

REGULAR MEETING

April 10, 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 Chief of Police Donald Harper.

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

Mayor Eagle read and presented the following resolution to Robert Hopkins “Twig” and Lorraine Strickler.

**RESOLUTION OF THE CITY COUNCIL OF THE OF HARRISONBURG,
VIRGINIA, HONORING ROBERT HOPKINS “TWIG” AND LORRAINE STRICKLER**

WHEREAS, Emma Lyon Bryan, a citizen of the Town of Harrisonburg, painted a landscape oil portrait of the town in 1867; and

WHEREAS, the painting was in the possession of a Harrisonburg family until it was sold at auction in 2006 to an antique dealer in Connecticut; and

WHEREAS, seeking to preserve the cultural heritage and history of the City of Harrisonburg Robert Hopkins “Twig” and Lorraine Strickler sought to, and succeeded in, purchasing the Town of Harrisonburg, 1867; and

WHEREAS, the Strickler family donated the painting to the Harrisonburg-Rockingham Historical Society; and

WHEREAS, the Harrisonburg-Rockingham Historical Society will make the painting available for the general public to view in a variety of venues throughout the City of Harrisonburg and County of Rockingham; and

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

That Robert Hopkins “Twig” and Lorraine Strickler are hereby recognized for their longstanding support of the Harrisonburg and Rockingham County community. As one of the oldest families in the Harrisonburg area, the Stricklers have demonstrated extraordinary generosity in supporting the preservation of history and heritage of the community.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Robert Hopkins “Twig” and Lorraine Strickler thanked City Council for the recognition.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police and Public Works Departments, rezoning requests by Landes Heating and Air Conditioning, and Philip Constable and William Shomo. The motion also included amending and re-enacting Section 13-1-60.01 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

School Board Finance and Technology Director Dee Dee Dawson presented a request for the School Board. She said these funds were received from a federal educational technology grant and will be used to offer a 3-day educational technology conference for teachers from various school divisions and purchasing food and supplies. No additional City dollars are required for the school division to receive these funds. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$130,000.00 chge. to: 1111-33301 School Revenue – Federal
150,000.00 chge. to: 1111-31691 School Revenue – Other

\$150,000.00 approp. to: 1111-111114-40650 Food Service/Other Non-Instructional
130,000.00 approp. to: 1111-111114-40680 Technology

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

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

Absent – None

Police Chief Harper presented a request for the Police Department. He said that these funds were received from a federal grant and will be used to purchase mobile data terminals for police vehicles. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$50,000.00 chge. to: 1000-31010 Amount from fund balance

\$50,000.00 approp. to: 1000-310431-48211 Machinery & Equipment

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

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

Absent – None

City Manager Baker presented a request to transfer funds from the General Capital Projects fund. These funds were received from the Hardesty-Higgins House project and other general projects. These funds will be used to cover expenses incurred with the Community Development expansion project including the new Council Chambers. Vice-Mayor Pace offered a motion to approve transferring these funds, and that:

\$15,000.00 chge. to: 1310-9101411-48692 Hardesty-Higgins House

15,000.00 chge. to: 1000-34291 Transfer from General Capital Projects

\$10,000.00 approp. to: 1000-340121-41030 PT Salaries & Wages

5,000.00 approp. to: 1000-430221-43362 Maintenance & Repairs – 409 S. Main

15,000.00 approp. to: 1310-910141-49210 Transfer to General Fund

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

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

Absent – None

Kim Alexander, Director of Special Projects and Grants Management, presented an overview of the preliminary budget recommendations for the 2008 CDBG Program. City

projects and previously obligated funds include \$140,000 for HRHA-Harrison Heights Renovations, \$48,000 for resurfacing tennis and basketball courts at the Ralph Sampson Park, \$56,000 for a Hillandale Park Comfort Station, \$106,223 for City sidewalks, \$22,000 for backboards at the Simms Recreation Center, \$20,000 for bike paths, and \$104,658 in administration costs. She reviewed the non-city applicants, which includes \$214,140.86 in requested funds. The entitlement amount for 2008 is \$546,881.00. She said that \$496,881.00 has been obligated or is being recommended for City projects with the remaining \$50,000 for many non-city applicants.

At 7:21 p.m., Mayor Eagle 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, April 3, 2007.

PUBLIC HEARING NOTICE & REQUEST FOR PROPOSALS
CITY OF HARRISONBURG
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PUBLIC HEARING - The City of Harrisonburg will hold a public hearing during the regular Council Meeting on Tuesday, April 10, 2007 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to advise the community on the 2008 Community Development Block Grant (CDBG) Program and receive citizen input regarding funding priorities for the CDBG Program. Citizen participation is essential to the City's involvement in the Federal Department of Housing & Urban Development's (HUD) CDBG Program. Citizen participation and comments on funding needs and priorities will assist the City in the development of the City's Consolidated Plan, which includes the 2008-2012 Strategic Plan and 2008 Action Plan. The Consolidated Plan serves as the City's guide for addressing overall community development and housing needs that will utilize the City's annual entitlement of CDBG funding available from HUD to meet those needs. The entitlement amount for FY 2008 is \$546,881.

All citizens and organizations are invited to attend the public hearing to comment orally or in writing on funding needs and priorities. Questions regarding the grant program are also encouraged. The City of Harrisonburg will make reasonable accommodations and services necessary for sensory-impaired and disabled citizens at the public meeting. Additionally, translation services may be offered upon request and availability. Persons requiring such accommodations/services should contact the City at least three working days in advance of the meeting.

REQUEST FOR PROPOSALS – The City of Harrisonburg is requesting proposals from non-profit organizations, for-profit businesses and organizations, and government agencies for the 2008 CDBG Program. The City's CDBG Program is funded by an annual entitlement from HUD. The entitlement amount for FY 2008 is \$546,881. Of this amount, \$50,000 in funding will be available for this competitive application process. Projects must meet all local and federal eligibility requirements, and eligible projects must meet one of HUD's three national objectives: 1) Low and Moderate Income Benefit, 2) Elimination of Slum and Blight, or 3) Urgent Need. Furthermore, eligible projects must address at least one of the objectives identified in the City's Consolidated Plan. City objectives include funding projects related to health care and dental services, housing, child care, transportation, employment services and job creation/retention, economic development, homeless services, recreational services, services for the disabled, parks & playgrounds, infrastructure improvements, and more! Specific objectives, eligibility requirements and the

Consolidated Plan (including a listing of projects funded in previous years) are available on the City website or in the City Manager's Office.

All parties interested in applying for funding through this Program are *strongly* encouraged to attend the Public Hearing outlined above AND to contact Kimberly Alexander prior to submitting an application, to ensure that the proposed project is eligible. Due to time constraints, the 2008 CDBG application process has been abbreviated. The short-form application is available on the City website at www.ci.harrisonburg.va.us and in the City Manager's Office. Applications are due no later than 4:30 p.m. on Friday, April 6, 2007. Late applications will not be accepted.

Please contact Kimberly L. Alexander, at Kima@ci.harrisonburg.va.us or 540-432-8923 with questions. Written comments may also be mailed to Kimberly L. Alexander, Director of Special Projects & Grants Management, Office of City Manager, 345 South Main Street, Harrisonburg, VA 22801.

Mayor Eagle called on anyone desiring to speak for or against these recommendations for the CDBG program.

Bucky Berry, a resident of Harrisonburg, encouraged Council to continue providing funds for the ARC.

Catherine Galvin representing Valley Program for Aging Services requested \$9,000 for the "Meals on Wheels" program, which provides meals to low income residents to help older people stay in their homes for as long as possible.

Gary Race representing Valley AIDS Network said the dollar is very tight everywhere and that City projects should also be considered when funding has to be reduced.

Mike Fiore representing the Community Foundation (FIMS) said the foundation needs a new accounting system to make it more efficient. An investment with FIMS is a way to multiply the City investment for the greater good of the community.

Gayl Brunk representing Valley Associates for Independent Living said VAIL mission is to promote independence among individuals with disabilities and remove barriers in the community. Individuals with disabilities represent the largest minority within our City.

Jennie Amison representing Gemeinschaft said the foundation is trying to provide a vocational training center to better serve people having substance abuse issues.

Kara O'Brien representing the Youth Popular Culture Institute, which is a non-profit company new to the area that focuses its efforts on motivating at-risk youth to strive for educational achievement and achieve healthy life styles.

Rose Garrison representing the Free Clinic said the clinic needs funds to support the pharmacy program.

Rajan Shore representing Big Brothers/Big Sisters of Harrisonburg and Rockingham County requested funding to help purchase a telephone system.

Mary Ellen Chewing director of the ARC requested funds for transportation and van maintenance. There being no others desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened. A committee consisting of Stacy Turner, Kim Alexander, Charlie Chenault and Kurt Hodgen will make recommendations to City Council at the April 24th meeting.

City Manager Baker presented the proposed 2007-2008 budget. Pursuant to Section 60 of the City's Charter, a balanced budget is presented for the fiscal year ending June 30, 2008. In

accordance with Section 15.2-2506 of the Code of Virginia, a public hearing is required to be held at least seven (7) days prior to the adoption of the budget. This year's budget preparation has been a very difficult task. The total proposed budget represents a 25.9% decrease in net expenditures from the fiscal year 2007 budget. This budget will use approximately \$4.1 million from the unappropriated fund balance. The real estate tax rate has been proposed to be reduced from 62 cents to 58 cents. There are proposed rate increases in the water, sewer and sanitation enterprise funds. He said primary emphasis is placed on **EDUCATION, PUBLIC SAFETY, ROAD AND PUBLIC UTILITIES**. He also reviewed the requested increases in various City departments.

At 8:00 p.m., Mayor Eagle 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, April 3, 2007.

**CITY OF HARRISONBURG, VIRGINIA
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 2008
For information and fiscal planning purposes only**

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 10, 2007 at 7:00 p.m. in the Harrisonburg City Councils located at 409 South Main Street, Harrisonburg, Virginia. Interested citizens are encouraged to attend and express their views.

<u>Revenue-By Funds</u>	<u>Original</u>	<u>2006-07 Amendments</u>	<u>Amended</u>	<u>2007-08 As Proposed</u>
Operating:				
General	73,498,129	4,107,992	77,606,121	85,317,574
School	46,295,761	267,616	46,563,377	50,953,393
Emerg Comm Center	2,016,498	-	2,016,498	2,319,724
Comm Dev Block Grant	613,397	118,646	732,043	550,442
Water	6,779,606	15,653	6,795,259	7,128,698
Sewer	6,539,143	98,544	6,637,687	6,866,891
Public Transportation	5,072,688	101,972	5,174,660	6,638,936
Sanitation	10,188,397	11,029	10,199,426	11,495,593
Parking Authority	255,280	-	255,280	-
Central Garage	695,318	-	695,318	730,050
Central Stores	111,240	-	111,240	185,246
Total Operating	<u>145,187,647</u>	<u>6,909,278</u>	<u>152,096,925</u>	<u>159,736,186</u>
Capital Projects:				
General Capital Projects	125,000	18,602,701	18,727,701	1,290,000
School Capital Projects	-	1,662,359	1,662,359	-
Water Capital Projects	1,245,357	9,902,477	11,147,834	1,218,690

Sewer Capital Projects	300,000	2,671,877	2,971,877	300,000
Sanitation Capital Projects	897,050	4,287,075	5,184,125	1,270,927
Park Auth Cap Projects	-	274,023	274,023	-
Total Capital Proj	<u>2,567,407</u>	<u>37,400,512</u>	<u>39,967,919</u>	<u>4,079,617</u>
Total	<u>147,755,054</u>	<u>44,309,790</u>	<u>192,064,844</u>	<u>163,815,803</u>

Expenditures - By Funds

Operating:

General	66,620,319	6,295,818	72,916,137	72,867,213
Schools	46,295,761	267,616	46,563,377	50,953,393
Emerg Comm Center	2,016,498	-	2,016,498	2,319,724
Comm Dev Block Grant	613,397	118,646	732,043	550,442
Water	6,779,606	15,653	6,795,259	7,128,698
Sewer	6,539,143	98,544	6,637,687	6,866,891
Public Transportation	5,072,688	101,972	5,174,660	6,638,936
Sanitation	10,188,397	11,029	10,199,426	11,495,593
Parking Authority	255,280	-	255,280	-
Central Garage	695,318	-	695,316	730,050
Central Stores	111,240	-	111,240	185,246

Total Operating **145,187,647** **6,909,278** **152,096,925** **159,736,186**

Capital Projects:

General Capital Proj	125,000	18,602,701	18,727,701	1,290,000
School Capital Projects	-	1,662,359	1,662,359	-
Water Capital Projects	1,245,357	9,902,477	11,147,834	1,218,690
Sewer Capital Projects	300,000	2,671,877	2,971,877	300,000
Sanitation Capital Proj	897,050	4,287,075	5,184,125	1,270,927
Park Auth Cap Proj	-	274,023	274,023	-

Total Capital Project **2,567,407** **37,400,512** **39,967,919** **4,079,617**

Total **147,755,054** **44,309,790** **192,064,844** **163,815,803**

Copies of the proposed budget are available for public review in the City Manager's office, 345 South Main Street; the Massanutten Regional Library, 145 South Main Street and on the City's internet web site at (<http://www.ci.harrisonburg.va.us>).

Mayor Eagle called on anyone present desiring to speak for or against the proposed 2007-2008 budget.

Jane Kibler who lives on Smithland Road said that Public Utilities Director Mike Collins proposed funds in the budget to install and complete the sewer project on the Smithland Road. This area was annexed into the City in 1981 and there are still 18 property owners that do not have sewer service. There is a group of City residents who have waited 26 years on broken promises that have not been fulfilled.

Bucky Berry, a resident of Harrisonburg, complained about the budget not including more funding for additional firefighters.

June Hosaflook Commissioner of the Revenue requested an additional \$3,000 in funds because everyone in her department has enrolled in the Career Development Program with the University of Virginia. She said when a deputy achieves a master designation the employee receives a salary increase. Four deputies in the department will receive the master designation on July 1st and there is not enough funding in the state budget to cover the salary increase.

Janet Mash, executive director of Camp Still Meadows, requested funding for a part-time staff member in the summer.

Ralph Geddis questioned whether any money would be received from the state after July 1st.

David Miller thanked Council for considering the streetscape plans in the budget.

Heather Denman executive Director of the Boys and Girls Club of Harrisonburg and Rockingham County requested funding to promote anti-gang initiatives.

Dee Dee Dawson Director of Finance and Technology Director for Harrisonburg City Schools said that a prepared budget was presented to City Council on March 27th based on instructional program needs identified within the school division. The amount of the budget is \$53,763,220 dollars. During the school budget process the superintendent, staff, school board made significant reductions in the budget to bring it to the level previously discussed by the Liaison Committee.

There being no others desiring to be heard, the public hearing was declared closed at 8:23 p.m., and the regular session reconvened.

Vice-Mayor Pace said, “The Finance Committee spent five hours reviewing the budget with City staff. He offered these amendments for City Council consideration including adding an additional \$199,600 to fully fund the school budget, adding an additional \$3,000 to the Commissioner of Revenue department, adding \$50,000 for a gang prevention program for the Boys and Girls Club, and offering an increase for Police Officers to address competitive salaries. This will add approximately \$390,000 in additional spending to the budget. To pay for the additional spending, he proposed raising the real estate tax rate to 59 cents, increasing the revenue forecast for next year from the golf course by \$16,000, increasing the benefits from the sale of used City equipment, and increasing the earned interest on cash deposits. The budget contains \$1,300,000 for earned interest on cash deposits. There is an additional \$100,000 in this line item and he recommended setting aside these funds to begin the process of Way Finding Signs and Streetscape. The total amount is approximately \$490,000.”

Council Member Chenault said, “I concur completely with Vice-Mayor Pace’s analysis and recommendation. Each year the City receives a significant contribution to City revenue from the Harrisonburg Electric Commission and this year it is approximately \$4.3 million.”

Council Member Chenault offered a motion to approve the budget for a first reading with the proposed amendments presented by Vice-Mayor Pace. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank

Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Christophel Properties to rezone 2.92 +/- acres of land located at 115 Ohio Avenue from R-2, Residential District to R-3C Multiple Dwelling Residential District Conditional. She reviewed the surrounding uses in the area. The property currently contains eight multi-family buildings, six of the buildings house four, two-bedroom units, and two of the buildings contain three, two-bedroom units. The buildings were constructed as a by right use in the late 1960's. Since that time the R-2 zoning ordinance has been amended and changed making these non-conforming uses. The use of apartments is no longer permitted in the R-2 zoning classification and there are some issues with setback regulations. In addition, a majority of the parking is also non-conforming because it occupies some of the City right-of-way. Some of the issues can be remedied by removing lot lines and would be necessary if this request is approved. The applicant could construct a maximum of 12 additional units on this property if it is rezoned to R-3C. The property is in a flood plain. Staff has concerns about the overall older neighborhood that is single-family homes and duplexes. The Comprehensive Plan designates this area as Neighborhood Residential. She said that Planning Commission has recommended denying this rezoning request.

At 8:48 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on April 10, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, to consider the following:

Rezoning – 115 Ohio Avenue (Christophel)

Public hearing to consider a request from Christophel Properties, LLC with representative Blackwell Engineering to rezone 2.92 acres of property zoned R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 115 Ohio Avenue and can be found on tax maps 18-C-7, 8, 9 & 11 and 24-R-1-6.

The Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots.

The Zoning Ordinance states that 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. 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.

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

Ed Blackwell representing the owner of the property said the revised proffers limit the total number of bedrooms for the rezoned parcels to 74 units.

Paul Christophel said, "My wife and I have been in the rental business since 1979 and all of our property is owner managed, well maintained, tenant friendly and affordable." He presented a prepared chart regarding the neighborhood. There being no others desiring to be heard, the public hearing was declared closed at 8:55 p.m., and the regular session reconvened.

Following further discussion and comments, Council Member Chenault offered to approve the rezoning request 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 Byrd
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

No - Council Member Frank

Absent – None

Planning and Community Development Director Turner introduced a request from Christophel Properties to rezone 1.93 +/- acres of land located at 39 and 47 Pleasant Hill Road from R-2 to R-3C. She said that the Comprehensive Plan designates this area as Medium-Density Residential. She reviewed the surrounding uses in the area. The two properties currently include five multi-family buildings, with four one-bedroom units in each structure, and

one single-family home that is used as a rental unit. These building were constructed as a by right use in 1983 and exist today as non-conforming uses. The applicant plans to reconfigure the existing two lots to obtain the square footage needed to accomplish the proposed density with this plan of development. She reviewed the proposed layout plan. She said that Planning Commission has recommended that the request be approved.

At 9:11 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on April 10, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, to consider the following:

Rezoning – 39 and 47 Pleasant Hill Road (Christophel)

Public hearing to consider a request from Christophel Properties, LLC with representative Blackwell Engineering to rezone 1.93 acres of property zoned R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 39 & 47 Pleasant Hill Road and can be found on tax maps 9-G-3 & 9.

The Comprehensive Plan designates this area as Medium-Density Residential. This designation states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplex, and two or three story apartments and densities can range from 1 to 15 units per acre.

The Zoning Ordinance states that 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. 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.

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 Eagle called on anyone desiring to speak for or against this rezoning request. Ed Blackwell representing the owner said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 9:12 p.m., and the regular session reconvened.

Vice-Mayor Pace 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 Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

The next item of business was adding a new Article K-2, Sections 10-3-55.1 through 10-3-55.6, R-5 High Density Residential District to the Zoning Ordinance. Planning and Community Development Director Turner said the R-5 is proposed to be a high-density residential dwelling district classification. This district by right would include townhouses, apartments, and multiple family dwelling units permitted at a density of 1,800 square foot per unit as opposed to the current R-3, which is 3,000 square foot per unit. With a special use permit, multiple family residential buildings may exceed 12 units per building. It also would allow greater than four stories and higher than 52 feet in height by special use permit. Retail stores, convenience shops, personal service establishments and restaurants are also permitted by special use permit only. She also noted that the City does not have any land being proposed to be rezoned into the R-5 classification. However, this proposed classification would be available to property owners seeking a higher density rezoning than currently what the zoning ordinance allows.

At 9:25 p.m., Mayor Eagle closed the regular session temporarily and called the evening fifth public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2007.

NOTICE OF PUBLIC HEARING TO R-3 PROPERTY OWNERS

The Harrisonburg Council will hold a public hearing on Tuesday, April 10, 2007, at 7:00 p.m. in the City Council Chambers, 409 South Main Street, to consider the following:

ZONING ORDINANCE AMENDMENT – NEW R-5 HIGH DENSITY RESIDENTIAL DISTRICT

Public hearing to consider adding a new Article K.2, Sections 10-3-55.1 through 10-3-55.6, the R-5 High Density Residential District. This district is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational and utility uses. Multiple family dwellings are permitted at a maximum density of 24.2 dwelling units per acre (or 1,800 square feet per unit). With a special use permit, multiple family residential buildings may exceed 12 units per building and/or fifty-two (52) feet in height. Retail stores, convenience shops, personal service establishments and restaurants are also permitted by special use permit only.

Mayor Eagle called on anyone desiring to speak for or against amending the zoning ordinance. Barry Kelly said he was in favor of the R-5 high density because increasing density in areas that are appropriate would better utilize our existing infrastructure and increase taxes. There being no others desiring to be heard, the public hearing was declared closed at 9:27 p.m., and the regular session reconvened.

Vice-Mayor Pace commented that during the past decade the view of Planning Commission is that the student population at James Madison University increased by several thousand students. At that time, the City had a lot of open property still available in the City. In looking at the next decade the view of the Planning Commission is that we should anticipate several thousand more students on the JMU campus. The Planning Commission concluded that we have to use the existing land that we still have available in a manner that is much more efficient.

Mayor Eagle commented that higher density should address some of the older units being demolished and rebuilt.

Vice-Mayor Pace offered a motion to approve adding Article K-2, Section 10-3-55.1 through 10-3-55.6 into the Zoning Ordinance for a first reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was adding a new Article J.2, Section 10-3-48.1 through 10-3-48.6 R-3 Medium Density Residential District to the Zoning Ordinance. Also, to consider amending the R-3 Multiple Dwelling Residential District to add a statement that compliance with the new R-3 Medium Density Residential District regulations will be required on the effective date established by City Council. Planning and Community Development Director Turner said there are two strategies in the Comprehensive Plan regarding this proposal: Strategy 3.41 to approve a new high density multi-family development for only select areas, as recommended by

the Land Use Guide, and Strategy 3.4.2 would be to review and amend the zoning ordinance to increase opportunities for single-family residential development affordable to households and a range of incomes. Alternatives discussed in the Comprehensive Plan to achieve these strategies included ideas such as rezoning selected undeveloped R-3 zoned areas to R-2 or R-1 taking a look and trying to downzone some of the areas, revising the text of R-3 to permit multiple family residential development by special use permit and not by right. Also, create a new residential district for multi-family development only, removing multi-family residential permitted or a special use in R-3, and to review and revise residential zones to permit small lot and innovative forms of single family residential development as appropriate, which is done with the creation of R-6 and R-7. As proposed, J-2 Sections 10-3-48.1 through 10-3-48.6 Medium Density Residential District would in effect replace our current R-3 multiple dwelling and leave the current R-3 Multiple Dwelling text in the ordinance. We would continue having the current buildings that are in compliance with the existing regulations being allowed to continue as permitted uses, not to become the nonconforming use category, but require anything built after the effective date of the new ordinance to comply with the new ordinance. She said that Planning Commission has recommended that the effective date of the new ordinance, J-2, be three years after City Council public hearing. To develop under the current R-3 regulations comprehensive site plans would have to be approved by the date established with the adoption of any proposed ordinance. Multi family development in the J-2 would only be permitted by special use permit. Screening or buffering for off street parking of five or more spaces adjacent to single family and duplex neighborhoods would be required and conforming uses established before the effective date of the ordinance would not be considered non-conforming. Within the existing R-3 Multiple Dwelling Residential District text nothing is being amended. The only change is the statement that this article is applicable to multi-family buildings constructed by or with comprehensive site plans approved before the established date. She said that Planning Commission recommended approving these ordinances by a vote of four to three.

At 9:45 p.m., Mayor Eagle closed the regular session temporarily and called the evening sixth public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2007.

ZONING ORDINANCE AMENDMENT – ADD R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT REQUIRING A SPECIAL USE PERMIT FOR MULTIPLE FAMILY DWELLINGS & ADD STANDARDS FOR PARKING LOT SCREENING

Public hearing to consider adding a new Article J.2, Sections 10-3-48.1 through 10-3-48.6 R-3, Medium Density Residential District. This district is intended for medium 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. Residential development includes single-family, duplex, townhouse units, and in special circumstances, multiple family buildings. This amendment would add standards for screening parking lots and garages containing 5 or more spaces. These amendments to the R-3 Zoning District affect all properties in the City of Harrisonburg now zoned R-3.

ZONING ORDINANCE AMENDMENT – ADD STATEMENT TO THE R-3, MULTIPLE DWELLING RESIDENTIAL DISTRICT

Public hearing to consider amending the R-3, Multiple Dwelling Residential District, to add a statement that compliance with the new R-3 Medium Density Residential regulations (described above) will be required on the effective date established by City Council. These amendments to the R-3 Zoning District affect all properties in the City of Harrisonburg now zoned R-3.

Mayor Eagle called on anyone desiring to speak for or against these ordinance changes.

Nancy Martin Finks said that she lives in a quiet cul-de-sac of duplexes in an R-3 zoned area. Some people can't afford to buy a house in a single family neighborhood.

Randy Harman said that his family owns a large 72 acre parcel of land on Stone Spring Road that is currently zoned R-3. "Our parcel is undeveloped at this time because we want to make sure we do the right thing with the land. Under the proposal we will be losing a right to develop our land in a smart fashion under the current R-3 zoning. It is a right that we have had in the past; however, it feels as if we are being punished for not having done anything with the land before now. It is down zoning our property, but we do appreciate Planning Commission recommending the opportunity to have a period of three years."

Steve Weaver, an attorney with Clark and Bradshaw, said there are two driving Comprehensive Plan goals. Issue number one is the protection of existing single family neighborhoods, which is weighted against proper density requirements in a City that only has so much land and is in a growth mode and needs places to put people. There is not a clear consensus on which way we should go. These proposed ordinances would change immediately and materially devalue all properties currently zoned R-3.

Amar Gogia said he was a project manager in charge of Liberty Square, which is a townhouse community. We don't think that the proposed changes go with the intent. The whole process and all the actions that we take are intended to use the Comprehensive Plan as a guide.

There being no others desiring to be heard, the public hearing was declared closed at 10:12 p.m., and the regular session reconvened.

The following discussion by Council Members included: Amending this ordinance would be down zoning and not amending it would leave neighborhoods open to development which would not enhance the area. Some neighborhoods will change. Residential single-family houses have been built in R-3 by design. City Council or Planning Commission should not correct something that is not broken. Reherd Acres has the biggest configuration of multiple zoning classifications in the City, but it is a good well planned neighborhood. There are several different types of R-3 zoned property. Should there be an opportunity for properties meeting certain criteria to be rezoned immediately to R-5? How can we make a determination which property in the community would remain in R-3 or opt out to R-5? Would it depend on the neighborhood? It could become an issue for property owners that have undeveloped R-3 land.

Following further discussion and comments, Council Member Chenault offered a motion requesting that staff come back with a plan that would establish a criteria for making a determination which properties in the community would remain in R-3 or opt into rezoning to R-

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

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

No - Council Member Frank

Absent – None

The next item of business was amending Sections 11-7-3(23) and 11-7-4 of the Sign Ordinance to add the R-5, High Density Residential District. Planning and Community Development Director Turner said these amendments will allow R-5 the same type of signage that the City's existing R-3 signage areas have.

At 10:37 p.m., Mayor Eagle closed the regular session temporarily and called the evening seventh public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2007.

ZONING ORDINANCE AMENDMENT – DEFINITIONS

Public hearing to consider amending Section 11-7-3(23) and 11-7-4 of the Sign Ordinance to add the R-3, Medium Density Residential District and add the R-5, High Density Residential District.

Mayor Eagle called on anyone desiring to speak for or against this ordinance change. There being no one desiring to be heard, the public hearing was declared closed at 10:38 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the ordinance amendment as it relates to the R-5 zoning classification for a first reading. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Public Works Director Jim Baker presented an overview of the design cost of the proposed Reservoir Street project. He reviewed the report which evaluated the needs of how Reservoir Street should look as far as alternative design. The report shows that the current development plan in the Reservoir Street corridor supports the need for a four lane facility with a

center turn lane and the addition of the hospital added to that need. He reviewed a summary of the cost estimate for the portion of the project that needed to determine the right-of-way plans for the project. Phase I was the actual evaluation of need of the project. Phase II will establish a set of right-of way plans. Phase II will cost approximately \$636,500. Mr. Baker continued to review the design plans of the project.

Mayor Eagle presented the following resolution for Council's consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, REGARDING THE REIMBURSEMENT OF EXPENSES AND COSTS
INCURRED BY THE CITY, OUT OF THE BOND PROCEEDS TO BE USED FOR THE
CONSTRUCTION OF PORT REPUBLIC ROAD STREET IMPROVEMENTS, STONE
SPRING ROAD IMPROVEMENTS, ERICKSON AVENUE EXTENSION AND
RESERVOIR STREET PROJECT**

WHEREAS, the City is in the process of planning the construction of Port Republic road Street improvements, Stone Spring Road improvements, Erickson Avenue extension and Reservoir Street project along with the acquisition of the necessary real estate upon which to construct the same; and

WHEREAS, the acquisition of real estate, the construction of Port Republic Road Street improvements, Stone Spring Road improvements, Erickson Avenue extension and Reservoir Street project will require the City to issue general obligation bonds in an amount estimated to be around Seventeen Million Dollars (\$17,000,000.00); and

WHEREAS, the City intends to reimburse itself out of the bond proceeds for all expenditures and costs associated with the acquisition of real estate, the construction of Port Republic Road Street improvements, Stone Spring Road improvements, Erickson Avenue extension and Reservoir Street project, which are properly reimbursable under all State and Federal laws, and which are incurred and paid prior to the issuance of the bonds.

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

- 1. The City of Harrisonburg will be issuing general obligation bonds that are estimated to be in the amount of Seventeen Million Dollars (\$17,000,000.00) to pay for the acquisition of real estate, the construction of Port Republic Road Street improvements, Stone Spring Road improvements, Erickson Avenue extension and Reservoir Street project.**
- 2. The City of Harrisonburg shall be reimbursed from the proceeds of the bonds and for all costs and expenditures, which are properly reimbursable under State and Federal laws, incurred for the acquisition of real estate, the construction of Port Republic Road Street improvements, Stone Spring Road improvement, Erickson Avenue extension and Reservoir Street project. The City represents that it will pay certain expenditures out of general funds for the acquisition of real estate, the construction of Port Republic Road Street improvements, Stone**

Spring Road improvements, Erickson Avenue extension and Reservoir Street project prior to the issuance of the general obligation bonds. Therefore, it is hereby declared to be the intent to reimburse the City with a portion of the proceeds of the Bonds for expenditures related to the acquisition of real estate, the construction of Port Republic Road Street improvements, Stone Spring Road improvements, Erickson Avenue extension and Reservoir Street project that were paid with general funds of the City and made no earlier than 60 days prior to the adoption of this resolution and on and after the date hereof.

Each of the expenditures was and shall be either (a) of a type properly chargeable to capital accounts under general federal income tax principles (determined in each case as of the date of the expenditure), (b) a cost of issuance with respect to the borrowings, or (c) a nonrecurring item that is not customarily payable from current revenues. The City shall make a reimbursement allocation, in writing, to evidence the use of the proceeds of the bonds to reimburse each of the expenditures, no later than 18 months after the later of the date of which each expenditure is paid or the land is acquired, the streets are constructed and/or placed in service or abandoned, but in no event more than 3 years after the date on which the expenditure is paid, all in accordance with the Code and Treasury Regulations hereunder.

- 3. These foregoing provisions are intended as a declaration of official intent by the City in compliance with the Treasury Regulations under the Code regarding proceeds of tax exempt bonds used for reimbursement.**

Approved: April 10, 2007

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Council Member Chenault offered a motion to approve this resolution for reimbursement of expenses and costs incurred by the City out of bond proceeds. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Attorney Thumma said that he had been contacted by a citizen inquiring about the possibility of purchasing two surplus City lots on East Washington Street. He said that City departments have confirmed that the property is surplus property and that the City has no need for the two lots and it is suggested that the property be advertised and the City receive sealed bids with the City reserving the right to accept or reject any and all bids. Vice-Mayor Pace offered a motion to approve advertising this surplus property. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Frank offered a motion to close Federal Street from Elizabeth Street to Wolfe Street on Sunday, June 3rd from 10:00 a.m., until 7:00 p.m. The motion was seconded by Council Member Byrd and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Council appoint Mike Collins, to the Environmental Quality, Lester Seal, to the Finance Committee, Roger Baker and Earl Thumma, to the General Laws Committee, Kurt Hodgen, to the Human Development & Education Committee, and Reggie Smith to the Transportation Committee on the Virginia Municipal League policy committees. The motion was seconded by Council Member Frank, and approved with a unanimous vote of Council.

At 11:52 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR