

REGULAR MEETING

MARCH 11, 1997

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Council Member Byrd delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Vice-Mayor Lantz offered a motion to approve the minutes on the consent agenda and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request from Virginia Mennonite Retirement Community, Inc., for approval of a Master Plan of Development in an Institutional Overlay District. She explained that the site located on Virginia Avenue consisting of approximately 45 acres are zoned R-3 and lies within an Institutional Overlay District. Existing buildings include duplexes, fourplexes, and sixplexes designed to house independent residents over the age of 60. The retirement community also provides higher density, group quarters for individuals requiring nursing care. VMRC is surrounded by property zoned R-3 except B-2 property along the south and east bordering Virginia Avenue. VMRC intends to expand its facilities to include a wellness center, an 87-bed assisted living facility, and a mixed-use building for 88 one and two bedroom apartments and a variety of personal service establishments. The 23,000 square foot wellness center will house an indoor swimming pool, fitness and exercise rooms, classroom space, locker rooms, and administrative offices. The buildings would be connected through enclosed walkways. These enclosed walkways are in question because the proposed buildings do not meet the area and dimensional requirements of the zoning ordinance. However, the Institutional Overlay provides a mechanism for an applicant to request approval from the Planning Commission and City Council. The anticipated walkways which connect the proposed buildings cross existing lot lines and would require set-back variances. Also, the proposed building heights for the retirement housing and main street facility/adult care facility exceed the maximum height permitted by the zoning ordinance and would require height variances. Mrs. Turner said that during staff's review they noted that the developers probably can expect some significant relocation of public water and sewer mains. The proposed walkways between the buildings may require the installation of casings for utilities. The developers were also advised to review water pressure for the buildings due to the height. Bus service will not be extended beyond existing bus routes as it is not feasible for buses to travel through private parking lots. She said that Planning Commission recommended that the request be approved.

At 7:38 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, February 24, and Monday, March 3, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, March 11, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Master Plan - Institutional Overlay District

1. **Request by Virginia Mennonite Retirement Community, Inc., for approval of a master plan for 45.022 acres, to include property titled to Park Village, Inc., Heritage Haven, Inc., and Virginia Mennonite Home, Inc. The site is zoned R-3 Multiple Family Residential District/ I-1 Institutional Overlay District. The site is bounded to the east by Virginia Avenue, to the south by Parkwood Drive, to the west by Park Road, and to the north by Harmony Heights. The property is identified as parcels 52-A-1, 1A, 2-9 and parcels 52-A-1,3,4,6,7,8,9,10,13 on the City of Harrisonburg Block Maps.**

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least five (5) days prior to the time of meeting.

**CITY OF HARRISONBURG
Steven E. Stewart
City Manager**

Mayor Eagle called on anyone present desiring to speak either for or against this request:

Earl Greaser, Director of Facility Design and Planning for VMRC, expressed his appreciation that the Planning Commission and City Council included an institutional overlay district in the recently revised zoning ordinance, allowing VMRC to project and develop future plans for the campus. This will be better for all of us and save a lot of time and energy. He requested that Council approve the master plan. 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 Green offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request to amend Section 10-3-25 of the City of Harrisonburg Zoning Ordinance pertaining to off-street parking regulations. She explained that the purpose of the request is to address discrepancies between the number of parking spaces required by the zoning ordinance and will allow developers the opportunity to determine their own parking needs and provide spaces accordingly. Staff reviewed

the concerns and suggested several recommendations to amend the off-street parking regulations. The first change under definition of a "Parking Space" is that 25% of the total parking area should be designated for compact automobiles. Another change under private clubs and recreational facilities will change a typo that is in the ordinance. Other changes would clarify parking spaces relating to community centers, restaurants, businesses and professional offices. An example would be that restaurant parking spaces will not be based on how many seats are provided, but the ratio of gross public floor area. It will make it easier for people to define what they exactly require without getting into lengthy conversations. She said Planning Commission recommended approval of the changes except Section 10-3-25.1 of the City Code which will be considered later after a public hearing.

At 7:45 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, February 25, and Monday, March 3, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, March 11, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Amendments and Changes

1. **Consider revision of Section 10-3-25 and addition of Section 10-3-25.1 under Article G. Off Street Parking of the City of Harrisonburg Zoning Ordinance.**

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least five (5) days prior to the time of meeting.

**CITY OF HARRISONBURG
Steven E. Stewart
City Manager**

Mayor Eagle called on anyone present desiring to speak either for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:49 p.m., and the regular session reconvened. Vice-Mayor Lantz questioned if there was a problem that initialized these changes. Mrs. Turner responded that several people had expressed concerns about parking and the number of employees. Before April 1996, most of the classifications stated a business should have sufficient parking for employees. The term sufficient parking was not identified. Therefore, in April it was changed to read one parking space per employees which did not get a favorable response. Following further discussion and comments, Vice-Mayor Lantz offered a motion to

approve this request for a first reading as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request to remove R-5 Planned Single-Family Residential District from the City of Harrisonburg Zoning Ordinance. She explained that when the Comprehensive Plan was reviewed in 1989-1992, the community thought there needed to be some provisions to encourage the development of affordable single-family detached housing. The R-5 district was incorporated into the Zoning Ordinance on April 23, 1996. The R-5 district is intended for well planned single-family subdivisions at higher densities than the conventional R-1 and R-2 residential districts allow. It was an attempt to encourage affordable detached housing and promote creative neighborhood design. In November 1996, staff was approached with a request to rezone property in the City from R-1 to R-5. City staff recommended deferral of the request because the applicant had taken no steps to ensure that the intended development would be affordable to most citizens. At the Planning Commission meeting several people spoke in opposition because they were concerned that this R-5 district had not been in the ordinance long enough and that it was a good mechanism for encouraging development of affordable single-family detached housing. However, Planning Commission considered that they provided an ample mechanism in the present ordinance for people who wanted to develop single-family detached housing and recommended removing the R-5 from the zoning ordinance. One Planning Commissioner voted to oppose the recommendation stating that we are not meeting the intention of affordable by removing this R-5 district.

At 7:53 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, February 25, and Monday, March 3, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, March 11, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Amendments and Changes

1. **Consider removing Article L. R-5 Planned Single Family Residential District from the City of Harrisonburg Zoning Ordinance.**

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least five (5) days prior to the time of meeting.

**CITY OF HARRISONBURG
Steven E. Stewart**

City Manager

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

Tim Lacey stated that he was opposed to removing the R-5 zoning classification. He recommended a modification to the R-5 or to the R-1 district. We need a mechanism to encourage affordable housing, not to mandate it. Since he has been developing property in the City for seven years, he said that he has seen the cost of developing houses increase each year. He noted that most R-2 and R-3 are basically multi-family districts in the City. To take an R-3 and put it into an R-1 use or to try to blend it into the middle of an R-1 area will make it look like a spot zone. He recommended increasing the R-5 area from 5,000 square foot lots to 6,000 square foot lots, increased the width from 50 feet to 60 feet, or do away with the R-5 and reduce the R-1 from 80 feet to 70 feet road frontage. There being no others desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened. Discussion included taking another look at the Comprehensive Plan, the definition of "affordable housing," interest rates going up and down, having the mechanism of R-2 and R-3 to accomplish the same thing, but noting that these classifications permit single-family and multi-family housing. The R-5 will provide more flexibility in the lot size, allow only single-family detached housing, but would be an advantage to families that cannot afford more but do not want to live in a multi-family neighborhood. Council Member Rogers offered a motion to keep the R-5 Planned Single-Family Residential District in the zoning ordinance. The motion was seconded by Vice-Mayor Lantz, and approved with a four to one vote with Mayor Eagle voting no.

William Strider, Executive Director of the Shenandoah Planning District Commission, presented for Council's consideration a resolution designating the Shenandoah Valley Partnership as the "regional partnership" under the 1996 Virginia Regional Competitiveness Act. The Regional competitiveness Act was established to enhance economic competitiveness for all regions of the Commonwealth. He reviewed the highlights of the program. The Central Shenandoah Planning District Commission's Executive Committee and the Shenandoah Valley Partnership Board are recommending that the Shenandoah Valley Partnership be designated as the "regional partnership" and use the geography of the Planning District to establish the "regional configuration." Members of the partnership shall play an active role in reviewing and planning the regional strategic plan process. Vice-Mayor Lantz offered a motion to adopt this resolution as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from the School Board for renovations of Waterman, Spotswood and Keister Elementary Schools. He explained that he and Council Member Green have been working with the Liaison members of the School Board for several months to fund some more critical needs at the three older elementary schools. It was suggested that these critical needs be met on a pay-as-you-go method. Priority lists were discussed and trying to move forward with the more critical items in a way that the City can meet the costs within the budgeted revenues without having to issue more debt. Discussion included appropriating funds this Spring for roofing and at the beginning of the new fiscal year appropriating additional funds for some one-time capital expenditures. He reviewed the revised numbers included in a memo to School Superintendent Good concerning the maintenance work at the elementary schools and suggested that there was a possibility that they could reduce the cost figure for the needed repairs. Council Member Green

commented that the public should not get unduly alarmed about any type of attempt at polarization in the community over schools and taxes. He said "I think the Council and the School Board have worked to an end where these things are going to be met without having to borrow more money and losing the interest payment as we go." Replacing roofs will be addressed more quickly than the School Administration has anticipated. He also noted that the City had arranged to replace the sewer system at Spotswood Elementary School, which had been neglected, therefore, saving the school approximately \$30,000. The City Council as trustees and guardians of City resources are trying to use the funds allowing the school and other City departments to reach the needs without having to obtain more debt.

Dr. J.W. Good, Superintendent of Harrisonburg City Schools, commented that the \$1.228 million supplemental appropriation submitted would address some major and immediate needs at the schools, but would not enable completion of the work at anyone school. He said "Your action will help set the stage for moving us forward to the planning process, which I think is absolutely critical as we move forward with this." He expressed his appreciation for the cooperative spirit of Council and said that he understood that Council's priority has been and continues to be education.

Robert Frazier, Vice-Chairman of the School Board, commented that Dr. Green's comments were very accurate about the meetings and stated that we do have to consider how we can plan from year to year to year. All we need to know are some very definite numbers, if it is possible to come up with some discussions on how we can plan on things, and I'll say one thing about education folks "they are great planners".

Cathy Stevenson, Chairman of the School Board, commented that everyone knows that the goals are the same. We just see a different way in approaching them. She said everyone has a common goal to get these schools back into good repair.

City Manager Stewart presented a request for a supplemental appropriation for the School Board. These funds will be to appropriate unanticipated receipts from local (Warner Cable) and state (Vocational Education) revenues to augment the Educational Television Fund 09 and Vocational Education Fund 16. No additional local funds are required. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$1,430.00 chge. to: 1111-31691 School Revenue - Local
 2,200.00 chge. to: 1111-32442 School Revenue - State
 \$3,630.00 approp. to: 1111-40610 Instruction

The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

Charlette McQuilkin presented a request from the Community Policy and Management Team for additional funding for the Comprehensive Services Act. She said the Comprehensive Services Act was initiated in July 1993 by the General Assembly for two major purposes. The first purpose was to reduce out-of-homes placement for children and the associated cost. The second purpose was to consolidate the work of agencies from eight funding streams into one with control at the local level. The Harrisonburg-Rockingham CPMT serves only mandated children by State and Federal law. Children in foster care and children placed through the schools receive these services. She said "We have reviewed every case, have specialized foster care development, and the high costs of residential placements very carefully to reduce costs. They review new cases very carefully and have

initiated wrap around services." Counseling costs were reduced in the current year. Don Driver, Director of Social Services, explained that there is a deficiency in the allocations for this year. For the current fiscal year, projections show that the allocation of \$599,705 for serving Harrisonburg City children will be \$35,175 short in meeting this year's obligation. The number of children served has basically remained the same, but the complexity being presented including children coming into foster care and special education has continued to escalate. Mr. Driver noted that Rockingham County has a very similar picture, but the City's cases are approximately 45% of the total cases. In the County and City last year, they served 123 children. The cases coming out of the City are a little more complex. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve this request as presented for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner presented a slide show presentation launching the 1997 update of the Comprehensive Plan. Mrs. Turner explained that the department will be going out to different organizations, at their invitation, to inform citizens of the Comprehensive Plan Update process. This slide show will be shown to community groups, hopefully to generate some interest in the Comprehensive Plan update and inviting public participation in it. She briefly reviewed the slides commenting that the plan will guide City policies pertaining to land use decision, serve as a guide for the CIP and operating budget, guide legislation relating to zoning, subdivision, and City Code. The State law requires that we have a Comprehensive Plan and review it every five years. The current plan was adopted on March 10, 1992. The process will update statistical data in the document, modify the City's goals and objectives, and change the land use map to reflect development since the plan was formulated. Harrisonburg's population has grown to an estimated 33,700 in 1996 and is the fifth fastest growing City in the State. The presentation of the slide show will allow discussing goals of the City, maintaining our heritage, increasing awareness of historic property, a strong population base, housing, government, community facilities, and environmental quality. Public meetings will be held to get residents' views on the plan and written comments will also be taken through the mail, e-mail or the telephone. A work session will be held between Planning Commission and City Council. City staff proposes that the entire update be handled in-house.

Building Official Baldwin presented a brief report from the Blue Ridge Disability Services Board. He said during 1996, the Blue Ridge Disabilities Services Board received two grants, through the Rehabilitative Incentive Fund, totaling \$24,612.00. These funds went to help start a transportation system called "CART" (Community Association for Rural Transportation) for persons with physical and sensory disabilities. Now, the CARTS program is beginning to reach both inside and outside the City limits. Between January and June, the need's assessment of the Quad Area was re-studied and re-filed for the fiscal year 1997-1998. Again, major needs of the areas were transportation. Several members of the Disabilities Services Board attended the VATS (Virginia Assistance Technology System) Conference to get better insight and direction regarding the Disabilities Services Board. On October 4, 1996, a total of 28 organizations or associations participated in Disabilities Awareness Day which was held at Valley Mall and was very successful. Many individuals stopped by the booths seeking information.

Public Works Director Baker presented a Sanitation Collection/Hauling Permit Program. He explained that the program will register all the commercial haulers in the City. These haulers collect

refuse recycling material and deposit at either the landfill or the Resource Recovery Plant. The program will improve the accountability of our solid waste generated within the City for the purposes of better tracking and determining where the refuse is coming from to make sure that the City is receiving its fair share of the revenue for the tipping fees. City Manager Stewart commented that the County is looking at the possibility of increasing its tipping fee in July. In order for the City to maintain its current revenue level it will need to mirror whatever increase the County has. It is very important that the City maintains the differential between the tipping fees of the City and County.

City Manager Stewart announced that the Virginia Department of Transportation is holding its annual pre-allocation hearing on March 27th in Staunton. Assistant City Manager Baker will be making a presentation on behalf of the City concerning several projects. Staff would recommend projects include completion of West Market Street, the additional left turn lane on East Market Street at Cantrell Avenue, completion of four laning Cantrell Avenue and the Reservoir Street Bridge as the top priorities at this time. Because ridership from JMU has increased on the transit system, financial aid will be encouraged to provide some more buses. Another issue to be discussed will be Council's support in widening of I-81. Also discussed was an additional interchange on I-81 near the City's Smithland Road property.

City Manager Stewart presented a request from the City Treasurer to charge off delinquent business licenses for 1996. He explained that although Mrs. Miller said that her department has exhausted all means of collection she will continue to try to collect these delinquent business licenses. Council Member Green questioned if legal action has been taken since he noticed several businesses on the list that are still advertising. Vice-Mayor Lantz commented that he could not approve this request if some of the businesses still existed and suggested there might be a problem with enforcement. Council Member Green offered a motion to table this item until some of the information regarding these businesses could be clarified from City Treasurer Miller. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. These funds will be used to pay for overtime and training through a State Grant for Stop Violence Against Women. Council Member Green offered a motion to approve this request for a first reading, and that:

\$6,801.00 chge. to: Stop Violence Against Women Grant
 \$5,376.00 approp. to: Salaries/Wages OT
 1,425.00 approp. to: Training/Travel

The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request for supplemental appropriation for the Police Department. These funds will be used to purchase alco-sensors for a DMV mini grant for "Youth Alcohol" from the Department of Motor Vehicles. Vice-Mayor Lantz offered a motion to approve the request for a first reading, and that:

\$981.62 chge. to: 1000-32520 DMV grant

\$981.62 approp. to: 1000-310131-46140 Other operating supplies

The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request for supplemental appropriation for the Police Department. These funds will be used to purchase radio equipment for the department. Vice-Mayor Lantz offered a motion to approve the request for a first reading, and that:

\$12,130.00 chge. to: 1000-33507 Local Law Enforcement Block Grant
 \$12,130.00 approp. to: 1000-310131-48131 Radio Equipment

The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Barry Hensley a resident of Garbers Church Road presented a petition with approximately 115 signatures to City Council. He said that residents of Garbers Church Road and adjacent neighborhoods request that City Council revive the possibility of developing a municipal golf course on the undeveloped land at Hillandale Park to include the Lineweaver-Strate property. The group has carefully followed the plans that the Parks and Recreation Commission has developed for the area and noted that the plan seem to be very expensive and not compatible with the neighborhood. He suggested that a golf course would be a very good revenue producer, beneficial and an excellent long-term asset for the City. He suggested that a sports complex including soccer fields and other sports facilities should be located away from residential neighborhoods. The best use for the land would be a golf course and he encouraged Council to revive the idea.

Council Member Green stated that he had received several telephone calls complaining about a development on Route 33 and the red clay (mud) that is running into the street creating an ice field. He said that the developers are suppose to clean the area every day and remove the mud from the street. The Police Department will investigate this complaint.

Council Member Bryd stated that he had received several telephone calls questioning the progress of the Gay Street bridge project. City Manager Stewart commented that the project is suppose to be completed by the end of March. The contractors have been on penalty since early February and are being fined \$500.00 per day.

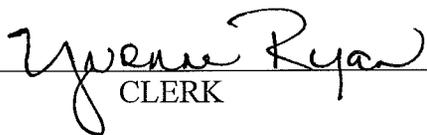
At 9:55 p.m., Council Member Green offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority and the evaluation of a City department, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to two (2) new contracts, exempt from the public meeting requirement pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for a public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 12:01 a.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of the 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 executive or closed meeting were convened were heard, discussed or considered in the executive session by the City Council.

Council requested that City Manager Stewart express to Mike York, General Manager of Harrisonburg Electric Commission, the urgent need for adequate lighting in the downtown area including Main Street from the Lineweaver Apartments to the Municipal building.

Council Member Byrd offered a motion that J. Wayne Alley, 418 Fairway Drive, be appointed to a first term on the Industrial Development Authority to expire on April 24, 2001. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 12:03 a.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR