

REGULAR MEETING

JANUARY 11, 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; Council Member Hugh J. Lantz; George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Bucky Berry, a resident of Harrisonburg, requested that City Council consider lowering the business license for small businesses.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several Supplemental Appropriations transferring funds to increase the City's 2004-2005 budget. The motion also included amending Section 10-3-84 of the Zoning Ordinance, repealing Section 6-1-17 and enacting Chapter 6 of Title 10 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 - Council Member Chenault
Vice-Mayor Eagle
Council Member Pace
Council Member Lantz
Mayor Rogers

Absent – None

The next item of business was amending Section 10-3-91, 92, and 10-3-97, 98 of the City's Zoning Ordinance. Planning and Community Development Director Turner said this request will allow buildings taller than 75 feet in height by a special use permit in the B-2, General Business District and M-1, General Industrial District. Currently, the maximum building height is 75 feet in both zoning classifications. In April of 2004, City Council amended the City Code to allow buildings taller than 75 in the B-1, Central Business District. Cargill Turkey Production wants to build an additional feed mill at their property on North Main Street. Amending these sections allows structures taller than 75 feet with the granting of a special use permit. Applications for a special use permit will be reviewed on a case-by-case basis. 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, December 27, 2004, and January 3, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 11, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT – BUILDING HEIGHT IN B-2 AND M-1

Public hearing to consider a request to amend Sections 10-3-91,92 and 10-3-97,98 of the City's Zoning Ordinance to allow buildings taller than 75 feet in the B-2, General Business District and M-1, General Industrial District with the granting of a special use permit.

All person 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.

Bucky Berry, a resident of Harrisonburg, complained about the dust from the existing feed mill.

Patrick Evick, feed mill manager for Cargill Turkey Production, LLC, said production at the feed mill will not increase, but expanded storage at the site will provide more rail cars and enough storage at the facility to last over a week. There being no others 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 the special use permit. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented for Council's consideration a supplemental appropriation increasing the General Capital Projects Fund. He said that the City has borrowed these funds for its share of the new radio system. Approval of this request will increase the 2004-2005 budget by \$5,740,000.

At 7:44 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 3, 2005.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, January 11, 2005 at 7:30 p.m., in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2004-2005 budget in the amount of \$5,740,000. These funds are the proceeds from a loan from SunTrust for the purpose of funding the City's new radio system.

The budget increases will be as noted below:

Revenues:

General Capital Projects Fund:

Loan \$5,740,000

Total Revenues \$5,740,000

Expenditures:

General Capital Projects Fund:

Two Way Communications System \$5,740,000

Total Expenditures \$5,740,000

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 7:45 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve increasing the appropriation for the General Capital Fund for a first reading, and that:

\$5,740,000 chge. to: 1310 34112 Loan proceeds

\$5,740,000 approp. to: 1310-910141-48610 Two Way Communications System

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

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

Absent – None

Council Member Chenault offered a motion to recommend Earl A. Budd, Gary D. Buennemeyer, Monica K. Frackelton, Robert L. Hansbrough, and L. Quinn Kaylor to the Circuit Court for appointment to the Board of Equalization. In addition, the motion included recommending one alternate Giles R. Stone to serve if necessary. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

The next item of business was an update on a Train Safety Enhancement Project. Transportation Planner Drew Williams said that the City in partnership with James Madison University and Rockingham County hired a consultant (Ralph Whitehead Associates) to conduct a Feasibility Study for relocating a segment of railroad tracks around the north side of Harrisonburg. He reviewed a preliminary version of the study showing several different possible routes. He said concerns and comments discussed at a November meeting included trains blocking both South Main Street and Maryland Avenue at the same time, possibly cutting off Fire Station No. 1 preventing emergency response to other sections of the City, and access to Rockingham Memorial Hospital. Bicyclists have expressed their concerns and problems experienced with the tracks at Country Club Road. The final version of the study is expected to be released in August. He pointed to the map and reviewed the possible routes and options being considered.

The following discussion by Council Members included: Whether right-of-ways would be affected by abandoned Northern and Southern railroad tracks; reviewing other revenue options to help with the cost; make-up of stakeholders group; and if rail grant funds are available.

Planning and Community Development Director Turner presented an overview of the City's Design and Construction Standards Manual. The City's Design and Construction Standards Manual is a document that establishes standards for the design and construction of public facilities that will be built in connection with either subdivisions or site developments. It deals with facilities that the City will own and maintain after the construction phase of a project is over. She said that many departments of the City have provided input into the document. The original Design and Construction Standards Manual was adopted and went into effect January 1, 1994 and has been revised several times in October 1994, August 1995, January 1996, and May 1997. Keeping the manual up to date is generated by changes in construction methods, construction materials, engineering practices, state requirements, citizen expectations, and development pressures on public facilities. Mrs. Turner recommended setting January 25th as a date for a public hearing to receive public input on these proposed changes to the Design and Construction Standards Manual. She said that a brief overview highlighting some of major changes in the manual will be presented at the public hearing.

Council Member Chenault said he would prefer more time to review the manual and suggested holding a public hearing on February 8th. He also suggested having a work session with City staff prior to the public hearing.

Vice-Mayor Eagle said he has received some input from the building community.

Council Member Pace agreed that it was a good idea to have a work session with City staff prior to holding a public hearing. He said that he has reviewed the document. A lot of effort has been made to include specific input and reflect it into the document.

Council agreed to hold a work session with City staff and receive public input on January 25th at 5:30 p.m., in Council Chambers.

Council agreed to close Campbell Street to Gay Street on January 15th from 1:00 p.m. until 4:00 p.m. for a Parade of Champions. The parade will start at 2:00 p.m. The parade will feature the 2004 NCAA Division I-AA National Football Champion James Madison University Dukes and the Marching Royal Dukes. It will also feature the Division 4 Group AA State Runner-up Harrisonburg High School Blue Streaks and the Harrisonburg High School Marching Band.

City Manager Baker presented a brief overview of Heritage Oaks Golf Course operation. He said the golf course was \$270,000 in debt for the fiscal year. Each year since 2002 there have been increases in rounds played at the golf course. He also reported that food service, cart fees, the golf range and gift certificates have increased. However, sale of season passes have declined. Mr. Baker recommended disbanding the Golf Course Advisory Committee, showing the golf course as a division of the Parks and Recreation Department and securing a golf course expert to provide advice and make recommendations on future operations and management of the golf course. Council Member Chenault offered a motion to approve the City Manager report and recommendation. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Council Member Pace questioned the status of an ordinance pertaining to sounding of locomotive horns or whistles.

City Attorney Thumma said the City has a Charter provision allowing these zones to be established. He will present a proposal at a future meeting.

Council Member Pace asked about the status of the Free Clinic becoming tax exempt.

City Manager Baker said that the Commissioner of Revenue is reviewing the requests and recommendations will probably be presented at a February meeting.

Council Member Pace questioned the status of the parking study undertaken by James Madison University.

Assistant City Manager Hodgen said that it is his understanding a study has been completed, but a report has not been finalized.

Council Member Lantz said that many citizens have expressed concerns about real estate assessments increasing 14% during the past two years. However, according to statistics released by a state government agency, Harrisonburg real estate prices increased more than 20% and other localities increased more than 30%. He pointed out that Harrisonburg still has the second

lowest real estate tax in the state. Real estate values have increased tremendously, but need to keep up with inflation.

At 8:40 p.m., Council Member Pace offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board and Harrisonburg Parking Authority exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) 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 Chenault
Vice-Mayor Eagle
Council Member Pace
Council Member Lantz
Mayor Rogers

Absent – None

At 9:50 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.

Council Member Chenault offered a motion that Michael Haines, 298 Franklin Street, be appointed to a second term on the Harrisonburg Parking Authority to expire on November 28, 2009. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

At 10:00 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

