

REGULAR MEETING

AUGUST 24, 2004

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry M. 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; George W. Pace; Acting City Clerk Jenny Brockwell, and Chief of Police Donald Harper. Absent: City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA.

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

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, Fire Department, and referring closure of a short section of Harrison Street to the Planning Commission. The motion also included amending and re-enacting Section 2-3-1 and Section 11-7-4 of the Harrisonburg City Code. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Mayor Rogers read the following letter from Massanutten Regional Library Director Phillip Hearne: On behalf of the Library Board of Trustee and the employees of the Massanutten Regional Library, please accept my thanks for the rapid and skilled response from the City to the emergency situation at the library on Monday, August 23<sup>rd</sup>. All of us here at the main library appreciate the concern and professionalism that the members of the City Management, the Fire and Police Departments and other agencies exhibited during the event of the day. Please extend our appreciation to each member of the City staff and departments who came to the library to ensure that the library was safe and secure for the staff and public.

At 7:40 p.m., Mayor Rogers called the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 9, and Monday, August 16, 2004.

## NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will receive the views of citizens regarding the proposed use of funds paid under the Local Law Enforcement Block Grant as it relates to the Harrisonburg Police Department's entire budget. At this hearing, persons shall be given an opportunity to provide written and oral views to the City Council about the Department's budget and the relation of the Grant to the entire budget.**

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

Mayor Rogers called on anyone desiring to speak for or against the local Law Enforcement Block Grant.

Police Chief Harper stated that the United States Department of Justice issues the local Law Enforcement Block Grant to assist localities in improving public safety. A public hearing must be held to receive these funds, which will be used to purchase a forensic identification workstation. There being no others desiring to be heard, the public hearing was declared closed at 7:42 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve this block grant. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by KEK, LLC to plat 12 townhouse lots on .92 acres of land with a variance to the subdivision ordinance. The property is located at 754 Ridgeville Lane and is currently zoned R-3 Multi-Family Residential. The property owner is requesting a variance to the subdivision requirement that all lots front on a public street. Mrs. Turner then reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as Medium Density residential. This area became zoned R-3 during the initial zoning of land annexed into the City in 1983; however, this area had no public water and sewer and very inadequate streets. In the late 1980's, with assistance from a Community Development Block Grant, the City improved the street (although still not up to the typical City Standard) and installed water and sewer. She said the developer Jerry Scripture and the City have worked together to make some road improvements on Ridgeville Lane. The one-acre site is currently occupied by a single family home. The plan of development is to remove this structure and construct 12 townhouse units fronting on a private parking area that accesses Ridgeville Lane. She said that Planning Commission has recommended approval of the request. Council Member Pace offered a motion to approve this request. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

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 progress and accomplishments during the last quarter. He said that HDR is thankful for the support from City Council for the efforts to revitalize downtown. He also announced that the City of Harrisonburg has received a significant honor. The City has been designated as an official "Virginia Main Street Community". It is an important designation for the City and the downtown area. New signs will be erected at the gateways of Harrisonburg designating the City as a main street community. Accomplishments achieved during the last quarter includes addressing the Main Street model four components, a published newsletter, significant increase in in-kind donations, Valley 4<sup>th</sup> event, films and/or movies every Friday night during the summer, and displaying the "Virginia 2007" banner promoting tourism and events to celebrate the heritage of the area. In addition, HDR has worked with Frazier and Associates for the development of a Revitalization and Streetscape Plan, and has been creating a state and national Downtown Historic District. One of the achievements of the Economic Development Committee was working with a number of James Madison University classes to undertake feasibility studies on individual projects and also the study of a proposed downtown technology zone. He also reviewed activities of the Farmer's Market and the Downtown Parking Advisory Committee. In conjunction with the Parking Committee, JMU professor C.J. Brodrick's class will collect data on current utilization of parking resources. The class will also survey downtown business people and shoppers about their downtown parking needs and concerns. He invited everyone to a reception and awards ceremony that HDR will hold at Calhoun's Restaurant on Monday, October 4<sup>th</sup> from 5:00-7:00 p.m. HDR's vision for the future includes a beautiful downtown with a pedestrian friendly atmosphere, restored older buildings, attractive architectural new buildings, a mix of events, arts, entertainment, retail stores, professional offices, housing, government and other uses. It is hoped that it will be a vibrant city center where local heritage, and community pride are preserved and highlighted.

Fire Chief Shifflett presented the following resolution for Council's consideration.

### **RESOLUTION**

**WHEREAS, there exist many dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and**

**WHEREAS, the safety and protective of citizens and property is of foremost concern to the City Council of the City of Harrisonburg; and**

**WHEREAS, the City Council desires, and Commonwealth of Virginia Statutes require, the adoption of appropriate planned protective measures;**

**THEREFORE BE IT RESOLVED that the City Council hereby adopts the City of Harrisonburg Basic Emergency Plan, dated August, 2004.**

**ADOPTED and APROVED this 24<sup>th</sup> day of August, 2004.**

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**Larry M. Rogers, Mayor of City of Harrisonburg**

**ATTEST:**

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**Clerk of City Council**

Fire Chief Larry Shifflett said that title 44 of the Code of Virginia requires that localities develop and adopt an emergency operations plan detailing the City's response and recovery from a natural or man-made disaster. The plan being submitted for Council's approval is the latest revision of the plan. Council Member Pace offered a motion to approve the resolution. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

The next item of business was a request by a Harrisonburg Downtown Fall Festival group to hold an event on September 18th. Parks and Recreation Director Foerster requested closing the section of Market Street on the North, South, and West side of Court Square from 12:00 noon until 4:00 p.m. leaving Main Street open. The festival is co-sponsored by Downtown Renaissance and Friends of Blacks Run Greenway to raise awareness of the greenway and a fund-raiser. There will be children activities, a walking tour, celebrity relays and races, food and music. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council.

The next item of business was a request by the Harrisonburg Children's Museum Birthday Celebration for an event to be held on Sunday, October 17<sup>th</sup> on Court Square. Economic Development Director Brian Shull requested closing Main Street from East Market to Elizabeth Street and the north half of Court Square on October 17<sup>th</sup> from 2:00 p.m. to 5:00 p.m. The Public Works, Police and Fire Departments have reviewed this request and have no objections as long as a 20-foot lane is kept open for emergency vehicles. Council Member Chenault offered a motion to approve this request. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council.

The agenda item request by student organizations at James Madison University was removed and will be presented at the September 14<sup>th</sup> meeting.

The next agenda item was a request by Harrisonburg City Public Schools for a comprehensive sign package for the new high school located at 1001 Garbers Church Road. School Superintendent Ford said that Section 11-7-4 of the Harrisonburg City Code contains a provision indicating that if more than one sign is placed at a facility a sign package can be

presented to City Council. He reviewed the four signs to be considered at the new Harrisonburg High School site. Council Member Chenault offered a motion to approve the sign package request. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds will be used to employ a half-time technology specialist, a half-time testing coordinator, an ESL literacy specialist for HHS, an ESL teacher for Stone Spring, an ESL teacher for Spotswood, a secondary ESL service provider, and an ESL elementary specialist. Council Member Chenault offered a motion to approve this request, and that:

\$259,533.00 chge. to: 1111-31010 School's Unappropriated Fund Balance

\$246,377.00 approp. to: 1111-111114-40610 Instruction

13,156.00 approp. to: 1111-111114-40680 Technology

The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a report on Heritage Oaks Golf Course. City Manager Baker said that Heritage Oaks Golf Course has made progress in making enough revenue to meet all of the expenses. He reported that last year the golf course had a \$319,855 shortfall in its first year. This year the golf course had an \$85,330.00 shortfall in its second year. Neither year includes debt service. He said that Heritage Oaks Golf Course continues to see an increase in the number of rounds of golf played, positive comments on the appearance of the golf course, and golfers are transferring membership from other courses in the area. The First TEE program has a positive impact on the youth.

Economic Development Director Shull presented a request for a supplemental appropriation for the Economic Development Department-Harrisonburg Downtown Technology Zone. He said this request for funds would continue the growth of downtown, strengthen the partnership with JMU, and help the overall economic base and future for downtown. He then introduced Dr. James Barnes from JMU.

Dr. James Barnes, presented an overview of a technology zone planned for the downtown area. The Harrisonburg Downtown Technology Zone project germinated from joint effort between the City and James Madison University's College of Integrated Science and Technology. He said

the concept will bring IT industry into downtown Harrisonburg. It is a clustering concept of attracting companies that have five to twelve employees into existing buildings within the downtown corridor. It will provide technology suites for these technology companies. These businesses will require support services and hopefully bring in additional museums, shops, and restaurants. This concept will help generate a new economy for downtown Harrisonburg. One goal for the zone is to help keep qualified JMU students in Harrisonburg after graduation. Bringing technology in downtown Harrisonburg provides one avenue for that to occur. He reviewed the initiative to create, staff, and market the Harrisonburg Downtown Technology Zone.

Economic Development Director Shull presented a request for a supplemental appropriation for the Economic Development Department-Harrisonburg Downtown Technology Zone. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$100,000 chge. to: 1000-31010 Amount from fund balance

\$ 70,000 approp. to: 1000-810521-43100 Professional Services

30.000 approp. to: 1000-810521-43600 Advertising

The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Fire Chief Shifflett presented a request for a supplemental appropriation terrorism grant for the Fire Department. He said that these funds were received from the Department of Homeland Security funds from last year's budget and need to be included in this year budget. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$179,243 chge. to: 1000-22711 Fire Department Grants

\$133,729 approp. to: 1000-350532-48213 DOJ/DEM 7 DOJ Grant

45,514 approp. to: 1000-350532-48213 DOJ/DEM 8 DOJ Grant

The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Chenault

Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Boys and Girls Club. He said that these monies will be used to fund a gang-prevention initiative. The program will target children at-risk of entering a gang and extracting children already in a gang. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$25,000 chge. to: 1000-31010 Amount from fund balance

\$25,000 approp. to: 1000-910411-45669 Boys and Girls Club

The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 10:00 p.m., Council Member Chenault 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, Harrisonburg Electric Commission and Harrisonburg Planning Commission, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. The motion also included discussion concerning of a prospective business where no previous announcement has been made of business's interest in locating or expanding its facilities in the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia, 1950, and discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 10:30 p.m., the closed session ended and the regular session reconvened. 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 10:32 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

cc: City Council  
City Manager  
Assistant City Manager  
Public Library