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **SPECIAL USE PERMIT – HARRISON PLAZA: EMERGENCY COMMUNICATIONS CENTER**

**Public hearing to consider a request for a special use permit for the City of Harrisonburg to allow telecommunications equipment on the roof of the Emergency Operations Center {per Section 10-3-85 (2)} and for that equipment to exceed a height of seventy five (75) feet {per Section 10-3-85 (5)}. The building is located at 101 North Main Street and can be found on tax map 34-P-1.**

**All persons interested will have an opportunity to express their views at this public hearing.**

**Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.**

**CITY OF HARRISONBURG  
Roger D. Baker  
City Manager**

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:56 p.m., and the regular

session reconvened. Vice-Mayor Eagle offered a motion to approve this special use permit. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was a presentation by representatives of the Harrisonburg-Rockingham County Free Clinic. Bill O'Brien, a member of the Board of Director, said the Harrisonburg-Rockingham Free Clinic has served the area since 1991. The Free Clinic has outgrown the existing facility. Patient visits have increased by 40 percent and medication disbursements have increased by 70 percent since 1999. The clinic currently serves approximately 900 patients while state and national statistics estimate 7,000 residents in the area are eligible for services. Patients trying to get an appointment with the clinic must wait six to eight weeks. Additional space is needed to better service current clients, to accommodate an increased number of clients, and to expand program services needed to further extend the quality of life to eligible residents. He said that a building project will utilize the existing 4,183 square feet along with a three-story addition to create a total square footage of 12, 722, giving the clinic the needed space to be more effective and efficient in providing health and medical outpatient care. He said since expanding and equipping the facility will cost \$1,683,000 the Board of Directors of the Free Clinic is asking the City and County to pay \$750,000 each toward the project. If the clinic continues to perform a vital role serving individuals who are not getting service the facility needs to expand.

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, presented a brief summary of HDR's downtown revitalization progress and accomplishments during the last quarter. He said that on January 19<sup>th</sup> the Harrisonburg Downtown Historic District was entered into the National Register of Historic Places. This is significant because many people have expressed interest in the downtown area becoming an historic district for approximately ten years. One of the challenges was addressing property owners concerns as it related to the possibility of a local architecture review board. He reviewed the make-up of the Historic District Advisory Committee and requested adding a Council Member to the advisory committee. Council Member Chenault volunteered to serve on the advisory committee.

Eddie Bumbaugh stated that changes have been made in the Harrisonburg Downtown Retail Merchants Association and because of these changes Jamie Marsh has been hired as Promotions and Special Events Manager to assist HDR and the Retail Merchants Association. Jamie Marsh thanked Council for its commitment to downtown and said she has noticed a lot of enthusiasm in Harrisonburg Downtown Renaissance. She said that "Fridays on the Square", which involves concerts and movies alternating every Friday night starting in June and continuing

through August will again be offered this year. Plans have been reviewed with City staff regarding the movies and partial closing of Court Square during time when the Friday evening's movies would be shown. Council Member Chenault offered a motion to approve closing a portion of Court Square during the Friday evening's movies time. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Dr. C.J. Brodrick's and Dr. Mary Handley presented a brief summary on the study of accessibility of downtown Harrisonburg and parking issues. They said their students, which are in JMU's Integrated Science and Technology classes, conducted the semester study. The study involved hundreds of hours by the students and was conducted free of charge to the City and HDR.

Mary Handley said the students took a comprehensive, integrated look at issues and opportunities, including people, businesses, environment, and access that would help make decisions and future plans. Special attention was paid to accessibility related issues, including parking and pedestrian accommodations. She said that 166 surveys were handed out to businesses and 88 businesses responded to the survey. These 88 businesses represent 750 employees. There were a variety of types of businesses and most of the respondent have been downtown for more than 20 years. Most rent their businesses and are satisfied with their location. Many were satisfied with their business volume with the retailers and service providers depending on foot traffic being less satisfied than lawyers and professionals. Most of the businesses use private parking lots or mixed parking arrangements. There didn't seem to be a lot of concern among the businesses about their employees parking; however, there was quite a lot of concern about various parking issues especially as far as drawing business in. Suggestions from retail business included more foot traffic, appearance, landscaping, marketing, and a variety of safety suggestions. In general, the public felt that downtown is important, it's a tourist attraction, and disagreed with the statement that improving downtown will not benefit the rest of Harrisonburg. She said it was surprising there was not overwhelming agreement that there was a parking problem. Downtown user opinions included that only about one-half feel safe, think sidewalks and pedestrian crossings are adequate, and only one-third agreed that downtown was accessible to people of different abilities. Things people like about downtown include restaurants, coffee shops, atmosphere, history, architecture, scenery, museums, galleries, theater, and farmer's market. People would like to see more shops, social events, parks, restoration and landscaping, as well as fewer vacant buildings and traffic issues resolved.

C.J. Brodrick said the transit study identified three routes that serve downtown. The students surveyed riders on Routes one, three, and five on different times of the day or night. She said that 45 riders responded including those using handicapped services. Transit riders comments included using the bus specifically to get downtown, to shop (often for groceries), ride many days of the week, overall satisfaction with service and location, and wanted earlier and later hours. She reviewed the inventory of the parking spaces in the downtown area. The average person is only willing to walk about one to two blocks under ideal conditions. She said that parking count results include 15 minute parking spaces are in high demand, leased spaces highest usage at 50%, Jess' lot is never full, privately owned lots and leased spaces on upper level of decks could relieve Sunday morning congestion. Downtown Harrisonburg is a very significant part of the community. Most people are looking forward to the renaissance and

revitalization. Downtown users and business owners expressed concerns about parking, unattractiveness, and safety. The main attraction of downtown is the excellent restaurants. Perhaps shops should evaluate their hours since most are closed during the evening hours when people are eating dinner downtown. Downtown users did not report having trouble with parking; however, nearly half of the business owners commented about parking in some way. She said that people mentioned a lack of signs directing people to downtown and to parking. Clear signage for parking locations would be helpful. Appearance is a concern for both users and business owners, and the streetscape project may help to alleviate concerns in addressing issues of sidewalks and accessibility. Night-time lighting and loitering solutions would improve safety and parking.

Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, said there will be a presentation at the February 22<sup>nd</sup> Council meeting from three Spotswood High School DECA students regarding a study that includes people who are spending less time in the downtown area. He said that the Downtown Parking Advisory Committee has been meeting for a year and is focusing on current policies and existing resources and the information from these studies will be of value. Parking is a difficult issue not just for Harrisonburg but for every community across the country. He reviewed drawings of banners for the downtown area and said the goal is to display the banners in the spring.

The next item was an updated report on the Neff Avenue proposals. Economic Development Director Shull said February 7<sup>th</sup> was the deadline for receiving competing proposals to the one received from Harrisonburg Downtown Visions LLC. He said that no competing proposals were received. The four major components of the proposal include a civic center, a stadium, a hotel, and a retail complex. The civic center would seat between 7,500 and 10,000; the stadium is proposed to have 3,000 to 5,000 seats; the hotel is proposed to have approximately 120 rooms; and the retail lifestyle center would comprise a minimum of 120,000 square feet. He said that James Madison University is actively engaged in the negotiations with the City. It is a very complex proposal with many components. Many different agreements would need to be worked out if it is decided to move forward with the proposal. The Public Private Educational Act imposes an obligation on the City to keep the financial matters of this proposal confidential until the developers are ready to share the information. It is a proposal; therefore, a lot of things will likely change. It is staff's recommendation that the City continues its research and continue talks with JMU and the developers, trying to be as efficient and quick as possible.

The following questions by Council Members included: When will Council receive the proposal? How long will it take to determine the economic impact? Are any local people involved in the partnership of Harrisonburg Downtown Visions LLC? When will recommendations be made to Council to proceed with the proposal? Will traffic studies be conducted?

Economic Development Director Shull stated that Council Members will receive copies of the proposal by the end of the week. He said an economic analysis will be conducted by a third party. He reiterated that there are no local residents involved in HDV. Traffic studies would be a part of the total analysis.

Council Members agreed to allow staff to continue researching the Harrisonburg Downtown Visions LLC proposal.

City Manager Baker said that the Deer Task Force has met and is recommending that the City participate in the State Urban Archery Season. He said it is necessary to amend the City ordinance to allow the use of bows and arrows during the urban archery season. Amending this ordinance allows the City Manager or his designee to issue permits to hunt deer on City owned property during the Urban Archery Season.

Council Member Lantz reported that the Deer Task Force determined that the Hillandale Park area does have too many deer. He said other areas in the City aren't affected as much. The early archery season will limit hunting only to female deer and will be scheduled two weeks before the regular season opens in Virginia. Following further discussion and comments, Council Member Chenault offered a motion to table consideration of this amendment to the ordinance until the February 22<sup>nd</sup> Council meeting. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

Bucky Berry, a resident of Harrisonburg, said the City needed to get its priorities in order.

Barbara McGee, a resident of Ashby Heights, said she has watched many changes in the neighborhood. She said she enjoys seeing cows and fields rather than this proposed project.

Neil Menefee, a resident of Ashby Heights, said it difficult to speak against something of the type being discussed because of the potential impact it could have from a positive standpoint. He said also his business depended upon a strong economy; however, this commercial development is not appropriate for this site.

Ben Fordney, a resident of the City, expressed his concern regarding the City's reluctance to release details surrounding the proposal, comparing it to another controversial project in the City's history. He said traffic, lights and sound pollution will be major concerns. "It is critically important that there be an open process."

Gary Edlind, a resident of the City, said he was opposed to the project.

James Geary, said if the project is essential to the City, why wasn't a blighted area selected?

Council Member Pace said that Marvin Armstrong has celebrated 30 years with the City.

At 9:25 p.m., Council Member Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Disability Services Board, Social Services Advisory Board, Harrisonburg Board of Zoning Appeals, Industrial Development Authority, and Weed & Seed Steering Committee for 2005-2006 exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion concerning a prospective business where no previous

announcement has been made of the business' interest in locating within the City, exempt from public meeting requirements pursuant to Section 2.2-37aa(A)(5) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

At 10:50 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement was agreed to with a unanimous recorded vote of 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 closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:52 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR