

REGULAR MEETING

OCTOBER 10, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/AAE, and Police Captain Malcolm Wilfong. Absent: Chief of Police Donald Harper.

Mayor Frank delivered the invocation and 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 several supplemental appropriations for the Police Department and reappropriating funds for an encumbrance that was outstanding at June 30, 2000. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by BISAPACA, L.L.C. to close an alley between 143 and 127 Old South High Street to South High Street. She explained that the applicants are requesting to close a 981 square foot alley that runs East-West between Old South High Street and South High Street for the purpose of increasing the size of the two adjoining lots to eliminate some parking problems. There is a mixture of zoning classifications in the area including R-2 Zoning Classifications, M-1 General Industrial District, and R-3 Multiple Dwelling Residential District. Mrs. Turner said that staff has reviewed the alley closing and it meets all zoning regulations and has no public easements. The Planning

Commission recommended closure of this alley between Old South High and South High Street.

At 7:35 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 25, and Monday, October 2, 2000.

**NOTICE OF INTENTION TO CLOSE**

**AN ALLEY**

**LOCATED BETWEEN**

**OLD SOUTH HIGH STREET AND**

**SOUTH HIGH STREET**

**IN THE CITY OF HARRISONBURG**

**City Council Chambers, Municipal Building**

**Tuesday, October 10, 2000 - 7:30 p.m.**

**The Harrisonburg City Council will hold a public hearing on Tuesday, October 10, 2000, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Ray Wine to vacate and close an alley located between Old South High Street and South High Street in the City of Harrisonburg.**

**A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the alley to be vacated and closed are available at 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 the 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 Frank called on anyone desiring to speak for or against this alley closure. There being no one desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve this alley closure. The recorded roll call vote was taken as follows:

Vote:        Yes -        Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

John Neff (former Mayor of Harrisonburg) said that he and other business and community leaders had decided to throw their influence behind establishing a new Community Commission for Creative Art and developing a downtown arts and cultural district. He said that the committee had met several times to establish a common mission, formulate a vision and purpose, and establish some specific goals. He said, "Our vision is to exist, foster and support arts and culture activities while contributing to a more vibrant community. Our purpose is to have public and private participation while working together to form a community commission for the arts with the responsibility of coordinating all of the culture arts and entertainment venues. We also hope to establish and create a downtown culture arts overlay district. This group will coordinate and

develop some centralized funding endowment programs, monitor and administer grants and funding for arts and culture organizations within the area. Mr. Neff introduced several members of the committee.

John Neff presented and read the following proposal to City Council: I am writing on behalf of a committee of community members who are interested in culture and the arts and believe that the arts in every form contribute tremendously to quality of life and economic development.

As this committee began to discuss and develop a vision for increasing awareness and support for Arts and Culture in Harrisonburg, it became clear that a unified effort among the arts and cultural community might be the most beneficial approach. It would certainly make your job as City Council Members easier as you seek to identify ways to accomplish your stated goal of supporting that arts and cultural organizations in downtown Harrisonburg. It is with this in mind that we ask you to endorse this proposal to explore the establishment of 1) an organization that would represent all arts and cultural interests as well as 2) an arts and cultural district in downtown Harrisonburg.

Under this proposal, a study will seek to determine if an Arts and Cultural district, similar to the technology zone recently established by City Council, are feasible. This study will also determine if there is a need for exploratory enabling legislation that might help promote the committee's mission by the General Assembly. Pending your approval, this Committee would like to initiate a proactive approach in talking with our legislators now in order to have this special legislation if required, included during the current session. A district such as this could provide incentives for the support and creation of arts and cultural venues such as museums, galleries, studios and performance theaters in the central business district.

Of course a key element of this effort will be to gain input and support, not only from those intimately involved in Arts and Cultural endeavors, but also the broader public. The Committee itself will be broad-based and representative of the Arts and Culture community. Anyone interested in participating in the dialogue will have opportunities to do so through public forums held throughout the process. Final recommendations will be reviewed in a public forum prior to presentation to City Council.

We are excited about the possibilities for such an organization and dedicated area downtown and hope that you will see its potential as well as provide your support through endorsement of the concept and the Committee's work. Thank you for your consideration.

Council Member Fitzgerald offered a motion to endorse this proposal by the Committee for Creative Arts. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration a request from Mr. G.W. Moore, Jr. for a variance from City Code Section 7-2-4b. He explained that Mr. Moore who is a Rockingham County resident already has a house and barn connected to City water. Mr. Moore wants to finish an apartment located above the barn on his property. Rockingham County has required that Mr. Moore subdivide the two parcels before they will grant a building permit. Because

of a moratorium which has existed in the City since November 1992, the only way Mr. Moore can receive a separate water connection (meter) for the barn and apartment is if City Council grants a variance. Following further discussion and comments, Vice-Mayor Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

Leonard VanWyk presented an overview of a proposed new series of events that local bicyclists will begin October 28 called Critical Mass. He explained that area bicyclists will take to the streets on the last Saturday of every month starting in October (with the exception of November and December because of the holidays) at 1:00 p.m. at the Water Street parking deck for a five (5) miles ride through town. He reviewed the route for the bicycle ride. He also said that Critical Mass Bike Ride is a nationwide movement among cycle enthusiasts designed to bring attention to bicycling safety laws. Mr. VanWyk said, "The local groups overwhelming sentiment is to find a balance between making a point and not angering motorists. We want maximum visibility with minimum disruption. He encouraged City Council to invest money for infrastructure improvements for the City. There is a significant fraction of the population in Harrisonburg who actually cares about bicyclists and use them to get around. He reminded people that bicyclists do by law have the same rights as motor vehicles on the streets.

Economic Development Director Shull presented for Council's consideration a request for a street name change from AMP Street to TYCO Street. He explained that TYCO Electronics is the parent company of the former AMP facility on North Main Street. TYCO has the only address on this public street. Mr. Shull said that he had spoken with the postmaster regarding this proposed name change. Mayor Frank requested that TYCO be responsible for the cost of erecting a new street sign. Council Member Fitzgerald offered a motion to approve this request including that TYCO pay for any costs incurred with the street sign. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration an application from Alphonso Mason applying for a Certificate of Public Convenience and Necessity to operate Al's Cab. He explained that the Police Department had completed a background check for the applicant and recommended that the application be

denied. Mr. Baker said that the application was not completely filled out and several sections of the City Code were violated including plans to operate a business out of a home. He noted that the Harrisonburg City Code was revised December 21, 1999. City Attorney Miller reviewed City Code Section 14-1-36 which states that the following shall be considered: (1) The adequacy, efficiency and safety of existing taxicab service and other forms of transportation for passengers already in existence. (5) Applicants are required to have an established

place of business (a) that is owned or leased by the applicant, (b) where a substantial portion of the applicants business is routinely conducted, (c) that houses all records that the applicant is required to maintain, (d) that is equipped with a working telephone listed in the applicants business name, and (e) that meets local zoning requirements for type and location of business. Following further discussion and comments, Vice-Mayor Peterson offered a motion to refer this request for a Certificate of Public Convenience and Necessity to City Attorney Miller for further review.

Council Member Fitzgerald offered a motion to designate October 17, 2000 as a Council work session. City department heads will make brief presentation of department needs over the next budget year. The meeting will start at 5:30 p.m. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration a request from Judge Logan to provide additional court room space. He explained that Judge Logan is requesting additional courtroom space for the Juvenile and Domestic Relations District Court. Harrisonburg and Rockingham County operate the courts on a 50-50 basis. Mr. Baker suggested that this item be referred to the City/County Liaison Committee for further review. Council Member Fitzgerald offered a motion to refer this request to the City/County Liaison Committee. The motion was approved with a unanimous vote of Council.

Public Works Director Baker presented a request for a supplemental appropriation for the Public Works Traffic Engineering Division. He explained that these funds would be used for the purchase and installation of pedestrian safety equipment on South Main Street. The City plans to install advanced pedestrian crossing signs with flashing lights on Cantrell Avenue and north of Maplehurst Avenue on South Main Street. These signs should give motorists advanced warning of congested pedestrian area. Another plan is to install Countdown pedestrian crossing signal lights. Countdown timers will advise pedestrians of the time remaining to cross the street. Timer signals will also be installed at intersections of South Main Street at Cantrell Avenue, Grace Street, and Warsaw Street. Mr. Baker also noted that a Transportation Planning Study was presented at the last Council meeting and that his department continues to discuss some improvement recommendations with James Madison University. Council Member Rogers offered a motion to approve this request for a first reading:

\$15,000 chge. to: 1000-31010 Amount from fund balance

\$15,000 approp. to: 1000-410741-48212 Equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

Public Utilities Director Collins presented a request to charge off delinquent utility bills incurred between the dates of January 1, 1999 to December 31, 1999. He stated that none of the accounts listed currently have service with the City of Harrisonburg; however, these accounts are currently being pursued by a professional collection service. The amount to be charged off is \$10,454.38. The amount billed during this period is \$10,174,318.65. The ratio of write-offs to billing is 0.10%. Vice-Mayor Peterson offered a motion to write off the list of delinquent accounts. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

Sallie Stricker, a resident living at 1017 Smithland Road, still requested water service for the Smithland Road residents.

Bobby Ward, owner of Goodtimes restaurant and a night club located at 150 East Wolfe Street expressed his concerns trying to open this facility. He said the designated dance floor space is larger than recommended for a dance hall, final inspections is taking time, and he wanted to know if City Council had any reservations concerning his club. Mayor Frank and Vice-Mayor Peterson commented that they had been present at an open house held by Mr. Ward and would be in favor of approving this request for a dance hall when it is presented. City Council encouraged Mr. Ward to continue with all the procedures and complying with all the codes before applying for the dance hall permit.

Cheryl Talley appeared before City Council stating that she had been involved with the Northeast Community Association for several years. She challenged Council Members to become educated about the merits of using the historic Simms building for a fifth elementary school when it is needed. Council Member Lantz reminded Ms. Talley that any decision about a fifth elementary school is totally a school board decision and that City Council will not become involved until a request comes from the school board for the appropriate funding.

City Manager Baker announced that the week of October 9-14 is National Fire Prevention Week and the City's Fire Department will be participating in the event with a display at the Valley Mall.

City Manager Baker announced that the Virginia Municipal League has requested a contact person from the City to serve as a Physical Impact Contact concerning any proposed legislation.

He said that he will be designating Lester Seal (Director of Finance) as Harrisonburg's representative.

City Manager Baker announced that a Shenandoah Summit will be held on October 30, 2000. Mr. Baker said that he and Director of Economic Development Brian Shull will be attending.

City Manager Baker said that smoke testing will be conducted to determine the repair work needed in the Fire Department located on the ground floor of the Municipal Building. The smoke testing will begin Thursday, October 12, 2000.

City Manager Baker requested permission to begin getting an architectural plan and design for the proposed driving range to be built on the municipal golf course. A rough cost estimate is between \$400,000 and \$500,000 to build the driving range, but until a design is made it will be difficult to have a cost estimate. Council Member Lantz reminded other Council Members that the driving range was projected to be the only potential moneymaker of the municipal golf course. He said, We don't need greens or other frills, but we should move ahead with a basic driving range. Council directed City Manager Baker to get a detailed design along with a detailed cost analysis so an agreement can be reached soon.

City Manager Baker announced that a representative from the City will appear on the Jim Britts (WSVA) radio show the first Wednesday of each month. Mr. Baker asked for volunteer from City Council. City Council suggested that City Manager Baker determine what topic should be discussed on the radio show.

At 9:05 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Harrisonburg Planning Commission, Harrisonburg Parks and Recreation Commission, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Electric Commission, Harrisonburg Building Code Board of Appeals, and the Harrisonburg Social Services Advisory Board. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of matters related to two (2) parcels of real property. A closed session is permissible for this purpose to Section 2.1-344(A)(3) of the Code.

At 11:00 p.m., the closed session was declared closed and the regular session reconvened. The following statement 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 matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

#### ADDENDUM TO THE MINUTES (added by City Attorney Miller)

After the regular session was reconvened, Vice-Mayor Peterson moved that, in light of legal counsel's more fully researched opinion regarding the City's obligation to complete the proposed purchase of 48.2 acres from Bridgewater College, the decision to purchase should not be reopened for consideration. This motion was carried by a voice vote of four in favor and one opposing.

At 11:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

---

CLERK

---

MAYOR

