

REGULAR MEETING

FEBRUARY 22, 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 Pace gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Mayor Rogers read and presented the following resolution to members of the Denton Family.

**A RESOLUTION HONORING
E. WARREN DENTON, JR.**

WHEREAS, The Harrisonburg City Council takes public notice of the death of E. Warren Denton, Jr., on November 25, 2004. Mr. Denton served on this Council for eight years from September 1, 1970 to August 31, 1978 as an esteemed member and as Vice-Mayor; and

WHEREAS, in those years of service, Mr. Denton was a thoughtful, dedicated, and loyal member of this body at a time when this City was experiencing great change that Mr. Denton encouraged and worked for with tireless encouragement and hard work; and

WHEREAS, through his diligence and his positive demeanor, he served as a model for his fellow Council members then as well as to the current members of this body to whom he is well remembered and regarded; and

WHEREAS, this Council wishes to honor E. Warren Denton, Jr., and express its sympathies to his family,

NOW, THEREFORE, the Council of the City of Harrisonburg, having lost one of its own, resolves that:

- 1. The Council expresses its sadness over his death and acknowledges his great body work—on and off the Council—and the ever civil and civic manner in which he conducted it, and**
- 2. The Council expresses its deepest sympathies to his family.**

Resolved this 14th day of December, 2004.

Larry M. Rogers, Mayor

ATTEST:

Yvonne Ryan, CMC, Clerk

Hobey Bauhan, a resident of Harrisonburg, presented a letter and requested a show of hands from the audience supporting opposition to a proposed development at the corner of Port Republic Road and Neff Avenue. He said the residents of the Forest Hills neighborhood would like for all of the land proposed for this development to remain R-1, and an alternative site to be identified for the proposed project. However, if any commercial development occurs at the corner of Port Republic Road and Neff Avenue the group asks that no aspect of it be sited within close proximity of Forest Hills. Consideration should be given to the views of the existing, long-term residents and we hope you will ensure that this or any other project not adversely effect our neighborhood and property values.

Bucky Berry, a resident of Harrisonburg, requested more funding for special needs children in the school system.

Ralph Geddes, a resident of Harrisonburg, complained about telephone taxes.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and amending Sections 10-3-113(6) and 10-3-114(a) of the City's Zoning Ordinance. The motion also included referring an alley closing request to the Planning Commission. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request to rezone 15 parcels from B-2, General Business District to B-1, Central Business District. She said the parcel is located between South Main Street, Liberty Street, Bruce Street and Warren Street. The Comprehensive Plan designates this area as public/semi-public and mixed use development. The designation includes both existing and proposed public and semi-public use, lands owned or utilized by the state government, federal government and other governmental organizations. She reviewed the surrounding uses in the area. The B-1, Central Business District classification is reserved for contiguously adjoining properties in the heart of the City's downtown. Conversion to the B-1 district brings with it several benefits to all of the affected properties. She reviewed the uses in the B-1 classification. Greater flexibility in setbacks and parking could facilitate creative uses of these properties, while at the same time bringing all of the structures within this area into zoning conformance. She said that staff recommended the rezoning.

At 7:50 p.m., Mayor Rogers closed the regular session temporarily and called the evening's joint public hearing to order. Planning Commissioner Chairman Weins also called the evening's joint public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 7, and February 14, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council and Planning Commission will hold a joint public hearing on Tuesday, February 22, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Rezoning – B-2 to B-1 for areas around City Municipal Complex

Public hearing to consider a request from the City of Harrisonburg to rezone 15 parcels, totaling 8.20 acres, from B-2, General Business District to B-1, Central Business District. The boundaries of this area are Bruce Street on the north, Warren Street to the south, South Main Street to the east and Liberty Street to the west, with one additional lot located at 224 South Main Street also included in this request. The properties can be found on tax maps 25-J-8-14,21-27 and 25-H-1.

The Comprehensive Plan designates this area as a combination of Mixed Use Development and Public / Semi-Public. The Mixed Use Development designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. The Public / Semi-Public designation includes both existing and proposed public and semi-public use. They include lands owned or leased by the Commonwealth of Virginia (except for institutions of higher learning), the federal government, the City of Harrisonburg, and other governmental organizations.

The Zoning Ordinance states that the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District. The B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central Business District.

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 Planner at 432-7700 at least five days prior to the date of the meeting.

Mayor Rogers and Chairman Weins called on anyone desiring to speak for or against the request.

Council Member Pace asked about fire protection because the buildings are separate from each other in the designated area. “If the City places another building on the site what will happen regarding fire regulations?”

Planning and Community Development Director Turner said that building can still be set-back from the property line, but if they are any closer than 10 feet from each other than an additional fire separation or fire rating of the building would become part of the new requirement. It would not affect the existing building.

There being no others desiring to be heard, the joint public hearing was declared closed at 7:52 p.m., and the regular joint session reconvened. Vice-Mayor Eagle offered a motion to approve this request as presented. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Chairman Weins closed the Planning Commission joint public hearing. Mr. Snell then made a motion for approval. Mr. Burden seconded the motion. Chairman Weins asked Senior Planner Markel to conduct a recorded roll call vote.

Vote: Yes – Commissioner Snell
Commissioner Jones
Commissioner Burden
Commissioner Jackie Thomas-Suggs
Commissioner Pace
Chairman Wiens

Absent – Commissioner Baugh

Transportation Director Smith explained that this is the annual application for operating funds for the state formula assistance and capital assistance funds. The City applies directly to the Federal Government for funding under the Federal Transit Administration Section 5307. Mr. Smith said the proposed budget is approximately \$2.3 million of which the City should receive approximately \$370,000 in Federal operating assistance and \$560,000 in formula funds from the state. He also said that some of the funds will be used to purchase two para-transit vehicles and two expansion vehicles for the proposed County route, upgrade the equipment maintenance system, and a digital stop announcement system.

At 8:01 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 Saturday, February 12, and Saturday, February 19, 2005.

NOTICE OF PUBLIC HEARING

The City of Harrisonburg is currently preparing the annual grant application for Operating and Capital Funds for FY 05-06. This application is for Federal and State funds under the Federal Transit Administration 49USC Section 5307.

A public hearing for this application will be held on Tuesday, February 22, 2005, at the City Council meeting. This meeting will be held in Council Chambers in the Municipal Building at 7:30 p.m. All interested citizens are encouraged to attend.

Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Vickie Conley before February 21, 2005 at 540-432-0492; or mail comments to Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, VA 22802.

Mayor Rogers called on anyone desiring to speak for or against this grant application. There being no one desiring to be heard, the public hearing was declared closed at 8:02 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Pace offered a motion to approve the application as presented. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Dr. James Perkins, President of Blue Ridge Community College, presented an overview of the progress Blue Ridge Community College is making in serving the needs of the City of Harrisonburg. Board members, Kathy Whitten and Jane Prey, were also present. Since 2000, the growth at the Harrisonburg Center of BRCC has increased 60%. In 2003-2004, Harrisonburg residents accounted for 26% of the students graduating from BRCC. Highlights of the college include record enrollment in credit and in non-credit classes. Enrollment growth has increased at BRCC by 7% from last year. The Carl D. Perkins Act, which is a Federal Act funding programs for technical education at BRCC, ranked first on measures of academic skills and technical skills among all 23 community colleges in Virginia. The Fall-to-Fall Retention ranked fourth in the system among all 23 community colleges and the graduation rate was third in the system. BRCC ranked first in sending students enrolled in transfer degree programs on to further their education after graduation. Dr. Perkins reviewed the college site master plan. He thanked Council for the

City's financial support to the college, which has been an excellent investment in the future of Harrisonburg.

The next item of business was a presentation by Allison Dugan, Executive Director of Harrisonburg-Rockingham Convention & Visitors Bureau. She said that CVB mission is to promote tourism and increase the economic benefit to the City and County. CVB is beginning to host many regional events. The Great American car race is a huge national event and Harrisonburg has been chosen to be one of the 14 host cities in the nation. The CVB is involved in many local, regional, national and statewide programs. The web site is a huge asset to the community and provides a calendar of events on the web site. The web site presence has more than quintupled in the last year. CVB is involved in area project coordination including the Shenandoah Valley Battlefields, Jamestown 2007, Hardesty-Higgins House, and Harrisonburg's Court Days. The CVB marketing programs are benefiting many members in area businesses. She said CVB spends at least one-third of its budget on marketing. This is more than most of its counterparts in the Valley. She reviewed figures on investment costs, investment returns, and taxable taxes in FY 2004.

Council Member Pace requested receiving information regarding how much money CVB will need to successfully achieve upgrading the web site. "Will printed material contain the web site information?"

Ms. Dugan said all of the printed material contained the web site address.

Council Member Pace commented that CVB has had outstanding success in promoting regional events, but attracting travel writers could greatly influence travel decisions. It would be helpful to Council if they had an appropriate number to include in the budget regarding attracting travel writers.

The next item of business was a presentation by James Madison University Student Body President Thomas Culligan. He said that JM-U-bilee "Madison Festival 2005" is an event that will bring the JMU campus and Harrisonburg community together in a day of fun! Campus and community organizations will have the chance to create partnerships in a relaxed, family friendly environment. The slogan is one campus, one community, and all together one. The event will be held on Godwin Field on Saturday, March 19, 2005 in honor of "Madison Week" to celebrate the founding of the school and James Madison birthday. The community is invited to join JMU students for a day of family friendly fun in a festival atmosphere. The goals of this event is to foster relationships between JMU students and community members as well as establish more working relationships between JMU student organizations and community service organizations to build up partnerships.

Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, announced that the Valley Conservation Council presented an award for a downtown project nominated by HDR. The award for the outstanding public/private development project went to the complex housing Court Square Theatre, Calhouns, Workers Compensation Office, Ragtime Fabrics, and Moseley Architects. On Friday, March 25th planners from Winchester to Roanoke will be holding a meeting to learn more about what it would mean to have Route 11 designated as a byway. On

March 30th, HDR will receive an award from Virginia Main Street for 5,000 hours of volunteer hours for the last six months of the year. On April 9th, the Blacks Run/Downtown Clean-up Day will be held, which has been a regular occurrence for a number of years. He said that three of the six Virginia Main Street signs have been installed by the Public Works Department. The Court Days Festival will be held on June 11, 2005. Many events have been planned for the day and it will be the most significant event that HDR has been involved in planning. The event will have re-enactments, craft demonstrators, vendors, music and an evening grand ball. Mr. Bumbaugh pointed out that the male model in the photo announcing the Court Days Festival has a remarkable resemblance to the City Manager. He thanked City Council for its support.

The next item of business was a report by Spotswood High School DECA students (Jessica Chandler, Kelsey Pack, and Rebecca Scott) and their sponsor Julie Cassada. The study conducted for Harrisonburg Downtown Renaissance focused on marketing and interviewing people from sites other than the downtown area.

Jessica Chandler said the students met with Mr. Bumbaugh in order to gain background information about the Harrisonburg Downtown Renaissance program and downtown issues. The students created a one-page survey to gather information that would be beneficial to HDR. The survey was designed to gather data regarding ages, gender, occupation, current residential location, wants and needs for downtown Harrisonburg, and concerns about improvements in the downtown.

Kelsey Pack said the survey found that citizens over the age of 55 frequent downtown the most, while other age groups didn't visit downtown area as much. All age groups agreed that the two weakest aspects of the downtown area were parking and shopping. Although they agreed on what facets of downtown Harrisonburg needed improvement, their opinions of the more positive aspects of the downtown vary. Younger age groups felt that both the public transportation and restaurants were the best downtown characteristics. Older groups felt positively about the cleanliness and improvements already taking place downtown. Downtown users stated that restaurants were an overwhelming favorite with over 80% of survey participants stating the number one reason they visited downtown was to go to a restaurant. The Massanutten Regional Library also seemed to be a popular attraction for all ages. Participants over age 66 visited downtown churches often while younger citizens visited retail stores. Citizens age 16-29 agreed they would like to see the addition of parks and walking paths as well as more fountains and benches and an increase in plants, flowers, and trees. Citizens ranging 30-39 years of age generally felt that the addition of more plants, flowers and trees would benefit Harrisonburg. Residents age 40 and older expressed that parks, walking paths and more greenery were needed. They also suggested that upscale restaurants, fountains, and benches would benefit the downtown area. After reviewing the surveys of all of the age groups, it has become evident that Harrisonburg residents are concerned about the appearance of the downtown area. Citizens would like to see the history of downtown Harrisonburg preserved while the area is given a "face-lift." It also became apparent that citizens of Harrisonburg would like to see the downtown area have more entertainment and nightlife and the addition of a movie theatre. Harrisonburg residents would also like downtown to be improved through the addition of retail stores, and restaurants such as *Olive Garden*, which each age group specifically stated numerous times. Harrisonburg citizens would not only like to see the downtown area become safer through better

lighting, but would also appreciate free parking. Overall, each age group saw the potential the downtown area has and was excited to see upcoming changes.

Rebecca Scott said that after analyzing survey results, observations and comments from our research, students developed the following recommendations for downtown Harrisonburg. Students suggest that businesses downtown increase advertising and results show each age group would like to see a movie theatre downtown or the existing theatre showing current movies. Other recommendations include more efforts to attract certain types of businesses to downtown, such as a chain restaurant (numerous requests for an *Olive Garden*), and retail stores. Other recommendations included downtown businesses staying open later, more upscale specialty stores, and for the history of the downtown area to be preserved while the downtown area experience a “face-lift” through the addition of benches, flowers and the restoration of the outdated buildings. Overall citizens appreciate the history of the area but these small touches would go a long way in improving the appearance of downtown Harrisonburg. She said that the addition of more lighting, as well as better quality lighting in the downtown area and parking decks would cause Harrisonburg citizens to feel safer when visiting downtown.

Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, said that the Spotswood High School DECA students chose this project because of their interest in the downtown area. The students will also be entering this project into a national competition. He said it is very clear from the results of two studies that the public is placing a high priority on downtown revitalization and on streetscape improvements.

The next item was recommendations for 2005-2006 CDBG funding cycle. Assistant City Manager Hodgen presented preliminary recommendations for the funding cycle. He said that \$1,401,970 in requests were submitted for the \$613,398 that is expected to be available for the City. It is a challenge in making the recommendations. A total of 27 “outside” agencies were included in the request. He pointed out that this is only the second year into the second year of the program; however, the City has already received the first reduction in funds. There were cut backs this year in the program at the Federal level. There are limits on several of the funding categories specifically administration and public service. HUD emphasizes urban renewal and housing urban development. A draft of City staff’s funding recommendations were included in Council packets along with cover sheets and project descriptions for the non-City projects, instructions for evaluating the projects and a copy of the scoring worksheet used to rank projects. He said a request for final approval of the funding recommendations will be given at the March 8th Council meeting.

The following discussion by Council Members included: What services does RMH – Hand in Hand provide? Does RMH provide any funding for the “Hand in Hand” program? Are applications scored under an established criteria?

Assistant City Manager Hodgen said “Hand in Hand” is a program to help single Mothers make the adjustment to Motherhood during the first year. With very few exceptions all of the applicants are contributing their own money as matches or have other sources of funding. Very few were seeking 100% funding from HUD.

Kim Alexander, Block Grant Coordinator, said that one of HUD requirements for public service programs is that it is either a new program or a quantifiable increase to an existing program. She said the final vote for City Council will be on April 26th.

Council Member Pace said, "I recommend that the \$90,000 funding for One Court Square under Economic Development be eliminated. Council has approved \$2 million to purchase the building and renovate it. I suggested reallocating the money to fully fund a playground for children with and without disabilities and also to finish Liberty Park."

The next item of business was a brief report by Drew Williams, Transportation Planner, on a Master Pedestrian Facilities Plan. He said the City has outlined preliminary objectives and a tentative schedule for developing a citywide Master Pedestrian Facilities Plan. The plan hopes to determine new locations and routes where pedestrian facilities are needed in the community, create linkage between sidewalk existing facilities, and look at users groups regarding destinations.

The next item was a brief overview of the City's stormwater discharge system. This program has existed for two years. The Department of Environment Quality requires the permit for localities defined as urbanized areas by the census bureau. The six minimum control measures were reviewed. The City was involved in several educational activities throughout the local school system, including cooperative efforts between federal and local groups. The City continues to promote a household hazardous waste clean up event. The City's erosion and sediment control program is currently sufficient to provide for the desired results of the program. The Department of Public Works is constantly searching out the most current information and developing employee training related to stormwater protection and pollution prevention.

Council Member Pace offered a motion to adopt the report as presented. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council Members.

The next item of business was amending and re-enacting Section 16-6-41 of the Harrisonburg City Code. City Manager Baker said that the Deer Task Force is recommending that the City participate in the State Urban Archery Season and allow bowhunting in selected areas of the City. Following further discussion and comments, Council Member Chenault offered a motion to approve amending this ordinance. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Economic Development Director Brian Shull presented a request for a supplemental appropriation for the Hardesty-Higgins House. Mr. Shull said that the construction phase of the project is both on time and within budget. The goal is to have the facility ready for Harrisonburg-Rockingham County CVB and Harrisonburg Downtown Renaissance to move into the facility prior to July 1. The facility will house the Valley-Turnpike Museum, Convention and Visitors Center, a gift shop, Mrs. Hardesty's Tea Room (a private venture), a special events room highlighting the history of the house, and administrative offices for the Harrisonburg Downtown Renaissance, Harrisonburg-Rockingham County CVB and a meeting room. The City has been awarded two TEA-21 grants for this project totaling \$595,000. A total of \$92,000 is requested to enable these items to be completed. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$175,000.00 chge. to: 1310-33527 ISTE A Grant
248,800.00 chge. to: 1310-34210 Transfer from General Fund

\$423,800.00 approp. to: 1310-910141-48692 Hardesty Higgins House

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

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

Absent – None

Council Member Pace requested placing a discussion regarding moving the May elections to November on a future agenda.

Council Member Chenault encouraged everyone to obtain a copy of The Newstreak (Harrisonburg High School newsletter). It is an outstanding publication.

At 9:45 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, 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 2.2-3711(A)(5) of the Code of Virginia. Consultation with legal counsel regarding a proposed contract requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) 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 Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 11:15 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 Patti McInerney, 66 South Court Square, be recommended to the Circuit Court for a first term on the Board of Zoning Appeals to expire on March 20, 2010. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Wendie Hassler, 700 West Gay Street, be appointed to a first term on the Blue Ridge Disability Services Board to expire on February 1, 2008. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Wendie Hassler, 700 West Gay Street, be appointed to a first term on the Social Services Advisory Board to expire on July 1, 2008. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Rodney Eagle, 1188 Port Republic Road, be appointed to the Weed & Seed Steering Committee for 2005-2006. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council.

At 11:20 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

