

## REGULAR MEETING

DECEMBER 12, 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; Council Member Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC, and Chief of Police Donald Harper.

Council Member Frank 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 second reading of several supplemental appropriations for the Public Works Department, Parks and Recreation Department and Police Department. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Norman Yoder, a representative from Brown, Edwards & Company, presented the 2005-2006 Comprehensive Annual Finance Report. He said that his firm and the City have to comply with certain standards and guidelines set by the Government Accounting Standards Board (GASB) and the Commonwealth of Virginia Auditor of Public Accounts. He gave a brief overview of the report. Mr. Yoder expressed his appreciation to the Finance Department for all of their assistance. The City will receive an unqualified opinion, which is the highest level of assurance placed on financial statements.

Planning and Community Development Director Turner presented the 2007-2008 through 2011-2012 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program allows the City to plan for capital expenditures for a five-year period. These are projects that cost \$30,000 or greater. She said that the Fire Department has requested replacement of computer software, a fire engine replacement, and traffic light intervention system. Other department requests include replacing the boiler in the Municipal Building, making improvements to the Community Development Building, resurfacing basketball and tennis courts, Smithland Road development, restoring stream banks at Purcell Park, Community Activity Center expansion, pool renovations, and making improvements at the Ralph Sampson Park shelter. The Public Works Department has requested a vehicle and equipment storage building, office building renovations, Country Club Road bridge replacement, improvements to

Mt. Clinton Pike, Greendale Road, Port Republic Road Phase III, Reservoir Street, Stone Spring/Erickson Connector, safety and traffic signals improvement on East Market Street, Country Club Road Phase I and II, Linda Lane extension, and signal upgrades at various locations in the City. On going projects include the Western Raw Waterline and Eastern Source Development project and transit and school buses replacement. Mrs. Turner said that Planning Commission recommended adopting the Capital Improvement Program.

At 7:20 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 Saturday, December 2, and Saturday, December 9, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 12, 2006, at 7:00 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

**The proposed Capital Improvement Program, for fiscal years 2007-2008 through 2011-2012. The Capital Improvement is a multi-year projection and scheduling of capital projects of \$30,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvement needs over a subsequent five-year period. Copies of the Capital Improvement Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.**

**For any additional information, contact the City Manager's office, 345 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 this public hearing.**

**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 adopting the Capital Improvement Program. There being no one desiring to be heard, the public hearing was declared closed at 7:21 p.m., and the regular session reconvened. Council Member Chenault offered a motion to adopt the Capital Improvement Program as presented including Vice-Mayor Pace's amendment regarding the re-evaluation of the Reservoir Street project. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd  
Council Member Frank

Vice-Mayor Pace  
Council Member Chenault  
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Corolla Management Corporation for a special use permit to allow a flag pole, which exceeds the maximum structure height of 75 feet in the B-2 zoning classification. The property is located at 1515 Country Club Road. She said that in March 2006 City Council approved a request to rezone the subject parcel from M-1, General Industrial District to B-2, General Business District to allow for the construction of the National College of Business and Technology. The proposed structure would be a flagpole at a maximum height of 80 feet because the property is highly visible from Interstate 81. The Public Works Director spoke with a representative from the Virginia Department of Transportation, who referred to this scenario as a possible distraction for motorists. Concerns have been discussed regarding the flagpole height, distraction, and size and she said that Planning Commission has recommended approving the special use permit request.

At 7:25 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, November 27, and Monday, December 4, 2006.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearing on December 12, 2006 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

*Special Use Permit – 1515 Country Club Road (Flag Pole)*

**Public hearing to consider a request from Corolla Management Corporation, with representative James Mehringer for a special use permit per Section 10-3-91(12) of the Zoning Ordinance to allow an eighty-foot flag pole in the B-2, General Business District. The property is located at 1515 Country Club Road and can be found on tax map 13-A-1.**

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

Mayor Eagle called on anyone desiring to speak for or against this special use permit request. Jack Ekey, the Campus Director of the National College of Business and Technology said he was available to answer questions.

Vice-Mayor Pace questioned the elevation of the building on the site. “Why is it necessary to have a flagpole twice the size of the elevation of the building?”

Mr. Ekey said that one of the criteria that Mr. Frank Longaker, President of National College of Business and Technology, is visibility when building a new facility. There being no others desiring to be heard, the public hearing was declared closed at 7:29 p.m., and regular session reconvened. Following further discussion and comments, Council Member Chenault offered a motion to approve the special use permit as presented. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

No - Council Member Byrd  
Vice-Mayor Pace

Absent – None

Planning and Community Development Director Turner introduced a request from Lynn Griffith for a special use permit to allow occupancy at 426 and 438 South High Street. This property is currently zoned R-2, Residential Zoning District., which allows occupancy of two (2) or family as a use permitted by right. She reviewed the surrounding uses in the area. In 1989, ten rental units were constructed on this site; eight of the ten units were constructed in two-unit attached structures, with the remaining two units being stand-alone structures. In 1999, the property owner asked for an expansion of the group housing project designation for a proposal to construct five additional units on the site, with a special use permit to allow four persons per unit. Both the group housing project designation and special use permit were granted. The buildings were never constructed and the special use permit expired. The applicant would now like to modify the previous group housing project plan that was approved in 1999 and replace it with a more modest plan to construct just one, two-unit structure. Much of the Roosevelt Square development is within the Blacks Run flood plain. The structure would need to be constructed one foot above the base flood elevation. The applicant is again asking for a special use permit to allow increased occupancy in each unit. This neighborhood is comprised largely of rental properties. Because of the rental history of this area, the applicant will have to provide one parking space per occupant (four spaces per unit). Planning Commission recommends that the request be approved with the following conditions: 1) The property may be inspected on an annual basis by appropriate City staff to ensure compliance with zoning and building requirements. 2) The Zoning Administrator shall review all complaints against this property, and if warranted, bring violations to the attention of the Planning Commission for further action. She said that Planning Commission recommended approving the request.

At 7:40 p.m., Mayor Eagle 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 Monday, November 27, and Monday, December 4, 2006.

### **NOTICE OF PUBLIC HEARING**

The Harrisonburg City Council will hold public hearing on December 12, 2006 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

***Special Use Permit – Roosevelt Square***

Public Hearing to consider a request from Lynn Griffith, with representative J.M. Snell for a special use permit per Section {10-3-40 (7)} to allow occupancy of not more than four (4) persons per unit for a proposed two unit structure within the Roosevelt Square development. The property is located at 426 & 438 South High Street and can be found on tax maps 24-Q-6 & 24-S-3&4.

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 special use permit request. Dick Blackwell said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:42 p.m., and regular session reconvened. Following further discussion and comments, Vice-Mayor Pace 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 Byrd  
Council Member Frank  
Vice-Mayor Pace  
Council Member Chenault  
Mayor Eagle

Absent – None

A request from Mohammad Aslam to preliminarily plat 80 townhouse lots at 705 Stonewall Drive was tabled until a future Council meeting.

The next item of business was a presentation by Don Driver, Director of Harrisonburg/Rockingham Social Services. He said the department has been impacted by immigration during the last five to ten years. This area offers employment opportunities, but has impacted staffing at the Social Services Department. He reviewed the population demographics for agency clients. Approximately 22% of the individuals serviced by the agency are of Hispanic

origin. In 2002, a comparison was done to determine the number of individuals receiving food stamps of the Hispanic group versus the general population. One of the most significant impacts on the agency has been the language issue. Some of the success during the last five years has been hiring bi-lingual staff members

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, updated the progress and accomplishments for HDR. Applications have been received for the Façade Enhancement Grants to improve signage, building appearance, and landscaping and grants have been awarded to 11 businesses totaling approximately \$25,000. He announced that during the last quarter two new businesses and a restaurant opened in the downtown area. Vendors of the Farmers Market would like to make the municipal parking lot a permanent location. Many businesses participated in design improvements and holiday window decorations. Successful events held in the fall included the Museum & Gallery Walk, Howl-o-Ween on the Square, and Holidays on Main Street, and taking pictures with Santa in the Hardesty Higgins House.

Jeff and Beverly Evans, and Richard Martin, representatives of the Harrisonburg-Rockingham Historical Society, announced that a painting by Emma Lyon Bryan and titled “The Town of Harrisonburg, Virginia, 1867” was purchased and donated by Robert “Twig” Hopkins and Lorraine Strickler. This generous gift has been given to the Harrisonburg-Rockingham Historical Society and will be displayed for six-month periods in a number of venues throughout the area.

Kathy Frazier, owner of Frazier Associates of Staunton, presented a brief overview of the Wayfinding Sign System as part of the streetscape plan. The project has been one of the highest priorities for Harrisonburg Downtown Renaissance, business and property owners, potential investors, and the Jamestown 2007 Committee. The implementation of the Wayfinding Sign System will benefit local people and help travelers locate key attractions and destinations in the area.

Kim Alexander, Director of Special Projects and Grants Management, said the U.S. Department of the Interior, National Park Service, has awarded the City of Harrisonburg \$150,000 in Preserve America grant funding, to be used for the development and implementation of wayfinding signage, placing particular emphasis on historic downtown. The total project cost is \$646,575. Included in this amount is \$240,575 for Frazier Associates Streetscape & Wayfinding design work, which the City will pay for and \$150,000 of grant funding to be provided by Preserve America. The remaining \$256,000 is required matching funds that need to come from the City or other sources. The \$256,000 must be obtained and expended prior to October 31, 2008. Staff will work to secure this funding from sources other than City general funds; however, Council should be advised that by accepting the grant agreement if staff is unable to secure the additional funding from other sources, Council is committing to provide the funds. There is a possibility that the National Park Service may consider waiving this additional \$256,000 match, but there are no guarantees. Following further discussion and comments, Council Member Chenault offered a motion to accept the \$150,000 Preserve America Grant and appropriate the matching allocation funds. The motion also included allowing the Finance Committee to work with the City Manager to find other possible funding sources to help with the

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

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

Absent – None

City Attorney Thumma presented for Council’s consideration an ordinance repealing Section 15-3-2 of the Harrisonburg City Code. He recommended repealing this section because the ordinance as drafted is vague and unenforceable. Also, the ordinance as drafted interferes with private contracts or leases of real estate and does not provide for due process under the law and is in the opinion of the City Attorney unconstitutional. Vice-Mayor Pace suggested that City Attorney Thumma research other communities in the state having colleges and universities to determine whether there is any language available that might be useful to Harrisonburg before taking any action on repealing this section of the City Code.

Public Works Director Baker presented a request from the Public Works Department. These funds were received to partially off set the cost of the sidewalk installation from Carlton Street east along East Market Street. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$4,000 chge. to: 1310-31914 Recovered costs

\$4,000 approp. to: 1310-910141-48663 New sidewalk/trail plan

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

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

Absent – None

City Manager Baker presented a request from the Fire Department. He said that the first payment for this truck was budgeted; however, it is being delivered sooner than expected and we have not received bids on a loan. Since we have enough funds to pay for the total amount we would like to do that at this time. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$242,194.00 chge. to: 1000-31010 Amount from fund balance

\$242,194.00 approp. to: 1000-32232-48165 Fire Truck

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

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

Absent – None

Vice-Mayor Pace offered a motion to transfer funds for the Fire Department, and that:

\$11,092.00 chge. to: 1000-980142-49118 Fire Truck lease/ purchase (principal)

77,975.00 chge. to: 1000-980142-49128 Fire Truck lease/ purchase (interest)

\$89,067.00 approp. to: 1000-32232-48165 Fire Truck

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

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

Absent – None

Vice-Mayor Pace offered a motion to allocate a portion of the interest income generated on the \$3.5 million loan for the Harrisonburg Redevelopment Housing Authority to the authority to fund their out of pocket cost for issuance of the bonds. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:35 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, Board of Viewers, and Harrisonburg Electric Commission, 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, 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  
Council Member Frank  
Vice-Mayor Pace  
Council Member Chenault  
Mayor Eagle

Absent – None

At 10:30 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.

Council Member Chenault offered a motion that Donn E. Meyerhoeffer, 486 Andergren Drive, be appointed to a second term on Harrisonburg Electric Commission to expire on December 31, 2009. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Dennis L. Snyder, 964 Wren Way Drive, be appointed to a first term on Harrisonburg Electric Commission to expire on December 31, 2009. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

At 10:35 p.m., there being no further business and on motion adopted the meeting was recessed until December 14, 2006 at 3:30 p.m., at the Rockingham County Administration building at which time Council plans to meet with the Rockingham County Board of Supervisors.

The City Council meeting reconvened on December 14, 2006 at the Rockingham County Administration building. Vice-Mayor Pace offered a motion authorizing the City Manager to sign a Memorandum of Agreement with the City of Harrisonburg, Rockingham County and SRI International (“SRI”). The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 3:31 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