

REGULAR MEETING

February 27, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC, and Police Major Wilfong. Absent: Chief of Police Donald Harper.

Mayor Eagle gave the invocation and led everyone in the Pledge of Allegiance.

Mayor Eagle announced that March is “Youth Art Month” and Harrisonburg student art exhibits are displayed in the City Municipal Building and Rockingham Memorial Hospital.

Kent Smith said help is needed for homeless people in the City. The cause of homeless is not social neglect and only in a small number of cases is related to alcohol. Because of limited funds for homeless programs in the City a more accurate census count is needed.

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, said, “The School Board has many concerns about the “No Child Left Behind” requirement.” The School Board is being asked to give all students the test, which is written in English and expected to get productive results from students taking the test. It is an unrealistic expectation under the “No Child Left Behind” requirement. There are approximately 250 ESL students expected to take a test written in a language they cannot read. He reviewed substitute test procedures that have been used in the past. The School Board has passed a resolution stating that students should be tested with an appropriate test. Dr. Ford clarified that the School Board is not seeking to opt out of the NCLB program or the Title I program. However, the Federal government is saying that if you don’t test these students then you are not complying with our interpretation of what Congress intended and therefore you have funding that may be at risk. He reviewed the procedure for AYP.

Bucky Berry, a resident of Harrisonburg, complained about “No Parking” spaces at Waterman Elementary School.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the schools and rezoning request by M. Belmont VerStandig, Inc. The motion also included an ordinance amending and re-enacting Section 13-1-74 of the Harrisonburg City Code. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Transportation Director Reggie Smith then made a presentation on the Transportation Department's grant application for capital and operating funds. He explained that this is an annual application for operating funds through state formula assistance and capital assistance funds. He said that the proposed budget is approximately \$2.7 million of which the City should receive \$642,000 in Federal operating assistance and approximately \$500,000 in formula funds from the state. He also said that some of the funds will be used for ADP hardware technology, an expansion paratransit bus, replacement paratransit buses, and bus stop shelters.

At 7:39 p.m., Mayor Eagle closed the regular session temporarily and called the evening first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, February 10, and Saturday, February 17, 2007.

NOTICE OF PUBLIC HEARING

The City of Harrisonburg is currently preparing the annual grant application for Operating and Capital Funds for FY08. This application is for Federal and State funds under the Federal Transit Administration 49USC Section 5307.

A public hearing for this application will be held on Tuesday, February 27, 2007, at the City Council meeting. This meeting will be held in Council Chambers in the Municipal Building at 7:30 p.m. All interested citizens are encouraged to attend.

Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Vickie Conley before February 23, 2007 at 540-432-0492: or mail comments to Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, VA 28802.

Mayor Eagle called on anyone desiring to speak for or against this grant application. There being no one desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Chenault offered a motion to approve the application as presented. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Funkhouser and Associates Properties to vacate a 2,178 square foot portion of Hunters Road. She said that Hunters Road is considered a minor street; therefore, the City design standards requires 50 feet of right-of-way. The 17.5 feet of property gives more width to the applicant's

undeveloped parcel to the north and accommodates the proposed development on that property. Without the acquired right-of-way, the applicant would be unable to construct the two proposed eight unit apartment buildings with the required 30-foot setback. She reviewed the surrounding uses in the area. There would be private access easement reserved for use by JMU or emergency vehicles. She said that Planning Commission has recommended that the request be approved.

At 7:43 p.m., Mayor Eagle closed the regular session temporarily and called the evening second public hearing to order. The following notice appeared in the Daily News-Record on Friday, February 16, and Friday, February 23, 2007.

**NOTICE OF INTENTION TO VACATE
A 2,178 SQUARE FOOT PORTION OF HUNTERS ROAD
LOCATED IN THE SOUTHEAST PORTION OF THE CITY OF HARRISONBURG**

**City Council Chambers
345 South Main Street
Harrisonburg, VA 22801
Tuesday, February 27, 2007
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, February 27, 2007, 7:00 P.M., at City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider an application, by Funkhouser and Associates Properties, LLC to vacate an undeveloped portion of Hunters Road, containing approximately 2,178 square feet and located on the west side of Hunters Road in the City of Harrisonburg, Virginia.

A copy of the recommendations of the City Planning Commission along with a copy of the plat showing the portion of Hunters Road to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday.

All persons interested will have an opportunity to express their views at this public hearing.

**CITY OF HARRISONBURG
Roger D. Baker,
City Manager**

Mayor Eagle called on anyone desiring to speak for or against this request.

Dick Blackwell said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:44 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the alley vacation for a first reading. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd

Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner presented an overview of the City's Design and Construction Standards Manual. This public hearing was continued from the January 23rd Council meeting to allow for more public input or public consideration of the changes. The City's Design and Construction Standards Manual is a document that establishes standards for the design and construction of public facilities that will be built in connection with either subdivisions or site developments. It deals with facilities that the City will own and maintain after the construction phase of a project is over. She said that many departments of the City have provided input into the document. A memo was sent to the development community in January 2007 regarding the proposed changes and some comments were received from an engineer and the Shenandoah Valley Builders Association.

At 7:51 p.m., Mayor Eagle closed the regular session temporarily and called the evening third public hearing to order. The following notice appeared in the Daily News-Record on Friday, January 12, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 23, 2007 in the Municipal Building City Council Chamber, 345 South Main Street, to consider updates to the City's Design and Construction Standards Manual.

This manual sets policies and standards for installation of public City facilities such as streets, sidewalks, water, sewer, storm sewer, traffic signals, and other traffic controls, etc. as well as development requirements for private facilities such as erosion and sediment control and stormwater management. Both the currently adopted manual and draft document are available on the City website at www.ci.harrisonburg.va.us, or at the Department of Planning and Community Development, 409 S. Main Street, Mon. through Fri. 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this hearing. Individuals requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Council Clerk at 432-7701 at least five days prior to the date of the meeting.

Mayor Eagle called on anyone desiring to speak for or against adopting the City's Design and Construction Standards Manual.

J.M. Snell, President of the Builders Association, reviewed several issues in the proposed revisions to Design and Construction Standards Manual. In general most of the changes were items that were already being implemented and that this was correcting the manual to reflect those items. The committee requests several changes in the manual including comprehensive plan review, drive-thru queuing, AASHTO's guide of bicycle facilities, grammatical issues, calculations requirements and clarification of grass strip requirements.

Council Member Chenault said, “This is an incredible ineffective way to handle these proposed revisions to the manual. City Council gave a 30 day extension to try to resolve some of these issues in advance and staff has not had the opportunity to review these proposals. Staff should be given an opportunity to discuss these responses with the development community and try to resolve the disagreements. I recommend we continue the consideration of this proposed manual until the March 13th Council meeting.”

City Attorney Thumma suggested that the public hearing continue and be completed tonight. Then let staff and representatives from the development community resolve these differences.

The public hearing was closed at 8:06 p.m.

Council Member Chenault offered a motion to continue consideration of the Design and Construction Manual until the March 13th meeting to give all City staff involved and representatives presenting proposed changes or considerations time to resolve the agreed upon issues and try to present a manual that is in accordance with everybody. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was a presentation by Samuel Nickels of New Bridges. He said that New Bridges Immigrant Resource Center started about seven years ago by churches in the area to assist immigrants to access resources. He reviewed the activities of the organization. New Bridges serves the community as a whole – both the immigrant and native born populations. We serve immigrants and refugees who speak little or no English, are in need or crisis, can benefit from our case management, medical bill assistance, and other services, and are not being served by other organizations. He said that New Bridges receives partial funding from the United Way.

Susannah Lepley said New Bridges is interested in beginning to work with the City Council to establish an Immigrant Advisory Committee (IAC) to improve communication between City leadership and the immigrant cultural communities. The goal of the Immigrant Advisory Committee is to facilitate the communication with City leadership. A proposed committee would be composed of immigrants representing the Latino, Kurdish, Russian, and other communities. She reviewed the responsibilities of the committee. She requested Council’s approval of this initiative so New Bridges can work with the immigrant community.

Dr. Kakahama Askari said he supported the proposal.

Svetlana Shulgan said she supported the advisory group.

Dr. James Perkins, President of Blue Ridge Community College, presented an overview of the progress Blue Ridge Community College is making in serving the needs of the City of Harrisonburg. Board members, Kathy Whitten and Denise Dawson, were also present. BRCC has been growing and enrollment this fall was the highest enrollment in the college history. There are many facility projects under way including a new humanities and fine arts building, several buildings in the design phase, replacing a parking lot with green space, science building addition, new maintenance building, and a new bookstore. He reviewed enrollment facts, distance learning program, and transfer degree program graduates. He thanked Council for the City's financial support to the college, which has been an excellent investment in the future of Harrisonburg.

Vice-Mayor Pace offered a motion to approve a resolution supporting allocation of housing tax credits for Franklin Heights. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

A presentation by Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority, on the homeless situation was postponed until the March 13th Council meeting.

Public Works Director Baker requested Council approval of the City of Harrisonburg's third report for Virginia Pollutant Discharge Elimination System (VPDES). He said as an owner of a regulated small municipal separate storm sewer system (MS4) in the Commonwealth of Virginia, this report is required in compliance with the City of Harrisonburg's Virginia Pollutant Discharge Elimination System (VPDES) Permit (DCR02). The permit was issued to the City on March 3, 2003 and we are now at the conclusion of our 4th permit year. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve the City of Harrisonburg's third report for Virginia Pollutant Discharge Elimination System (VPDES). The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Public Works Director Baker presented a request for a supplemental appropriation from the Public Works Department. He said that these funds were received from a VML safety grant program and will be used for repair and maintenance supplies. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1,000.00 chge. to: 1000-31828 VML Safety Grant

\$1,000.00 approp. to: 1000-420641-46070 Repair and Maintenance Supplies

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

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Public Utilities Director Collins presented a request for a supplemental appropriation from the Public Utilities Department. He said that these funds will be used to allow construction work under existing contract agreements from the Harrisonburg Redevelopment and Housing Authority. The department has also acted as a broker between an external contractor and HRHA. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$ 15,010.87 chge. to: 2012-31902 Recoverable charges
15,010.87 chge. to: 1321-34230 Transfer from sewer fund

\$ 15,010.87 approp. to: 2012-492061-49216 Transfer to capital projects
15,010.87 approp. to: 1322-911161-48651 Sewer main upgrades

\$ 53,701.97 chge. to: 2011-31902 Recoverable charges
53,701.97 chge. to: 1321-34220 Transfer from water fund

\$ 53,701.97 approp. to: 2011-392061-49216 Transfer to capital projects
53,701.97 approp. to: 1321-910161048635 Water main upgrades

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

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank

Vice-Mayor Pace
Mayor Eagle

Absent – None

Police Major Wilfong presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from the Division of Motor Vehicles for three grants. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$18,330.00 chge. to: 1000-33524 Federal DMV grants

\$ 3,430.00 approp. to: 1000-310231-46100 Police supplies

5,000.00 approp. to: 1000-310231-46140 Other operating supplies

4,900.00 approp. to: 1000-310631-48211 Machinery and equipment

5,000.00 approp. to: 1000-310631-41020 Salaries/wages OT

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

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that Donald E. Kidd, Jr., 325 Park Avenue, be recommended to the Circuit Court for a second term on the Board of Zoning Appeals to expire on March 20, 2012. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that David Wiens, 1520 College Avenue, be recommended to the Circuit Court for a second term on the Board of Zoning Appeals to expire on March 20, 2012. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that Joe Bowman, 1155 Rockingham Drive, be appointed to another term on the Shenandoah Valley Airport Commission. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that James B. Acker, 302 Fairway Drive, be appointed to a first term on the Industrial Development Authority to expire on March 14, 2011. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that Roger D. vonSeldeneck, 867 Sandtrap Lane, be appointed to a first term on the Industrial Development Authority to expire on April 24, 2011. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that Annie H. Tanverdi, 1221 Old Richmond Circle, be appointed to an unexpired term of Wendy Hassler on the Blue Ridge Disability Services Board to expire on February 1, 2008. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 9:40 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 10:31 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 10:32 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

