

REGULAR MEETING

FEBRUARY 25, 2003

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

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

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading approval of a Supplemental Appropriation for the Social Services District. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank
Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Mayor Fitzgerald

Absent -- None

Planning and Community Development Director Turner introduced a request from Eldon and Kathryn Suter, to close and purchase a portion of City right-of-way along Rockingham Drive and Third Street. She explained that the 22,856 square foot section of right-of-way is located west of the intersection of North Dogwood Drive (paper street) and Third Street. She reviewed the surrounding uses in the area. She said that these streets were dedicated to the City in 1952, but were never improved to street standards. Currently, the streets are used as part of the Suter's farm, where they have fenced in the property to facilitate the grazing of their cattle. The City has plans for the extension of sewer down the existing Rockingham Drive right-of-way and for the looping of water lines in the area. She also said that to facilitate these future plans, staff recommended that if this request was approved, the City maintain a thirty (30) foot water and sewer easement along the same area as the existing Rockingham Drive right-of-way. The applicant agreed to the condition. Mrs. Turner also discussed concerns and questions expressed at the Planning Commission meeting. She said that Planning Commission recommended approval of the request.

At 7:40 p.m., Mayor Fitzgerald 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 Monday, February 10, and Monday, February 17, 2003.

052
5

**NOTICE OF INTENTION TO CLOSE
A PORTION OF CITY
RIGHT-OF-WAY ALONG
ROCKINGHAM DRIVE AND THIRD STREET
IN THE CITY OF HARRISONBURG
City Council Chambers
Tuesday, February 25, 2003
7:30 p.m.**

The Harrisonburg City Council will hold a public hearing on Tuesday, February 25, 2003, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Eldon and Kathryn Suter to close and purchase a portion of City right-of-way along Rockingham Drive and Third Street. The 22,856 square foot section of right-of-way is located west of the intersection of North Dogwood Drive (paper street) and Third Street.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the portion of the alley to be closed is 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
Roger D. Baker
City Manager**

Mayor Fitzgerald called on anyone desiring to speak for or against approving this request. Lisa Hawkins, attorney with Keeler and Obershain, P.C., said that she had been working with the Suters on this project. These streets were originally dedicated in 1952. The Suters will grant the water and sewer easement. There being no others desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened. Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank
Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Mayor Fitzgerald

Absent - None

051
48

City Manager Baker presented the following resolution for Council's consideration.

**RESOLUTION OF THE
COUNCIL OF THE CITY OF HARRISONBURG
CONCERNING THE
SALE OF CERTAIN REAL ESTATE,
NAMELY
.37 ACRES KNOWN OF AS
1781 WEST MARKET STREET**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA:**

WHEREAS, the City of Harrisonburg, Virginia (the City) has received an offer to purchase, for \$115,000, that lot containing .37 acres of property located at the corner of West Market Street and Garbers Church Road, known of as 1781 West Market Street, and also known of as tax map parcel 123-C-1, from Thomas M. Jalbert and Rebecca D. Jalbert, the Purchase Agreement being dated January 26, 2003, and

WHEREAS the sale has been the subject of a public hearing, as required by law, and

WHEREAS it appears to be in the best interest of the City to sell the referenced parcel to the Jalberts under the standard terms and conditions of the Purchase Agreement, it is therefore

RESOLVED by the Council of the City of Harrisonburg, Virginia that the City Manager and City Attorney take whatever reasonable actions necessary to complete the sale of the referenced real estate to Thomas M. Jalbert and Rebecca D. Jalbert for \$115,000.00, as set forth in the Purchase Agreement.

So Resolved this 25th day of February, 2003.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

City Manager Baker said that the City purchased the property located at the corner of West Market Street and Garbers Church Road during the process of widening Garbers Church Road. A water pump station was also built on the property. Selling this property will allow the City to place it back on the tax rolls.

At 7:45 p.m., Mayor Fitzgerald 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 Monday, February 17, 2003.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, February 25, 2003, at 7:30 p.m. in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

SALE OF PROPERTY LOCATED AT 1781 WEST MARKET STREET

Public Hearing to consider the sale of city-owned property located at 1781 West Market Street and identified as Tax Map # 123 C 1.

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 Fitzgerald called on anyone desiring to speak for or against approving this resolution. There being no one desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session reconvened. Council Member Peterson offered a motion to adopt this resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank
Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Mayor Fitzgerald

Absent - None

Mayor Fitzgerald announced that a request by Interstate Properties, LLC will be considered by City Council at a future meeting.

John Neff, President of the Arts Council of the Valley (ACV), presented an overview of ACV's annual report. He said that the past year has been interesting, rewarding, and challenging. He reviewed accomplishments of the organization. The Arts Council's three basic visions include boosting the local economy, being a component and instrument of economic development, and playing a positive role in downtown revitalization. The organization has been orchestrating and collaborating with other organizations to support programs enhancing the quality of life in the community. Currently, the Arts Council has over 130 members, including individual artists, supporters, and organizations. The organization is led by a board that believes in what can be accomplished. Having a vibrant community where arts and culture thrive is the mission and vision of the organization. Some of the accomplishments for 2002 include distributing \$37,000 grant funding to OASIS, Virginia Quilt Museum, The Playhouse, The Court Square Theater, Blue Ridge Theatre Festival, and Rockingham Ballet Theatre. The Arts Council

offered an exciting array of films, concerts, theater, dance, and family entertainment to over 2,000 City residents who attended, attracting an additional 1,800 County residents, and 1,000 non-local visitors. The focus is to intensify efforts in downtown Harrisonburg. Mr. Neff said, "We answered a challenge of providing a community celebration of the fourth of July with a first annual Valley 4th celebration. An estimated 4,500 people enjoyed children's arts activities, music, a community living map, and a fireworks extravaganza that no one thought would end." The Arts Council became the incubator for the Harrisonburg Children Museum providing support during the critical early stages of growth of the organization. Local events have been well publicized and an expanded web site has been launched. Great things have been accomplished, but the group is only beginning. Mr. Neff thanked City Council for its financial support.

Mr. Neff introduced Robin Iten, the new Executive Director of the Arts Council of the Valley. Ms. Iten reviewed the Arts Council of the Valley plans and goals for years 2003 through 2008. She said for the current year a top priority is a comprehensive fundraising effort. The group will continue working with the Court Square Theater, grant program, offer a mini-grant program, focus on partnerships and collaborations for local events and Valley 4th, creating a community box office, market the arts and cultural district in downtown, conduct a needs assessment of artists and arts organizations, and continue monthly networking meetings and quarterly arts forums. Goals to be accomplished by 2008 include an endowment for the arts, build financial support for the arts from private donors, match and exceed the public funding, have an exciting program of public art and other aesthetic enhancements, comprehensive arts education programs in both the schools and the community, have a community center for the Arts, provide artist in residence programs, undertake research projects, have a community arts festival, increase participation in the arts through outreach to diverse communities, and increase tourism, economic impact, education and quality of life through the arts. Ms. Iten thanked City Council for the visible and financial support.

Mayor Fitzgerald said that distribution of the Dog and Cat Sterilization Funds, which were received from the Department of Motor Vehicles special license program, was tabled at the February 11, 2003 Council meeting.

Dianne Hersh said that Valley Cats is a non-profit, no-kill all volunteer organization. The organization was started in March 2000 to help stray cats and feral "alley cats" in Harrisonburg and Rockingham County. Valley Cats traps cats living in dangerous locations such as shopping centers and dumpsters. The cats are spayed and neutered and are relocated to either farms or homes. Since Valley Cats does not have a shelter, foster homes are used to socialize the cats and kittens until they can be adopted. Funding is provided through donations helping to cover veterinarian costs for spaying/neutering, health care, food, and supplies. Valley Cats feeds approximately 150-300 cats per day. Valley Cats helps stray pets that are lost or abandoned by irresponsible pet owners and feral "alley cats" from multiplying because they are not spayed or neutered. She said that Valley Cats can be contacted at 437-0854 or P.O. Box 545, Harrisonburg, VA.

Suzanne Ackerman said that Cats Cradle was formed in 1998 with the mission of providing no-kill alternatives for strays and homeless cats. In 2001, 461 cats were spayed/neutered. In 2002,

873 cats were spayed/neutered. The goal for 2003 is spaying/neutering 1,200 cats. Cats Cradle is a volunteer group very similar to Valley Cats. The group works a lot with people owning companion cats who cannot afford to spay/neuter their pets. Cats Cradle can be contacted at 438-5522 or P.O. Box 2152, Harrisonburg, VA.

Ann Anderson said since 1998 the Rockingham/Harrisonburg S.P.C.A. has offered PetFix. It is a program that involves participating with local veterinarians in offering reduced spay/neuter services to residents of Rockingham County and the City of Harrisonburg. To date the S.P.C.A. has spayed/neutered 2,583 pets through the program. The S.P.C.A has invested over \$35,000 in the program. Funds received from the City and County have been utilized in this program. Should the City award any additional appropriations, the funding will go toward this program, which is open to all dogs and cats. She also pointed out that these organizations (Valley Cats, Cats Cradle, and the S.P.C.A.) work together to spay/neuter these unwanted or abandoned pets.

Council Member Lantz suggested that Animal Friendly license plates should be promoted in our locality. Following further discussion and comments, Council Member Frank offered a motion to distribute the funds between Valley Cats and Cats Cradle. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank
Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Mayor Fitzgerald

Absent – None

Mayor Fitzgerald presented for Council's consideration an ordinance granting partial exemption for certain rehabilitated or renovated residential structures. To qualify for the partial exemption a real estate owner would need to convert the property from rental property to single-family owned occupied property.

City Attorney Miller explained that the overall plan involves multi-family residential property being converted to single-family residential use. The owner would be eligible for a partial exemption from real estate taxes equal to that portion of the tax resulting from an increase in assessed value. He reviewed the qualification for the partial exemption. Following further discussion and comments. City Council agreed to table adopting this ordinance until the March 11th meeting.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from a DMV mini grant for DUI overtime enforcement. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$1,481.75 chge. to: 1000-33524 DMV Federal money

\$1,481.75 approp. to: 1000-310231-41020 Salaries/wages OT

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank
Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Mayor Fitzgerald

Absent – None

Mayor Fitzgerald presented for Council's consideration amending and re-enacting Section 7-2-4 of the Harrisonburg City Code. He said it has been discussed holding a joint work session with Planning Commission and Mike Collins on lifting the water moratorium. Council requested that staff schedule a joint work session with the Planning Commission and Mike Collins.

Mayor Fitzgerald presented a request to transfer funds for the Public Utilities Department. Public Utilities Director Collins explained that these funds will be used for upgrading sewer lines. Council Member Lantz offered a motion to approve this transfer request, and that:

\$300,000.00 chge. to: 1322-911161-48645 PHR & A – I & I

\$300,000.00 approp. to: 1322-911161-48651 Upgrades

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank
Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Mayor Fitzgerald

Absent – None

Bucky Berry, a resident of 877 North Main Street, complained about the City requiring a business license for a business making under \$10,000.

RuthDae Scott, a resident of 511 Northglen Lane, said that the City did a good job on snow removal. She also said it was a pleasure to see the football on the water tower. She suggested that Harrisonburg become a model City with traffic signals.

Council Member Peterson offered a motion that David Mills, 485 South Mason Street, be recommended to the Circuit Court for a first term on the Board of Zoning Appeals to expire on March 20, 2008. The motion was approved with a unanimous vote of Council.

Council Member Peterson offered a motion that Dennis L. Snyder, 964 Wren Way, be appointed to a first term on the Industrial Development Authority to expire on March 14, 2007. The motion was approved with a unanimous vote of Council.

City Attorney Miller said that City Council had discussed a request by Freewill Baptist Church at the January 28th meeting. Freewill Baptist Church has an opportunity to purchase a parcel of land situated in Rockingham County, but connecting with the City's corporate line at Vine Street. The church is requesting that water and sewer be extended to this parcel under the moratorium condition. It was questioned whether in the future the City would need some space to widen or extend streets in the area. He said that staff has reviewed the request and has no reservation about widening or extending streets in the area. Council Member Peterson offered a motion to grant water and sewer connection to the Freewill Baptist Church. The motion was approved with a unanimous vote of Council.

At 8:50 p.m., Council Member Peterson offered a motion that Council enter a closed session for the purpose of the discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City Council. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.3 of the Code of Virginia (1950), as amended (the code). The motion was approved with a unanimous vote of Council.

At 9:27 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I certify to the best of my knowledge 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 matters as were identified in the motion by which the closed session were convened, were heard, discussed or considered in the closed session by the City Council.

At 9:28 p.m., there being no further business and on motion adopted the meeting was adjourned.


CITY CLERK


MAYOR