

REGULAR MEETING

AUGUST 8, 2006

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney 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; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, CMC/MMCA, and Police Captain Dan Claytor. Absent: Chief of Police Donald Harper.

Vice-Mayor Pace gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several outstanding encumbrances at June 30, 2006, increasing various budgets, and enacting Section 2-3-23 of the Harrisonburg City Code. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request for a special use permit from Russell Center LLC to allow modular homes to be displayed on a B-2 parcel located at 2050 Deyerle Avenue. The Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in the area. The applicant is requesting a special use permit to place a modular home on the lot to market Valley Custom Homes’ product. The lot would only be used for the display of the home. Valley Custom Homes would lease space in the Russell Centre on the adjacent lot to the north as their office location and customer parking for the display home. The display would be built on a permanent foundation with crawl space. No water or sewer hook up is planned; however, water and sewer are available to the site. The applicant has no plans to construct a curb cut for the display home use. Access to the property will be from an entrance shared by the future Russell Centre building off of Deyerle Avenue. No parking is planned for the subject parcel, allowing the applicant to landscape the lot to make it more attractive. Staff recommended to Planning Commission that the application be approved with the following conditions: 1) Only the “manufactured homes” use be allowed from Section {10-3-1(10)} of the Zoning Ordinance. 2) Only one display home can utilize the lot at one time. 3) No curb cut off of Lucy Drive would be allowed while utilizing the special use permit. 4) Only one pole sign would be allowed on the property. 5) The display home can only remain on the subject parcel as long as Valley Custom Homes has an office on the property or the adjacent

lot. She said that Planning Commission recommended approving the special use permit request with these conditions.

At 7:05 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 24, and Monday, June 31, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on August 8, 2006 at 7:00 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Special Use Permit – 2050 Deyerle Avenue***

**Public hearing to consider a request from Russell Center LLC, with representative Christopher Russell for a special use permit {per Section 10-3-91(10)} to allow modular homes to be displayed on a parcel zoned B-2, General Business District. The property is located at 2050 Deyerle Avenue and can be found on tax map 80-C-5.**

**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.

Christopher Russell said only one home will be kept on the site. There being no others desiring to be heard, the public hearing was declared closed at 7:06 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this special use permit request. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request for a special use permit from M & B Real Estate, LLC, (Blauch Brothers) to allow contractor equipment sales and storage yard for two lots located at 910 & 950 Park Lane. The properties can be found on tax map 38-F-25-26. The Comprehensive Plan designates this area as Commercial. In 1996, the current applicant requested and was granted a special use permit to allow the existing Blauch Brothers mechanical contracting facility to become a conforming use and to allow for expansion of their operation. The business has been located at the corner of Chicago Avenue and Greystone Street since 1961. She reviewed the surrounding uses in the area. Blauch Brothers is asking for the same special use permit for two adjacent parcels to the north of the lots that have already been granted the special use provision. The granting of this special use request would bring the two subject parcels into conformance. The applicant also intends on building an 8,000 sq. ft. addition to one of the current structures on the site, and constructing a new 11,000 sq. ft. office building. Staff recommended to Planning Commission that the application be approved with the following conditions: 1) No vehicular access shall be provided from the site off of Park Lane. 2) The existing fencing shall be maintained around all areas of outside material or vehicle storage and to include a vegetative buffer or screen as per the applicant's willingness to provide one on the adjacent lot located at 1006 Ashwood Street. 3) All internal property lines that will be effected by the expansion of the structures shall be vacated before the site plan is submitted for the new construction. She said with these conditions Planning Commission recommended approving the special use permit request.

At 7:14 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, June 24, and Monday, June 31, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on August 8, 2006 at 7:00 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Special Use Permit – 911 Chicago Avenue (Blauch Brothers)***

**Public hearing to consider a request from M & B Real Estate, LLC with representative Blackwell Engineering to extend Blauch Brothers' special use permit {per Section 10-3-91(6)} to allow contractor equipment sales and storage yard as well as processing and assembly operations for three lots north of their current operation. The properties can be found on tax map 38-F-25-26.**

**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.

Ed Blackwell reiterated that Blauch Brothers has been in business for almost 45 years in this area and a good neighbor. There being no others desiring to be heard, the public hearing was declared closed at 7:15 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this special use permit request with the stated conditions. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request to renew a note with Virginia Technology Incubator, LLC for financing the 3.5 acre parcel within Harrisonburg Technology Park that houses Virginia Technology Incubator. Economic Development Director Brian Shull said that Virginia Technology Incubator, LLC (VTi) purchased 3.5 acres from the City in 2001. Council agreed to finance the land purchase, amortizing the loan over 10 years with a balloon payment due after five years. VTi has been on time with all payments to the City. The initial term has elapsed, and VTi has requested to renew the note for five years. The balance due to the City is approximately \$83,000. Vice-Mayor Pace offered a motion to renew the note for another five years at 7 ½ percent. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented the following resolution for Council’s consideration of approval:

**RESOLUTION**

**WHEREAS, it has been recommended that this governmental unit join as a member of the Central Shenandoah Criminal Justice Training Academy, and**

**WHEREAS, the Central Shenandoah Criminal Justice Training Academy provides required basic and in-service training for law enforcement officers, jail officer, and dispatchers, and**

**WHEREAS, this governmental unit understands that the annual per officer fee to be charged each participating locality for the operation of the training academy.**

**NOW, THEREFORE, BE IT RESOLVED by the Harrisonburg Police Department which is administered and governed by the City of Harrisonburg City Council in the County of Rockingham, Virginia, pursuant to Virginia Code Section 15.2-1747 (1950, as amended), that the Charter of the Central Shenandoah Criminal Justice Training Academy, a copy of which is attached to this Resolution and incorporated therein by reference, be and is hereby ADOPTED, and this governmental unity joins as a member of this Academy formed for the principal purpose of establishing and conducting criminal justice training and education for criminal justice personnel.**

**This Resolution shall become effective upon adoption, and the Clerk is directed to forward an attested copy to the Executive Director, Central Shenandoah Criminal Justice Training Academy, 3045 Lee Highway, Weyers Cave, Virginia, 24486.**

**ADOPTED this 8<sup>th</sup> day of August, 2006.**

**Signed: \_\_\_\_\_**

**Title: \_\_\_\_\_**

**Attest: \_\_\_\_\_**

City Manager Baker said the Executive Committee has recently reviewed and revised the Charter and By-Laws of the Central Shenandoah Criminal Justice Training Academy. As a member of the Central Shenandoah Criminal Justice Academy, it is necessary to have the governing body approval. Council Member Byrd offered a motion to approve this resolution. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business for Council's consideration was a request from JMU to relocate Turner Ashby Lane. City Manager Baker said that a meeting has been scheduled for August 21st with City staff, United Daughters of the Confederacy and James Madison University to discuss the details of a request from James Madison University to relocate Turner Asbhy Lane. After this meeting, the request will be referred to Planning Commission.

City Manager Baker presented a request from Rockingham County Schools. He explained that the schools have requested permission to hold a special event “Celebrating Character Counts” on Court Square on Tuesday, October 3<sup>rd</sup> from 5:15 p.m. until 8:15 p.m. Vice-Mayor Pace offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

The next item of business was a request from the Merchants of Historic Downtown Harrisonburg. They want to close streets around the Court House from Franklin Street to Elizabeth Street on August 26<sup>th</sup> from 10:00 a.m. until 4:00 p.m. Council Member Byrd offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

City Manager Baker said that approving a comprehensive agreement for a new school complex was postponed at the July 25, 2006 Council meeting. Following further discussion and comments, Council Member Chenault offered a motion to approve the contract with the contingency for the design build refund to be firmly established so there is no question as to what that will be based on when the project is finished. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Bucky Berry complained about the expense of the City decal and having to display it.

Vice-Mayor Pace said that he had received a letter from the Attorney General requesting that someone represent Harrisonburg at the August 14<sup>th</sup> anti-gang meeting. Mayor Eagle and City Manager Baker will attend the meeting.

Council Member Byrd proposed that Council form a committee to look at all funding requests that are not budgeted to see if we can find off setting savings in other budgeted amounts before it comes to the full Council. The proposal also included asking this committee to look at selling some of the City’s assets to increase the funding of our general reserves.

At 7:45 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel, and prospective candidates to be appointed to the Harrisonburg Parking Authority and Industrial Development Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Consultation with legal counsel regarding a proposed contract requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to

Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 10:45 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.

Vice-Mayor Pace offered a motion to approve a revised water agreement presented by the City Manager and asked City Manager Baker to direct Public Utilities Director Mike Collins to seek a renewal of the water withdrawal permit from the Shenandoah River for an additional 15 years, and, if that is not successful, seek an extension under the current guidelines for an additional five years. The motion also included asking City Manager Baker to set-up a meeting with the Harrisonburg City Council and the Rockingham County Board of Supervisors Liaison Committee to discuss future water agreements. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 10:50 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

