

REGULAR MEETING

October 23, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; 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, MMC; and Police Chief Harper.

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

Council Member Chenault requested that Item #5D & E on the consent agenda be removed and considered as separate items.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of supplemental appropriations for the Police and Parks and Recreation Departments. The motion also included referring requests to close portions of Ohio Avenue and New York Avenue 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 Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

Vice-Mayor Pace offered a motion that a rezoning request and special use permit request from Bill Neff be approved for a second reading. 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
Mayor Eagle

No - Council Member Frank
Council Member Chenault

Absent - None

The next item of business was holding a public hearing to authorize increasing the appropriation to the General Capital Projects Fund. City Manager Hodgen explained that the Harrisonburg Rockingham ECC has received two grants totaling \$1,497,500.00. One is for an E-

911 Wireless Board Enhancement Grant in the amount of \$297,500.00, and the other is for the Virginia Strategic Interoperable Radio Cache Grant in the amount of \$1,200,000.00. The 2007-2008 budget will be increased by \$1,497,500.00.

At 7:04 p.m., 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 Tuesday, October 16, 2007.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, October 23, 2007 at 7:00 p.m., or as soon as the agenda permits, in the Harrisonburg City Council Chambers located at 409 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 2007-2008 budget in the net amount of \$1,497,807. The funds will be used by the ECC for a Mapping Project and a Radio Cache Project. These expenditures will be funded by a E911Wireless Board Enhancement Grant and a Virginia Strategic Interoperable Radio Cache Grant.

The budget increase will be as noted below:

Revenues:

General Capital Projects Fund:

Wireless E 911 Enhancement Grant	297,500.00
Virginia Strategic Interoperable Radio Cache Grant	<u>1,200,000.00</u>

Total	<u>1,497,500.00</u>
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Expenditures:

Transfers from General Fund

ECC Mapping Project	297,500.00
ECC Radio Cache Project	<u>1,200,000.00</u>

Total	<u>1,497,500.00</u>
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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

Kurt D. Hodgen

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 7:05 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$ 297,500.00 chge. to: 1310-32542 Wireless E-911 Enhancement Grant
1,200,000.00 chge. to: 1310-33552 VA Strategic Interoperable Radio Cache Grant

\$1,200,000.00 approp. to: 1310-910141-48711 ECC Radio Cache Project
297,500.00 approp. to: 1310-910141-48712 ECC Mapping Project

The motion was seconded by Vice-Mayor Pace 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 Hodgen presented a request to transfer funds from one capital project to another. He said that recently Council transferred earned interest funds from a prior bond issue to the two-way communication system capital project. The Finance Department has determined that the earnings should have been transferred to the Erickson Avenue capital project instead. Approval of this request will not increase the 2007-2008 budget. Vice-Mayor Pace offered a motion to approve transferring these funds, and that:

\$52,882.32 chge. to: 1310-910141-48610 two-way communication system

\$52,882.32 approp. to: 1310-910141-48637 Erickson Avenue Extension

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

The next item of business was a request to close City streets for Generations Crossing 5K Run/Walk. City Manager Hodgen said that Generations Crossing has partnered with First Night to sponsor a fund raising run/walk on New Years Eve. He reviewed the route. Council Member Frank 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 an update on Streetscape and Wayfinding Projects. City Manager Emeritus Roger Baker and Harrisonburg Downtown Renaissance Executive Director Eddie Bumbaugh reviewed the bid results for the Wayfinding project and its timetable. Mr. Baker said that NW Sign Industries, Inc., submitted the low bid for the Wayfinding Sign project. The low bid includes gateway signs at nine entrances into the City. Council directed City Manager Hodgen to execute the contracts and issue the notices at the appropriate times.

The next item of business was an update on the Economic Revitalization Zone legislation approved by the Virginia General Assembly effective July 1, 2007. Economic Development Director Brian Shull said that the proposed incentive will allow cities to establish economic revitalization zones by ordinance and offer economic incentives to encourage new construction within these designated zones. During the last seven years approximately five to nine businesses have taken advantage of partial exemption on the property tax for buildings twenty-five years or older being rehabilitated. This proposal applies to new construction only and a minimum \$1,000,000 investment (excluding land) required. Mr. Shull reviewed the proposed zone and the Virginia Main Street district as the boundaries for the revitalization zone. He offered the following incentives for consideration: 1) Five year freeze on assessed value of new construction. 2) Rebate of water and sewer availability and connection fees. 3) Offer a rebate on BPOL tax for retail tenants. Following further discussion and comments, Council requested that a draft ordinance be prepared and presented at the next Council meeting.

The next item of business was a request to grant permit parking status to the 400 block of Dixie Avenue and 200 and 300 block of Ohio Avenue. Transportation Planner Donovan Branche said the Public Works Department received petitions with homeowner signatures from the residents of the 400 block of Dixie Avenue and 200 and 300 block of Ohio Avenue. She said residents have expressed concerns regarding vehicular behaviors and parking from Memorial Hall students. Council Member Chenault offered a motion to approve amending this ordinance for a first reading adding the 400 block of Dixie Avenue and the 200 and 300 blocks of Ohio Avenue to the green permit parking zone. The motion was seconded by Vice-Mayor Pace 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

The next item of business was an update on the Stone Spring Road/Erickson Avenue project. Public Works Superintendent Drew Williams gave an overview of the major east-west connector project development including construction of Phase I in the fall of 2008, right-of-ways being negotiated/acquired, and coordinating with utilities involved in the project. Phase I includes the Pear Street/railroad track relocation, upgrading the intersection at Route 42, and rebuilding the street to the Wal-Mart entrance off of Erickson Avenue. The estimated cost of

the project funded by federal, state, and local monies is \$62,292,000. He also reviewed a potential timeline including phases, funding sources, and project completions.

The next item of business was a request to consider revisions to the City's Special Events Policy. Public Works Superintendent Drew Williams reviewed some proposed changes to the policy. The existing special events form is sufficient; however, it is suggested that provisions be added for staff review allowing for better information and to facilitate planning prior to Council approval. Council agreed to the proceeding but not to assessing fees.

City Attorney Thumma presented for Council's consideration enacting Section 4-2-18 of the Harrisonburg City Code. He said that this ordinance is being enacted that the Harrisonburg-Rockingham Court Services Unit can collect supervision and intervention fees to offset the costs of the supervision and probation program for the city and county. Council Member Byrd offered a motion to approve this ordinance as presented for a first reading. 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 Hodgen presented a request to close Main Street on Sunday, November 11 for the Veterans Day parade beginning at 2:00 p.m., in Municipal Building parking lot and ending at the County Administration complex parking lot. A ceremony will follow at Memorial Hall and Memorial Stadium at 3:00 p.m. Council Member Chenault offered a motion to approve this request. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

City Attorney Thumma presented the following resolution for Council's consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HARRISONBURG, VIRGINIA, ADDING THE
VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION
AS A GRANTEE OF THE PURCELL PARK CONSERVATION EASEMENT**

WHEREAS, on February 28, 2006, the City Council approved the Purcell Park conservation easement with the Valley Conservation Council, a private non-profit conservation organization as the Grantee; and

WHEREAS, the City proposes to add the Virginia Department of Conservation and Recreation, an agency of the commonwealth of Virginia as an additional grantee of the conservation easement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA

That the City Council of the City of Harrisonburg, Virginia, hereby adds the Virginia Department of Conservation and Recreation, an agency of the Commonwealth of Virginia, as an additional grantee of the Purcell Park conservation easement and that said easement shall be held jointly with the Valley Conservation Council, a private non-profit conservation organization.

Approved: October 23, 2007

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Following discussion and comments, Council Member Chenault offered a motion to approve this resolution 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 Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

City Attorney Thumma reported that a bid in the amount of \$103,050 was received from Dell Investment, LLC for a lot containing 13,922 square feet along East Washington Street. Council Member Chenault offered a motion to accept the bid for a first reading. 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

Council Member Chenault requested delaying a report evaluating the situation regarding saving the trees in front of Cally's, Downtown Wine and Gourmet, and the Court Square Theater facility until the December Council meeting.

Andrew Forward suggested that, in addition to the recommendations presented by Economic Development Director Brian Shull, more opportunities be provided for downtown developers by establishing the economic revitalization zone in the downtown area.

At 9:37 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Board of Zoning Appeals, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and discussion and consideration of the use 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 Attorney Thumma 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 requirement 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 Kai Degner, 676 East Wolfe Street, be recommended to the Circuit Court to fill the unexpired term of Patricia A. McInerney to expire on March 20, 2010. 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

Council Member Frank offered a motion that David Wigginton, 1056 Blue Mountain Court, be re-appointed to another term on the Upper Valley Regional Park Authority Board of Directors, to expire on October 23, 2011. 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 10:35 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