

REGULAR MEETING

MARCH 14, 2006

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; and Hugh J. Lantz; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Council Member George W. Pace.

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

Megan Kelley extended an invitation to Council and everyone to support and participate in the Harrisonburg Rescue Squad's first annual 5K Run/Walk. The event will be held on April 1st on the James Madison University's 5k course. She reviewed the cost and registration forms and said prizes and food will be available after the race.

Vice Mayor Eagle 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, Public Works and the Fire Department. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Pace

The next item of business was a request to modify the Master Transportation Plan to reflect future planning goals. Public Works Transportation Superintendent Williams discussed the proposed changes in the City's Master Transportation Plan. He said the plan is a street component of the Comprehensive Plan, which was adopted in 2004. Also, since the adoption of the plan in 2004 the bicycle plan has been updated. He reviewed the plan where existing streets need improvement and where new roads and streets are planned to provide critical linkages needed to sustain an efficient transportation network around the city. He explained the difference between major and minor projects. He said that Planning Commission recommended approval of the plan at its February meeting. However, Council Member Pace wanted language in the plan to note that funding for the railroad relocation project would come from federal or state sources.

At 7:45 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 Tuesday, February 28, and Monday, March 6, 2006.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on March 14, 2006 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Master Transportation Plan Update

Public hearing to consider updates to the Master Transportation Plan within the City's Comprehensive Plan. The Master Transportation Plan outlines planned road improvements, including new roads, the widening of existing roads, and the creation of bicycle and sidewalk facilities.

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the Master Transportation Plan. 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 Chenault
Council Member Lantz
Mayor Rogers

Absent – Council Member Pace

Planning and Community Development Director Turner introduced a request from Nadia Webb to rezone two lots located at 312 South Main Street and found on tax map 26-K-6&7, from B-2 to B-1C. The request is to rezone approximately 14,000 square feet from B-2, General Business District to B-1, Central Business District. These lots are located at the corner of South Main Street and Franklin Street. She said that the Comprehensive Plan designates this area as Mixed Use Development. She reviewed the surrounding uses in the area. The applicant intends to have a private medical practice while preserving the historical nature of the property. Currently, under the B-2 regulations, twelve parking spaces are needed for the business. The B-1 zoning classification has no parking requirements. The B-1 Central Business District has no setback requirement; thus the change would make the structures conforming to the Zoning Ordinance. This raises a concern for staff. These lots would then be permitted to construct a building up to the property line and change the view of this downtown corner. Because this lot is within Harrisonburg's Garden District and due to the historical nature of the lot and surrounding area, the applicant has proffered that any new structure built upon the two lots shall be setback no less than 20 feet from South Main Street and Franklin Street. She said there is a private water and sanitary sewer line crossing this property and the applicant is aware of it and constraints that may be place on her in regards to any future use of the property. She said that Planning Commission recommended approving this request.

At 7:53 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 Tuesday, February 28, and Monday, March 6, 2006.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on March 14, 2006 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Rezoning – 312 South Main Street

Public hearing to consider a request from Nadia Webb to rezone two lots, totaling 14,000+/- square feet from B-2, General Business District to B-1C, Central Business District Conditional. The property is located at 312 South Main Street and can be found on tax map 26-K-6&7.

The Comprehensive Plan designates this area as Mixed Use Development. This 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. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area.

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 City Manager at least five (5) days prior to the date of the meeting.

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

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:54 p.m., and the regular session

reconvened. Council Member Chenault offered a motion to approve the rezoning request as presented. 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 Chenault
Council Member Lantz
Mayor Rogers

Absent – Council Member Pace

Planning and Community Development Director Turner introduced a request from Harrisonburg Hotel Associated Limited Partnership to rezone one, 4.77 acre lot from M-1, General Industrial District to B-2, General Business District. The property is located at 1515 Country Club Road and can be found on tax map 13-A-1. The Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in the area. The applicant's plans include a proposal for 16 classrooms with additional space for study areas, student lounge, library and administrative offices. Their plans call for the creation of 274 parking spaces, with room for an additional 42 spaces. Country Club Road is identified on the City's Master Transportation Plan as a facility that is to be improved to three lanes along with curb, gutter and sidewalk. The City's Design and Construction Standards Manual requires the developer to be responsible for frontage improvements necessary to bring the street up to City standards. These street improvements are interconnected with other site improvement issues. One of the primary areas of concern for this property is providing vehicle access from County Club Road. The first is the Rail Road Crossing that cuts diagonally across Country Club Road. This skewed crossing requires vehicle traffic be stopped well in advance of the tracks to take into account the angle of the train's approach. Also, the property across the street may be developing at some point in the future and will want to be lining up the entrances onto Country Club Road. Another issue is the close proximity of Interstate 81. Future widening of I-81 may require the acquisition of additional right-of-way on the northwestern boundary of the property. Also, there is a storm water drainage ditch that runs parallel with Country Club Road, which may require a culvert for a crossing entrance. Another option would be for the applicant to relocate the drainage ditch further onto the property. She said that Planning Commission recommended approving this request.

At 7:58 p.m., Mayor Rogers closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, February 28, and Monday, March 6, 2006.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on March 14, 2006 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Rezoning – 1515 Country Club Road (National College of Business)

Public hearing to consider a request from Harrisonburg Hotel Associates Limited Partnership, with representative David Noell of ASCM Inc. to rezone one, 4.77 acre lot from M-1, General Industrial District to B-2, General Business District. The property is located at 1515 Country Club Road and can be found on tax map 13-A-1.

The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City.

The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. 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 request. There being no one desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Chenault 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 - Vice-Mayor Eagle
Council Member Chenault
Council Member Lantz
Mayor Rogers

Absent – Council Member Pace

Planning and Community Development Director Turner introduced a request from KEK, LLC, to subdivide three parcels, totaling 1.41 acres into 20 townhouse lots. The property, zoned R-3, Multiple Dwelling Residential District, is located at 722, 726 and 744 Ridgeville Lane and can be found on tax map 84-C-5, 6, & 9. The Comprehensive Plan designates this area as

Medium-Density Residential. She reviewed the surrounding uses in the area. This request would require a variance to Section 10-2-42 (d) of the subdivision ordinance to allow lots to not front on a public street. She said that if the development were approved, the applicant would install a storm drain system from the development site down Ridgeville Lane to the intersection with Reservoir Street. The applicant and the Public Works Department have reached an agreement for the construction of this system that will benefit the City's storm water management plan. The applicant would also provide 10 feet of right-of-way needed for future widening of Ridgeville Lane. Wishing Well Estates Section I and Wishing Well Estates Sections II and III would be under the same homeowner's association. Combined, there would be 32 units total. She said that Planning Commission recommended approving this request with a condition to limit occupancy to no more than two unrelated individuals. Council Member Lantz offered a motion to approve this request. The motion as seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

Community Development Block Grant Coordinator Kim Alexander said that the CDBG Review/Selection Committee has completed evaluations of the 2007 grant proposals and reviewed recommendations to the 2005-2006 action plans. The committee is requesting preliminary approval of the draft funding recommendations for the 2007 CDBG Action Plan and amendments to the 2005-2006 Action plan. Staff will prepare formal documents for HUD and request a Public Hearing on these documents at the March 28 Council meeting. After a required 30-day public comment period, staff will request final approval at the May 9th Council meeting. Vice-Mayor Eagle offered a motion to approve the 2007 CDBG grant proposal. 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 Chenault
Council Member Lantz
Mayor Rogers

Absent – Council Member Pace

Fire Prevention Education Specialist Wanda Willis presented the following proclamation for Council's consideration.

PROCLAMATION

WHEREAS, Drowning is the second leading cause of unintentional injury-related death among children ages one to 14; and

WHEREAS, In 2003, 782 children ages 14 and under died as a result of unintentional drowning; and

WHEREAS, More than half of the drownings among children ages one to four are pool-related; and

WHEREAS, More than half of the drownings among children ages one to four are pool-related; and

WHEREAS, Children drowning and near-drowning can happen in a matter of seconds; and

WHEREAS, As many as 20 percent of near-drowning survivors suffer severe, permanent neurological disability; and

WHEREAS, Other risks in the pool, hot tub and spa environment include body entrapment, hair entanglement and evisceration/disembowelment; and

WHEREAS, From 1985 to 2004, 34 children ages 14 and under died and more than 130 children were injured as a result of pool and hot tub entrapment; forty one percent being hair-related entrapments; and

WHEREAS, Safe Kids Worldwide, in partnership with founding sponsor Johnson & Johnson, will launch a swimming pool, hot tub and spa safety initiative called “Safe Pools for Safe Kids” to protect children from drowning, entrapment, entanglement and evisceration risks; and

WHEREAS, Central Shenandoah Safe Kids Coalition will hold local community outreach events during Safe Kids Week 2006 to promote “Safe Pools for Safe Kids”.

WHEREAS, Citizens throughout the City of Harrisonburg will hear the important message of Safe Kids Week 2006 to promote a safe pool, hot tub, and spa environment by the use of fences/barriers, door alarms, pool alarms, and drain covers.

WHEREAS, Safe Kids Week 2006 includes a nationwide public education campaign and the release of a research report about parents’ attitudes and behaviors about drowning prevention to assist in the overall mission of Safe Kids Worldwide and Central Shenandoah Valley Safe Kids coalition: Keeping Kids Safe.

NOW, THEREFORE, I, Larry M. Rogers, Mayor, City of Harrisonburg, Virginia do hereby proclaim May 6-13, 2006 as

NATIONAL SAFE KIDS WEEK

And call upon all residents of Harrisonburg to join me in supporting the efforts and activities of Central Shenandoah Valley Safe Kids Coalition to provide “Safe Pools for Safe Kids”.

Date

Larry M. Rogers, Mayor

Attest:

City Clerk

Ms. Willis said this proclamation promotes the week of May 6-13 as “National Safe Kids Week”. Drowning is the second leading cause of unintentional injury-related death among children ages one to 14. She said that several grants have been received through the Department of Health to promote water safety, which includes giving free swim lessons to children in Harrisonburg and Rockingham County through the RMH Wellness Center and the City’s Westover Pool. The Safe Kids Central Shenandoah Valley is sponsoring April Pools Day on April 1st at the RMH Wellness Center. Children will receive door prizes, t-shirts and popcorn and learn about water safety activities. Council Member Chenault offered a motion to designate May 6-13 as “National Safe Kids Week”. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council Members present.

Vice-Mayor Eagle offered a motion to approve a Mutual Aid Agreement with Page County. This agreement is for services, equipment and personnel during times of emergency. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council Members present.

City Attorney Thumma presented for Council’s consideration an ordinance enacting Division 2 of Article C, Chapter 1 of Title 13 of the Harrisonburg City Code. He said that Division 2 of Article C of Chapter 1 of Title 13 repeals the parking meter section. The new Division 2 relates to removed parking meters, establishing timed parking spaces and fines assessed. This ordinance will go into effect April 1, 2006. Council Member Chenault offered a motion to approve this ordinance 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 - Vice-Mayor Eagle
Council Member Chenault
Council Member Lantz
Mayor Rogers

Absent – Council Member Pace

The next item of business was a request to use City property for the Fundfest Concert Series. The concert series will be held on alternating Wednesday evenings beginning May 17th and ending August 23rd. Vice-Mayor Eagle offered a motion to approve this request as presented. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council Members present.

Economic Development Director Shull presented a request for a supplemental appropriation for Tourism & Visitor Services. He said that these funds equal the amount of reimbursement the City has requested from Harrisonburg-Rockingham Convention & Visitors

Bureau. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$24,812.50 chge. to: 1000-31010 Amount from fund balance

\$ 200.00 approp. to: 1000-810821-43100 Professional Services

6,200.00 approp. to: 1000-810821-43600 Advertising

5,600.00 approp. to: 810821-43601 Printing

1,972.00 approp. to: 810821-45210 Postage

2,840.00 approp. to: 810821-45530 Training/Travel

7,700.00 approp. to: 810821-46010 Office Supplies

300.00 approp. to: 810821-46140 Other

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 Chenault
Council Member Lantz
Mayor Rogers

Absent – Council Member Pace

Parks and Recreation Director Foerster presented a request for a supplemental appropriation for the department. He said these funds will reimburse the Parks and Recreation budget for previous and anticipated expenses for Camp Unali, a summer camp program for childhood cancer victims. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$4,524.00 chge. to: 1000-31809 Donations

7,476.00 chge. to: 1000-31010 General Fund

\$12,000 approp. to: 1000-710471-45801 Camp Unali

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

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

Absent – Council Member Pace

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received through a reimbursement grant from DMV

and will be used for the “Click It or Ticket and Selective Enforcement Program”. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$4,214.42 chge. to: 1000-33524 DMV Federal grants

\$4,214.42 approp. to: 1000-310231-41020 Salaries/wages overtime

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

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

Absent – Council Member Pace

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were reimbursed from a Weed and Seed Grant and will be used for the Gang Task Force. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$1,409.95 chge. to: 1000-32211 State weed and seed grant

\$1,409.95 approp. to: 1000-310531-41020 Salaries/wages overtime

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 Chenault
Council Member Lantz
Mayor Rogers

Absent – Council Member Pace

School Superintendent Ford presented a request for an interim agreement with Nielsen Builders. Approval of these funds will allow the School Board to enter into an interim agreement with Nielsen Builders to complete the initial work on the new elementary/middle school complex. This agreement will enable Nielsen to continue the development of the architectural plans up to the 60% completion level. Council Member Chenault offered a motion to approve the contract. 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 Chenault

Council Member Lantz
Mayor Rogers

Absent – Council Member Pace

Assistant City Manager Hodgen said that the Arts Council has requested a waiver of the water and sewer connection fees to the relocated Smith House. The Public Utilities Director has recommended that Council either consider paying the fees on behalf of the Arts Council or transferring funds to allow them to pay the connection fees. The cost is approximately \$3,500 for both connection fees. Council Member Chenault offered a motion to approve this request and directed the City Manager to transfer the funds out of the contingencies funds. 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 Chenault
Council Member Lantz
Mayor Rogers

Absent – Council Member Pace

At 8:35 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, Parks and Recreation Commission, Harrisonburg Transportation Safety Commission and Tree Advisory Board 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 requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia. The motion was seconded by Vice-Mayor Eagle Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Pace

At 10:10 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.

Vice-Mayor Eagle offered a motion that James R. Robinson, 760 Elmwood Drive, be appointed to the Parks and Recreation Commission to expire on December 31, 2009. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council Members present.

Vice-Mayor Eagle offered a motion that Calvin Ferrell, 88 Maplehurst Avenue, be appointed to the Harrisonburg Transportation Safety Commission. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council Members present.

At 10:15 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR