

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

REGULAR MEETING

JANUARY 8, 2002

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Rogers delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Vice-Mayor Peterson offered a motion that Council resolve to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the School Board. The motion also included referring a request to vacate a strip of Collicello Street to the Planning Commission. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Economic Development Director Shull presented an overview of the next phase of a project to restore and renovate a historic building in downtown Harrisonburg. He said that the Hardesty-Higgins House, the second oldest building in the City, was once owned and occupied by the City's first mayor. A grant was received from VDOT to purchase the property. The City now has title to the building. A Citizens Advisory Committee has assisted in planning appropriate future uses of this facility, along with professional services provided by Frazier Associates, Architects. He explained that the building will need a lot of repair to the

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

outside and the back portion of the building, which was added at a later date. The building will be a multi-use facility and contain a history museum to help celebrate the heritage of the building and the community. Other plans for the building include a downtown trolley stop, a larger facility for the Convention & Visitors Bureau, a history/transportation museum emphasizing the history of the Valley Pike, Mrs. Hardesty's Tea Room, a gift shop, a children's craft/room play/area, and a garden/open space. Mr. Shull requested that Council adopt a Resolution of Endorsement to apply to VDOT for an 80% TEA-21 grant for the renovations.

At 7:46 p.m., Mayor Frank 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 Friday, December 28, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 8, 2002 at 7:30 p.m., in the Harrisonburg Municipal Building, City Council Chambers, 345 South Main Street, to receive comments on three applications for the Commonwealth of Virginia's Transportation Enhancement Program. The proposed projects are as follows:

2. The Hardesty-Higgins House Renovations project would fund renovation of the Hardesty-Higgins House, constructed in 1848 and located at 212 South Main Street in the City of Harrisonburg. The facility is proposed to serve both tourists and local citizens. It shall be a multi-use facility and contain a history museum to help celebrate the heritage of the building and the community. A trolley stop and gardens/open space is planned for the site.

Preliminary information is available for review in the Department of Planning and Community Development, 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 this Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the Director of Planning and Community Development at least five (5) days prior to the date of the meeting.

Stacy Turner

Director of Planning and Community Development

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Mayor Frank called on anyone desiring to speak for or against this application for the Commonwealth of Virginia's Transportation Enhancement Program.

Bob Sullivan, a resident living at 65 Paul Street, said that he was thrilled to death that this subject was before City Council. He said that the house was chosen in 1969 to be included as part of the walking tour of the downtown area. He also said that several rooms in the front part of the house were decorated for First Night, which could be viewed through the windows. It was a marvelous display that highlighted this historic structure. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that the Council resolve to adopt the following resolution.

**RESOLUTION ENDORSING ESTABLISHMENT OF
A TRANSPORTATION ENHANCEMENT PROJECT FOR THE
HARDESTY HIGGINS HOUSE RENOVATIONS**

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the City of Harrisonburg.

NOW, THEREFORE, BE IT RESOLVED, that the City of Harrisonburg, requests the Commonwealth Transportation Board to establish a project for the Hardesty-Higgins House Renovations to renovate a house constructed in 1848, located at 212 South Main Street in the City of Harrisonburg. The facility is proposed to serve both tourists and local citizens. It will be a multi-use facility and contain a history museum to help celebrate the heritage of the building and the community. A trolley stop and gardens/open space are planned for the site.

BE IT FURTHER RESOVLED, that the City of Harrisonburg hereby agrees to pay a minimum of 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the City of Harrisonburg subsequently elects to cancel this project the City of Harrisonburg hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 8th day of January, 2002 in Harrisonburg, Virginia.

Mayor

Attest:

City Clerk

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Planning and Community Development Director Turner presented an overview of a project to apply for an application for the Commonwealth of Virginia's Transportation Enhancement Program for the Port Republic Road Bikeway and Pedestrian Facility Phase II. She explained that this project would be a continuation for the Port Republic Road Bikeway and Pedestrian Facility Phase I which is currently under construction to add bike lanes, sidewalks and roadway improvements. A grant was received in 1998 to partially fund the Port Republic Road Bikeway and Pedestrian Facility Phase I. This portion of the grant is eligible to help fund the portion of this attributable to bike and pedestrian facilities. Currently the City is four and five laning at intersections on Port Republic Road in connection with this project. Phase I of the project extends from Forrest Hill Road to Devon Lane and the next grant would span from Devon Lane to the City limits. This is an important project because there are approximately seven thousand residents who live in the apartments in the area as well as several large single-family subdivisions that depend on Port Republic Road as a primary access to get to their employment, shopping, and a direct access to Interstate 81. The total cost of the project is estimated at approximately \$2.2 million. Mrs. Turner requested that Council adopt a Resolution of Endorsement to apply to VDOT for a grant to begin the Port Republic Road Bikeway and Pedestrian Facility Phase II.

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

At 7:56 p.m., Mayor Frank 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 Friday, December 28, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 8, 2002 at 7:30 p.m., in the Harrisonburg Municipal Building, City Council Chambers, 345 South Main Street, to receive comments on three applications for the Commonwealth of Virginia's Transportation Enhancement Program. The proposed projects are as follows:

- 1. The Port Republic Road Bikeway and Pedestrian Facility Phase II would fund construction of bicycle and pedestrian facilities on Port Republic Road from Devon Lane south to the City limits.**

Preliminary information is available for review in the Department of Planning and Community Development, 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 this Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the Director of Planning and Community Development at least five (5) days prior to the date of the meeting.

Stacy Turner

Director of Planning and Community Development

Mayor Frank called on anyone desiring to speak for or against this application for the Commonwealth of Virginia's Transportation Enhancement Program.

Leonard VanVyck, a resident of 1065 South Dogwood Drive, said that he was a member of the Shenandoah Valley Bicycle Club and pointed out that the City only has two bicycle lanes in the entire City. One of the two bicycle lanes is on Neff Avenue and many students live on Neff Avenue and attend school at James Madison University. However, students can't use the bike lane on Neff Avenue to get to JMU because the bike lane ends too soon. There being no others desiring to be heard, the public hearing was declared closed at 8:00 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion that the Council resolve to adopt the following resolution.

RESOLUTION ENDORSING ESTABLISHMENT OF

A TRANSPORTATION ENHANCEMENT PROJECT FOR THE PORT REPUBLIC ROAD BIKEWAY AND PEDESTRAIN FACILITY PHASE II

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the City of Harrisonburg.

NOW, THEREFORE, BE IT RESOLVED, that the City of Harrisonburg, requests the Commonwealth Transportation Board to establish a project for the Port Republic Road Bikeway and Pedestrian Facilities Phase II to construct bicycle and pedestrian facilities on Port Republic Road from Devon Lane South to the City limits.

BE IT FURTHER RESOVLED, that the City of Harrisonburg hereby agrees to pay a minimum of 20 percent of the total cost for planning and design, right-of-way, and construction of this project, and that, if the City of Harrisonburg subsequently elects to cancel this project the City of Harrisonburg hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this 8th day of January, 2002 in Harrisonburg, Virginia.

Mayor

Attest:

City Clerk

The recorded roll call vote was taken as follows:

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Todd Peterson, a project manager with Anderson and Associates, presented an overview of a project submitted by James Madison University to apply for an application for the Commonwealth of Virginia's Transportation Enhancement Program for the South Main Street Pedestrian Improvement Project. He explained that this project would focus on improvements to pedestrian and vehicular safety along South Main Street between Warsaw Avenue and Grace Street. The university is involved because most of the people who cross the street in that area are JMU students or employees. Mr. Peterson suggested several recommendations for the area of South Main Street including a new stoplight at Patterson Street, crosswalks with lighted signals, in-road flashing lights on Patterson Street, a median/pedestrian island, crossing vegetation, new left turn lanes, bluestone buffer, stamped crosswalk, and barrier landscaping to direct foot traffic.

Win Hunt, Director of Facilities at James Madison University, said that the university doesn't want to feel walled in. Visibility is very important. The crossing vegetation will not stop everyone. He said that if a physical barrier could be worked into the design without obstructing the view of the campus, it would be used.

Police Chief Harper came to the podium to clarify several questions asked by Council Members. He said, If a crosswalk is signalized with pedestrian lights then the pedestrian has to obey those lights. If it is a crosswalk containing no signals then the pedestrian has to use due caution crossing the crosswalk.

At 8:31 p.m., Mayor Frank 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 Friday, December 28, 2001.

NOTICE OF PUBLIC HEARING

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

The Harrisonburg City Council will hold a public hearing on Tuesday, January 8, 2002 at 7:30 p.m., in the Harrisonburg Municipal Building, City Council Chambers, 345 South Main Street, to receive comments on three applications for the Commonwealth of Virginia's Transportation Enhancement Program. The proposed projects are as follows:

3. The South Main Street Pedestrian Improvement Project would focus on improvements to pedestrian and vehicular safety along South Main Street between Warsaw Avenue and Grace Street.

Preliminary information is available for review in the Department of Planning and Community Development, 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 this Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the Director of Planning and Community Development at least five (5) days prior to the date of the meeting.

Stacy Turner

Director of Planning and Community Development

Mayor Frank called on anyone desiring to speak for or against this application for the Commonwealth of Virginia's Transportation Enhancement Program for the South Main Street Pedestrian Improvement Project.

Darrell Nash, a resident of Rockingham County, said that he teaches at James Madison University. He said that since his office is located on the other side of the street he crosses it four times a day. The situation with students has improved since the university stopped having classes in the building; however, the main offender is City buses because the green traffic signal light and pedestrian crossing light occur at the same time. He suggested installing NO TURN ON RIGHT signs.

Fire Chief Shifflett said that he had a concern about this project. He explained that he was concerned about the raised median proposed in the project between Patterson Street and Grace Street. This raised median will seriously impede the ability of emergency vehicles to go north on Main Street and increase the response time of those vehicles for anything North of Grace Street. This area is routinely congested at least three or four times a day which makes emergency vehicles have to use the center turn lane to get around stationary vehicles. Otherwise, the ambulances and fire trucks would sit behind stopped traffic until cars and trucks could move out of the way. There are times when traffic conditions permit that the emergency vehicles even have to go into the South bound lanes that is closest to this proposed median in order to get through the Grace Street intersection. This plan eliminates the turn lane that the emergency vehicles

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

use every day from Patterson Street half way down to Grace Street. Fire and rescue vehicles from the Maryland Avenue firehouse use this corridor at two to three times a day responding to emergency situations. He also noted that many other localities emergency vehicles use this corridor to get to Rockingham Memorial Hospital. He said, I voiced my concerns about this raised median at the beginning of this project and at least one other time during the planning process. I voiced my concerns through other City officials to the engineers proposing this plan; however, no one from the engineering firm has contacted my office to discuss my concerns. I am sure that the engineers designing this project will tell you that they have given priority to pedestrian safety over emergency vehicles in creating this raised median which is to serve for a safe haven for pedestrians who get caught half way across the street when the light changes. I believe that rather than creating a place of safe haven this plan actually puts pedestrian in the median in harm's way. These pedestrians will not always be paying attention to traffic regardless of their age, they will be talking, they will be listening to music through headphones, or perhaps some horseplay will occur. It will only take one pedestrian getting too close to the edge of the median at the same time a truck with wide mirrors is coming down the lane to strike a pedestrian in the median and cause an accident. No one is more interested in public safety of JMU students than I am because it is my personnel that have to respond when an accident occurs. But, you don't solve a problem with one segment of the population at the potential risk of another. Mr. Shifflett said, I am asking that you reject this portion of the plan based primarily on the fact that a very real potential exist to impede the flow of emergency vehicles there by increasing response times to RMH and other portions of the City.

Todd Peterson explained that his company had considered the effect of emergency vehicles traveling on the streets and the raised median strip. He said perhaps we should look at it in further details as we approach the design phase of this project. We are not married to this plan, but the raised median offers an added benefit of safety to the pedestrians which is the primary goal of this project.

Bill Blessing, Chairman of the Harrisonburg Transportation/Safety Commission, said that since he became chairman of the commission this particular area has been a big concern. He said, We has discussed numerous ways of trying to address this problem. The project that has been proposed, besides some concerns expressed by Chief Shifflett, is the first time we have been able to get to a point where JMU and the City is agreeing to something in this area. The idea that is being proposed has worked in other university areas. The safety commission endorses and supports this project and would like to see it moved forward. He also said what ever is done, it will take an educational process to go along with it, because some people are doing the wrong thing only because they don't know what they are suppose to do.

Bucky Berry, a resident of 877 North Main Street, said that he supported Chief Shifflett concerns. There being no others desiring to be heard, the public hearing was declared closed at 9:00 p.m., and the regular session reconvened.

Council Member Fitzgerald offered a motion that the Council resolve to adopt the following resolution.

RESOLUTION ENDORSING ESTABLISHMENT OF

A TRANSPORTATION ENHANCEMENT PROJECT FOR THE

SOUTH MAIN STREET PEDESTRIAN IMPROVEMENT PROJECT

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program a transportation enhancement project in the City of Harrisonburg.

NOW, THEREFORE, BE IT RESOLVED, that the City of Harrisonburg, requests the Commonwealth Transportation Board to establish a project for the South Main Street Pedestrian Improvement Project to focus on improvements to pedestrian and vehicular safety along South Main Street between Warsaw Avenue and Grace Street.

Adopted this 8th day of January, 2002 in Harrisonburg, Virginia.

Mayor

Attest:

City Clerk

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Mayor Frank

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds which were received from a one-time special grant through the Department of Criminal Justice Services will be used to purchase camera and surveillance equipment.

At 9:01 p.m., Mayor Frank closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 31, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2002 at 7:30 p.m., in the City Council Chambers, 345 South Main Street.

It is the intent of the City Council to amend the fiscal year 2001-2002 budget by an amount of \$2,414,274.00 in order to appropriate funds for the following:

General Fund:

Police Department-Drug Investigation	\$ 5,000.00
Debt Services - VRA bonds	<u>22,630.00</u>
Sub-Total	\$ 27,630.00

General Capital Projects Fund:

Rescue Squad Building Construction	1,628,079.00
---	---------------------

School Fund:

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Instruction **109,372.00**

Public Transportation Fund:

Transit buses **649,193.00**

Total **\$2,414,274.00**

Any person requiring auxiliary aids, including signers, in connection with the Public Hearings shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against this supplemental appropriation for the Police Department. There being no one desiring to be heard, the public hearing was declared closed at 9:02 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve this supplemental appropriation requested by the Police Department for a first reading, and that:

\$5,000 chge. to: 1000-33530 One time special grant

\$5,000 approp. to: 1000-310331-45840 Drug investigations

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Council Member Rogers

Mayor Frank

Absent None

At 9:03 p.m., Mayor Frank closed the regular session temporarily and called the evening's fifth public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 31, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2002 at 7:30 p.m., in the City Council Chambers, 345 South Main Street.

It is the intent of the City Council to amend the fiscal year 2001-2002 budget by an amount of \$2,414,274.00 in order to appropriate funds for the following:

General Fund:

Police Department-Drug Investigation	\$ 5,000.00
Debt Services - VRA bonds	<u>22,630.00</u>
Sub-Total	\$ 27,630.00

General Capital Projects Fund:

Rescue Squad Building Construction	1,628,079.00
---	---------------------

School Fund:

Instruction	109,372.00
--------------------	-------------------

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Public Transportation Fund:

Transit buses **649,193.00**

Total **\$2,414,274.00**

Any person requiring auxiliary aids, including signers, in connection with the Public Hearings shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against increasing the City's budget for first debt payment on the Rescue Squad Building bonds. There being no one desiring to be heard, the public hearing was declared closed at 9:06 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve increasing the City's budget for the first debt payment on the Rescue Squad Building bonds for a first reading, and that:

\$22,630 chge. to: 1000-31010 Amount from fund balance

\$22,630 approp. to: 1000-981042-49125 Rescue Squad bond issue interest

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Mayor Frank

Absent None

At 9:07 p.m., Mayor Frank closed the regular session temporarily and called the evening s sixth public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 31, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2002 at 7:30 p.m., in the City Council Chambers, 345 South Main Street.

It is the intent of the City Council to amend the fiscal year 2001-2002 budget by an amount of \$2,414,274.00 in order to appropriate funds for the following:

General Fund:

Police Department-Drug Investigation	\$ 5,000.00
Debt Services VRA bonds	<u>22,630.00</u>
Sub-Total	\$ 27,630.00

General Capital Projects Fund:

Rescue Squad Building Construction	1,628,079.00
---	---------------------

School Fund:

Instruction	109,372.00
--------------------	-------------------

Public Transportation Fund:

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Transit buses

649,193.00

Total

\$2,414,274.00

Any person requiring auxiliary aids, including signers, in connection with the Public Hearings shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against increasing the City's budget for the cost of the construction of a building for the rescue squad. There being no one desiring to be heard, the public hearing was declared closed at 9:08 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to increase the City's budget for the cost of the construction of a building for the rescue squad for a first reading, and that:

\$1,613,079.00 chge. to: 1310-34110 Bond proceeds

15,000.00 chge. to: 1310-31513 Investments earnings

\$1,628,079.00 approp. to: 1310-910141-48694 Rescue squad building construction

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Mayor Frank

Absent None

At 9:10 p.m., Mayor Frank closed the regular session temporarily and called the evening s seventh public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 31, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2002 at 7:30 p.m., in the City Council Chambers, 345 South Main Street.

It is the intent of the City Council to amend the fiscal year 2001-2002 budget by an amount of \$2,414,274.00 in order to appropriate funds for the following:

General Fund:

Police Department-Drug Investigation	\$ 5,000.00
Debt Services VRA bonds	<u>22,630.00</u>
Sub-Total	\$ 27,630.00

General Capital Projects Fund:

Rescue Squad Building Construction	1,628,079.00
---	---------------------

School Fund:

Instruction	109,372.00
--------------------	-------------------

Public Transportation Fund:

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Transit buses

649,193.00

Total

\$2,414,274.00

Any person requiring auxiliary aids, including signers, in connection with the Public Hearings shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against a supplemental appropriation for the School Board.

School Superintendent Ford explained that the School Board is seeking approval for a supplemental appropriation to the operating budget for \$109,372.00. He explained that these funds represent unanticipated receipts from Federal, State, and local funds that were not known during the budget process. There being no others desiring to be heard, the public hearing was declared closed at 9:12 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve the request from the School Board for a first reading, and that:

\$62,666.00 chge. to: 1111-33301 School Revenue Federal

3,094.00 chge. to: 1111-32442 School Revenue State

37,637.00 chge. to: 1111-31691 School Revenue Other

5,975.00 chge. to: 1111-31010 School s unappropriated fund balance

\$109,372.00 approp. to: 1111-40610 Instruction

The recorded roll call vote was taken as follows:

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

At 9:14 p.m., Mayor Frank closed the regular session temporarily and called the evening's eighth public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 31, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2002 at 7:30 p.m., in the City Council Chambers, 345 South Main Street.

It is the intent of the City Council to amend the fiscal year 2001-2002 budget by an amount of \$2,414,274.00 in order to appropriate funds for the following:

General Fund:

Police Department-Drug Investigation	\$ 5,000.00
Debt Services VRA bonds	<u>22,630.00</u>
Sub-Total	\$ 27,630.00

General Capital Projects Fund:

Rescue Squad Building Construction	1,628,079.00
---	---------------------

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

School Fund:

Instruction **109,372.00**

Public Transportation Fund:

Transit buses **649,193.00**

Total **\$2,414,274.00**

Any person requiring auxiliary aids, including signers, in connection with the Public Hearings shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against a supplemental appropriation for the Public Transportation Department. There being no one desiring to be heard, the public hearing was declared closed at 9:15 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve this supplemental appropriation to purchase three (3) transit buses and one (1) paratransit bus for a first reading, and that:

\$ 25,968.00 chge. to: 2013-31010 Amount from fund balance

103,871.00 chge. to: 2013-32519 Transit Capital Grant State

519,354.00 chge. to: 2013-33305 Transit Capital Grant Bus Federal

\$649,193.00 approp. to: 2013-872081-48253 Transit buses

The recorded roll call vote was taken as follows:

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

City Manager Baker presented a request from Our Community Place to be tax exempt from local taxation. He noted that Our Community Place had responded to the nine questions that the state code requires answering as part of the consideration for receiving tax-exempt status. He also noted that the final decision rests with the General Assembly.

At 9:16 p.m., Mayor Frank closed the regular session temporarily and called the evening ninth public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 31, 2001.

CITY OF HARRISONBURG

NOTICE OF PUBLIC HEARING

Please take notice that on January 8, 2002, at 7:30 p.m., in the City Council Chamber, 345 South Main Street, Harrisonburg, Virginia, the Harrisonburg City Council will conduct a public hearing, pursuant to Section 30-19.04(B) of the Code of Virginia, 1950, as amended, concerning a request by Our Community Place, a non-profit corporation, for exemption from local taxation. The assessed value of all property owned by Our Community Place, in the City of Harrisonburg for the year 2001 was \$81,600 and the taxes paid the City for the year 2000 was \$505.92. Public comments on the proposed exemption which would be granted by the Virginia General Assembly are invited and all citizens shall have an opportunity to be heard. Further information is available from the City Manager's Office at 345 South Main Street, Harrisonburg, Virginia between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

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.

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against this tax-exempt request.

Jonathan Stragg, a member of the Board of Directors for Our Community Place said that the facility was requesting to be exempt from local taxation. He said that the organization was born out of establishing free food for a soup kitchen, which started The Little Grill Restaurant in 1992. It is an all-volunteer organization. Our Community Place has four purposes including promoting the concept of an inclusive community to appreciate diversity, accommodate, foster, and provide activities and programs related to personal growth, recourse and network in the community, and to educate and empower individuals toward self sufficiency thus creating social capital for the community at large. He said, We are a non-profit corporation with an active working board, community owned, community guided, community driven with a particular emphasis on service. We own the property which is valued at \$81,600 and pay \$505.92 in taxes.

Cheryl Talley, a resident of 691 Maryland Avenue, asked City Council to support this proposal. She said that churches had the privilege of not paying property taxes and this group was doing as much or more as any church to help people spiritually and feed the hungry.

Ron Copeland, a resident of 661 North Main Street, said that he was also a member of the Board of Directors of Our Community Place and noted that their goal was to build the City up not to tear it down. There being no others desiring to be heard the public hearing was declared closed at 9:15 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion that Council resolve to make a recommendation to the General Assembly that Our Community Place be approved for tax-exempt status. A prepared resolution will be presented at the next City Council meeting and then submitted to the General Assembly.

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Planning and Community Development Director Turner introduced a request by John Monger and Betty Nesselrodt of the estate of Paul W. Whitmer to rezone three lots located on the west side of Virginia Avenue from M-1, General Industrial District to R-2, Residential District. The lots are located at 1021, 1031, & 1041 Virginia Avenue. Mrs. Turner reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as Neighborhood Residential. The Neighborhood Residential designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots. She explained that for the past year, owners of lots 1 through 7, have been asking to be rezoned from their current M-1, General Industrial District to R-2, Residential District. Before the June 13, 2001 Planning Commission meeting the property owner of lot 7 requested to be removed from the rezoning request, due to problems of encroachment by a billboard located on lot 8 that hung over the property line of lot 7 by two feet. At the meeting, staff reported that a sight distance easement would be needed for access to lots 4 through 6, which at that time Christophel Properties had not obtained. Planning Commission at that time tabled the request, until Christophel Properties could obtain an easement. Currently, they have not submitted any easement language. Planning Commission at that meeting also made the suggestion that the property owners of lots 1 through 3 proceed without the Christophel Properties lots and come back to the Planning Commission with a rezoning request for these three properties. She explained that each of these three lots contain 7,500 square feet and rezoning them to an R-2 use would allow single-family homes to be located on each of the three lots or there could be two duplexes if the lots were jointly owned and re-subdivided. Staff is recommending approval of the rezoning request. The Comprehensive Plan designates this area as Neighborhood Residential. The zoning being requested by the applicants, R-2, Residential District, is in harmony with the Comprehensive Plan's designation and would be a buffer in housing types between Virginia Avenue and the single-family houses on Lee Avenue. A residential use versus an industrial use would fit better within this area and the current residential use on the Nesselrodt property. She said that Planning Commission recommended approval.

At 9:22 p.m., Mayor Frank closed the regular session temporarily and called the evening tenth public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 24, and Monday, December 31, 2001.

Notice Of Public Hearing

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

The Harrisonburg City Council will hold a public hearing on Tuesday, January 8, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Rezoning

-

Public hearing to consider a request by John Monger & Estate of Paul W. Whitmer to rezone 0.5165 acres, tax map parcels 39-K-1,2,3 from M-1, General Industrial District to R-2, Residential District. The lots are located at 1021, 1031, & 1041 Virginia Avenue.

The Comprehensive Plan designates this area as Neighborhood Residential. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods which can be characterized by large housing units on small lots.

The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. In addition, the Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit.

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 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 Frank called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was closed at 9:24 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve the rezoning request.

The recorded roll call vote was taken as follows:

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request for a subdivision that includes a variance to the requirement that all lots front on a public street. She explained that this property which consists of approximately three acres is located at 2240 Bluestone Hills Drive. The request is to subdivide this property into twenty-two (22) townhouse lots, and two common areas with a variance to the requirement that lots G-16 through G-22 as proposed would not front on a public street. This property is currently zoned R-3, Multiple Dwelling Residential District, which is consistent with the Comprehensive Plan designation for medium density residential; however, some of it is also recommended for commercial. Mrs. Turner also reviewed the surrounding uses in the area. This site was first proposed for development in 1989. A variance was granted by the Board of Zoning Appeals to allow for the construction of 40 luxury condominium units that would have been five stories high. The plan met with strong opposition from the surrounding neighborhood members and was never constructed as proposed. The recent request is for building town houses that would meet the height regulations; however, the situation with these town houses is that six would not front on a public street. The property has an average slope of twenty percent or a one to five slope ratio. Some areas of the property are much steeper. Any road built on the property that would extend out from Blue Stone Drive to Evelyn Byrd Avenue would not be able to meet City's standards as far as the steepness of the roadway. Planning Commission took into consideration the unique conditions on this property and the steep terrain and recommended approval of the request with a vote of six to one. Following further discussion and comments, Council Member Lantz offered a motion that Council resolve to approve the variance to the subdivision regulation as presented.

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

No - Mayor Frank

Absent None

Clifford Davis presented a request for financial contribution for a project called Hogpen Run Disabled Hunters Access Road. He explained that City Council had granted a small financial commitment in 1997 and 1999; however, the application for a grant to the Department of Conservation and Recreation to the State of Virginia was not funded. This project will add two flood resistant bridges to Hogpen Run Road in the George Washington National Forrest. Currently the semi-abandoned road is only open as a walking trail or for disabled hunters who can drive their vehicles. The road has two river crossings and no bridges and is only passable when the weather is good and totally impassable in any kind of inclement weather. The original grant opened 2.6 miles to disabled citizens, and this grant would add another 1.7 miles of trail for every citizen not only the disabled citizen to be used for a variety of reasons including fishing, picnicking, hiking, horseback riding, bird watching, and four-wheeling. Following further discussion and comments. Council Member Lantz offered a motion that Council resolve to approve the financial request of \$3,000 for the Hogpen Run Road project.

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Mayor Frank

No - Vice-Mayor Peterson

Council Member Fitzgerald

Absent None

John Giles, a planner with the Central Shenandoah Planning District Commission, briefly reviewed the activities of the Planning District Commission. He explained that the Planning District Commission has been dedicated to promoting economic and community development in the region, which serves many cities and countries. Programs in the area include flood mitigation, regional flood planning, economic development planning, regional workshops, geographical information systems, computer mapping, transportation enhancement projects, grant assistance, comprehensive planning, land use regulations, and low-income

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

housing projects. The focus of the Shenandoah Summit Group is to identify key service areas where there are opportunities for regional cooperation and action. In September 2000, the Central Shenandoah Planning District Commission was designated by the Federal Emergency Management Agency (FEMA) as a Project Impact Community. Through Shenandoah Valley Project Impact's disaster mitigation education program, Valley residents will be given the tools they need to help protect their families, properties, and businesses from natural hazards. Members of the Central Shenandoah Planning District Commission from Harrisonburg are Mayor Carolyn Frank and City Planner Earl Anderson.

Jane Hubbell and Cheryl Talley, representing the Healthy CommUnity Council, presented a brief overview of a recent report, which has just been completed. Mrs. Talley said that the Healthy CommUnity Council was spearheaded in 1996 by a collaborative effort between the Rockingham Memorial Hospital and the United Way. There are now 100 entities within the City and County that come together to do the work of the Healthy CommUnity Council. The Healthy CommUnity Council serves as a vehicle through which collaboration will occur to enhance the quality of life for all members of our community. The Council identified from a survey conducted in 2001 community needs and areas of concern in the City of Harrisonburg and the surrounding area in the county. The monthly steering meetings and quarterly meetings bring members together to set priorities and to help with planning and implementation. Some of the planning and coordinated initiatives that are implemented include Hispanic Lay Health Promoters, Enhanced Rural Transportation, and Intergenerational Day Care, Office on Children and Youth, Healthy Families of the Blue Ridge, School Nurse Assistance Program (SNAP) and Health Care Interpreter Program. Ms. Hubbell who is the Director of the Office on Children and Youth reviewed several slides of the Youth at Risk in the community. She reported that alcohol use in the area is decreasing, but is still above the national average. Drug use is down and our area is below the national average. Violence in the schools is decreasing probably because of the School Resource Officer in each of the middle and high schools. Senior survey data has indicated more transportation is needed. The Hispanic Survey Data revealed that most Hispanic living in the City and County are from Mexico and almost half of Hispanic survey participants have studied English; however, almost 100% of Hispanic survey participants are either currently taking English classes or are interested in taking English classes. Ms. Hubbell said that the Healthy CommUnity Council will hold a summit on January 24th at the Virginia Mennonite Retirement Community. Many people from industries, government, organizations, and citizens to look at the assets that we need to maintain in our community that help provide us with the high quality of life that we have today. She encouraged Council to attend the summit.

Council Member Fitzgerald requested that the agenda item regarding the report from the Pedestrian Issues Committee be tabled until the next meeting.

Public Works Director Baker presented for Council's consideration a request to adopt a Traffic Calming Programs Manual. Speeding and cut-through traffic has become an increasing concern to City residents and to the government agencies charged with ensuring traffic safety. Excessive speed and cut-through traffic jeopardizes both the safety and liveability of our neighborhoods. The Public Works Department, Harrisonburg Transportation Safety Commission and Police Department have cooperatively implemented a comprehensive Neighborhood Traffic Calming Program, which enlists community residents in helping to solve the speeding problem and improve the residential environment. The program includes the components of educating the public, engineering the streets and roadways, and enforcement of laws and ordinances. This program was developed to address existing City owned streets, as well as streets that are developed as part of future subdivisions. The process will require a significant data collection effort along

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

with an evaluation of various remedies, education, and enforcement. Mr. Baker emphasized that the educational process would be the key to this program. The program will also include collecting data from neighborhoods, understanding what type of traffic the City is dealing with, and if there is really a speeding problem in the City. This program is proposed as a guideline to follow for citizens and City staff. Mr. Baker requested that Council consider this program as a policy for the staff to work with the citizens to provide consistency.

Travis Layman, a resident of 1606 Central Avenue, encouraged the adoption of a traffic-calming program because the City needs some direction to implement steps in the neighborhoods. He requested that the City implement measures that will make Central Avenue safer for pedestrians and motorists.

Sandy Bopp, a resident of 69 Sharon Street, said that she has expressed her concerns regarding the traffic problems with the City Manager, Police Department, and the Public Works Department. She said the residents of the Pleasant Hill area need more sidewalks and improvements need to be made on Central Avenue because of the cut-through traffic.

Weston Campbell, a resident of 74 Middlebrook Street, noted that sidewalks for the safety James Madison University's students were mentioned tonight, but he said, "What about the people who live in the City full-time?" The citizens of Harrisonburg deserve equal consideration as far as safety matters are concerned.

Vice-Mayor Peterson offered a motion that Council resolve to adopt the Traffic Calming Programs Manual. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Assistant City Manager Hodgen presented for Council's consideration a request to purchase the Bahn property. He explained that an agreement in principal had been reached with two owners that will allow the Golf Course Advisory Committee goals to be achieved. He reviewed the financial implications of these agreements, which would result in approximately \$35,200 net new cost to the City. The Golf Course Advisory Committee has recommended the acquisition of the additional property and in support of this effort has been involved in private fund raising efforts which to date has generated approximately \$50,000 in pledges toward the property acquisition. The private fund raising efforts will continue and may further offset costs to the City. He explained that approval is being sought tonight to acquire property from Ken Bahn and

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

David Walsh and to assist in the relocation of Mr. Bahn house. Following further discussion and comments, Council Member Lantz offered a motion that Council resolve to authorize the purchase of this property. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent None

Vice-Mayor Peterson offered a motion that Council resolve to table the agenda item reporting on the cost of the golf course until the next meeting. The motion to resolve was approved with a unanimous vote of Council.

Bucky Berry, a resident of 877 North Main Street, complained about the City plowing his driveway shut during the recent snowstorm. He continued to complain about the deteriorating sidewalks in front of his house.

City Manager Baker announced that he had received a telephone call from Michael Wong, Director of the Harrisonburg Redevelopment and Housing Authority, to schedule a joint meeting with City Council to discuss HRHA interest and involvement in renovations of the Simms Building.

Vice-Mayor Peterson offered a motion that the Council resolve that Orden L. Harman, 650 Stone Spring Road, be appointed to a third term on the Building Code Board of Appeals to expire on November 30, 2006. The motion to resolve was approved with a unanimous vote of Council.

At 11:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

MINUTES - REGULAR MEETING OF CITY COUNCIL - JANUARY 8, 2002

CITY CLERK

MAYOR