

REGULAR MEETING

FEBRUARY 25, 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 Rogers delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Vice-Mayor Lantz offered a motion to approve the consent agenda, including approval of the minutes of the January 28 and February 11 meetings, and the second reading of an ordinance amending and re-enacting Section 10-3-22 of the Harrisonburg City Code. The motion also included the second reading of a supplemental appropriation for FEMA and setting a public hearing date of March 25, 1997 to consider an alley closing. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Dr. Willard Lutz, Public Health Dentist, presented his annual report on the dental clinic activities. He explained that services during the last year included diagnostic, preventive, restorative, endodontics, oral surgery, sealants, and others. Since Council agreed to fully fund the dental program because of reductions in state funding in August 1996, Dr. Lutz questioned whether the program would be funded for another five years. In September 1996 all dental services were eliminated for adults except maternity patients, but the program continues to provide dental services for children. He said that he would like to continue providing preventive services in the schools and hopefully make children aware of the importance of brushing. All referrals come through the schools. Mayor Eagle stated that Council will consider his comments and review how the program has been supported in the past.

Maureen Shannon representing the Chamber of Commerce read the following letter concerning Spring cleanup:

It is time to plan for Cleanup WEEK in the Valley!!!! The Harrisonburg Rockingham County Chamber of Commerce Environmental Concerns Committee takes its commission from the Chamber very seriously. We have the colossal task of raising the awareness of OUR community regarding recycling and taking care of Mother Earth.

To that effort, The Environmental Concerns Committee held a very successful Household Hazardous Waste Collection last Fall and are planning another one this year; and the Spring of the past two years a Cleanup Day, which some of you attended a few years back. Well, it is that time of year again and our Committee wants to make this the best Cleanup Day yet and that is where you come in.

We have orchestrated a challenge for you, the Harrisonburg City Council to meet the Rockingham County Board of Supervisors on Monday April 21st at 2:00 p.m. The Committee has selected two parcels of adjoining land on 33 East where each group will begin on the far end and pick up trash for one hour working back to the middle. At the end of that hour we will meet and have a bag count. The "team" who has the most bags of garbage will receive our honorary "garbage collection" award.

While this is all in good "clean" fun, our message is a bit more serious. We need to send a message and we need your help. The Environmental Concerns Committee will be making challenges throughout the school system, the business community and to all members of our community. Our message is: the time is now; and the challenge is: to do something now. Your participation and support of this event will show your constituents that you care too.

The action that we request of you today is to make a commitment to your community by accepting this challenge and joining with us in an effort to raise the awareness of our community about what you and I can do to help.

A CLEAN COMMUNITY BEGINS WITH YOU!

WE ARE STEWARDS OF THIS EARTH AND WHAT WE DO ABOUT IT TODAY MAKES A DIFFERENCE IN WHAT WE HAVE TO LEAVE TOMORROW.

Thank you.

Mayor Eagle accepted the challenge and stated that City Council will win.

City Manager Stewart explained that after a successful Fundfest concert series in 1995 and 1996, the John D. Eiland Company has again requested sponsoring the Fundfest concert series. The concert series will be held on alternating Wednesday evenings and will again provide fund raising opportunities for a number of local charities. The Fundfest concert series will begin in May 1997. Mr. Stewart said that the City has not experienced any problems with the concert series over the past two years. Council Member Rogers offered a motion to approve the concert series. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request from Stone Spring Village, Section Two (Preliminary Plat) for a variance to Section 3.1.4 of the Design and Construction Standards Manual which requires that cul-de-sacs have a maximum length of 500 feet. She explained that the proposed subdivision's street system does not follow the street layout outlined during the approval of the first phase of the subdivision in 1995, because then Decca Drive entered the subdivision from Peach Grove Avenue. Gilmer Circle was proposed as a loop street and Kramer Court and Rebecca Ridge Court were designed to branch out as cul-de-sacs from Gilmer Circle. Since both streets met the City's 500 maximum length requirement on a cul-de-sac no variances were needed at that time. Two roads branching out from Gilmer Circle were proposed to be developed in the future as part of the subdivision. At the Planning Commission's meeting in February, the developer requested a different preliminary approval for the layout of the subdivision. This proposal shows an additional street (King Edward Way) coming in from Peach Grove Avenue and the formulation of permanent cul-de-sacs where Gilmer Circle had been shown to be a loop street at the earlier stage of this subdivision. By developing the subdivision this way there will be several cul-de-sacs formed that will have longer lengths than the 500 maximum length established in the City's Design and Construction Standards Manual. Gilmer Circle will become a cul-de-sac of approximately 580 feet in length, Kramer Court approximately 750 feet in length, and Rebecca

Ridge Court approximately 610 feet in length. At Planning Commission's meeting staff recommended that these variances not be granted. However, after considerable discussion including neighborhoods security, people's preference to live on cul-de-sacs, trash pick-up and snow removal on a long cul-de-sac, Planning Commission did recommend approving these variances to the preliminary subdivision. Mrs. Turner commented that having connecting streets is better. This request will create two neighborhoods with two separate characters. She also noted that Planning Commission has requested that City staff members be present at its March 12 meeting to answer their questions about cul-de-sacs. Mayor Eagle commented that the City does have some existing cul-de-sacs longer than 500 feet. He expressed concern about safety on longer cul-de-sacs rather than through streets. Council Member Rogers offered a motion to approve the request, but it died for lack of a second. Vice-Mayor Lantz questioned Planning Commission's decision to approve this request. He said, "If I approve this request then I could not turn down another developer who makes the same request". Why does the City have a Design and Construction Standards Manual if we are not going to follow the requirements specially stated in the manual? This subdivision does not present an unusual circumstance. Either we have a problem with the design manual or the developer is asking for something that is unreasonable. He also suggested that some of these requests should stop at Planning Commission and not come before Council. City Manager Stewart stated that staff would like to see this kind of direction because there was nothing magical about the 500-foot requirement in the Design and Construction Standards Manual. He also reminded Council that the primary reason the Design and Construction Standards Manual was created was because there was a cry from developers asking for standards to be in place so that they would have some guide lines. This property can definitely be developed with a 500 foot cul-de-sac or less because the original preliminary plat was approved with 500 foot cul-de-sacs that met all of the design and construction standards. We need to decide if 500 feet is really an inappropriate number in the Design and Construction Standards Manual. After a lengthy and considerable discussion expressing many concerns and issues, Vice-Mayor Lantz offered a motion that the request be tabled until another recommendation could be received from the Planning Commission. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ Planning and Community Development Director Turner introduced a request for a Final Plat approval of the William M. Heatwole Subdivision, Section 3. She explained that the request will create a flag lot of 9.6211 acres out of a 69.96 acre site near the intersection of North Liberty Street and Acorn Drive with the lot fronting on Acron Drive. The site will be used for future relocation of Friendship Industries. This property is zoned M-1 General Industrial District. Except for the property located south of the subject site occupied by Ariake USA, Inc., all other surrounding properties are undeveloped. The Comprehensive Plan recommends this area for industrial land use. They have posted all necessary bonds and Planning Commission has recommended approval. Vice-Mayor Lantz offered a motion to approve the request as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

✓ Public Utilities Director Collins announced that Faulconer Construction Company was the low bidder at \$634,000.00 for a contract for the West Interceptor Sanitary Sewer Improvements Links 177-187 and 196-197. He presented a brief review of the project which will provide sewer improvements along South Main Street. The work is part of the City's overall plan to improve its sewer system based on a 1989 sewer improvement plan. This is a real difficult project and

unfortunately the line will be close to a number of buildings on South Main Street. A 30-inch line will be constructed from underneath Black's Run near the A&K Carwash and extend into the parking lot of the Wilco Service Station. Mr. Collins said that the line will run behind Weese's Auto Exchange, Fisher Auto Parts and Kline Reality. It's going to be a very difficult project and will be an inconvenience to the businesses in that area. Another part of the project begins in a field behind Maryland Avenue and extends across the railroad track and goes into the area of New York Avenue and Ohio Avenue and virtually to the carwash on Grace Street. These particular areas have experienced a significant amount of problems during wet-weather periods and this is just another stage of our commitment plan to upgrade the infrastructure of our system. The projects are designed to add capacity to the City's sewer system. He said that the project is part of the reason for the rate increase in 1993. Vice-Mayor Lantz offered a motion to award this contract to Faulconer Construction Company. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Public Utilities Director Collins presented for Council's consideration an agreement with the Virginia Department of Transportation to have water and sanitary sewer facilities which are located in the VDOT Route 33 right-of-way to be adjusted or installed by the highway contractors. He explained that the existing 10", 12", 16" and 18" water transmission pipes between Grandview Drive and Route 42 will be replaced with two 24" pipes. The capacity of the two 24" lines will allow the City to produce 15 million gallons of water per day in the expansion of the treatment plant. All existing sanitary sewer between Waterman Drive and Route 42 will be replaced and all water and sewer connections within the right-of-way will be replaced. The City's share of this budgeted project will be \$81,000 for water and \$180,000 for sewer. Once this project is completed the City will have all new water and sewer lines and will be "*The City With The Planned Future*" as the motto states. Council Member Rogers offered a motion to approve this agreement with VDOT as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Kathy Whitten, Chairman of the Planning Commission, presented a brief report concerning the major accomplishments of the Planning Commission. She said developing goals and objectives had been very helpful. Establishing a liaison with Rockingham County Planning Commission has been helpful for informational purposes. She also mentioned that having a time limit on the special use permit might be helpful and provide better control. She said that Planning Commission would encourage the downtown revitalization and would like to see more interaction between the commission and Committee for Downtown, Parking Authority and Parks and Recreation Commission. She also requested that the commission be included in a future Council retreat. The Planning Commission will be presenting a slide show in the community concerning the Comprehensive Plan.

City Manager Stewart presented a request from City Treasurer Miller to advertise delinquent real estate taxes for 1994-95 and 1995-96. Council Member Green offered a motion authorizing City Treasurer Miller to advertise the delinquent real estate taxes. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓
Mr. James Berry a resident living at 30 West Washington Street complained that he has experienced dust particles settling on his car and coming into his home. He said that he had spoken with Rocco Plant Manager's Edgar Miller and was assured that Rocco was doing everything they could under the guidelines to eliminate the dust. City Manager Stewart reminded everyone that the Virginia Department of Environmental Quality has the responsibility for air quality issues. He suggested that perhaps he should discuss the issue with management of Rocco. It was also suggested that a letter be written to request that the Virginia Department of Environmental Quality investigate the complaint.

✓
Mayor Eagle presented for Council's consideration a proposal for additional funding for the Upper Valley Regional Park Authority. He explained that the City's current contribution is \$29,000 per year, however, it has been proposed that the City provide an additional \$1,000 for a total of \$30,000 per year. With \$15,000 to go toward operating costs maintenance and \$15,000 to capital improvements. This should allow the Authority to make needed renovations and improvements to the parks. This proposal will provide \$100,000 a year in additional funding over the next four years, with \$70,000 from Augusta County and Rockingham County and \$30,000 from Staunton and Harrisonburg. Assistant City Manager commented that this project is necessary because of renovating pools, repairs to bath houses, and general maintenance that has been neglected for a number of years. It was the consensus of Council that this request should come from the Board of Directors before requesting support of Council.

At 8:55 p.m., Vice-Mayor Lantz 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, 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 and consultation with the City Attorney pertaining to probable litigation requiring the provision of legal advice by the City Attorney, 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 11:36 p.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 authorized City Manager Stewart to negotiate with Bill Boyd on an agreement with the Library Board to demolish the Schewel's building and construct a parking lot to be operated by the City. The property would continue to be owned by the Library.

At 11:37 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan

CLERK

Rodney L. Eagle

MAYOR