

REGULAR MEETING

November 27, 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.

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

Bucky Berry, a resident of Harrisonburg, said towing practices should be established in the Grace Street and Willow Street area of the City.

Council Member Byrd requested that Item 5i on the consent agenda be removed and considered as a separate item.

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of appropriations for the Police Department, Tourism and Visitor Service, School Board, selling a lot on East Washington Street and a rezoning request by Gary Turner. The motion also included amending and re-enacting Section 8-1-5 of the Harrisonburg City Code and referring a request to close a portion of Hillandale 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 - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

Council Member Frank offered a motion that an alley closing request by Ted and Tammy Brown be approved for a second reading. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

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

Abstained - Council Member Byrd

Absent – None

City Attorney Thumma presented for Council's consideration disposing of real estate owned by the City along Port Republic Road and Neff Avenue. He said that an offer by the Board of Visitors of James Madison University to purchase approximately 32.594 acres lying northwest of the intersection of Port Republic Road and Neff Avenue has been received.

At 7:08 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 Friday, November 16, and Friday, November 23, 2007.

**NOTICE OF PUBLIC HEARING ON THE
DISPOSITION OF REAL ESTATE
OWNED BY THE CITY OF HARRISONBURG
ALONG PORT REPUBLIC ROAD AND NEFF AVENUE IN THE
CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on November 27, 2007 at 7:00 P.M. in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, concerning the disposition of real estate, namely, 32.594 acres lying northwest of the intersection of Port Republic Road and Neff Avenue in the City of Harrisonburg to the Visitors of James Madison University as per their proposal to purchase the same. Said parcel is identified on the City Block Maps as Parcel 87-B-1.

Copies of the proposed sales agreement are available in the City Manager's Office, 345 South Main Street, Harrisonburg, Virginia, 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 person requiring auxiliary aids, including signers, in connection with this public hearing shall notify the City Manager at least five (5) days prior to the time of the hearing.

**CITY OF HARRISONBURG
Kurt D. Hodgen,
City Manager**

Mayor Eagle called on anyone desiring to speak for or against selling the real estate.

Carolyn Spitzer expressed concern about the additional traffic on Port Republic Road if JMU builds athletic fields on the property. She also said that once the new hospital is open, Port Republic Road will not be large enough to sustain more traffic.

Ralph Geddis expressed concern about removing this property from tax records.

Bucky Berry expressed concern about the traffic on Port Republic Road.

Jerry Bennett expressed concern about this property being sold to JMU. There being no others desiring to be heard, the public hearing was declared closed at 7:15 p.m., and the regular session

reconvened. Following further discussion and comments, Council Member Chenault offered a motion to authorize the sale of the property for a first reading. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

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

Absent – None

Parks and Recreation Director Lee Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. He said these funds are a reimbursement to the Blacks Run budget from Friends of Blacks Run Greenway for partial payment of the Liberty Park bridge construction. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$15,000.00 chge. to: 1000-31823 Donations-Blacks Run

\$15,000.00 approp. to: 1000-710971-48184 Improvements

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

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

Absent – None

The next item of business was a request to approve a special events application. City Manager Hodgen said that the Blessed Sacrament Catholic Church has requested approval of a “Special Events Application for their “Our Lady of Guadalupe Celebration” on December 12, 2007. The event involves a processional from the northeast side of Court Square, up North Main Street and to the Church. It will begin at 6:30 p.m. and end at about 6:45 p.m. No street or lane closings will be required, but a police escort will be provided. All affected city departments have reviewed and approved the request. Council Member Byrd offered a motion to approve this special events application. The motion was seconded by Council Member Frank and approved with a vote of Council with Council Member Chenault abstaining.

Mayor Eagle presented the following resolution for Council’s consideration of approval:

RESOLUTION

WHEREAS: From 1775-1810 an estimated 300,000 settlers traveled through Virginia to the Cumberland Gap. This migration and western movement is a significant part of Virginia history and had far reaching effects on the development of the United States of America. Today, an estimated 43 million Americans can trace their ancestors to the migration through Virginia along the *Wilderness Road: Virginia's Heritage Migration Route*.

WHEREAS: The historical migration of early settlers and pioneers to Virginia followed closely to what is now Route 11, 58 and 23 from Winchester to Cumberland Gap.

WHEREAS: This driving route is developed to preserve, interpret and promote the history, heritage and culture of the early pioneer settlement and migration through Virginia, and the role that Virginia played in the migration of settlers through the Cumberland Gap and the development of the nation.

WHEREAS: The Wilderness Road Committee has been working for two years under the leadership of the Virginia Tourism Corporation in partnership with tourism representatives from 28 tourism localities and 12 state/federal partners to develop the driving route of the Wilderness Road: Virginia's Heritage Migration Route, and spurs known as The Carolina Road, and The Fincastle/Cumberland Gap Turnpike, connecting with the Daniel Boone Wilderness Trail, and individual community loops for each locality.

WHEREAS: The mission of the committee is to develop a new tourism product to increase economic growth, and tourism spending in the region. The purpose of the committee is to promote *The Wilderness Road: Virginia's Heritage Migration Route* from Winchester to Cumberland Gap in a way that preserves and interprets the heritage of the migration era from the 1700s to the mid 1800s to increase tourism visitation and economic impact of tourism spending.

WHEREAS: This state designation delineates the route and recognizes the driving route as *The Wilderness Road: Virginia's Heritage Migration Route*. This shall not affect any other designation heretofore or hereafter applied to this route or any portions thereof.

WHEREAS: Designation of this driving route allows for the further development of tourism as a vital part of economic development, building on the tourism assets of the westward migration and stimulating new tourism growth to Western and Southwestern Virginia.

THEREFORE BE IT RESOLVED that the City of Harrisonburg expresses its support to the General Assembly of the Commonwealth of Virginia to provide state designation for the Wilderness Road: Virginia's Heritage Migration Route.

BE IT FURTHER RESOLVED that the City of Harrisonburg expresses its support of directional signs along the corridor to direct tourists along the driving trail and to Harrisonburg Tourism and Visitor Services locate inside the Hardesty-Higgins House.

FINALLY BE IT RESOLVED that the City of Harrisonburg fully supports the efforts of the Wilderness Road Committee to develop the Wilderness Road: Virginia's Heritage Migration Route as a national and international tourism product to increase visitation to Western Virginia.

Date

Rodney L. Eagle, Mayor

Attest:

Yvonne Ryan, MMC, City Clerk

Zenaida Hall, Harrisonburg Tourism Marketing Coordinator, gave an overview of a resolution supporting the designation of a driving route entitled "*The Wilderness Road: Virginia's Heritage Migration Route*" to connect tourists with local visitor centers along the corridor of the route. Funding for signage will be requested through the Virginia Assembly. She said that Harrisonburg Tourism's mission is to create a joint partnership to identify historical and culture sites, and this designation offers an opportunity to area museums, attractions, shopping and dining along the route. Vice-Mayor Pace offered a motion to approve the resolution as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Members agreed to schedule a public hearing on December 11, 2007, to consider The Planning Commission's recommendation to approve the Capital Improvement Program.

The next item of business was an update on the Comprehensive Services Act Program. Charlotte McNulty, chair of the Community Policy and Management Team (CPMT), gave an overview of the program and on two new community-based programs that are being proposed. The new programs will require some start-up funding from the City and County, which will share equally in the start-up costs of the program. Treatment costs for the new programs as well as existing programs and services are paid based on the residence of the child. The new programs will identify and explore services needed by children in the community. The purpose

is to provide services for children located in the community rather than to send these children to residential settings in other areas to receive these services.

The next item of business was a presentation by Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority and Rev. Jeff Butcher, Senior Pastor of Otterbein United Methodist Church in Harrisonburg and President of Harrisonburg Rockingham Thermal Shelter (HARTS). HARTS is a collaborative effort between Harrisonburg Rockingham Continuum of Care (HRCOC) and the Interfaith Association of Harrisonburg. The mission is to provide safe temporary housing by accommodating the needs of the homeless. Host churches will provide temporary shelter and housing for one week and volunteers to assist in the program. Mr. Wong and Rev. Butcher presented a funding request of \$30,000 to support an Emergency Homeless Shelter Initiative to provide shelter for the “chronically homeless”. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$ 30,000.00 chge. to: 1000-31010 Amount from fund balance

\$ 30,000.00 approp. to: 1000-910411-45805 Harrisonburg-Rockingham Thermal Shelter

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

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

Absent – None

Parks and Recreation Director Foerster presented a request from the Parks and Recreation Department, Rockingham County Parks and Recreation Department and the Downtown Merchants Association to hold the annual Christmas parade. He explained that these groups are sponsoring the annual Christmas parade to be held on Friday, December 7th, at 7:00 p.m. The parade will begin at the monument at the intersection of South Main Street and Liberty Street and end at the corner of Gay Street and North Main Street at the Rockingham County Administrative Complex. 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.

At 8:35 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 boards and commissions, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consultation 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. Consultation with legal

counsel regarding an existing 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. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

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

Absent - None

At 9:20 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.

At 9:21 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