

REGULAR MEETING

MARCH 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.

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

Human Resource Director McBride introduced two new City employees: Michael Gangloff; Police Department; and Lynnette Smith, Fire Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of an ordinance amending and re-enacting Section 10-3-25 of the Harrisonburg City Code. The motion also included the second reading of a supplemental appropriation for the School Division, Community Policy and Management Team, and the Police Department. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

At 7:35 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 Friday, March 14, and Thursday, March 20, 1997.

The City of Harrisonburg is presently preparing its annual grant application for Operating and Capital Funds for FY 97-98. This application is for Federal and State funds under the Federal Transit Administration 49 USC Section 5311 (formerly Section 18) program.

Comments and suggestions for the Transit system are welcome. Please contact Reggie Smith or Ann Cave before March 24, 1997 at 540-432-0492 or mail comments to: Harrisonburg Public Transit, 475 East Washington, Harrisonburg, VA 22801.

Transportation Director Smith explained that this is the annual application for state and federal funds in capital funds for fiscal year 1997-98 which are administered through the Virginia Department of Rail and Public Transportation. This application is for operating expenses, maintenance money, capital expenses and to purchase three (3) 40 foot buses. There being no one present desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this application for state and federal funds. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a supplemental appropriation for the School Division. He explained that the School Liaison Committee has met several times discussing this issue. It is recommended that Council appropriate \$490,000 from undesignated fund balance, with a commitment to appropriate a like amount in July, based on year-end revenues. The immediate \$490,000 should allow for roof repair/replacement at the three elementary schools at a cost of approximately \$297,000, with approximately \$193,000 to address other critical needs this spring. Mr. Stewart noted that these funds will be available for the schools to use now for improvements at the three elementary schools. Council Member Green commented that receiving estimates from local contractors should save the taxpayers some money. Council Member Green offered a motion to approve the request for a first reading, and that:

\$490,000 chge. to: 1000-31010 Amount from fund balance
 \$490,000 approp. to: 1000-990111-49225 Transfer to Capital Projects

\$490,000 chge. to: 1311-34210 Transfer from General Fund
 \$490,000 approp. to: 1311-910114-48690 Repairs to elementary schools

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

Bob Satterwhite, Planner, presented the Shenandoah Valley Private Industry Council Annual Plan report. Mr. Satterwhite said that each year the plan is presented for administering Federally funded Job Training Partnership Act programs in the Shenandoah Valley. He said that they enrolled 95 City residents last year in the programs of which 59 completed the training resulting in placing 53 residents in unsubsidized employment. Also, they employed 39 City youths in the Summer Youth Program since Congress restored funding to the 1994 levels for the 1997 Summer Youth Program. Council Member Rogers offered a motion to approve the annual summary plan as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Bill Boyd, President of the Rockingham Public Library Board of Trustees, reported on the long-term goals and future of the library. He noted that the library which is a non-profit organization provides services to Page County, Rockingham County and the City of Harrisonburg. Over the years, through benign neglect the library has become one of the lowest funded libraries in the state. The board of the library is attempting to address this issue by improving the quality and quantity of library services. Improving the building will be a big first step. A vital need for a more active library is needed in the downtown area. The library should be the balancing point between the traditional method of references in books and tomorrow's system in computers.

Isabelle Bell stated that the library affects everyone. She commented that the City has one of the finest hospitals in the Valley, outstanding churches, parks and recreation, but the library is in the dark ages. The card system is so outdated. They cannot replace it. Rockingham Public Library lags at least ten years behind in computerization, however, they have received some money from private donations for computers. It was noted that City and Country contributions are based on population. She requested an increase in the City's contribution as the library is the heart of the community and is very important in the revitalization of downtown. Council Member Green noted that the City's funding has been equal to the other localities based on per capita and that the City will provide one

million dollars toward the building fund, however, the per capita cost also includes approximately 9,000 JMU students which do not pay any taxes.

Representatives of the City's four elementary schools presented comments concerning school renovation/budget issues.

Steven Blatt representing Keister Elementary commented that the school needs renovations and maintenance improvements. He said that the school was behind in planned maintenance and that dwelling on it was not productive, but get the problem solved. Both sides have some very good suggestions on how to deal with these difficult issues facing a growing City. We elected both boards and had confidence in their ability to solve these problems. He proposed that parents have a place on the Liaison Committee.

Vickie Bennett presented a plastic bottle of brown water which she claimed came from a sink at Keister Elementary School. She also provided the definition of a repair from the dictionary. She suggested that an injury could occur to a child by the falling tile or a fire could start from an electrical problem, but said that safety was a big factor because the office was located in the back of the school. She reviewed some statistics provided by Harrisonburg Electric Commission.

Dr. Cathy Slusher, said that the school budget contained requests for essentials. It was not a frill budget. The requests are for basic repairs, poor structural needs, and items that are essential to keep the children competitive in today's society. Historical use of money is not the issue. History can be used to guide future expenditures, but today's problems must be addressed now. She said the children are the future.

Les Bolt representing Spotswood Elementary said that he was very pleased with the education his sons have received and noted that the staff and teachers are very good. Nevertheless, he said Council made a mistake by not approving the bond issue. Therefore, that mistake will exist for the future and you can expect groups like this to be in front of you every time it comes up. He also noted that Harrisonburg has the third lowest real estate tax rate in the entire state of Virginia among independent cities. Williamsburg and Winchester have the lowest tax rate. He questioned the purpose of maintaining this low rate. He accused Council of setting a priority on businesses and development and urged Council to fund these projects completely.

Bonita Sonifrank representing Waterman Elementary acknowledged that Council had a difficult task in deciding who will receive the revenue funds. Though Waterman Elementary has recently had some renovations the school still has some more problems. Money controls the quantity and quality of the repairs and renovations. She mentioned that Harrisonburg High School has never had its renovations finished. She encouraged everyone (Council, parents, citizens, and School Board) to remove the blinders from their eyes and envision the whole scope of the future of our City and the role that education will play. She repeated that we will not go away as concerned parents and citizens. We will revisit this issue as often as you deem necessary.

Susan Fitch representing Stone Spring Elementary said she was present to provide support for the funding and requested maintenance for the three elementary schools. The children need to have a safe learning environment. The need to maintain, repair and update is a necessary part of life just as it is with our homes and roads. Nevertheless, it costs money. Because the maintenance part of the School Board's budget has been cut before and left for a carry-over project, now the schools need new roofing, removal of asbestos, and plumbing.

Marilynn Jarrells representing the Harrisonburg Education Association presented the following resolution:

"The Harrisonburg Education Association is in support and endorses the efforts of faculty and parents to request and acquire by all means possible full funding for renovation of Keister, Spotswood, and Waterman Elementary Schools until all renovations are completed."

Council Member Green commented that the money was already available for repairs at Waterman Elementary Schools. He explained that the School budget had an excess of \$300,000 which could have been spent for roof repairs last month. When you add the already available \$300,000, \$490,000 and an additional \$490,000 after July 1, the School Board will have \$1.3 million in funds, more than what was requested to do these necessary repairs. The full amount cannot be spent because School Board has not determined the projects. It should be enough money to get started on these projects, but he also noted that the school estimates for the roofs were off by \$250,000. Council Member Rogers repeated City Council will meet the needs of the schools. The schools will receive more funding than what they requested. He also said Superintendent Good had expressed that the School Board was happy with the funding they received. He suggested that they should install video cameras for protection at all the exits in all the schools. Nevertheless, Superintendent Good responded that they told school officials it was \$490,000 or nothing. He said we are certainly pleased with the funds that we get, but the request was for \$1.228 million. He repeated his proposal for a commitment to a long-term capital improvement plan that would basically help the schools be completed in a timely fashion.

Andrew Heatwole representing the developers presented an endorsement of Madison Ridge Phase II. He said that National Housing Corporation has built approximately 100 units in the City and would like to develop another 48 units. He emphasized that this Federal housing tax credit program is not a public housing project and that it is the only Federal housing program not under HUD, but under the Treasury Department. The Internal Revenue Service establishes rules and regulations. This housing is for working people and they must pay the rent. He reviewed the rental rates and qualification for renting these units. John Newton, a resident of Diamond Court, stated that National Housing Corporation has worked with the residents to provide needed security for their street. City Manager Stewart noted that he had received a petition from the residents of Diamond Court requesting that Council endorse this project. Vice-Mayor Lantz offered a motion to endorse this project as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Public Works Director Baker presented a report on residential cut-through traffic. He explained that due to renewed concerns from the citizens of the area, his staff had reviewed the area to determine some possible solutions or recommendations to discourage the cut-through traffic. Motorists have the perception that avoiding the two signalized intersections will reduce the travel time. After performing several travel-time studies, it was determined that no time is saved by cutting through the neighborhood. After considering several ideas to control the cut-through traffic the department is recommending several methods to address the motorist perception that cutting through the neighborhood is quicker. The first method involves installing traffic signs advising motorists that "NO THRU TRAFFIC -- Use Port Republic Road to reach South Main Street." A "NO THRU TRAFFIC -- Use South Main Street to reach Port Republic Road" sign will be installed at the intersection of South Main Street and Monument Avenue and at East Weaver Avenue. These signs

should inform the motorists very clearly of where they should be. The City Police Department will perform periodic traffic speed and destination checks to improve the effectiveness of the signs. This is the first step in trying to address the issue before using more drastic controls.

Parks and Recreation Director Logan presented an update on the spring soccer program. She announced that 504 youngsters have registered in the recreational soccer program. This number includes 350 City residents and 154 County residents. There will be 39 teams with 22 children on a waiting list for another team. Those on the waiting list registered after the deadline. There are 14 soccer locations with lined boundaries and goals for practice areas. But, none of the fields are regulation size. Also, two fields will be reserved at Eastern Mennonite University in case some areas cannot be used or the league falls behind on its schedule. She noted that two potential field sites are easily accessible from Smithland Road. Because the land at Smithland Road is not as flat as the Lineweaver property a lot more grading will have to be done. She estimated that grading, seeding, fertilizer, mulch, irrigation, parking lot, and a gravel roadway for two soccer fields will cost approximately \$300,000. Council Member Rogers suggested that perhaps a sports complex should be included in the future plans for Smithland Road. Following further discussion and comments, Council Member Rogers offered a motion directing the City Manager, Staff and the Parks and Recreation Commission to study the potential of a soccer complex on the Smithland Road property. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Tony Coogan, Director of Shenandoah Rail Initiative, presented a request and resolution to support the Shenandoah Rail Initiative's ISTEA funding. He said that the group is focusing on the significant creation of a battlefield district. A commission will be set-up to develop the battlefield district linking together many of the noncontiguous battlefields mentioned in the Shenandoah Valley Battlefield Historic District. This proposal is an effort to bind the valley together and provide a linkage to Harrisonburg from the North and South. The Chesapeake and Western Railroad Depot would be a part of the project. Electronic information will be available to help tourists plan their trips. Mr. Coogan requested an endorsement for the concept of the project. Council Member Rogers offered a motion to adopt the following resolution and support the Shenandoah Rail Initiative request for ISTEA funding. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

RESOLUTION

WHEREAS, the City of Harrisonburg is located in the historic Shenandoah Valley; and

WHEREAS, the City of Harrisonburg desires to see historic sites preserved and that tourism connections to these sites be preserved, developed and encouraged; and

WHEREAS, as the City of Harrisonburg acknowledges the benefit that rail access will provide to increase tourism and serve to link many of the noncontiguous battlefields mentioned in the Shenandoah Valley Battlefield Historic District legislation; and

WHEREAS, the Shenandoah Rail Initiative has been working to establish this regional linkage project with multiple jurisdictions; and

WHEREAS, the Shenandoah Rail Initiative is seeking to obtain ISTEА funding to assist in the implementation of this regional project,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg that this resolution of support be adopted and presented to Mr. Tony Coogan, Executive Director of the Shenandoah Rail Initiative stating our unanimous support of the effort to obtain ISTEА funding and get the passenger rail link in the valley re-established.

Adopted this the 25th day of March, 1997.

Rodney L. Eagle, Mayor

Attest:

City Clerk

✓ Planning and Community Development Director Turner introduced a request from Stephen T. Heitz for a Final Subdivision Plat approval of Emerald Drive Estates, V. She explained that this request is a continuation of a townhouse development on Emerald Drive. This development will include 37 additional townhouse lots and will extend Emerald Drive to intersect with the extension of Dyerle Avenue. All required easements and bonds have been submitted and Planning Commission has recommended approval. Vice-Mayor Lantz offered a motion to approve this request 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 by Michael Mars for Final Plat approval of Blue Stone Hills Subdivision, Section 7. She explained that it is a one lot subdivision at the southwest corner of the intersection of Dyerle Avenue and proposed Lucy Drive. It will subdivide the property into two parcels of 3.267 acres and 0.863 acres with a residual parcel of approximately 28 acres. The Balanced Care Assisted Living Facility is under contract to purchase the 3.267 acre parcel and the 0.863 acre parcel will be dedicated for construction of Dyerle Avenue from Blue Stone Hills Drive to Lucy Drive. They have posted all necessary bonds and Planning Commission has recommended approval. 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.

✓ Public Works Director Baker presented a recommendation to change the City's Design and Construction Standards Manual. He explained that the entire City staff provided input for the report. Staff is in support of the use of cul-de-sacs in certain circumstances. There are situations where we encourage cul-de-sacs when we should be looking at other alternative methods of design. It is true that cul-de-sacs do cost more to provide services to, but that is not the ruling point why we sometimes object to cul-de-sacs. Safety is the issue when cul-de-sacs are longer. The primary idea is that the larger number of residents served by a cul-de-sac, the higher the risk in accessibility to the residents especially those living in the mid-block area. Cul-de-sacs are very marketable, but there are other issues that need to be reviewed. Some professional reference documents were used as

guidance on cul-de-sacs. The issue of the maximum length was reviewed. Mr. Baker provided the following recommendation. The current City standard has a maximum length of 500 feet. This maximum was established as the length that reasonable emergency access could be provided in the event that the entrance to the street was blocked. Also, if there is sufficient land to develop a longer cul-de-sac, usually an alternate design method should be used. ITE recommends a maximum average daily traffic count of 200 vehicles per day. A typical single family subdivision home generates an average of 10 trips per day. A 200 average daily count would equal approximately 20 dwellings. The minimum single family lot width in Harrisonburg is 80 feet. A cul-de-sac of 800 feet should have 10 lots on each side of the street. A large density such as townhouses or apartments, would result in a shorter cul-de-sac maximum. The City staff suggests that this approach be used to establish the maximum length of the cul-de-sac street. It is recommended that Section 3.1.4 of the City Design and Construction Standard manual be revised to establish a cul-de-sac street length maximum of 800 feet with a maximum of 20 dwelling units per cul-de-sac. It is also recommended that interconnecting streets be utilized in the development of a subdivision and cul-de-sacs be used only when alternative designs are not feasible due to topography of conflicting abutting land uses. After this report was presented to the Planning Commission, it endorsed the concept of 800 feet and 20 dwelling units per cul-de-sac. Some clarification might still be needed by the Planning Commission concerning the statement whether the interconnecting street should be utilized in the development of the subdivision. After a lengthy and considerable discussion expressing many concerns and issues, Vice-Mayor Lantz offered a motion that a permanent dead-end street may be permitted upon approval of the Planning Commission and pursuant to review by City staff. 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 from Stone Spring Village, Section Two (Preliminary Plat) for a variance to Section 3.1.4 of the Design and Construction Standards Manual (Maximum Cul-de-Sac length). She explained that Planning Commission remained in favor of having these cul-de-sacs exist in this subdivision regardless of whether the Standards Manual was changed. Mr. Scripture was trying to create two different neighborhoods within the area and having a separation between the two subdivisions was desirable and in the best interest of the neighborhood. Planning Commission recommended granting the variance with the change in the standard manual. No action is necessary since this subdivision is in compliance with the action taken by Council in approving the change to the City's Design and Construction Standards Manual.

Public Works Director Baker announced that Perry Engineer Company Inc., was the low bidder at \$2,321,938 for the Neff Avenue roadway project between Port Republic Road and Reservoir Street. Council Member Green offered a motion to approve the contract. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds from Water Enterprise Fund Capital Outlay to Water Capital Projects in the amount of \$50,000. These funds will be used to replace the original filter control valves at the Water Treatment Plant. Vice-Mayor Lantz offered a motion to approve the transfer of these funds.

\$50,000 chge. to: 2011-372061-48187 WTP Improvements

\$50,000 approp. to: 2011-392061-49216 Transfer to Capital Projects

\$50,000 chge. to: 1321-34220 Transfer from Water Fund
 \$50,000 approp. to: 1321-910161-48628 Water Treatment Plant Expansion Project

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

City Manager Stewart presented a request to transfer funds from Sewer Enterprise Fund Capital Outlay to Sewer Capital Projects in the amount of \$73,000. These funds will be used to renovate the Shandshill Pump Station located on Lincolnshire Drive or provide some other option to deal with sewer flow in this area. Vice-Mayor Lantz offered a motion to approve the transfer of these funds.

\$50,000 chge. to: 2012-472061-48188 Tanks & Pumps
 3,000 chge. to: 2012-472061-48282 Land
 20,000 chge. to: 2012-472061-48291 Engineering
 \$73,000 approp. to: 2012-492061-49216 Transfer to Capital Projects

\$73,000 chge. to: 1322-34230 Transfer from Sewer Fund
 \$73,000 approp. to: 1322-911161-48648 Shandshill Pump Station

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

City Manager Stewart presented a revised request from the City Treasurer to charge off delinquent business licenses for 1996. He explained that the revised list contained clarification from Mrs. Miller regarding the 1996 business licenses, including that she had been able to collect two of the delinquent 1996 business licenses. Council Member Green offered a motion to approve writing off these uncollectable amounts. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manger Stewart announced that S.B. Cox Inc., of Richmond will demolish the former Schewel's furniture building on South Main Street in mid-April to create a parking lot of approximately 30 metered parking spaces. Plans call for a portion of South Main Street to be closed for a weekend, beginning on Friday afternoon and lasting throughout Saturday and Sunday. S.B. Cox Inc. has an agreement with the Rockingham Public Library to demolish the building for approximately \$193,000. The contract also includes an additional \$30,000 for asbestos removal. Public Works Director Baker estimated that it would cost another \$60,000 for City crews to develop the parking lot. Mr. Stewart said the City will extend its commitment to the library for six years and will pay approximately \$1.3 million. The City will collect the revenue from the metered parking lot pursuant to an agreement with the Library Board. Vice-Mayor Lantz offered a motion granting permission to close the street. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 9:58 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 Blue Ridge Community College Board of Trustees, Private Industry Council and Social Services Advisory

Board 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 a new contract, 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 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 Green, and approved with a unanimous vote of Council.

At 11:23 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.

At 11:25 p.m., there being no further business and on motion adopted the meeting was adjourned.

Zyonna Ryan
CLERK

Rodney Leagle
MAYOR