

REGULAR MEETING

JANUARY 11, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; 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/AAE, and Chief of Police Donald Harper.

Council Member Green delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a supplemental appropriation for the Police Department, and amending and re-enacting Section 12-1-10(b)(5) of the Harrisonburg City Code. The motion also included the second reading of Capital Projects Fund for development of a golf course. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Planning and Community Development Director Turner introduced a request by Harrisonburg Refrigeration Service, Inc., to close a portion of 4th Street and an alley at 800 Chicago Avenue. She explained that Harrisonburg Refrigeration is in need of additional space and would like to expand their building. They also wish to purchase the adjacent street and alley to provide space for an addition. The property is zoned B-2

General Business District and is located in an area surrounded by both business and single-family homes. She said that Staff has reviewed the request and does not object to the street and alley closing; however, the City must retain public utility easements and electric easements. Planning Commission recommended approval of the alley closing.

At 7:36 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 Monday, December 27, 1999, and Monday, January 3, 2000.

**NOTICE OF INTENTION TO CLOSE  
PORTION OF 4TH STREET  
LOCATED BETWEEN CHICAGO AVENUE AND GRANT STREET  
AND AN ALLEY AT 800 CHICAGO AVENUE  
IN THE CITY OF HARRISONBURG**

**City Council Chambers, Municipal Building**

**Tuesday, January 11, 2000**

**7:30 p.m.**

**The Harrisonburg City Council will hold a public hearing on Tuesday, January 11, 2000, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Harrisonburg Refrigeration Service, Inc., to vacate and close a portion of 4th Street located between Chicago Avenue and Grant Street and 500 square feet of the alley located at 800 Chicago Avenue in the City of Harrisonburg.**

**A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the portion of the street and alley to be vacated and closed are available at 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 the 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**

**Steven E. Stewart**

**City Manager**

Mayor Eagle called on anyone desiring to speak for or against the alley closing request.

Mark Callahan, attorney with the law firm of Clark and Bradshaw, representing the applicant said that Harrisonburg Refrigeration is a family business which was started in 1932. He also noted that all the preliminary plats have been completed showing the easements as requested by Planning Commission. There being no others desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this request for a first reading. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

City Manager Stewart said that Gene Cress, Civil Engineer, with the firm of Mattern & Craig would be presenting an updated report on the Erickson Avenue Corridor Study. Mr. Stewart reviewed the motion made by Council Member Green at the September 7, 1999 Council meeting which read: ATo accept the Major Street Plan as presented with the condition that the Erickson Avenue connector be moved as far south as possible away from the subdivision toward the north side of the hill, and directed that City staff conduct an engineering study that would determine just how much farther south the proposed road could be moved from what is shown on the 1999 Major Street Plan to ease the fears of residents and still be economically feasible, directed that a no through street be planned to connect the existing neighborhood with the proposed road, and directed that a buffer zone including sound and sight be considered to buffer the least impact going between the Hoak and Heatwole property. Mr. Stewart said that Mattern & Craig was directed to look at the conditions that Council placed on the study and since City Council has already approved the Major Street Plan, no action is being requested.

Gene Cress said that this project had been designed in accordance with the Virginia Department of Transportation as outlined in the Road and Bridge Standards and Specifications, Road Design Manual. The specific standards have been based on this facility being classified as an Urban Minor Arterial Street. The roadway has been developed as a four-lane facility with curb and gutter and a sidewalk on the north side. It also includes four foot bike lanes on each side. The road alignment has been developed in an attempt to be sensitive to concerns of the individual property owners and neighborhoods located adjacent to the new facility. As a result, an indirect route has been developed in order to address these concerns, and yet meet, to the extent possible, the design criteria established for the new street connection. The presence of two railroad crossings has also influenced the layout of this connecting street, particularly the proposed grades. The crossing of Interstate 81 and the existence of a cemetery located between I-81 and Beery Road on the south side of Stone Spring Road has also influenced the roadway layout. The significant difference in costs between the two options is the relocation of a section of the Chesapeake and Western Railroad tracks and the relocation of Pear Street near South High Street. He reviewed sight distances for both options, stopping sight distance, design speed, some potential environmental problems on the Imperial Oil Company property, Willow Hills subdivision, Hunter property, I-81 crossing, and meeting design criteria. The study has two nearly identical possible locations of the road that cost between \$11.9 million and \$12.7 million. Most of the difference in cost in the two projects includes earth work, pavement and two bridges.

City Manager Stewart presented the following resolution for Council's consideration of approval:

## **RESOLUTION**

**WHEREAS, legislation will be introduced to the General Assembly of Virginia which would exempt the property of Valley Program For Aging Services, Inc., located in Waynesboro, Virginia with property in Harrisonburg, Virginia from taxation pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia; and**

**WHEREAS, Section 30-19.04 of the Code of Virginia requires the adoption of a resolution by the City Council of Harrisonburg supporting or refusing to support such exemption prior to consideration by the General Assembly; and**

**WHEREAS, a public hearing has been held as required; and**

**WHEREAS, the provisions of subsection B of Section 30-19.04 of the Code of Virginia has been examined and considered by the City Council; and**

**WHEREAS, Real Estate and personal property assessment and taxes for the year 1999 was as follows:**

**1999 Taxes**

**\$518.00**

**NOW THEREFORE, Be It Resolved, by the City Council of Harrisonburg as follows:**

**1. That the City Council has examined and considered the provisions of subsection B of Section 30-19.04 of the Code of Virginia with the reference to Valley Program For Aging Services; Inc., and**

**2. That a public hearing has been held this day at which citizens have had the opportunity to be heard; and**

**3. That the City Council of Harrisonburg, Virginia supports the exemption from taxation as a benevolent organization pursuant to Article X, Section 6(a)(6), of the property of Valley Program For Aging Services, Inc., located in Harrisonburg, Virginia.**

**4. That a certified copy of this resolution shall be forwarded by the Clerk of the City Council to the General Assembly for its consideration.**

**adopted** \_\_\_\_\_

**Date**

\_\_\_\_\_

**Mayor**

**Attest:**

\_\_\_\_\_

**City Clerk**

Mr. Stewart explained that Valley Program for Aging Services is requesting to be exempt for their personal property. The Valley Program for Aging Services operates vans in the City to deliver meals to senior citizens. The amount paid to the City in 1999 was \$518.00. Delegate Landes has agreed to forward the adopted resolution from the Harrisonburg City Council to the General Assembly requesting this exemption. Council Member Rogers offered a motion to approve this request. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

David Moler, a Harrisonburg citizen, expressed several concerns regarding Adelphia Cable. He questioned why the Elkton area was receiving 54 channels compared to the City only receiving 44 channels for the same price. He also expressed concern about the latch key children in the City watching the BET channel (Black Entertainment Television) which is unscrambled. He said that every day the channel has rap video containing filthy language and showing dangerous behavior toward women and police officers.

Planning and Community Development Director Turner introduced a recommendation from the Planning Commission to develop a joint Comprehensive Plan in conjunction with Rockingham County. She explained that several members of the Planning Commission had attended a workshop conducted by Valley Conservation Council which focused on a booklet entitled A Better Models for Development in the Shenandoah Valley. She said that the Planning Commissioners who attended the workshop were impressed with the material presented on development patterns that could be models for our area. In connection with the workshop, Rockingham County did a presentation on their Comprehensive Plan. It was suggested since the City has endorsed a joint Harrisonburg Area Transportation Study. A motion was made by the Planning Commission to forward the idea to City Council for consideration. Council recommended that this item be referred to the City-County Liaison Committee.

Parks and Recreation Director Gucker presented for City Council's consideration an endorsement of a resolution supporting the Smithland Road Park Trail Grant application. She explained that the State Department of Conservation and Recreation has established a reimbursement grant program (80%, 20%) for the purposes of providing and maintaining recreational trails and trails related facilities. Parks and Recreation have prepared a grant application for constructing a 3,500 feet walking trail at the Smithland facility. The trail will circle the perimeter of the cleared areas and include trail head signs, distance markers, benches and landscaping. Council Member Green offered a motion to endorse this resolution supporting the application. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds in the current (1999-00) budget. He explained that these funds from the reserve for contingencies to the Economic Development budget will be used for rehabilitative tax relief for properties that have been developed in downtown Harrisonburg. Vice-Mayor Lantz offered a motion to transfer these funds:

\$11,927.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$11,927.00 approp. to: 1000-810521-45745 Property rehabilitation tax relief

The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for reallocation of current budget funds in Capital Projects for Road Improvement. He explained that these funds will be moved into the Stone Spring Road improvements and Erickson Avenue Extension programs to provide money for preliminary engineering work. The bulk of the reallocation involves the Park Road project which is in partnership with Eastern Mennonite University. Vice-Mayor Lantz offered a motion to approve this request for a first reading:

\$50,000 chge. to: 1310-910141-48607 East Side Road Improvements

\$165,594.35 chge. to: 1310-910141-48616 City Wide Drainage Program

\$25,000 approp. to: 1310-910141-48636 Stone Spring Road Improvements

\$25,000 approp. to: 1310-910241-48637 Erickson Avenue Extension

\$165,594.35 approp. to: 1310-910141-48609 Park Road project

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

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Reg Foucar-Szocki a resident of the Willow Hill area thanked Council Member Green for his insistence in reviewing the drawing of the Erickson Avenue Corridor Study Report. He questioned since the proposed road would only be 520 feet from the Hunter's residence, what recommendations had been made to detract the noise. Mr. Cress said that additional study would be needed to determine whether they actually needed sound barriers. Mattern and Craig had looked at the potential cost of up to \$1.2 million based on 20 foot high walls at \$20.00 per square foot.

Warren Dillenbeck questioned how City Council could legitimately adopt the resolution authorizing the financing of the golf course without having a second reading. He said that he was present at the December meeting and didn't remember the adopted resolution being presented in the form that it appeared in the minutes of the meeting. He said, How could the resolution be dated and adopted on December 21, 1999. City Manager Stewart clarified that the resolution Mr. Dillenbeck was questioning was in the agenda packet which was sent to City Council on Friday, December 17, 1999, so it was very easy for it to have been dated December 21, 1999 because that is the date Council adopted the resolution and which the minutes reflect. Mr. Stewart said there is a section in the Code of Virginia which allows Council to use the general law of the code instead of charter provisions and in this case this financing can be approved on the date of introduction with one reading. City Attorney Thumma referred to 15.2-2601 and 15.2-2607 of the Code of Virginia.

Matt Conrad introduced himself to City Council and said that he was representing the student body of James Madison University. He said that he was available to accept any complaints, compliments or anything City Council wanted to bring to his attention.

City Attorney Thumma said that when City Council adopted the two hour free parking change in the parking ordinance at the December 21st meeting, he didn't draft it exactly as the Parking Authority had requested. Mr. Thumma said that the new drafted ordinance states that it shall be unlawful for a person to park in any space within a designated two hour free block for more than two hours in any twenty-four hour period. Council Member Rogers offered a motion to adopt this ordinance for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Mayor Eagle said that a letter had been written to Governor Gilmore requesting support funding for preliminary engineering for a loop road around the City; however, Governor Gilmore has not included this request in his budget. Mayor Eagle suggested that another letter should be written to our representatives in the General Assembly to encourage some funding for this project. Vice-Mayor Lantz offered a motion to send another letter to our representatives in the General Assembly. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.



At 8:45 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Community Services (Chapter 10) Board, Social Services Advisory Board, Commission on Children and Youth, Harrisonburg Parking Authority, Harrisonburg Redevelopment and Housing Authority, Parks and Recreation Commission, Harrisonburg Planning Commission, and the Rockingham-Harrisonburg ASAP and the evaluation of a City Department, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Discussion concerning a prospective business locating within the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia, 1950, as amended. 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, as amended. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 12:14 a.m., the closed 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 the 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 closed session by the City Council.

At 12:15 a.m., there being no further business and on motion adopted the meeting was adjourned.

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CLERK

MAYOR

cc: City Council

City Manager

Assistant City Manager

Director of Finance

Public Library

Charlene Rice