

MINUTES - REGULAR MEETING OF CITY COUNCIL - AUGUST 12, 2003

REGULAR MEETING

AUGUST 12, 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., Council Member Carolyn W. Frank, Dorn W. Peterson, Hugh J. Lantz; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Vice-Mayor Larry M. Rogers.

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

Council Member Peterson wanted a change in the draft minutes to read (Council Member Peterson said that the City needs to compare the costs of a City only system and a joint City/County system in order to make a reasoned choice between the two alternatives. The City only system would probably need only two or three towers and could well be significantly cheaper for the City than 50% of a joint system. Council Member Peterson also pointed out that the projected heights for the towers at 250 feet are significantly higher than the cell phone towers the Council has been approving).

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes as amended and the second reading repealing and re-enacting Chapter 15-2, enacting Section 6-2-10, 6-1-26, amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. The motion also included the second reading to close a portion of City right-of-way along Emerson Lane and several encumbrances outstanding at June 30, 2003. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Mayor Fitzgerald

Absent Vice-Mayor Rogers

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Mayor Fitzgerald announced that a scheduled public hearing to consider rezoning three lots located on Country Club Road will be re-scheduled to September 9, 2003.

Planning and Community Development Director Turner introduced a text revision to calculate the average setback line in Article T. Section 10-3-112(3). She explained that this case was presented to the Board of Zoning Appeals (BZA) in April 2003 and involved a house that had been damaged by fire more than 50 percent of the value. The house at the time was nonconforming to the required thirty-foot front yard setback. The City's Zoning Ordinance does have some modifications to account for blocks where the majority of houses currently do not meet the required front yard setback. The ordinance allows for an averaging of the houses on the block. The average setback is then used as the required front yard setback. She said language in the ordinance has been restructured to make it clearer. The following language was added: (3) Where the frontage on one side of a street between two (2) intersecting streets is improved with principal structures having setbacks less than the required setback permitted, the required setback may be reduced to the average setback so established, or the average setback of the two nearest principal structures on the same side of the street. The language change should allow older neighborhoods to retain the characteristics already in place. She said that Planning Commission recommended approval of the text revision.

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 Tuesday, July 29, and Tuesday, August 5, 2003.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, August 12, 2003, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

ORDINANCE AMENDMENT

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Public hearing to consider a text revision to calculating the average setback line in Article T. Section 10-3-112 (3).

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 these public hearings.

Any individual requiring auxiliary aids, including signers, in connection with these public hearings shall notify the City Manager at least five (5) days prior to the date of the meeting.

HARRISONBURG **CITY OF**

Roger Baker

City Manager

Mayor Fitzgerald called on anyone desiring to speak for or against amending the text revision in Section 10-3-112(3).

Bill Whalen a City resident questioned who established whether the destruction of a structure was greater than 50%. Planning and Community Development Director Turner said that it is the responsibility of the City's Building Inspector to determine the destruction of a structure. There being no others desiring to be heard, the public hearing was declared closed at 7:42 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 Peterson

Council Member Frank

Council Member Lantz

Mayor Fitzgerald

Absent Vice-Mayor Rogers

Planning and Community Development Director Turner introduced a revision to the definition and uses for automobiles and their various uses. She said because of a recent inquiry from a concerned business owner, staff reviewed the existing ordinances relating to automobiles and other vehicles. Ambiguity was found in how uses dealing with vehicles were defined and applied within the zoning classification's permitted and special permitted sections of the Zoning Ordinance. To help clarify these uses, staff has reworded, deleted, and added definitions, uses, and special uses to various sections. Mrs. Turner reviewed the changes made to the ordinance and also said that businesses identified as being affected by these changes were notified. She said that Planning Commission recommended approval.

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At 7:46 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 Tuesday, July 29, and Tuesday, August 5, 2003.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, August 12, 2003, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following.

ORDINANCE AMENDMENT

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Public hearing to consider an amendment to Article F., Definitions, Section 10-3-24; Article O., B-1A Local Business District, Section 10-3-78; Article P., B-1 Central Business District, Section 10-3-85; Article Q., B-2 General Business District, Section 10-3-90 and 10-3-91; Article R., M-1 General Industrial District, Section 10-3-96, for revisions to the definition and uses for automobiles and their related uses. This will include changes to uses permitted and definitions for the sales, service, repair and storage of automobiles, heavy equipment, over the road tractor-trailers, manufactured homes, industrialized buildings and recreational vehicles, as well as the siting of convenience centers for over the road tractor-trailers.

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 these public hearings.

Any individual requiring auxiliary aids, including signers, in connection with these public hearings shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger Baker

City Manager

Mayor Fitzgerald called on anyone desiring to speak for or against amending revision to the definition and uses for automobiles and their various uses. There being no one desiring to be heard, the public hearing was

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declared closed at 7:47 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve this request based upon the ordinance being effective October 1, 2003. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Mayor Fitzgerald

Absent Vice-Mayor Rogers

The next item of business was a presentation by the Harrisonburg Downtown Renaissance. Steve Knickrehm representing the Board of Downtown Renaissance said a planning retreat was held focusing on objectives for the organization. He also introduced Eddie Bumbaugh as the new executive director.

Chris Clark, owner of Artful Dodger, said he has been in business for 11 years in the City and has seen change, growth, and development in the downtown area.

John Sease said that at one time the downtown area was the center of everything, vibrant, active and had a lot of shoppers and visitors. The trend is to return to downtown. Past efforts have been very good, but with the financial support from Council and a social trend into downtown area, the time is right now for Harrisonburg to really be revitalized.

Eddie Bumbaugh said he also had memories of the downtown area and at one time his family owned a car dealership in downtown. He said during tours of the downtown area he has talked to business owners, property owners, public officials, organizations, and citizens. Many people have contributed ideas, thoughts and concerns, which has generated a lot of hope and optimism. The Harrisonburg Downtown Renaissance group has established an office and executive board. The group also participated in the Valley 4th parade and received a grant erecting four interpretative signs in the downtown area. These accomplishments could not have been achieved without the help of three interns, Sarah Edwards, Lyndsey Walker-Thomas, and Josh Davis. He also said with the establishment of Harrisonburg Downtown Renaissance and a series of changes in ownership and situations in downtown, the time may be right to again consider a downtown historic district. A Historic District Advisory Committee made up of diverse interests is being proposed to study this issue and to make recommendations. The Advisory Committee intends to invite representatives from other communities that have historic districts to share their positive and not so positive experiences. Information will be gathered from credible resources to assist with the assessment process.

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John Adams, a member of Historic District Advisory Committee, reviewed his concerns about the downtown area becoming a historic district.

Economic Development Director Brian Shull said the future of the downtown area is very bright. He said during the summer he had been very involved with the Children Museum. During the seven weeks the museum was opened over 7,000 children and adults visited the museum. The Economic Development Committee will be looking at several different projects in the near future. He reviewed the short-term goals of the committee and potential projects to enhance downtown business climate.

City Council selected September 9th at 6:00 p.m. to have a joint meeting with the School Board.

City Manager Baker presented a request from Rockingham County Public Schools. He explained that the schools have requested permission to hold a special event Celebrating Character Counts on Court Square on Thursday, September 11th from 5:30 p.m. until 8:00 p.m. Council Member Peterson offered a motion to approve this request. The motion was approved with a unanimous vote of Council Members present.

City Manager Baker presented a request from the Downtown Retail Merchants Association. He explained that the association has requested permission to hold the annual Cruise In and Craft Show on Saturday, August 23rd from 9:00 a.m. until 3:00 p.m. He also said that no objections have been raised to this request, although the Fire Department will require than an 18-foot wide lane be kept open for emergency vehicle access. Council Member Frank offered a motion to approve this request. The motion was approved with a unanimous vote of Council Members present.

The next item of business was approval of design plans for renovations to the Rockingham/Harrisonburg District Courts building. City Manager Baker said that several meetings have been held with City/County staff to review the design plans. Judges, the Commonwealth's Attorney's Office, and others using the building were consulted for the plans. The estimated City share of the project will be between \$700,000 and \$800,000 dollars. Council Member Lantz offered a motion to approve the request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Mayor Fitzgerald

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Absent Vice-Mayor Rogers

The next item of business was a report on traffic management at the intersection of Cantrell Avenue and Reservoir Street. Public Works Director Jim Baker said the department is anxiously trying to get Cantrell Avenue open and finished to four lanes. Transportation Planner Drew Williams presented a brief overview of a traffic report taken during a peak hour on July 29, 2003. He said a dedicated right turn lane movement is necessary and would be helpful for traffic continuing through the light. Hopefully the change will prevent delays and if the traffic signal cycling is also changed it should speed up the entire intersection. Following further discussion and comments, Council Member Peterson offered a motion to endorse the traffic management proposal as presented. The motion was approved with a unanimous vote of Council Members present.

The next item of business was discussion on adopting Council rules and procedures. Council Member Lantz questioned the procedure for placing items on the agenda. Who has the right to put something on the agenda? Who decides what items should be discussed in closed session? Following further discussion and comments, Council Member Lantz, Council Member Peterson and City Attorney Miller volunteered to form a sub-committee to review other localities rules and procedures and present a report at a future meeting.

The agenda item to consider a resolution approving an increased line of credit and debt issuance for the Shenandoah Valley Regional Airport Commission was tabled until August 26, 2003.

City Manager Baker presented a request for a supplemental appropriation for the Parks & Recreation Department. He explained that these funds were received from donations and will be used for the First Tee program. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$25,538.84 chge. to: 2016-31010 Amount from fund balance

\$25,538.84 approp. to: 2016-720371-46133 First Tee

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

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Council Member Frank

Council Member Lantz

Mayor Fitzgerald

Absent Vice-Mayor Rogers

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

\$9,915.00 chge. to: 1000-31010 Amount from fund balance

\$9,915.00 approp. to: 1000-310231-48211 Machinery and Equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Mayor Fitzgerald

Absent Vice-Mayor Rogers

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:

\$4,870.40 chge. to: 1000-31010 Amount from fund balance

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\$4,870.40 approp. to: 1000-310231-48140 bulletproof vests

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Mayor Fitzgerald

Absent Vice-Mayor Rogers

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

\$1,500.00 chge. to: 1000-33527 DMV grant

\$1,500.00 approp. to: 1000-310231-46140 Other operating supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Mayor Fitzgerald

Absent Vice-Mayor Rogers

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

\$479.88 chge. to: 1000-33524 DMV grant

\$479.88 approp. to: 1000-310231-46140 Other operating supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Mayor Fitzgerald

Absent Vice-Mayor Rogers

City Manager Baker announced that the Comprehensive Plan Advisory Committee has scheduled five public input meetings in September, Spotswood Elementary School on September 15th; Stone Spring Elementary School on September 18th; Waterman Elementary School on September 22nd; Keister Elementary School on September 25th; and Spotswood Elementary School on September 29th. All meetings will begin at 7:00 p.m. Draft document copies are available in the Community Development Department and the City's web site.

Council Member Peterson requested that an item be placed on the August 26th agenda concerning the salaries of Council Members and asked the City Clerk to obtain information on salaries paid to legislative bodies in surrounding localities.

City Attorney Miller said that he has drafted language in the current City Code to require a taxicab service to provide a minimal number of hours (120) per week. He also suggested rather than selecting members to serve on an Ad-Hoc Committee that members should serve on an Standing Committee. The members of the committee should be named by position rather than individual and consist of the Assistant City Manager, Police Chief, Director of Public Transportation, and a fourth non-voting member of the taxi industry. A draft copy will be placed on the August 26th agenda.

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Council Member Peterson offered a motion to nominate Bonnie Keppel and David Holsinger as Harrisonburg representatives to the Workforce Investment Board. The motion was approved with a unanimous vote of Council Members present.

At 9:10 p.m., Council Member Peterson offered a motion that Council enter a closed session for the discussion of personnel matters, specifically, the discussion of certain public officers. 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). The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Peterson

Council Member Frank

Mayor Fitzgerald

Absent Vice-Mayor Rogers

At 10:02 p.m., the closed session ended and the regular session reconvened. 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 in the closed session by the City Council.

At 10:03 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

