

REGULAR MEETING

DECEMBER 13, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz; and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Police Major Malcolm Wilfong. Absent: Chief of Police Donald Harper.

Council Member Lantz gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and amending and re-enacting Section 3-2-3 and 5-2-1 of the Harrisonburg City Code. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Eagle
Council Member Pace
Council Member Chenault
Mayor Rogers

Absent -- None

Norman Yoder, a representative from Brown, Edwards & Company, presented the 2004-2005 Comprehensive Annual Finance Report. He said that his firm and the City have to comply with certain standards and guidelines set by the Government Accounting Standards Board (GASB) and the Commonwealth of Virginia Auditor of Public Accounts. He gave a brief overview of the report. Mr. Yoder expressed his appreciation to the Finance Department for all of their assistance. The City will receive an unqualified opinion, which is the highest level of assurance placed on financial statements.

Planning and Community Development Director Turner presented the 2006-2007 through 2010-2011 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program allows the City to plan for capital expenditures for a five-year period. These are projects that cost \$30,000 or greater. She said that the Fire Department has requested an aerial ladder, a fire engine replacement and traffic light intervention system. Other department requests include purchasing property for the driving range land acquisition, making improvements to the Community Development Building, and constructing a vehicle and construction building at the Public Works facility. Renovations are needed at 1 Court Square, creating an athletic field and track at Morrison Park, restoring stream banks at Purcell Park, constructing a storage building at the golf course, a Bicycle/Pedestrian Facilities Master Plan, East Market Street Safety Improvement project, extending Linda Lane, continuing the Western

Raw Waterline, and Eastern Source Development project. Mrs. Turner said that Planning Commission recommended adopting the Capital Improvement Program.

Council Member Pace said that when Planning Commission reviewed the document information had not been received from the School Board regarding building construction or an alternative administrative building. Also, the streetscape project should be reviewed and given consideration whether it should be broken into sub-parts, especially the Court Square area.

At 7:47 p.m., Mayor Rogers 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 Saturday, December 3, and Saturday, December, 10, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 13, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

The proposed Capital Improvement Program, for fiscal years 2006-2007 through 2010-2011. The Capital Improvement is a multi-year projection and scheduling of capital projects of \$30,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvement needs over a subsequent five-year period. Copies of the Capital Improvement Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.

For any additional information, contact the City Manager's office, 345 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 Rogers called on anyone desiring to speak for or against adopting the Capital Improvement Program. There being no one desiring to be heard, the public hearing was declared closed at 7:48 p.m., and the regular session reconvened. Council Member Chenault offered a motion to adopt the Capital Improvement Program as presented including Council Member Pace's comments being incorporated by reference. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz

Vice-Mayor Eagle
Council Member Pace
Council Member Chenault
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request by the City of Harrisonburg to rezone 5.02 acres from R-3, Multiple Dwelling Residential District to R-2, Residential. She said the property is located along Central Avenue, between Maryland Avenue and South Avenue, and can be found on tax map 19-E-9. The Comprehensive Plan designates this area as Conservation, Recreation and Open Space. The City of Harrisonburg is requesting to downzone this parcel of land along Central Avenue from R-2 to R-3. The R-2 zoning would only allow single-family homes and duplex units. The City owns additional land across Central Avenue that is currently zoned R-2 and plans on selling both parcels together. She reviewed the surrounding uses in the area. Staff has reviewed whether the walking trail at Keister Elementary School extended onto the property and the consensus was that it did not; therefore, an easement is not needed. She said that Planning Commission recommended approval of the request.

At 7:51 p.m., Mayor Rogers 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, November 28, and Monday, December 5, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on December 13, 2005 at 7:30 p.m., in the Municipal Building, City Council chambers, 345 South Main Street, to consider the following:

Rezoning – Central Avenue

Public hearing to consider a request from the City of Harrisonburg to rezone 5.018 acres from R-3, Multiple Dwelling Residential District to R-2, Residential District. The property is located along Central Avenue, between Maryland Avenue and South Avenue, and can be found on tax map 19-E-9.

The Comprehensive Plan designates this area as Conservation, Recreation and Open Space. This designation includes the city's parks and golf course, as well as private open space recreation uses, such as country clubs.

The Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum. 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 these public hearings. 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 Rogers called on anyone desiring to speak for or against this rezoning request. Anthony Bopp, a resident of the City, said he supported the rezoning, but requested that Council consider the number of students having classes in trailers at Keister Elementary School before adding more students to the school. There being no others desiring to be heard, the public hearing was declared closed at 7:54 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this rezoning request. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Eagle
Council Member Pace
Council Member Chenault
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request to preliminarily plat a 21,028 square foot lot for an existing single family home from a larger 8.93 acre parcel located at 740 Stone Spring Road and found on tax map 93-C-1. She reviewed the surrounding uses in the area. Three of these lots would front along Stone Spring Road and will share a joint access driveway that would enter Stone Spring Road. The developer is asking for one variance to allow a reduction of front lot width for two lots at the rear of the development. These two proposed lots would have pipe stem configurations to allow for a more efficient use of space. Both lots are over twice the required size of an R-1 lot, but because of the unique topography of this development the lot configuration options are limited. She said that Planning Commission recommended approval of the request. Vice-Mayor Eagle offered a motion to approve this request as presented. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Eagle
Council Member Pace

Council Member Chenault
Mayor Rogers

Absent – None

Planning and Community Development Director Turner presented a brief report on proposed changes to R-3 (Medium Density Residential) and the new R-5 (High Density Residential) classifications. She said Planning Commission has been conducting work sessions to better align the zoning ordinance with the Comprehensive Plan. Planning Staff plans to hold an informal public review of proposed changes to the existing R-3 and new R-5 zoning classifications prior to entering a formal ordinance adoption process. Some of this information has been shared and reviewed at previous work sessions. She reviewed the changes accomplished with the adoption of R-6 and R-7 classifications, and proposed changes to existing R-3 and new R-5 zoning classifications. She said Planning Commission recommends removing the City's R-4 Planned Residential District that allows some commercial use. Property zoned for that district would be in the new proposed R-5 high-density residential district. It is being proposed that a lot of the existing multi-family apartment complexes be placed into this category. It would promote multi-family building of not more than 12 units per building and 52 feet in height by right.

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, updated the progress and accomplishments for the future of HDR. He said that HDR hosted a Virginia Main Street Conference on September 28th and 29th in Harrisonburg. One of the highlights of the conference was a tour of the Wetsel Seed Warehouse Building and plans for renovation of the building. The Virginia Main Street Monitor publication provides information on the successful 2005 Tour of Shenandoah that involved Harrisonburg. He also said that plans have begun for Tour of Shenandoah 2006 bicycle race, which will be held on April 25, 2006. On October 26, 2005 approximately 30 people representing City officials, local press, and others visited Lynchburg to review its revitalization process. He pointed out there are a lot of similarities between the two communities. The Organization Committee hosted its annual reception celebration at Calhoun's Restaurant on October 17, 2005. Mr. Bumbaugh reviewed HDR goals for next year. He said positive feedback has been received regarding the Downtown Walking Tour. He discussed recommendations for parking meters and hours of parking in the downtown area. He requested Council's approval to close Bruce Street to Elizabeth Street on June 3, 2006 from 7:00 a.m. to 6:30 p.m., for the Court Days Festival. Also, approval is needed for "Fridays on the Square", which involves concerts and movies alternating every Friday night starting in May and continuing through August. One of HDR most significant accomplishments is the creation of the Historic District and implementing the streetscape design plan. Frazier Associates completed an excellent streetscape general plan this year. The streetscape plan includes improved signage from I-81, kiosks, gateways, new sidewalks, landscaping and lightning. The City hopes to implement the plan by the start of Virginia's Jamestown celebration in June 2007.

City Manager Baker said that a team of Mattern & Craig and Frazier Associates has been selected to conduct a utility assessment. The plan will be divided into several phases.

Following further discussion and comments, Vice-Mayor Eagle offered a motion to authorize the City Manager to sign a contract implementing the streetscape project, closing certain streets for the Court Days Festival on June 3, 2006, and "Fridays on the Square". The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Eagle
Council Member Pace
Council Member Chenault
Mayor Rogers

Absent – None

The next item of business was adopting the 2005 Pedestrian Plan. Transportation Planner Drew Williams said that a complete pedestrian network provides accessibility to transportation services, helps reduce congestion on City streets, promotes better health, and enhances the overall quality of life for residents of the City. A citizen committee tasked with prioritizing and planning City wide pedestrian projects developed the pedestrian plan. Many projects are specific, while other projects are area-wide projects. The committee worked in tandem with the Bicycle Plan Committee in developing priority areas. The first project prioritized for construction is the James Madison University Off-Campus Connector, or "Arboretum Trail". He reviewed this project and other areas. The plan also highlights safety and education as a component of a complete pedestrian network with opportunities for collaboration with community groups, organizations, and grant programs. Council Member Chenault offered a motion to adopt the 2005 Pedestrian Plan. The motion was seconded by Council Member Lantz, and approved with unanimous vote of Council.

The next item of business was a request to implement increased fines for speeding on Central Avenue. Transportation Planner Drew Williams said citizens from Central Avenue requested a speed study be conducted in their neighborhood. This neighborhood is currently enrolled in the Neighborhood Traffic Calming Program (NTCP). A speed study conducted by staff did indicate 85th percentile speeds at 38 miles per hour. This is considered a speeding "problem." Staff did meet with residents of the neighborhood on November 17, 2005 to review their concerns. Neighborhoods enrolled in the NTCP automatically qualify for additional fines. Following further discussion and comments, Council Member Pace offered a motion to approve a request to increase the fines for speeding on Central Avenue, which included conducting an additional study on the balance of Central Avenue. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Eagle
Council Member Pace
Council Member Chenault
Mayor Rogers

Absent – None

The next item of business was a request to amend an “Increased Fines for Speeding” policy. Transportation Planner Drew Williams said the City has adopted a policy to implement increased fines for speeding in accordance with the Code of Virginia. The Code section states that increased fines are acceptable on residential streets provided the locality has adopted a reasonable policy. Staff is requesting that the City’s policy be amended to assure that increased fines are implemented in a reasonable manner by requiring the citizen requestor to secure a petition of at least 75% approval of residents of the proposed increased fine area. Council Member Lantz offered a motion to amend this policy as presented. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Eagle
Council Member Pace
Council Member Chenault
Mayor Rogers

Absent – None

Joan Strickler, Executive Director of First Night, presented a brief overview of the First Night activities. She explained that this would be the fourteenth year of entertainment and family fun for the citizens of Harrisonburg and the surrounding area. She also requested that the fireworks display be approved. Plans for this year are similar to those of past years requests for street closing and sanitation crews. Vice-Mayor Eagle offered a motion to approve First Night’s request for its activities and fireworks display. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

City Manager Baker presented a request for a supplemental appropriation to adjust the budget for fiscal year 2005-2006. He said that on January 15, 2006 the City has to make the initial debt service payment on the \$7.25 million General Obligation Bond Issue Series 2005 that was issued on June 29, 2005. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$140,127.00 chge. to: 1000-31010 Amount from fund balance

\$140,127.00 approp. to: 1000-910842-49503 7.25 million general obligation bonds

The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Eagle
Council Member Pace
Council Member Chenault

Mayor Rogers

Absent – None

City Manager Baker presented a request to transfer funds between water capital projects. These funds will be transferred from the Silver Lake Pump Station project to construction of a waterline under I-81 at Smithland Road. Council Member Pace offered a motion to approve transferring these funds, and that.

\$137,989.69 chge. to: 1321-910161-48622 Garber's Church/Silver Lake Pump Stations

\$137,989.69 approp. to: 1321-910161-48633 Smithland Road

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

Vote: Yes - Council Member Lantz
Vice-Mayor Eagle
Council Member Pace
Council Member Chenault
Mayor Rogers

Absent – None

City Manager Baker presented a request for a supplemental appropriation to appropriate additional funds to the Social Services District. He said after the 2005-2006 budget was prepared and approved the Harrisonburg Rockingham Social Service District Administrative Board approved a Program Improvement Plan. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$11,348.00 chge. to: 1000-31010 Amount from fund balance

\$11,348.00 approp. to: 1000-910511-47071 Expenditure of Social Services District

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

Vote: Yes - Council Member Lantz
Vice-Mayor Eagle
Council Member Pace
Council Member Chenault
Mayor Rogers

Absent – None

City Attorney Thumma presented for Council's consideration amending and re-enacting Section 11-1-1 of the Harrisonburg City Code. He explained that this ordinance is necessary to adopt the Virginia Uniform Statewide Building Code. This will bring our present ordinance into compliance with the changes in the state laws. Council Member Lantz offered a motion to approve this ordinance for a first reading. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Eagle
Council Member Pace
Council Member Chenault
Mayor Rogers

Absent – None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds represent unanticipated receipts from the Federal government and other funds that were not known during the budget process. No additional City dollars are required from City Council for the school division to receive these additional funds. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$50,000.00 chge. to: 1111-33301 School Revenue – Federal
5,145.00 chge. to: 1111-31691 School Revenue –Other

\$55,145.00 approp. to: 1111-111114-40619 Instruction

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

Vote: Yes - Council Member Lantz
Vice-Mayor Eagle
Council Member Pace
Council Member Chenault
Mayor Rogers

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Police Department. He said that these funds were for overtime hours worked by officers that were reimbursed by the Division of Motor Vehicles through a selective enforcement grant. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$2,374.32 chge. to: 1000-33524 DMV grant

\$2,374.32 approp. to: 1000-310231-41020 Salaries/wages OT

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

Vote: Yes - Council Member Lantz
Vice-Mayor Eagle
Council Member Pace
Council Member Chenault
Mayor Rogers

Absent – None

City Manager Baker presented the following resolution for Council’s consideration of approval:

RESOLUTION

WHEREAS, the City of Harrisonburg, Virginia strongly supports historic preservation and the promotion of cultural and historic resources; and

WHEREAS, the City of Harrisonburg applied for and was granted status as a Virginia Main Street Community; and

WHEREAS, both state and national historic district designations have been bestowed on downtown Harrisonburg; and

WHEREAS, the City Council of Harrisonburg, Virginia intends to further revitalize the downtown district as well as support complimentary initiatives; and

WHEREAS, the City of Harrisonburg, a certified local government, has applied to become a Preserve America Community

NOW THEREFORE BE IT RESOLVED that the City Council of Harrisonburg, Virginia hereby supports the application for Preserve America funding as a part of continuing revitalization efforts.

Mayor, City of Harrisonburg

Date

Attest:

Clerk of the City Council

Council Member Chenault offered a motion to adopt this resolution. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

City Manager Baker announced that one proposal had been received for a Proposed Wireless Broadband Network Franchise Service.

At 9:25 p.m., Vice-Mayor Eagle offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Planning Commission, and Tree Advisory Board exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Consultation with legal counsel regarding a proposed contract requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Eagle
Council Member Pace
Council Member Chenault
Mayor Rogers

Absent – None

At 10:45 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 hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:50 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

c