

REGULAR MEETING

JULY 11, 2006

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney L. Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Ted Byrd, and Carolyn W. Frank; City Clerk Yvonne “Bonnie” Ryan, CMC/MMCA, and Police Major Wilfong. Absent: Chief of Police Donald Harper.

Council Member Frank gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Bucky Berry, a resident of Harrisonburg, said staff should be reduced at the Weed & Seed office because they have lost some Federal grant funding.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the June 27th and July 1st minutes and second motion amending and re-enacting Section 2-2-5 of the Harrisonburg City Code. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Robert Beck to rezone five lots, totaling 7.79 acres from R-1 to R-6. The properties are located at the southeast corner of Betts Road and East Market Street and can be found on tax maps 74-B-2-6. The Comprehensive Plan designates this area as Low-Density Residential. She reviewed the surrounding uses in the area. The applicant has requested that five lots near the intersection of Betts Road and East Market Street be rezoned from R-1, Single Family Residential District to R-6, Low Density Mixed Residential Planned Community to allow for the construction of 38 single family homes on private streets. As an R-6, Low Density Mixed Residential community, the applicant has submitted a master plan with descriptive narrative to illustrate the design and construction of this proposed development. The developer has agreed to add a taper lane into the East Market Street entrance and a full right turn lane from westbound East Market Street onto Betts Road. The City has agreed to improving the western side of Betts Road (opposite side from the development), including a dedicated right turn lane onto westbound East Market Street. The City will also construct a turn lane from eastbound East Market Street onto Betts Road. As part of these improvements along Betts Road, the City will also reconfigure the intersection of Fairway Hills Drive and Betts Road. She reviewed the walking trail path and wall around the

perimeter of the development. There would be a “village green” at the center of the neighborhood to allow for communal use, with a gazebo located at the corner closest to the primary entrance. Each house would have a driveway and two-car garage to park vehicles, but additional visitor parking spaces will be located throughout the development. The streets would consist of a 21-foot wide asphalt travel way, with a four-foot wide curbside gutter on one side and a five foot wide raised sidewalk on the opposite side. The developer has also proffered the architectural style to be similar in character with traditional Colonial Williamsburg. A detailed landscape plan has also been submitted with this proposal, outlining the location and plant materials to be used. A four foot tall brick-screening wall is planned for the two sides of the development that face East Market Street and Betts Road. She said that Planning Commission recommended approving this request.

At 7:43 p.m., Mayor Eagle 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, June 26, and Monday, July 3, 2006.

Notice Of Public Hearing

The Harrisonburg City Council will hold public hearings on July 11, 2006 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Rezoning – Chatham Court

Public hearing to consider a request from Robert Beck, with representative Blackwell Engineering to rezone five lots, totaling 7.79 acres from R-1, Single Family Residential District to R-6, Low Density Mixed Residential Planned Community. The properties are located at the southeast corner of Betts Road and East Market and can be found on tax maps 74-B-2-6.

The Comprehensive Plan designates this area as Low-Density Mixed Residential. These large undeveloped areas located at the edge of the city are planned for residential development containing a mix of large and small-lot single family detached dwellings and attractive green spaces.

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 from 1 to 4 units per acre, with a minimum lot size of 10,000 sq. ft. The R-6, Low Density Mixed Residential Planned Community is intended to provide opportunities for the development of planned residential communities offering a mix of large and small-lot single family detached dwellings and open spaces, together with certain government, educational, religious, recreational and support uses. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environment resources. Communities shall be developed and redeveloped in accordance with a master development plan.

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 Eagle called on anyone desiring to speak for or against this request. Dick Blackwell representing the applicant said that he was available to answer questions. Donna Reilly, a resident of the City and serving on the Fairway Hills Board, requested that the City maintain the quality of life and ensure the safety of residents and new neighbors in the area. Wayne Taylor expressed his concern about the increased traffic on Betts Road rather than East Market Street. There being no others desiring to be heard, the public hearing was declared closed at 7:51 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Chenault offered a motion to approve the rezoning request as presented. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 8:05 p.m., Mayor Eagle 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, July 3, 2006.

NOTICE OF PUBLIC HEARING`

A public hearing will be held by the Harrisonburg City Council on Tuesday, July 11, 2006 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 2006-2007 budget in the net amount of \$1,740,000. This represents Sanitation Capital Projects Fund expenditures for the retro-fit of the Steam Plant which will be funded by using some of the unappropriated fund balance in the Sanitation Fund.

The budget increases will be as noted below:

Revenues:

Sanitation Fund:	
Amount from fund balance	1,740,000.00
Sanitation Capital Project Fund:	
Transfer from Sanitation Fund	<u>1,740,000.00</u>
Total	<u>3,480,000.00</u>

Expenditures:	
Sanitation Fund:	
Transfer to Sanitation Capital Projects Fund	1,740,000.00
Sanitation Capital Project Fund:	
Retro-Fit Steam Plant	<u>1,740,000.00</u>
Total	<u>3,480,000.00</u>

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 Eagle called on anyone desiring to speak for or against this supplemental appropriation. There being no one desiring to be heard, the public hearing was declared closed at 8:06 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1,740,000.00 chge. to: 2014-31010 Amount from Fund Balance
1,740,000.00 chge. to: 1324-34270 Transfer from Sanitation Fund

\$1,740,000.00 approp. to: 2014-992042-49216 Transfer to Capital Projects
1,740,000.00 approp. to: 1324-910142-48682 Retro-Fit Steam Plant

The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
 Council Member Frank
 Council Member Byrd
 Vice-Mayor Pace
 Mayor Eagle

Absent – None

Vice-Mayor Pace offered a motion to approve a Joint Powers Ordinance for Local Workforce Investment Consortium. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Byrd offered a motion to approve FY 2007 State Performance Contract for the Harrisonburg-Rockingham Community Services Board. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent – None

Lisa Ha, Program Manager of Harrisonburg Downtown Renaissance, and Tiffany Tran, an intern of HDR, presented a request to paint a mural on the concrete wall at the corner of West Bruce Street and Old South High Street. There are a number of graffiti tagging on the wall and HDR has removed it three times during the past year. The mural will contain a message that the City does not appreciate graffiti and it will serve as a nice gateway into the downtown area. She said that a local artist Elaine Hurst with downtown's OASIS will create the design for the mural. HDR has partnered with the Center for Multicultural Student Services at James Madison University. The center will provide 40 high school girls from the Female Institute for Leadership and Development, to paint the mural. Rockingham National Bank, Sherwin Williams, and Merle Norman Cosmetics donated money for supplies. The mural will be painted July 16th. Council Member Frank offered a motion to approve this request as presented. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Council Member Byrd
Mayor Eagle

Recused - Vice-Mayor Pace

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 13-1-26 of the Harrisonburg City Code. He said that as of July 1, 2006, the General Assembly amended the state code to allow localities to be reimbursed for reasonable expenses incurred in providing emergency services for accidents or incidents which are caused by DUI, reckless driving, driving on revoked or suspended licenses or leaving the scene of an accident. The City must adopt an ordinance in order for the court to order the reimbursement of these expenses. This ordinance not only includes the City, but also the volunteer rescue squad. Council Member Chenault offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Pace reminded everyone that the next Council meeting (July 25, 2006) will begin at 7:00 p.m. He also congratulated Public Information Officer Miriam Dickler for writing an excellent article and getting front-page coverage in the Virginia Municipal League magazine. He suggested that perhaps the City should have some signage regarding Blacks Run linkage to the Chesapeake Bay, which is part of the watershed.

City Manager Baker said that signage is available regarding adopting the stream and suggested that Lee Foerster, Director of Parks and Recreation, should be contacted regarding the signage.

Council Member Chenault announced that Vice-Mayor Pace will replace him on the City/County Liaison Committee. He thanked everyone associated with the Valley 4th for another great event. He requested that City Council consider moving the May Council election to November. He said, "I have received numerous complaints from Sunset Heights residents regarding people letting their dogs defecate on private property and City traffic control and electrical boxes having too many advertising posters and signs attached to the boxes." The City has ordinances regarding these matters and they should be enforced.

Council Member Frank asked for an explanation regarding train blowing whistles in the City.

City Attorney Thumma said that trains are required under Federal status to blow the whistle at every intersection.

At 8:45 p.m., Council Member Chenault offered a motion that Council enter a closed session for consultation with the City Attorney regarding a contract requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section

2.2-3711(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 9:50 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 9:55 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

cc: City Council
City Manager
Assistant City Manager
Public Library