

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 11, 2003

REGULAR MEETING

MARCH 11, 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 Lantz 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 Police Department. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Vice-Mayor Rogers

Council Member Peterson

Council Member Frank

Mayor Fitzgerald

Absent None

Planning and Community Development Director Turner introduced a request by the City of Harrisonburg to rezone the Hardesty-Higgins House property from B-2, General Business District to B-1, Central Business District. The property is located at 212 South Main Street. She said that the Land Use Guide designates this property as Commercial. She also said that because the house is located very close to the property lines, it does not meet the required zoning setbacks. She reviewed the surrounding uses in the

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 11, 2003

area. The Hardesty-Higgins House (also known as the Craft house) is a historical building. It is the second oldest house in the City. It was used as the headquarters for union troops during the Civil War. In 2002, the City applied to the Transportation Enhancement Program for a grant for funding to renovate the building. The building will be the new location for the Harrisonburg-Rockingham Convention and Visitors Bureau and newly established Transportation Heritage Museum will be located in it. She said that Planning Commission recommended approval of the request.

At 7:35 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 24, and Monday, March 3, 2003.

Notice Of Public Hearing

The Harrisonburg City Council will hold a public hearing on Tuesday, March 11, 2003, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

REZONING Hardesty-Higgins House

-

Public hearing to consider a request by the City of Harrisonburg to rezone a 21,633 square foot lot from B-2, General Business District to B-1, Central Business District. The property can be found on tax map 26-H-2 and is located at 212 South Main Street.

The Comprehensive Plan designates this area as Commercial. Commercial uses include retail, wholesale, or service functions. These areas are found along the major travel corridors and in the Central Business District of the City.

The Zoning Ordinance states that the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. While, the B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size restrictions exist in either district.

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 Fitzgerald called on anyone desiring to speak for or against this rezoning request.

Bob Sullivan, a resident of 65 Paul Street, said that he endorsed the rezoning request. It is a step on the way to preserving a very valuable part of Harrisonburg's history. He noted that it was the home of the first Mayor of the City and the second oldest house standing in Harrisonburg. 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 Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 11, 2003

Vote: Yes - Council Member Lantz

Vice-Mayor Rogers

Council Member Peterson

Council Member Frank

Mayor Fitzgerald

Absent None

City Engineer Rublee presented an overview on re-mapping the floodplain boundaries. He said the City's floodplain mapping began in 1974. A study done by the Soil Conservation Service included Blacks Run and the Sunset Heights branch of Cooks Creek. The current floodplain maps issued by FEMA in 1989 are outdated and inaccurate. Harrisonburg has a 100-year flood plain which has been determined that in any given year there is a one percent chance of a major flood occurring in Harrisonburg. He reviewed the discrepancies with the overlay floodplain maps onto the topography survey and the current problems with the floodplain maps. He also said that the zoning ordinance is based on an overlay concept. In 1998, FEMA began a program to create digital-format floodplain maps for posting on the Internet. At the time, it was thought that FEMA was providing a more detailed upgraded map to improve some of the inaccuracy problems. In reality, FEMA intended only to add a few additional streets to the existing maps and re-issue them digitally. Staff addressed numerous concerns to FEMA, stating that the City would not support re-issuance of the digital maps in the proposed format. In October 2000, the City entered into an agreement with FEMA, under their newly created Community Technical Partners (CTP) program, to re-study and re-map all of the City's floodplain areas. The CTP agreement includes access to matching grant funding for the project. To date, the City has received \$10,000 in grant money for the first phase of the study. This phase is the 5-mile section of Blacks Run from the South City limits to South Main Street at Monument Avenue. An additional \$30,000 in grant funds has been allocated to the City for continuation of the overall project. He said that the staff time involved to get this far has been considerable, and yet 13.3 miles of stream remain to be modeled. It was felt that City staff would not be able to complete the project in accordance with FEMA's timeline, and thus would risk losing the allocated grant funding. Upon request from the City, FEMA agreed to amend the agreement to allow the hydraulic analysis to be performed by a consultant hired by the City. Staff has negotiated a proposed contract with Watershed Concepts, a division of Hayes, Seay, Mattern & Mattern, to provide these services. Fees for their work will be paid using a combination of grant funds and City-budgeted funds from the 2002/2003 and 2003/2004 budgets. Staff is hoping to gain considerably more accurate maps and a better opportunity for regulating the ordinance. Mr. Rublee read the following paragraph which was included in the handout information: Up-to-date, accurate floodplain mapping and data will be invaluable to City staff, insurance agents, developers, builders, engineers, realtors, homeowners and others involved in land use and land development. Inclusion of digital mapping in the City's GIS system will provide access to these maps to all interested parties, and will aid in planning for future projects. In the future, it will be necessary for City Council to adopt the new maps. City Manager Baker recommended transferring funding for the project from Reserve for Contingencies. Council Member Peterson offered a motion to transfer these funds:

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 11, 2003

\$24,500 chge. to: 1000-940111-49310 Reserve for Contingencies

\$24,500 approp. to: 410121-48191 Engineering / Mapping

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Vice-Mayor Rogers

Council Member Peterson

Council Member Frank

Mayor Fitzgerald

Absent None

City Manager Baker presented a request from Rockingham County. He explained that Rockingham County would like to install a sewer pump station in the Smithland Road area. He said that staff had some concerns with the request and suggested that a site plan be submitted before the request is granted. Following further discussion and comments, City Council agreed to table this request until the March 25th meeting.

Bob Wease, General Manager/owner of the Harrisonburg Turks, presented an overview of repairs needed at Veterans Memorial Stadium (VMS). He said stadium repair included replacing crumbling steps, renovating/enlarging the press box, repairing bathrooms, and replacing the net behind home plate. Through pledges and Turk donations, some funding has been received for the repairs, but additional funding will be needed.

The following discussion by Council Members relative to VMS repairs included: VMS owned by City School Board; steps liability issue; press box enlargement; repair responsibility, and future of baseball at the stadium. Following further discussion and comments, Council requested that City Manager Baker and School Superintendent Ford review the safety concerns and present a report at the March 25th Council meeting.

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 11, 2003

Dr. William Lee, a resident of 1157 Nelson Drive, presented an overview of initiating a tobacco tax in the City. Dr. Lee said, I am appearing before Council to ask you to significantly tax the sale of tobacco products within the City of Harrisonburg. He also presented a petition signed by 40 physicians. Statistics indicate that one out of every five deaths each year are caused by tobacco. Statistics reproducibly show that a 60-cent tax on each pack of cigarettes will decrease consumption. He said it is a problem to get people to stop smoking. Education is good, but it doesn't decrease smoking; enforcing underage restrictions is a great idea, but it doesn't decrease smoking; enforcing clean air areas (restricting areas to smoke) is a step forward; however, two effective ways of getting people to stop smoking are talking to people after a heart attack and raising the price. Applying a tobacco tax will improve the health of the community. He said arguments will include: Is it fair? Does it target the poor? Aren't smokers penalized enough already? Will it hurt Virginia tobacco farmers? What about lost sales to City convenience and tobacco stores? He emphasized that studies have shown that every time taxes are raised on cigarettes two things happen: revenue to the locality increases and tobacco consumption decreases. He encouraged City Council to consider adopting a tax on tobacco products.

The following discussion by Council Members relative to the proposed tax on tobacco products included: revenue generated, amount of tax increase, not enacting tax increase until Rockingham County enacts tax, and statistics showing enacting tax on tobacco products doesn't decrease consumption.

Harrisonburg Redevelopment and Housing Authority Director Michael Wong presented an overview of the renovation plans for the Simms Center. He said plans for the Simms project include recognizing the historical significance of the facility through preservation activities and the possibility of establishing a museum. A new edition to the whole Simms project is the Arc Op Shop of Harrisonburg/Rockingham County. Mr. Wong reviewed the proposed funding expected from several sources for the Simms project, which will allow historical preservation of the facility, shows a use of mixed financing, expanding services to a targeted population and re-enforcing a collaborative partnership philosophy that has been the theme. Continued programs currently operating at the center include adult education classes, GED/ESL classes, family activities, and community meeting rooms. During the past year, HRHA has conducted analysis studies, held six community meetings, completed a market study, hired a historical consultant, and developed an advisory committee. He also said that the proposed plan for the food court, meeting and banquet facility have been removed from the project. A public hearing has been scheduled for the March 25th Council meeting. Following further discussion and comments, Council agreed to approve the general concept of the project.

Bucky Berry, a resident of 877 North Main Street, complained about the Police Department not enforcing the City Code regarding snow removal.

Jakob Barnett, Race Director for the James Madison University Triathlon Club presented a request to hold a triathlon race in the spring of 2004. He said that a triathlon consists of biking, running, and swimming and reviewed the racecourse. This event is designed to attract newcomers to the sport of the triathlon, and present local athletes with a realistic challenge to complete. City Manager Baker said staff reviewed the request and had some difficulty following the bike route. He also noted that April 24, 2004 has been scheduled as Walk America Day, which could involve a conflict if this event was scheduled for the same day.

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 11, 2003

Council suggested that Mr. Barnett coordinate this event with Harrisonburg staff and perhaps other groups.

Mayor Fitzgerald presented for Council's consideration an ordinance adopting partial tax exemption to property owners who convert rental units to single-family homes. City Attorney Miller reviewed the language changes in the proposed ordinance including adding UR Urban Residential District, Articles H, I, and Z in the Zoning Ordinance stating a structure should be in existence no less than 15 years, adding the word legally, deleting the section defining what family means, noting that exemption would apply to the greater of 20% of the previous assessed value before rehabilitation, or the increase in assessment because of the rehabilitation. Commissioner of Revenue Hosaflook has stated that phasing out exemptions will have to be done manually rather than using computer software. Council Member Peterson proposed amending the ordinance to read gradual decrease and increase the term of the exemption to seven years. Council Member Peterson offered a motion to approve this ordinance as amended for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Vice-Mayor Rogers

Council Member Peterson

Council Member Frank

Mayor Fitzgerald

Absent None

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from a grant and will be used for domestic preparedness. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$44,105.47 chge. to: 1000-33532 Domestic Preparedness equipment Program

\$3,777.72 approp. to: 1000-350532-48213 Project DOJ/Dem1 1999 Grant

7,558.68 approp. to: 1000-350532-48213 Project DOJ/Dem2 2000 Grant

7,673.01 approp. to: 1000-350532-48213 Project DOJ/Dem3 2001 Grant

25,096.06 approp. to: 1000-350532-48213 Project DOJ/Dem4 2002 Grant

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 11, 2003

The recorded roll call vote was taken as follows:

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

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department for bulletproof vests. He explained that these funds were received from a Federal grant to purchase bulletproof vests. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$5,956.00 chge. to: 1000-33504 bulletproof vest grant

\$5,956.00 approp. to: 1000-310231-48140 bulletproof vests

The recorded roll call vote was taken as follows:

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

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 11, 2003

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department for new surveillance equipment. He explained that these funds were received from state asset seizure drug fund and will be used to purchase surveillance equipment. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$4,000.00 chge. to: 1000-31010 Amount from Fund Balance

\$4,000.00 approp. to: 1000-310331-48211 Machinery/Equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Vice-Mayor Rogers

Council Member Peterson

Council Member Frank

Mayor Fitzgerald

Absent None

City Manager Baker explained that the Commonwealth Transportation Board would meet on March 26, 2003. Mr. Baker recommended the following list be submitted: four laning Stone Spring/Erickson Avenue from West City limits to East City limits, four laning Port Republic Road from Devon Lane to East City limits; four laning Mt. Clinton Pike from Virginia Avenue to West City limits, widening South Main Street between Route 704 and I-81 entrance ramps to a four-lane with center turn lane; upgrading East Market Street from Cantrell Avenue to the East City limits to six lanes; widening Country Club Road from East Market Street to I-81; upgrading Pleasant Valley Road from South Main Street to the City limits; and noting that the City supports the improvements to I-81 including the interchange in their present locations. Council Member Peterson offered a motion to approve this list. The motion was approved with a unanimous vote of Council.

MINUTES - REGULAR MEETING OF CITY COUNCIL - MARCH 11, 2003

Council Member Peterson offered a motion that Charles (Chuck) P. Farthing, 1015 Blaze Court, be appointed to a second term on the Harrisonburg Golf Course Advisory Committee to expire on March 21, 2007. The motion was approved with a unanimous vote of Council.

At 9:47 p.m., Council Member Peterson offered a motion that Council enter a closed session for the purpose of the discussion of personnel matters. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). Further, the purpose of the closed session will be for the acquisition of real estate. 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 10:10 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.

City Council authorized City Manager Baker to purchase real estate on Garbers Church Road.

At 10:12 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR