

REGULAR MEETING MARCH 23, 1999

At a regular meeting of Council held this evening at 7:30 p.m., there were present: City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz, Council Member John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan, CMC, and Chief of Police Donald Harper. Absent: Mayor Rodney Eagle.

Vice-Mayor Lantz delivered the invocation and led everyone in the Pledge of Allegiance.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, second reading of increasing the 1998-99 budget and referring an alley closing to the Planning Commission. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Absent: Mayor Eagle

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 1999-2000 budget. He reviewed the budget revenue estimates which the School Board adopted at its March 16th meeting. The total budget is \$31,966,623. Of that amount, City revenues total \$18,844,942 which includes an increase of \$672,010 for next year. Some of the higher numbers are related to several categories which include education, salaries, personnel, transportation, and capital outlay. The budget does include a projected 4% average salary increase for employees and he noted that some adjustments have been made in the teacher's scale. There are funds in the budget to address next year's portion of a five-year projection of maintenance and special project needs. He also said that every other year the School Board adopts new textbooks. The School Board should receive about \$438,000 in lottery revenues next year. Dr. Ford thanked City Council for providing a significant amount of funds for the \$3.3 million in renovations at Keister Elementary School which includes an additional \$500,000 in local funds.

Harv Hopkins-Garris, Secretary of the Board of the Farmer's Market, read the following letter.

We, the Harrisonburg Farmer's Market vendors thank you for all the years that the City has provided the use of the Water Street parking deck and for the privilege of selling our produce.

The Market would like to express our support for the efforts to revitalize the downtown area. We applaud the new theater and would like to do everything we can to help with making downtown a successful and revitalized business area. However, we have some concerns about the proposed Market Place. Our concerns are for the convenience of the customer, parking availability, and adequate spaces for vendors.

We would like to refer to the letter dated 10/29/98 written to Mayor Eagle from Samuel Johnson, one of the Farmer's Market Vendors, which addresses many of our uncertainties. As Mr. Johnson states in his letter, we are concerned that there will not be as many spaces for vendors, parking spaces for customers located close to the vendors, or as adequate protection from the weather for both customers and vendors as we have currently at the Water Street parking deck.

At the annual meeting in December, the members of the Market advanced to Mayor Eagle some of our concerns about the possible move. The opinions expressed favored remaining at our current location for the reasons previously mentioned. Opinions also indicated that rather than investing money in a new market that will not adequately meet the Market's needs, the current location could be improved with a smaller investment. We are open to exploring ways to either improve the current location or overcoming the perceived problems of the proposed market.

You have a comparative financial statement for the two years 1997-98. The Harrisonburg Farmer's Market is a viable business which has contributed to the downtown area. There are 20 vendors with combined gross sales of approximately \$150,000. Our advertising efforts have been directed to the Rockingham/Harrisonburg area. We are expanding our contacts through the media to forms which will tap into the tourist industry, bringing people into the downtown area. Before any decisions are made concerning the continuation of the Market Place project, we would appreciate an opportunity to explore alternative ideas.

Thank you very much for your consideration of our request and for giving us the opportunity to present our vision for the market.

Mr. Hopkins-Garris

suggested alternative ideas could include making improvements to the present location on Water Street and improve parking and increase space for vendors at the new proposed market place.

Mr. George Merz

said that the vendors were concerned about the new proposed Market Place in the downtown area, growth of the present location during the last five years, and having only 20 spaces available for vendors rather than the current 24 spaces.

Mr. Samuel Johnson

said that he had been involved with the market since it began in 1979. He said that because it is a Farmer's Market, agricultural input should be included in the planning of a new place.

Mr. Jim Deskins

, Harrisonburg Redevelopment and Housing Authority Executive Director, said that the planning for the market has been ongoing for two years and they have held several meetings with representatives of the Farmer's Market Association. He explained that HRHA is proposing the construction of a 20-space Farmer's Market on Graham Street. He said there will be opportunity to expand the market by utilizing Graham Street. The spaces will cover both the vendor and shopper, and adequate parking will be available on both Tuesday and Saturday mornings. Discussion included expanding vendors' spaces in the parking deck, using Whetsel's facility as an anchor to the downtown market, leaking deck, no sunshine in the deck, convenient parking for the customers, involving vendors in the discussion on the proposed market place, and hopefully people getting out of their cars and walking around in the downtown area.

At 8:05, p.m., Mayor Eagle entered Council Chambers after being absent due to a death in the family, and began chairing the meeting.

Chad Layman, representing the Chamber of Commerce, issued an invitation to City Council to participate in "Spring Cleanup Week." He explained that it is a week long event encouraging people to clean up the area. He also challenged the Council to participate on Monday, April 19th at 1:00 p.m., to pick up trash on Grassy

Creek Road. It will provide an opportunity for the community to see the leaders of the area picking up trash.

Ruth Deskins, representing the Convention & Visitors Bureau, presented a request for a Summer Feast on June 19, 1999. She explained that this is the third year for the event and as in the past years it will have minimum impact on traffic patterns. Emergency routes will be maintained and Main Street will remain open. This year the Harrisonburg-Rockingham Convention & Visitors Bureau is an official George Washington Bicentennial community and the festival will also tie into that event. The media will hold a cherry pie eating contest. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart explained that the John D. Eiland Company has again requested sponsoring Fundfest concert series. The concert series will be held on alternating Wednesday evenings and will again provide fund raising opportunities for a number of local charities. The Fundfest concert series will begin May 5, 1999 and end on August 25, 1999. Over the years the annual Fundfest events have contributed more than \$30,000.00 to local charities within the community. Council Member Rogers offered a motion to approve the concert series. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request by Management Service Corporation for variances for a preliminary plat entitled "Sunchase." She explained that the property is located on the east side of Neff Avenue and the applicant is seeking approval of a preliminary plat for an apartment complex, with a variance to allow more than 20 units per cul-de-sac. The applicant is also requesting a variance to place bus shelters on or near the public right-of-way. Sunchase Apartments originally submitted a site plan for the project that did not include a cul-de-sac off of Neff Avenue. Due to concerns about the safety and convenience of student bus service, the company has revised the project to include a cul-de-sac. This revision however, requires approval of a preliminary plat because it involves the creation of a public street. The applicant requests a variance to allow more than 20 units on a cul-de-sac. If approved, Sunchase Court would serve 156 apartments units and a clubhouse. The project could be constructed without a cul-de-sac; however, buses would not run through private parking areas to pick-up and drop-off students. Another option would have been to build a public street from Neff Avenue to Woodland Drive. There were concerns on the impact on the neighborhood with this option. A variance is also requested to allow bus shelters in the public right-of-way or within the 30' setback. The plat shows a bus shelter on Reservoir Street that is within the right-of-way and a second bus shelter is shown partially within the right-of-way on Sunchase Court. Staff encourages the placement of bus shelters on private property; however, recognizes that bus shelters should be located conveniently close to the street. Staff recommends approval of the preliminary plat with a variance to exceed 20 units per cul-de-sac. Staff also recommends approval of the requested variance to place a bus shelter within the public right-of-way on Reservoir Street, due to topographic conditions and right-of-way width in that area. She said that staff prefers that the bus shelter on Sunchase Court be placed entirely on private property, if possible; however, utility easements must be avoided. Prior to final plat approval, a waiver would be required to release the City from maintenance responsibility and liability for the bus shelters. The City Attorney should review and approve any documentation necessary to make sure that the City is not responsible for any maintenance or any accidents that might occur at the bus stop locations. She said that upon the City Attorney granting final approval, Planning Commission recommended approval of these variances. Following further discussion and comments, Vice-Mayor Lantz offered a motion to grant the variances subject to conditions worked out between the City Manager and the developer. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Assistant City Manager Baker presented a request to close a 196 foot section of Ash Tree Lane for a second reading. He explained that in the fall of 1990 and spring of 1991, Mr. Thomas Arthur had requested closing this section of Ash Tree Lane, and went through the process up to the second reading. Public hearings were held, a board of viewers was appointed and recommended the closing but payment was never made because adjacent property owners could not reach agreement. Payment has now been made and Mr. Arthur has

requested that the closing proceed. Mr. Baker added that minutes of 1991 mention that an easement must be retained for utilities. City Attorney Thumma noted that Mr. Arthur has furnished the City with the necessary plat of metes and bounds description. Vice-Mayor Lantz offered a motion to approve closing this section of Ash Tree Lane for a second reading. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers
Council Member Byrd
Vice-Mayor Lantz
Mayor Eagle

No - None

City Manager Stewart presented for Council's consideration an endorsement of a working group to study the feasibility of a short-term residential shelter care facility for juveniles. He explained that Harrisonburg, Rockingham County, the Juvenile and Domestic Relations Court, and JMU were asked to work corporatively to investigate the feasibility of this facility. He noted that Dr. Lin Rose, President of JMU, had acknowledged support in being a partner in looking into the feasibility of such a center. Vice-Mayor Lantz offered a motion to endorse the feasibility study of this facility. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart announced that Congressman Goodlatte would like to meet with City Council and the Board of Supervisors to discuss issues of mutual concerns and suggested August 11, 1999 at 2:30 p.m. Vice-Mayor Lantz suggested meeting with Congressman Goodlatte on August 10 at 6:30 p.m., before the regular City Council meeting.

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that this Division of Motor Vehicles grant money will reimburse the department for purchase of a radar unit. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$1,500.00 chge. to: 1000-32520 DMV Grant

\$1,500.00 approp. to: 1000-310131-48111 Machinery and Equipment

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

Vote: Yes - Council Member Green

Council Member Rogers
Council Member Byrd
Vice-Mayor Lantz
Mayor Eagle

No - None

Vice-Mayor Lantz said that he had received a telephone call from a citizen concerned that there weren't any pictures of the City's founding fathers displayed on the walls in City Hall. City Manager Stewart noted that there are pictures of City Council dating back to the 1940's displayed on the wall in the City Manager's

office.

Parks and Recreation Director Gucker presented a request to increase fees for the Parks and Recreation's programs and services. She explained that the department would like to increase the fees for the department's activities beginning May 1, 1999. The department has not increased fees in quite sometime and would like to do so as proposed in the FY 1999-2000 for the following reasons: 1) Increase effective May 1st in order to coincide with summer registrations, and change in seasonal programming. 2) To recoup a larger percentage of the costs of the programs and thusly increase revenues generated. 3) Differentiate between City residents and non-residents both in

registration and fees. It is recommended that non-residents register after City residents and pay a higher fee to participate should there be spaces available in the programs. Resident fees are projected to increase approximately 20% and non-residents 40%. The fee increases represent an additional \$73,000 for the proposed 1999-2000 budget. This figure is based upon current enrollments and participation in departmental programs. Council Member Rogers offered a motion to increase the fees for the Parks and Recreation's programs and services. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers
Council Member Byrd
Vice-Mayor Lantz
Mayor Eagle

No - None

Council Member Rogers commented that he continues to hear good things from citizens regarding the good work Paula is doing in the Parks and Recreation Department.

At 8:50 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, amended. Consultation with the City Attorney and briefings by staff members concerning a proposed contract and probable litigation, requiring the provision of legal advice by the City Attorney, exempt from public requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 10:40 p.m., the executive session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the 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 matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the executive session by the City Council.

Council Member Byrd suggested preparation of resolution signed by all Council Members honoring Ernest Shifflett, Jr.

At 10:58 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR