

REGULAR MEETING

MAY 24, 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; Acting City Clerk Jenny Brockwell, and Police Captain Malcolm Wilfong. Absent: City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Mayor Rogers asked for a moment of silence in prayer for Lance Cpl. Jourdan Grez, a young Marine from Harrisonburg, who was killed in Iraq.

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

Mayor Rogers announced that, Item #5c on the consent agenda, considering a request to close a portion of the City alley between 3rd and 4th Street was being removed and would be considered at the next Council meeting.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and second reading of an appropriation of funds to capital projects and amending Section 11-7-11 (e) of the Harrisonburg City Code. 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 Pace
Council Member Lantz
Council Member Chenault
Mayor Rogers

Absent – None

City Manager Baker presented a request for supplemental Appropriations for the golf course, purchase of real estate, VPSA bonds earned interest, public safety building, and Fire and Police Departments. He said these funds will be used for expenses and purchasing approximately 33.918 acres of land located at the intersection of Port Republic Road and Neff Avenue.

At 7:35 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, May 16, 2005.

NOTICE OF PUBLIC HEARING
City Council Chambers

Tuesday, May 24, 2005
7:30 p.m.

A Public Hearing will be held by the Harrisonburg City Council on Tuesday, May 24, 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 gross amount of \$5,080,117.38. The funds to fund these budget adjustments will come from various fund balances and various revenues.

The budget changes will be as noted below:

Revenue, etc:

General Fund:

Amount from fund balance	4,806,506.00
Donations	10,039.90
Office of Emergency Services	11,597.52
Recovered costs	16,500.75
Sale of used equipment	<u>7,500.00</u>
Total General Fund	<u>4,852,144.17</u>

School Capital Projects Fund:

Amount from fund balance	44,174.08
Investment earnings	<u>103,799.13</u>
Total School Capital Projects Fund	147,973.21

Golf Course Fund:

Amount from fund balance	28,000.00
Transferred from the General Fund	475,000.00
Reduction of revenue estimates	<u>(423,000.00)</u>
Total Golf Course Fund	<u>80,000.00</u>

Grand Total **5,080,117.38**

Expenditures:

General Fund:

Police supplies	1,200.00
Public Safety Building expenses	56,506.00
Fire Suppression	44,438.17
Land	4,275,000.00
Transfer to Golf Course Fund	475,000.00
Total General Fund	<u>4,852,144.17</u>

School Capital Projects Fund:

New High School Construction	<u>147,973.21</u>
Total School Capital Projects Fund	<u>147,973.21</u>

Golf Course Fund:

Improvements	<u>80,000.00</u>
Total Golf Course Fund	<u>80,000.00</u>

Grand Total

5,080,117.38

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 these supplemental appropriations. There being no one desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this appropriation for a first reading, and that:

\$56,506 chge. to: 1000-31010 Amount from fund balance

\$14,000 approp. to: 1000-320632-41010 Salaries

1,071 approp. to: 1000-320632-42010 FICA

1,435 approp. to: 1000-320632-42020 VRS

24,000 approp. to: 1000-320632-45110 Electricity

16,000 approp. to: 1000-320632-45119 Natural Gas

\$103,799.13 chge. to: 1113-31513 Investment Earnings

44,174.08 chge. to: 1113-31010 Fund Balance

\$147,973.21 approp. to: 1113-910114048693 New H S Construction & Other Cap. Proj.

\$12,000 chge. to: 2016-31010 Amount from fund balance (unreserved)

16,000 chge. to: 2016-31010 Amount from fund balance (First Tee)

475,000 chge. to: 2016-34210 Transfer from General Fund

(122,000.00) chge. to: 2016-31711 18 Hole Weekday Rounds

(102,000.00) chge. to: 2016-31713 18 Hole Weekend/Holiday Rounds

(6,000.00) chge. to: 2016-31714 9 Hole Weekend/Holiday Rounds

(10,000.00) chge. to: 2016-31716 Twilight Rounds

(16,000.00) chge. to: 2016-31718 First Tee Rounds

(68,000.00) chge. to: 2016-31719 Membership/Annual Rounds

(10,000.00) chge. to: 2016-31722 Driving Range Fee

(45,000.00) chge. to: 2016-31723 18 Hole Cart Fee

(44,000.00) chge. to: 2016-31818 Donations-The First Tee

\$80,000 approp. to: 2016-720771-48284 Improvements

\$475,000 chge. to: 1000-31010 Amount from Fund Balance

\$475,000 approp. to: 1000-990111-49285 Transfer to Golf Course Fund

\$4,275,000 chge. to: 1000-31010 Amount from Fund Balance

\$4,275,000 approp. to: 1000-430221-48282 Land

\$1,200 chge. to: 1000-31809 Donations

\$1,200 approp. to: 1000-310231-46100 Police Supplies

\$11,597.52 chge. to: 1000-33502 Office of Emergency Services

8,839.90 chge. to: 1000-31809 Donations

16,500.75 chge. to: 1000-31914 Recovered Costs

7,500.00 chge. to: 1000-31907 Sale of used equipment

\$44,438.17 approp. to: 1000-320232-41010 Salaries

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 Pace
Council Member Lantz
Council Member Chenault
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request by Alan E. Strawderman & Be Tran to rezone three parcels at 301 Port Republic Road. This request is to rezone three parcels from R-1, Single Family Residential District to B-2C, General Business District Conditional. The Comprehensive Plan designates this area as Low-Density Residential. She reviewed the surrounding uses in the area. The three parcels have been the subject of five previous rezoning attempts between 1969 and 1997. The previous rezoning attempt in 1997 wanted to convert the property from R-1 zoning to B-2C to allow for a gas station, convenience store and car wash. Staff recommended not to approve the request because of the intense nature of the uses. This, like all previous attempts, was not approved by City Council. The case was appealed to the Circuit Court of Rockingham County, which upheld the City's decision. City staff has held several meetings with the developers and their representative to highlight and discuss the major issues related to the development of this site. In response to staff concerns the developers have submitted proffers to provide additional restrictions to ensure a controlled development on this site. They are proposing to use the property for a 10,000 square foot commercial retail center. To avoid unnecessary congestion, the developers have proffered only one entrance onto the site, which will be located off Hillside Avenue. With no direct connection to Port Republic Road, all patrons of this proposed complex would need to enter the property from Hillside Avenue by way of the signalized intersection on Port Republic Road. To further avoid traffic congestions, the developer would widen Hillside Avenue to allow for a dedicated

right turn lane for traffic entering Port Republic Road along with a combined straight and left turn lane. A five-foot wide sidewalk on the east side of Hillside Avenue will be constructed the entire length of the west property line. This sidewalk will primarily serve the student population that currently walks down Hillside Avenue to get from the satellite parking lot for James Madison University to the Port Republic Road crosswalk. The proffers limit the uses on the property to mercantile establishments, personal service, restaurants and other stores customary to shopping centers. The applicant has retained the right to use the property for government, business and professional offices and financial institutions and pet shops. However, no sale of vehicle fuel will be provided. The proffers also only permit the sale of alcohol between the hours of 8:00 a.m. and 11:00 p.m. and prohibit drive-through convenience food uses. The developers have stated the design of the building will be similar to the photo they submitted with their rezoning request. It is estimated that 53 parking spaces will be provided to meet the City's requirement of one parking space for every 250 square feet of gross flood area. All lighting on the property will be directed downward towards the property to minimize light escape onto neighboring parcels or to distract drivers along Port Republic Road. Staff feels that this request is an appropriate use for this site because the R-1 use will probably not occur on the site. However, she said at the Planning Commission meeting a lot of speakers who live in the surrounding single family neighborhood had concerns about the compatibility of the use with their neighborhood and additional traffic congestion. She said that Planning Commission recommended not to approve the rezoning request by a vote of four to one.

At 7:55 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, May 9, and Monday, May 16, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, May 24, 2005 at 7:30 p.m., in the Municipal Building, City Council, 345 South Main Street, to consider the following:

Rezoning – 301 Port Republic Road

Public hearing to consider a request from Alan E. Strawderman & Be Tran, with representative Dick Blackwell, to rezone three parcels, totaling 1.05 acres from R-1, Single Family Residential District to B-2C, General Business District Conditional. The properties are located at 301 Port Republic Road and can be found on tax map 11-R-1,2,12.

The Comprehensive Plan designates this area as a mixture of Low-Density Residential and Public / Semi-Public. The Low-Density Residential designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low-density sections are found mainly in well-established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership. 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. Examples of uses included in this category are public schools, libraries, City Hall and City administrative and support facilities.

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. 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.

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 rezoning request.

Dr. Bruce Clemens, a resident of the City, said that this intersection is very busy and has frequent accidents. The majority of JMU's freshmen dormitories are located close to this intersection. He then said this development would create easy access for the freshmen to purchase alcohol because they could walk across the street to this retail center. He also said that Black's Run flows near the property and this development would add to the runoff to Black's Run.

Todd Rhea, an attorney with the law firm of Clark and Bradshaw, said the applicants Mr. Strawderman and Mr. Tran are seeking to rezone the property to a retail commercial establishment. The purpose is to serve the James Madison community and surrounding neighborhoods. He reviewed the amended proffers and noted that this center will not be designed to attract I-81 traffic. Development of this parcel will not have an impact on the Purcell Park surrounding neighborhood. He said with no direct connection to Port Republic Road, all patrons of this proposed complex would need to enter the property from Hillside Avenue by way of the signalized intersection on Port Republic Road. Property owners have a right to use land on a reasonable basis. The Circuit Court of Rockingham County has spoken to the issue and they have ruled that this parcel is not appropriately zoned. He said the proffers would minimize the impact to the surrounding properties.

Henry Clark, an attorney with the law firm of Clark and Bradshaw, said concerns expressed at the Planning Commission meeting included traffic, quality of neighborhood life, and future of I-81. He said since the first rezoning request JMU's main entrance has been moved from Main Street to Port Republic Road, WVPT have been enlarged, JMU has added an Eastern campus, there more housing developments along Port Republic Road, and JMU created a 500-car lot, which has affected traffic and safety. They built the parking lot without upgrading the street or

providing an area for students to walk from the parking lot to the main campus. JMU has done nothing about the safety issue. He said, "Change is here and change is coming. This proposal is insignificant as to the past and future changes of traffic patterns in this particular area." The City is proposing to improve safety at this intersection and improve the traffic flow. This project has tremendous buffering between it and other residential areas. At this point, VDOT is unsure of its plans and are unaware of which side of I-81 will need improvements. The opposition from JMU is hard to justify. JMU is not bound by zoning laws and may use its facilities for whatever use they desire. Traffic is not a problem and the quality of life is not affected.

Lee Shifflett, Chief of Police for James Madison University, said he has witnessed tremendous growth in and around the JMU campus. The increase in pedestrian traffic caused by the addition of a mini mall alone will create traffic movement and safety issues. He said, "My fear is that if this property is rezoned it will start a domino effect for the properties to the West. How will Council turn down the next rezoning request? Where will it stop?" Having alcohol available until 11:00 p.m. will only draw more pedestrians into a busy intersection, which already has issues with line of sight and prevailing speeds. He encouraged Council to uphold the Planning Commission's decision.

Margaret Wightman, a resident of the City, said she was concerned about vehicle traffic in the neighborhood. She said even though the City has posted signs saying "No Through Traffic" it doesn't stop some people. She requested that Council vote against this rezoning.

Dietrich Maune, a resident of the City, said that he was against the rezoning. It is important to understand with 50 additional parking spaces that does limit the amount of automobiles traffic coming in, but the primary audience will be 3,800 students who currently live on the campus who do not have access to automobiles. This project will give the students an opportunity for eating, dining and alcohol. A 30 second cross walk cycle every time the light changes will affect the traffic flow East to West as well as the traffic going on and coming off of I-81.

Bill Wightman, a resident of the City, said he was opposed to the rezoning stating that it would be poor City planning and that it would greatly effect the quality of life and aesthetic appreciation of their local landscape. Members of City Council should recognize the request to rezone this parcel for commercial development as a step in the wrong direction. Not only for the Purcell Park area and the families that live there, but also the City of Harrisonburg as a whole. Ensuring that these important locations in our City remain as fluid and safe as possible is likely one of the most important issue that Council members face in a climate of continued growth and expansion. He requested that Council vote against this rezoning request.

Jane Wiggins, a resident of the City, said residents of the Purcell Park neighborhood keep their lawns and flower beds in good shape and houses in good repair. Sidewalks are shoveled in the winter and everyone looks out for each other. After the students return in the fall, large groups travel through the neighborhood leaving trash along the street. They are noisy, often drunk, park their cars in our neighborhood, slamming their doors and make a lot of noise late at night. She is concerned about the impact that would be created by one more place that attracts students through their neighborhood. She asked that City Council consider commercial free zones.

Henry Clark reminded everyone that most freshmen aren't old enough to buy beer.

Lucy Weston, a resident of the City, said her neighborhood is similar to the Purcell Park area. They have to deal with JMU traffic, City traffic and heavy student foot traffic. "What is best for the neighborhood? What is a good use for the land? What is good development?" These owners will not live in the neighborhood. This is a major intersection and what perception are we giving to people?

Jeff Landis, a resident of the City, said the proposed rezoning from R-1 to B-2C would be detrimental to the interests of the greater community and would create significant problems in the areas of traffic congestion, safety, neighborhood integrity, aesthetic appeal and long-term development. This rezoning request will have a contagion effect and set a precedent. He also was concerned about the possibility of the domino effect on adjacent properties being rezoned if this property is rezoned. He presented petitions containing 185 signatures opposing this request. Michael Deaton, a resident of the City, said he didn't fear change, but it is clear according to the diagram that other businesses will be brought into the residential area. We don't need a new business to serve the community, but instead need a safer intersection.

There being no others desiring to be heard, the public hearing was declared closed at 9:30 p.m., and the regular session reconvened.

Vice-Mayor Eagle said that he has lived off of Port Republic Road for many years and lives close to student housing. "I don't believe that property values will decline, but will go up over the entire City." The City has spent money to enhance pedestrian crossing signals at signalized intersections. These signals count down 30 seconds and the students continue to cross the street after the 30 seconds has expired. JMU has had several opportunities to purchase this lot. "I supported changing the lot's zoning years ago and I have heard nothing tonight that has changed my mind."

Council Member Pace asked Public Works Director Jim Baker to come to the podium to comment on comments made by JMU Police Chief Lee Shifflett in regards to the safety of the crossing.

Jim Baker, Director of Public Works, said that the proposed proffers on Hillside Avenue would improve the stacking ability to allow a right turn movement coupled with a separate straight through and left lane allowing the City to move a little more traffic out when the signal changes. The sight distance coming down the hill and around the curve will continue to be a problem. The development will not add to the problem. The improvements being made on Hillside Avenue by adding sidewalks and an additional lane to stack more traffic to move vehicles out into Port Republic Road when the light turns green should help. He said that he recommended approval of the project based on the proffers he reviewed for the street improvements.

Charles Chenault said he had a lot of appreciation for the developer, respect and appreciation for the residents of the neighborhood and their feelings about the project. However, before anything can be considered the greatest concern is a public safety issue. "Based on that consideration, I must oppose this request. This intersection is a portion of a series of the worst intersections in the City." However the traffic is channeled there will be more traffic and more pedestrians put into this mix at the intersection. This development will spill over onto the undeveloped land on the West side of Hillside Avenue. "I am concerned that approving this rezoning will set a precedent for requiring the approval of any requested rezoning on the West side of Hillside Avenue."

Council Member Lantz said he appreciated all of the people appearing before Council whether they were against or for the project. "What is the best use of the property? I don't think it can be

used for a single-family home.” This property is an island. The lot is isolated. James Madison University’s parking lot provides a protective buffer for the neighborhood. “I can’t see a domino effect jumping over to the Purcell Park neighborhood.” The developers have made a strong compromise by addressing the traffic issue and adding sidewalks.

Council Member Pace said that he voted against this rezoning at the Planning Commission meeting because if this land is improved and I-81 is condemned the taxpayer will be paying more dollars. Mr. Clark’s argument that we might all be gone before this happens is a weak argument. Another reason is the increase of pedestrian traffic some of which will enjoy alcoholic beverages in the future. This pedestrian traffic will not yield to the traffic signals. There is a real big issue relative to an exit to the two lots on the West side of Hillside Avenue especially once the improvements are made to the street if this request is approved because it will give entry to those lots from the improved Hillside Avenue.

Vice-Mayor Eagle offered a motion to approve rezoning the three parcels. 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 Lantz
Mayor Rogers

No - Council Member Pace
Council Member Chenault

Absent: None

The next item of business was a report by Ted Cole of Davenport and Company, the City’s financial advisor. Mr. Cole said his firm wanted to provide the City Staff and Council with an initial perspective on the affordability of the identified capital improvement projects. We wanted to measure the impact of funding these projects according to a number of key financial ratios and work toward establishing a Comprehensive Plan of finance for all identified capital improvement projects. He reviewed the current financial standing, which is supported by taxes. He said self-supporting debt and debt associated with the water system were removed. In fiscal year 2006, the City will have approximately \$10 million in debt outstanding to pay and approximately \$115 million in tax supported debt outstanding as the City stands today. Currently, the system is well positioned financially with strong debt service coverage and fund balance levels. He reviewed the pay off ratio stating that the City should retire about half of its debt in the next 10 years. He then reviewed the proposed projects including the associated financing for the projects. These projects include E-911 radio system, Stone Spring Road, Neff Avenue land purchase, and two new schools (middle and elementary). As time goes forward and these projects come a little closer into view this analysis will be refined to minimize the cash flow with structuring the debt. A few key assumptions related to revenues to help pay for the debt service include receiving \$7,500,000 from James Madison University through leasing the old high school, a guaranteed revenue contractual arrangement with James Madison University to offset steam plant debt, and the City utilizing up to 30% of the \$2,000,000 million received

annually in urban road monies on the Stone Spring borrowing. Mr. Cole said that his firm will continue to revise key assumptions, amend analysis, continue meeting with staff, discussing capital needs and financing approaches/timetable.

Mr. Cole then provided City Council with a historic and projected perspective on the fiscal outlook for the City's water system. He reviewed a framework related to establishing key financial targets for the system. The water system is treated as a business. He reviewed a series of graphics regarding the City's current financial standing. Currently, the City water system is self-supporting. Our goal is to preserve the self-supporting nature of the system and to strengthen its financial position. He said that his firm will assess various funding approaches for identified capital projects and measure the impacts on the system's financial position. The system is well positioned financially with strong debt service coverage and fund balance levels. The assumed 6-cent per year rate increase provides ample cash flow for debt service coverage and allows the fund balance to grow to level equal to or better than 100% of system revenues by the end of the decade. Two key measurements of the system's financial strength are debt service coverage and fund balance levels. By establishing targets for these ratios, we are insuring the self-supporting nature of the system and protecting the City's General Fund from having to support the water system. Adequate coverage and fund balance levels will provide the system with operating flexibility to adjust to unexpected capital expenditures. Mr. Cole provided a brief overview of the capital improvement projects. The next step includes establishing consensus on formal or informal policies for this system in terms of its financials and a timetable for the primary project, which is the eastern raw line, needs to be developed.

Council Member Lantz commented that when a lot of material and complex information is being presented to City Council, it would be extremely helpful if Council had the information included in the agenda packet. Receiving the material at the meeting doesn't give Council members an opportunity to review the information before the meeting.

Mayor Rogers presented the following resolution for Council's consideration.

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF HARRISONBURG, VIRGINIA
DECLARING ITS INTENTION TO REIMBURSE
THE COST OF CERTAIN EXPENDITURES**

The City of Harrisonburg, Virginia (the "City") has made or will make expenditures (the "Expenditures") in connection with certain land purchases, namely the purchase of a parcel consisting of 33.918 acres, more or less, known as the Clatterbuck property and the purchase of a parcel consisting of 16.5 acres, more or less, known as the Kaslow-Leigh property (collectively the "Land Purchases").

The City may determine that the funds advanced and to be advanced to pay the Expenditures will be reimbursed to the City from the proceeds of one or more obligations to be issued by or on behalf of the City (the "Indebtedness").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA (THE "COUNCIL"):

1. The Council hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the City intends to reimburse itself with the proceeds of Indebtedness for Expenditures made on, after or within sixty (60) days prior to the date hereof with respect to the Land Purchases. Further, Expenditures made more than sixty (60) days prior to the date hereof may be reimbursed as to certain *de minimis* or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.
2. The maximum principal amount of Indebtedness expected to be issued for the Land Purchases is \$4,500,000.
3. This resolution shall take effect immediately upon its adoption.

Adopted: May 24, 2005

A Copy Teste:

 City Clerk
 City Council of the City of Harrisonburg, VA

(SEAL)

CERTIFICATION

The undersigned City Clerk of the City of Harrisonburg, Virginia hereby certifies (1) that the foregoing constitutes a true, correct and complete copy of a Resolution adopted by the City Council of the City of Harrisonburg, Virginia at a regular meeting duly called and held on May 24, 2005, with the City Council members present and absent and voting on the Resolution as set forth below; (2) that such meeting was duly convened and held in all respects in accordance with law; and (3) that the foregoing Resolution has not been repealed, revoked, rescinded or amended.

<u>NAME</u>	<u>ATTENDANCE</u>		<u>VOTE</u>	
	<u>PRESENT</u>	<u>ABSENT</u>	<u>AYE</u>	<u>NAY</u>
Larry M. Rogers, Mayor	<u>X</u>	_____	<u>X</u>	_____
Rodney L. Eagle, Vice-Mayor	<u>X</u>	_____	<u>X</u>	_____
Charles Chenault	<u>X</u>	_____	<u>X</u>	_____
Hugh J. Lantz	<u>X</u>	_____	<u>X</u>	_____
George W. Pace	<u>X</u>	_____	<u>X</u>	_____

WITNESS, my hand and the seal of the City of Harrisonburg, Virginia this 24th day of May, 2005.

CITY OF HARRISONBURG, VIRGINIA

By _____
Name: Yvonne Ryan
Title: City Clerk

(SEAL)

City Manager Baker explained that adopting this resolution will allow the City to reimburse the general fund from the bond proceeds for the Neff Avenue property. Vice-Mayor Eagle offered a motion to adopt the 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 Lantz
Council Member Chenault
Mayor Rogers

Absent – None

Mayor Rogers presented the following resolution for Council’s consideration.

RESOLUTION
SUPPORTING a CONTUNUUM OF CARE GRANT by HUD to
THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY

WHEREAS, the Harrisonburg Rockingham Housing Continuum of Care Alliance was established as a sub-committee of the Healthy Community Council in the spring of 2003 (the “Alliance”). The Alliance is comprised of a variety of human service agencies and individuals who serve Harrisonburg and Rockingham County, Virginia and have a common goal of addressing housing. Its mission was to analyze and promote system change to improve and address the full continuum of housing needs and issues in the local area; and,

WHEREAS, the Alliance has completed a needs assessment that specifically identifies housing needs for individuals with disabilities, elderly and persons in abusive situations; and,

WHEREAS, the Alliance has requested that the Harrisonburg Redevelopment and Housing Authority (the “Authority”) apply to the Federal Offices of the Housing and Urban Development for a Continuum of Care grant. The grant will allow the Alliance to focus on the following:

- a) Develop and administer a collaborative process to prevent homelessness;**
- b) Improve self-sufficiency skills with appropriate housing and supportive services; and**

- c) **Address individual housing needs within the service area's housing continuum.**

WHEREAS, the Authority now desires to obtain the support of the City of Harrisonburg (the "City") for the grant.

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 supports the Authority's application to the Federal Offices of the Housing and Urban Development for a Continuum of Care grant.**

This resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: May 24, 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 SUPPORTING a CONTUNUUM OF CARE GRANT by HUD to THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY" taken at a regular meeting of the City Council held on May 24, 2005:

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

Dated: May ____, 2005

(SEAL)

Mayor, City of Harrisonburg, Virginia

ATTEST: _____
Clerk, City Council of the City of
Harrisonburg, Virginia

Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority, presented a resolution requesting support of a grant application to the Housing Urban Development for a Contunuum of Care Grant. Currently the grant is funded through the

Community Resource Center, part of the Healthy Community Council. Many local charities and churches are involved in the effort. The focus of this grant is to develop and administer a collaborative process to prevent homelessness, to improve self-sufficiency skills with appropriate housing and support services, and individual housing needs. Council Member Chenault offered a motion to adopt 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 Lantz
Council Member Chenault
Mayor Rogers

Absent – None

The next item of business was an overview of traffic signals and traffic management. Public Works Director Jim Baker said that growth and impact in our community is also true in traffic management. The Public Works Department is aware of moving traffic throughout the City. Traffic signals can be part of the problem, but not the entire problem. He referred to the Pleasant Hill Road and South Main Street intersection, which was revamped during the last several months, as an example. Most of the City's intersection problems are a capacity problem because there isn't enough room for adequate left or right turn lanes. It is not a traffic signal problem. It is a capacity problem not allowing an area to store vehicles and movement of vehicles. New roadway or alternate transportation will help to improve the problem. He said we must continue to seek solutions to common problems, speeding through neighborhoods, coordination and synchronization of traffic signals, a rigorous maintenance program, and expanding programs to provide proactive solutions to community needs.

The next item of business was a request to implement increased fines for speeding zone on residential streets on portions of South Dogwood/Maryland Avenue. Transportation Planner Drew Williams said citizens from Maryland Avenue requested a speed study conducted in their neighborhood. He said that the General Assembly passed a bill in 2004 permitting localities to impose additional fines for speeding on residential streets, as long as the City or locality had adopted a policy to do so. The City developed a policy in July 2004 in accordance with the guidelines of the legislation. Council asked City Attorney Thumma to prepare a resolution for adoption at the June 14th Council meeting.

Mayor Rogers presented the following resolution for Council's consideration.

RESOLUTION OF INTENT TO JOIN THE URBAN CONSTRUCTION INITIATIVE

WHEREAS, The Section 33.1-23.3(D) of the Code of Virginia permits cities and towns to take responsibility for their construction program;

WHEREAS, the Virginia Department of Transportation has established policy and procedures to administer the urban construction program;

**WHEREAS, it is desirable that City Council formally express the City of
Harrisonburg's intent to become a participant in the Urban Construction Initiative;**

NOW THEREFORE BE IT RESOLVED, that the City Council of

**Harrisonburg, Virginia requests the Virginia Department of Transportation to
accept this**

**Council Resolution as indicative of their support and intent for the City of
Harrisonburg to Participate in the Urban Construction Initiative.**

Adopted this _____ day of _____, 2005

City of Harrisonburg, Virginia

**By: _____
Mayor, City of Harrisonburg**

**Attest: _____
Clerk of Council**

Council Member Chenault offered a motion to approve the resolution to join the Urban Construction Initiative. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

Mayor Rogers presented the following resolution for Council's consideration.

RESOLUTION

REVENUE SHARING PROGRAM

**WHEREAS, the Council of the CITY OF HARRISONBURG desires to submit an
application for an allocation of funds up to \$1,000,000 through the Virginia Department of
Transportation Fiscal Year 2005-2006 Revenue Sharing Program; and**

**WHEREAS, \$1,000,000 of these funds are requested to fund the Stone Spring Road-
Erickson Avenue Project # U000115128 between State Route 42 and United States Route
11; and**

**NOW, THEREFORE BE IT RESOLVED THAT: the Council of the CITY OF
HARRISONBURG hereby support this application for an allocation of \$1,000,000 through
the Virginia Department of Transportation Revenue Sharing Program.**

Adopted this _____ day of _____ in the year 20____.

Mayor

Attest

Transportation Planner Drew Williams said that a pilot program through VDOT will allow cities to match funding up to a million dollars for projects that can be achievable in the near future. The City is applying for a one million dollar match for the first phase of the Stone Spring Road/Erickson Avenue connector project. This program has historically been made available to counties, but this is the first time the program has been expanded to cities. Vice-Mayor Eagle offered a motion to adopt this resolution as presented. 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 Lantz
Council Member Chenault
Mayor Rogers

Absent – None

Mayor Rogers presented the following resolution for Council's consideration.

**DESIGNATION OF APPLICANTS AGENT
RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF HARRISONBURG

THAT Roger D. Baker, City Manager

Is hereby authorized to execute for and in behalf of

The City of Harrisonburg, a public entity established under the laws of the State of Virginia, that this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the OJP, National Domestic Preparedness Office Grant Programs(s), administered by the Commonwealth of Virginia.

That, The City of Harrisonburg a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the Office of Justice Programs (OJP) for all matters pertaining to such Federal Financial assistance any and all information pertaining to these Grants as may be requested.

Passed and approved this 24th day of May, 2005

Roger D. Baker, City Manager

CERTIFICATION

I, Yvonne Ryan, CMC, duly appointed and City Clerk of the City of Harrisonburg, do hereby certify that the above is a true and correct copy of a Resolution passed and approved by the City Council of the City of Harrisonburg.

Resolution passed and approved by the City Council of the City of Harrisonburg

On the 24th Day of May, 2005

Date: May 24, 2005

Official Position

Yvonne Ryan, CMC

City Manager Baker said the state requires adopting this resolution to receive the 2005 Homeland Security funds. Council Member Lantz offered a motion to adopt the 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 Lantz
Council Member Chenault
Mayor Rogers

Absent – None

The next item of business was adopting a resolution regulating Adult Businesses and enacting Article C of Chapter 3 of Title 12, enacting additional definitions to Section 10-3-24, 10-3-91(12) and 10-3-91.1 of the Harrisonburg City Code. City Attorney Thumma said that he had prepared a proposed resolution and ordinances defining adult businesses, establishing a permitting process and operational regulations for such uses.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG
VIRGINIA, RELATING TO THE ADOPTION AND APPROVAL OF
ORDINANCES REGULATING ADULT BUSINESS
THROUGH THE USE OF LICENSING AND ZONING**

WHEREAS, the City of Harrisonburg, through its staff, planning commission and city council has been studying and considering ordinances to regulate adult businesses within the city limits for a period of approximately two (2) years; and

WHEREAS, the City Council held a public hearing on May 10, 2005, to hear citizen input on the adoption of the adult ordinances; and

WHEREAS, the City Council has considered Studies of Secondary Effects of Sexually Oriented Businesses, which are set forth in two (2) books filed with the Clerk of the City Council and are marked Adult Ordinance Exhibit 1; an

WHEREAS, since January, 2001, city police records show numerous calls, complaints and charges relating to the existing adult businesses; and

WHEREAS, the city staff and city planning commission are recommending adoption of the licensing and zoning ordinances to regulate adult businesses; and

WHEREAS, based on the studies presented, the recommendations of the city staff and planning commission and the testimony heard at the public hearing, the City Council desires to protect the health, safety and welfare of its citizens, and preserve the safety and value of surrounding neighborhoods and public spaces;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG:

That the ordinances regulating adult businesses through the use of licensing and zoning be adopted and approved as presented after two readings as set forth in the City Code.

Approved: May 24, 2005

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Council Member Chenault offered for a first reading a motion to amend Section 12-3-40 (c) as follows: For a corporation, partnership, limited liability company or other legal entity, “applicant” shall include the principal, entity manager, operating member of the entity and any managers of the business; however, the name and address of each officer, director or partner shall also be provided.

Vice-Mayor Eagle read Section 12-3-48(f) of the proposed ordinance, which states that the owner or operator shall install, operate and maintain a security camera and video tape system designed by a security specialist, which shall continuously monitor all exterior entrances and parking areas of the establishment. Such cameras shall provide clear imagery of the establishment’s patrons and their vehicles. Tapes or any other recording devices recording activities in the areas under the surveillance shall be preserved for a period of 12 months. “I object to that section because it is different than what is required by other businesses in the City.

It is an invasion of privacy.” A lot of businesses in the City have security cameras, but the business should decide whether to install the cameras, not a City ordinance.

Council Member Pace said that it is important this Council reach consensus by listening and taking into consideration to what is being said by the other Council Members. It should be passed by City Council together. “I have reviewed (f) in Section 12-3-48 and want to point out that (e) in the same section asks the proprietor to use mirrors and/or video systems to provide continuous monitoring of all areas of the establishment. That language should be sufficient.”

Council Member Lantz agreed that (f) in Section 12-3-48 should be eliminated.

Council Member Chenault offered a motion to approve the City’s series of Adult Entertainment ordinances as specified in the agenda with the two proposed amendments for a first reading. The motion also included approving the 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 Lantz
Council Member Chenault
Mayor Rogers

Absent – None

Mayor Rogers presented a request to consider waiving refuse collection fees for the Salvation Army. The Rockingham County Board of Supervisors has granted a similar waiver at the landfill. Vice-Mayor Eagle 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 Pace
Council Member Lantz
Council Member Chenault
Mayor Rogers

Absent – None

The next item of business was amending Section 4-2-23 and 4-2-25 of the Harrisonburg City Code. Commissioner of the Revenue June Hosaflook said that these changes would enhance tax relief for the Elderly or Permanently Disabled for real estate taxes. The maximum income for households applying for tax relief would increase to \$25,000 in gross income, increase net worth to \$75,000, increase owner’s relative exclusion to \$5,000, change maximum relief from \$400 to \$500, and change percentages of exemption based on income. Council

Member Chenault offered a motion to approve amending City Code Section 4-2-23 and 4-2-25 for a first reading. 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 Lantz
Council Member Chenault
Mayor Rogers

Absent – None

At 11:30 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR