

REGULAR MEETING

SEPTEMBER 27, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: City Manager Roger Baker; 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. Absent: Mayor Larry Rogers, and Assistant City Manager Kurt Hodgen.

Council Member Chenault gave the invocation and Vice-Mayor Eagle led everyone in the Pledge of Allegiance.

Vice-Mayor Eagle announced that Mayor Rogers would be joining the Council meeting later in the evening because he is participating in a satellite broadcast hookup by WHSV-TV3 with officials and residents of Long Beach, Mississippi, which was devastated by Hurricane Katrina.

Bucky Berry, a resident of Harrisonburg, expressed his appreciation to the Weed and Seed Program.

Council Member Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the School Board and a rezoning request by Nelson Hess. The motion also included amending Section 7-1-16 (5) (6) (7) and amending and re-enacting Section 12-1-10 and 2-3-3 of the Harrisonburg City Code, a right-of-way request by Dan Newberry and Graddison, LLC and referring an alley-closing request by Russell and Debbie Armentrout to the Planning Commission. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

City School Business and Finance Director Jim Triplett presented a request for a supplemental appropriation for the School Board. He said that these funds were received from the 2003D Refund Bond for the 1992B and 1993B bond issues. These funds will help purchase land for the new elementary/middle school complex. No additional local dollars are required from the City.

At 7:39 p.m., Vice-Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Wednesday, September 21, 2005.

**NOTICE OF PUBLIC HEARING**  
**City Council Chambers**  
**Tuesday, September 27, 2005**  
**7:30 p.m.**

**A Public Hearing will be held by the Harrisonburg City Council on Tuesday, September 27, 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 2005-2006 budget in the amount of \$636,955.93. The funds to fund this budget adjustments will come from interest received and proceeds from a refunded bond issue.**

**The budget changes will be as noted below:**

**Revenue, etc:**

**School Capital Projects Fund:**

**Investment earnings 1,011.17**

**Debt issue proceeds 635,944.76**

**Total School Capital Projects Fund 636,955.93**

**Expenditures:**

**School Capital Projects Fund:**

**Elementary/Middle School Complex 636,955.93**

**Total School Capital Projects Fund 636,955.93**

**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**

Vice-Mayor Eagle called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Council Member Chenault offered a motion the supplemental appropriation as presented for a first reading. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

City School Business and Finance Director Jim Triplett presented a request to transfer funds for the School Board. These funds will be transferred from the new high school expenditure account to the new Elementary/Middle School Complex account. Council Member Chenault offered a motion to transfer these funds as presented and that:

\$371,244.07 chge. to: 1311-910114-48693 New High School Construction

\$371,244.07 approp. to: 1311-910114-48700 Elementary/Middle School Complex

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

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

Absent – Mayor Rogers

A scheduled public hearing to consider a resolution authorizing the issuance, sale and award of bonds to the Virginia Public School Authority has been withdrawn.

The next item of business was receiving public comment on general reassessment of real estate.

Vicki Swartz, a resident of the City, said as a citizen she expected to pay taxes; however, she does expect to receive services from the tax money. “I expect Council to be good stewards of our taxpayer dollars. Why did the City purchase land on Port Republic Road at approximately twice the appraised value? What does the City intend to do with the land?” She thanked Council Member Pace for his comments regarding spending \$70 million to move three miles of railroad tracks. The reassessment from a two-year to one-year process will make a difference. Please appropriately handle the taxpayer dollars.

Bucky Berry, a citizen of the City, expressed his concern that many elderly citizens living on a fixed income could not afford annual assessment.

Vice-Mayor Eagle said many good and bad points were discussed at the last Council meeting. It will make the property values more in line with the fair market value.

Council Member Chenault said an annual assessment more accurately reflects the actual value of property at any given time as opposed to every two years. The assessment affects the amount of tax collected, but the variable in the entire equation is the rate. He said an article, which appeared in the Daily News-Record incorrectly placed the idea of annual assessment on the

Commissioner of Revenue. Commissioner of the Revenue June Hosaflook was only implementing City Council's request for information regarding annual assessment.

Council Member Pace said the tax rate has been at 62 cents for over a decade. "We have been very fortunate that the City's general property tax has been enough to pay the City's contribution to the operating expenses of the school budget. That changed during the last several years. "I do not support increasing the tax rate, but going to an annual reassessment, which does have some embedded taxes, should allow the City to come close to paying for the operating expenses of the school budget."

Council Member Lantz said the tax increase should be very small because it is only one year of a compound effect. Annual assessment should give the elderly a better opportunity to review their budget.

Council Member Pace offered a motion to modify the tax reassessment from a bi-annual basis to an annual basis effective 2007. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

The next item of business was a presentation by the Weed and Seed Program. Dr. Ramona Rogers, Program Coordinator for the Harrisonburg Weed and Seed Program said the Weed and Seed Program is a strategy program developed by the Department of Justice. Weed and Seed is not a grant program. Weed and Seed collaborates with both City and County, law enforcement agencies, community-based initiatives, and the residents of the community. The Weed and Seed strategy is an innovative and comprehensive multi-agency approach to law enforcement, crime prevention, the battle against gangs, community renovation and parent education. Through our strategy we aim to prevent, help control, reduce violent crimes, drug abuse, and gang activity in neighborhoods throughout the City and County. The Weed and Seed Program has a two-prong approach including cooperation between law enforcement agencies and the Commonwealth Attorney's office working together in the weeding out of criminals who make the choice to participate in violent crimes, drug abuse, drug activities, and any gang activity. The second prong includes seeding in the community by strengthening neighborhoods by law enforcement, developing community policing, and using prevention/intervention/treatment. She said that Weed and Seed collaborates with the Department of Social Services, Health Department, Big Brothers/Big Sisters and Boys/Girls Club. Weed and Seed helps to establish, promote, and foster a partnership between the Harrisonburg and Rockingham County citizens, law enforcement and safety. Weed and Seed is a network of organizations working together to help empower residents to take back their communities and neighborhoods. Crime knows no boundaries, street names, neighborhoods,

City lines or County lines. The Weed and Seed staff is completing the application process for a second site.

The next item of business was a presentation of regional economic development initiatives by Shenandoah Valley Partnership. Robin Sullenberger, Executive Director of Shenandoah Valley Partnership, explained that SVP is a public/private partnership with the bulk of the funding being provided by ten jurisdictions. He said that the MSA designation has increased commercial interest in the area. The partnership is keeping its commitment to agriculture by recognizing the heritage of the area. He reviewed expansions that have occurred in food processing and auto industries in the area. Most of the expansions are very high capital investments because technology is changing. The strength of the economy in the Valley has always been diversity. Support will continue for manufacturing and he praised the technology zone in the downtown area. Many beltway companies are looking for expansion opportunities in the Valley because of the quality of the workforce and the great strides made in technology. The Valley's biggest asset is the productivity of the workforce.

At 8:15 p.m., Mayor Rogers joined the City Council meeting. Vice-Mayor Eagle turned the chair over to Mayor Rogers.

The next item of business was a presentation from the Tourism & Visitor Services Division regarding Tour of Shenandoah 2006 bicycle race. Economic Development Director Shull said that Harrisonburg Tourism and Visitor Services has been established as a new division, all of the Hardesty Higgins House activities are being well received by tourists and local citizens. Jenny Brockwell, Marketing and Tourism Coordinator for the City of Harrisonburg, said a regional bicycle race came through Harrisonburg earlier this spring. The Tour of Shenandoah is a regional cycling competition and it is similar in format to the Tour de France. This organization seeks to raise funds for the Juvenile Diabetes Research Foundation. The City hosted this event in April and it generated an estimated \$49,000 in tax revenue. Next year it is hoped that the revenue will increase to \$84,000. The Tour of Shenandoah brings almost 200 bicyclists and many enthusiasts to our area. This event will bring a lot of media attention to the area including national media coverage, which helps to highlight Harrisonburg as a destination for cyclists from across the country. The 2006 Tour of Shenandoah is scheduled to take place April 25<sup>th</sup> starting around 5:00 p.m. and ending around 7:30 p.m. She noted that April 25<sup>th</sup> is a City Council night and reassured Council that the streets would be open by the time the meeting starts. More details will be available and reported later and she asked for Council's support of the 2006 Tour of Shenandoah. Council Members voiced their enthusiasm for this race.

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance, reviewed recommendations from the Downtown Parking Advisory Committee. This committee has been studying the parking situation regarding parking policies, resources and future needs. Numerous groups have expressed interest in downtown revitalization and parking issues. Parking situations change constantly. Recommendations include placing clear, attractive signs to the downtown area, informing public of parking policies, increase safety, and improving lightning and appearance in the downtown area. He said the Downtown Parking Advisory Committee

recommends using loading zones for parking at night, removing meters from on-street parking spaces, surface lots and decks with the exception of retaining meters for 10 hours spaces, changing 15 minute parking spaces to 30 minute spaces, allowing 15 minute grace period, informational kiosks, graduated fines system, and enforcement with a computer system.

Vice-Mayor Eagle suggested that all parking meters be removed to encourage people to visit the downtown area.

Council Member Pace endorsed the direction that the Downtown Parking Advisory Committee is taking. He said if the police and bike patrols increased in the downtown area particularly from dusk to midnight they should be writing tickets and enforcing the rules. He encouraged placing signs in particular blocks notifying the public of two hour free parking unless otherwise noted. Meters should either be 9 or 12 hours if we are charging 25 cents for three hours. There is no need to have a electronic payment option. "I support the computer system enforcement."

Council Member Chenault commented that people on the committee developed this parking plan with a strong interest in the downtown area.

The next item of business was a review of a pedestrian/bicycle access plan on Garber's Church Road. City Engineer Dan Rublee presented an overview of the Garber's Church Road area. He said City staff has met several times over the last several years to discuss needed pedestrian and bicycle improvements along Garber's Church Road with the particular goal of access to the new high school. Plans include a pedestrian/bicycle path from Hillandale Park to Garber's Church Road mostly avoiding the golf course and a pedestrian/bicycle path from Market Street to Parklawn Drive avoiding the Heritage Forest area. He reviewed the project costs including right of way easements.

Following further discussion and comments, Council Member Lantz offered a motion to table taking any action on the pedestrian/bicycle access plan on Garber's Church Road until the Bicycle Plan Update is presented at the October 11, 2005 City Council meeting. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

The next item of business was a brief overview of the Denton Pocket Park. Matt Robinson, chairman of the Denton Park Committee said the Denton Pocket Park Committee was formed in 2002 to review site selection process to locate some opportunities for parks in the downtown area. A park design was located across from the existing library. A conceptual design was completed and fund raising events have been held during the last several years. Enough funds have been raised for the park and construction will begin very soon. He asked Council to waive the utility connection fee for water and sewer for the park. Vice-Mayor Eagle offered a motion to waive the fee for the utility connection. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Mayor Rogers

Absent - None

Parks and Recreation Director Foerster presented a request from the Parks and Recreation Department, Rockingham County Parks and Recreation Department and the Downtown Merchants Association to hold the annual Christmas parade. He explained that these groups are sponsoring the annual Christmas parade to be held on Friday, December 2<sup>nd</sup> at 7:00 p.m. The parade will begin at the corner of Cantrell Avenue and Main Street and continue north to Main Street to the corner of Main Street and Gay Street. Streets should be closed at 6:00 p.m. and reopened at 8:30 p.m. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

At 8:45 p.m., Vice-Mayor Eagle recused himself from the Council meeting and left the room.

Planning and Community Development Director Turner introduced a request from Butch Girdley to preliminarily plat 142 single-family homes on 56 acres zoned R-1, Single Family Residential District. This request will require a variance to the Design and Construction Standards Manual. The property is located at 1060 Willow Springs Road and can be found on tax map 100-A1,3,4 and 100-B-3. She reviewed the surrounding uses in the area. She said that the developer has tabled this request several times during the last year. Rockingham County has been in negotiations with the developer to purchase 13.13 acres of land to provide some buffer use for the landfill. The City would pay a prorated cost of the land acquisition since the City is a joint owner of the landfill site. Although zoned for residential purposes, the nature of this area gives staff concerns with the establishment of a residential development close to the landfill. Staff is concerned about the noise, dust and odors from the nearby industrial uses, as well as the addition of a significant amount of residential traffic to the industrial traffic currently using Pleasant Valley Road. These concerns; however, must necessarily be overridden by the fact that this property is zoned for single-family use. The reason this request is being presented to City Council is because of the variance request. The plat shows a proposed layout for 142 single-family homes. A development of this magnitude will generate approximately 1,420 vehicle trips per day. This number exceeds the maximum of 100 trips per hour that the City allows without providing a Traffic Impact Analysis. This study would need to be furnished in conjunction with the site plan approval process. The most difficult concern to resolve is access to the site. A cul-de-sac serving residential areas is allowed to be 800 feet in length with 20 dwelling units. The proposed subdivision, while not a traditional cul-de-sac, exceeds the maximum requirements. The closed through street to the proposed subdivision is Pleasant Valley Road; therefore, staff considers the entire development to be one large cul-de-sac. Staff does not feel potential street extensions are very likely to be developed because it is not known if land in the county will be rezoned in the future. There has been some discussion occurring between the developer of the property about an emergency access route, not a public road, but an emergency route traveling along the landfill property and exiting back out at the Pleasant Valley and Greendale Road area. The developer has included provisions for an emergency access through the Banta property in the direction of Cecil Wampler Road in Rockingham County. She said that the developer has reconfigured the layout of the area as originally proposed to Planning Commission in August

2005. Planning Commission reviewed the two emergency accesses and a guaranteed easement being provided prior to the final plat being approved, and after additional discussion, recommended approval to City Council by a vote of three to one.

Following further discussion and comments, Council Member Pace offered a motion to approve the variances as presented and accept the recommendation from Planning Commission. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Recused – Vice-Mayor Eagle

At 9:15 p.m., Vice-Mayor Eagle returned to the Council meeting.

City Attorney Thumma presented for Council’s consideration amending and re-enacting Section 4-2-75(b) of the Harrisonburg City Code. He explained that this ordinance is necessary in order that the City *Code of Ordinances* conforms to State *Code* § 58.1-3238. Council Member Chenault offered a motion to approve this ordinance 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 - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

At 9:55 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 Harrisonburg Parking Authority, exempt from the 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 requirement 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 Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

At 10:45 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:46 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

cc: City Council  
City Manager  
Assistant City Manager  
Public Library