

REGULAR MEETING

JANUARY 25, 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, and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Council Member Hugh J. Lantz.

Vice-Mayor Eagle gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Bucky Berry, a resident of Harrisonburg, complained about the City hiring a Public Information Officer.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading increasing the General Capital Project fund and amending Section 10-3-91, 92 and 10-3-97, 98 of the City's Zoning Ordinance. 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 Pace  
Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

At 7:37 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 Saturday, January 15, 2005.

**Public Hearing on Increased E-911 Tax**

**The Harrisonburg City Council will hold a public hearing on Tuesday, January 25, 2005 in the City Council Chamber at 345 South Main Street in the Municipal Building. The purpose of the hearing will be consider the following tax levy:**

**\$3.00 E-911 tax per month per telephone access line**

**Anyone wishing to be heard may comment orally and/or in writing at the hearing.**

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

Mayor Rogers called on anyone desiring to speak for or against the proposed tax increase. Bucky Berry, a resident of Harrisonburg, complained about increasing the E-911 tax for a new radio system.

Council Member Pace clarified that the E-911 tax increase will only apply to telephone land lines and not cell telephones. It was also clarified that once the radio system was paid for and if the tax remained it could only be used toward the E-911 radio system. It cannot be placed into the General Fund. 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 Chenault offered a motion to approve the E-911 tax and setting the rate at \$3.00 per month for a first reading. The motion also included making the tax effective April 1, 2005. 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 Pace  
Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request by Diversified Properties to rezone 3.526 acres located at 685 Pear Street. She said that the property is part of City R-1, Single Family Residential land, which is part of a larger tract located in both Rockingham County and the City of Harrisonburg. She said that Planning Commission has been working with the developer since April 2003 and wanted to wait until Rockingham County approved the rezoning request before presenting it to City Council. On December 15, 2004 the Rockingham County Board of Supervisors approved the rezoning from A2-Agricultural Use to R-3C, General Residential Conditional for the county portion of the property. The conditions for the county portion of land are very similar to the City's R-3 zoning. A subdivision of 40 single-family lots is being proposed with 16 lots being in the City. The developer is asking for the rezoning to R-3 to take advantage of the smaller lot size allowed in the R-3 zoning classification. She reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as Planned Business. She said that Planning Commission has recommended approval of the request.

At 7:50 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 10, and Monday, January 17, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, January 25, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

## **REZONING – DIVERSIFIED PROPERTIES, LLC**

**Public hearing to consider a request by Diversified Properties, LLC to rezone 3.526 acres within the City limits from R-1, Single-Family Residential District to R-3C, Multiple Dwelling Residential District (conditional). The property can be found on tax map 112-C-1 and is located at 685 Pear Street.**

**The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.**

**The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges for the R-1 district is 10,000 sq. ft minimum. While, the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.**

**Maps and other information are 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 these public hearings. 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.

Dick Blackwell, representing the owner, said the cul-de-sac will dead end on the property so other connections can be made in the future. There being no others desiring to be heard, the public hearing was declared closed at 7:51 p.m., and regular session reconvened. Council Member Pace offered a motion to approve this request. 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 Pace  
Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

Planning and Community Development Director Turner presented a brief review of Planning Commission 2004 Annual Report. She said that the report contained accomplishments during the last year including rezonings, special use permits, preliminary plats, street/alley closings and ordinance/comprehensive plan amendments.

Planning and Community Development Director Turner introduced a comprehensive sign plan for the Target/Simon Valley Mall Shopping Complex. She said the comprehensive sign plan has been selected by this shopping center because Target Corporation's lot will not have public street frontage along University Boulevard and East Market Street. Target will front onto a lot owned by Valley Mall; however, Target would like to have a sign in front along East Market Street, but must comply with a provision in the City Code allowing stores without public street frontage to locate "on-premises" signs on adjoining parcels that have adequate street frontage so long as they are under the same shopping center management. The Comprehensive Sign Plan process does not allow additional signs to be constructed, nor does it allow an increase in total allowable sign area square footage. All of the dimensional sign requirements remain unchanged. The plan calls for two signs to be constructed along East Market Street and one sign along University Boulevard. Also on the site plan is the approximate location of three future signs. She said that Planning Commission has recommended the comprehensive sign plan be adopted.

Council Member Pace questioned whether line of sight would be an issue on Monument Sign (G-4)? Would blind spots affect traffic?

Mrs. Turner said that the signage had been reviewed and would be reviewed again before installation.

Pete Caramanis, an attorney representing Simon, said that the sign was in the median and line of sight should not be an issue.

Council Member Pace suggested that the position of the sign should be given a lot of thought especially because placement of the second sign will be in a difficult place on University Boulevard.

Vice-Mayor Eagle offered a motion to adopt the Comprehensive Sign Plan for the Target/Simon Valley Mall Shopping Complex. The motion was approved by Council Member Pace and approved with a unanimous vote of Council Members present.

The next item of business was a brief overview on the Rockingham/Harrisonburg Alcohol Safety Action Program. Pam Simmons, Director of the Rockingham/Harrisonburg ASAP, said the policy board has five members from the City and five members from the County. She said that ASAP receives referrals from the court system and DMV for alcohol and drug offenders. Probation services are provided to the offenders. An assessment is determined to make sure offenders receive proper treatment. She reviewed the Rockingham/Harrisonburg ASAP report and highlighted a few of 2004 accomplishments. Rockingham/Harrisonburg ASAP is user funded and is operated without the use of tax dollars. She said Rockingham/Harrisonburg ASAP distributed five alcolensors to local law enforcement agencies.

Mayor Rogers presented the following resolution for Council's consideration of approval:

**RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY  
BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY**

**WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the "Authority") has decided to purchase certain real property improved by a single family dwelling located at 199 East Johnson Street in the City of Harrisonburg (hereinafter "the Property"); and,**

**WHEREAS, the Authority intends to rent the Property pursuant to its mission of providing safe and sanitary dwellings to persons of low income, as set forth in the Housing Authorities Law, Chapter 1, Title 36 of the Virginia Code; and,**

**WHEREAS, Code of Virginia Section 36-19.2 requires that the Authority obtain the approval of the City of Harrisonburg (the "City") prior to purchasing the Property as it is the current intention of the Authority to use such Property for housing purposes.**

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that:**

**1. The City approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.**

**2. The City authorizes and approves the purchase of the Property by the Authority and the Authority's utilization of such Property as a housing project or for such other uses as the Authority shall deem appropriate and which is permitted by law.**

**3. This authorization and approval applies only to the Authority's obligation to obtain City approval pursuant to Code of Virginia Section 36-19.2 and does not constitute a waiver of any City ordinance with respect to the Property, including but not limited to compliance with City zoning and building codes.**

**This resolution shall take effect immediately upon its adoption.**

**READ AND ADOPTED: January 25, 2005**

**CERTIFICATE**

**Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY" taken at a regular meeting of the City Council held on January 25, 2005:**

	AYE	NAY	ABSTAIN	ABSENT
Larry M. Rogers, Mayor	X			
Rodney L. Eagle, Vice Mayor	X			
Charles R. Chenault	X			
Hugh J. Lantz				X
George W. Pace	X			

**Dated: January 25, 2005**

**(SEAL)**

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**Mayor, City of Harrisonburg, Virginia**

**ATTEST:**

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**Clerk, City Council of the City of  
Harrisonburg, Virginia**

Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority, said the authority intends to purchase property at 199 Johnson Street. The property will be used for short-term housing. Council Member Pace offered a motion to approve this resolution. 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 Pace  
Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation to adjust the budget for fiscal year 2004-2005. He said that the Harrisonburg Redevelopment and Housing Authority has closed on the financing for the purchase of One Court Square. The authority anticipates that it will need assistance with the payment of the debt service on this building for 18 to 24 months. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$126,812.00 chge. to: 1000-31010 Amount from fund balance

\$126,812.00 approp. to: 1000-810521-45747 HRHA – For 1 Court Square

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 Pace  
Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

City School Business and Finance Director Jim Triplett presented a request for a supplemental appropriation for the School Board. He said that these funds represent unanticipated receipts from the Federal government that were not known during the budget process. These funds will be used in special education and the ESL program. No additional local dollars are required from the City. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$52,975.00 chge. to: 1111-33301 School Revenue – Federal

\$52,975.00 approp. to: 1111-111114-40610 Instruction

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 Pace  
Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from a grant and will be used to purchase software to aid in computer crime inventory. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$3,328.93 chge. to: 1000-31914 Recovered costs

\$3,328.93 approp. to: 1000-310331-48273 Software

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 Pace  
Council Member Chenault

Mayor Rogers

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation for the Public Works Department. He said that these are reimbursement funds from JMU for participation in curb, gutter, and sidewalk construction and for the removal/replacement of a concrete entrance on Harrison Street. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$46,514.00 chge. to: 1000-31914 Recovered costs

\$46,514.00 approp. to: 1000-410241-48106 Sidewalks

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 Pace  
Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from a Department of Justice for Homeland Security grant and will be used for specific equipment identified in the grant. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$94,012 chge. to: 1000-33534 Domestic Preparedness Equipment Program

\$94,012 approp. to: 1000-350532-48213 DOJ/DEM Competitive Grant (203)

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 Pace  
Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation for the Public Works Department. He said that these funds were used to purchase the Cable property located

on Erickson Avenue for the Erickson Avenue extension project. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$50,000.00 chge. to: 1310-31809 Donations

\$50,000.00 approp. to: 1310-910141-48637 Erickson Avenue Extension

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 Pace  
Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

David Briggman, a Rockingham County resident, said the amount for each supplemental appropriation presented should be stated.

Council Member Pace said that Planning Commissioners asked for public input regarding the Bicycle Plan created in 2000 at the last Planning Commission meeting. A lot of thoughtful and constructive input from citizens on how to improve the plan was presented. Planning Commissioners directed City planning staff to revise and update the Bicycle Plan with input from the citizens and provide the Planning Commission with specific priorities on what should be done first.

Council Member Chenault introduced Officer Danny Cox from the Harrisonburg Police Department and Trooper Gary Pence from the Virginia State Police. Danny Cox, Past President of the local Fraternal Order of Police and a 22-year veteran of the Harrisonburg Police Department, suggested naming a proposed east-west connector road from Erickson Avenue to Stone Spring Road “Manuel Trenary Avenue”. Following further discussion and comments, Council Member Chenault offered a motion to name the new road from Route 42 at its terminus to the eastern terminus at the City limits “Manuel Trenary Parkway”. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

City Manager Baker announced that the Virginia quilt Museum will be celebrating its 10<sup>th</sup> anniversary Saturday, February 5th with a contemporary quilt exhibit from the Grand Duchy of Luxembourg. The Ambassador of Luxembourg will also be in attendance at the exhibit.

At 8:30 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 and Industrial Development 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 - Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

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.

Vice-Mayor Eagle offered a motion to adopt the following resolution. 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 Pace  
Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

## RESOLUTION

**WHEREAS, it has become necessary for the City of Harrisonburg, Virginia, acting through the Harrisonburg Electric Commission, to acquire an easement over property owned by HSZ, LC located on Country Club Road in the City of Harrisonburg; and**

**WHEREAS, the public use of the property is as an electric transmission line serving the public and consumers within the area and the property consisting of a 15 foot easement is necessary for the construction of such transmission line; and**

**WHEREAS, the City of Harrisonburg has had the property appraised and the highest appraisal fixes the value of such easement as \$15,486 established by Barry L. Pugh, Appraiser; and**

**WHEREAS, the City of Harrisonburg acting through the Harrisonburg Electric Commission believes the amount of the highest appraisal to be a just compensation and**

hereby offers such sum of money to HSZ, LC in exchange for such easement. A copy of the Pugh appraisal is attached to this resolution; and

WHEREAS, the City caused a title search to be made of the property and a copy of the report and title notes is also attached to this resolution; and

WHEREAS, a description of the easement and plats thereof are likewise attached; and

WHEREAS, the City of Harrisonburg hereby approves the proposed public use and directs the acquisition of this easement as being necessary for public use by condemnation or other means.

NOW, THEREFORE, the City of Harrisonburg hereby gives notice to HSZ, LC that unless settlement is agreed to at the appraised valuation of \$15,486 that it will proceed with a certificate of take to acquire the easement over such property, the certificate to be filed on or after Wednesday, February 2, 2005.

The foregoing is a true copy of a resolution adopted January 25, 2005 by the Council of the City of Harrisonburg, Virginia.

Dated: January 25, 2005.

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Clerk, City of Harrisonburg, Virginia

At 10:00 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