

## REGULAR MEETING

SEPTEMBER 9, 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.

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

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 10-3-96, and 5-2-1 of the Harrisonburg City Code. The motion also included the second reading for some supplemental appropriations for the Police Department, soccer fields and a Fire Services Grant Fund contract. The motion was seconded by Vice-Mayor Lantz, 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, August 29, 1997.

**NOTICE OF PUBLIC HEARING****City Council Chambers****Tuesday, September 9, 1997****7:30 p.m.**

**The Harrisonburg City Council will hold a public hearing on Tuesday, September 9, 1997, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to receive public comments on the following:**

**A solid Waste Management Plan prepared for submitted to the Virginia Department of Environmental Quality. A copy of said plan is available for public review at the office of the City Manager, 345 South Main Street, Harrisonburg, VA. Information is also available at the Public Works office located at 320 East Mosby Road, Harrisonburg, VA - Telephone 540-434-5928.**

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

Public Works Director Baker presented a proposed Solid Waste Management Plan for Council's approval. He said that Draper Aden, Consulting Engineer's, developed this plan five years ago and it is updated every five years to determine how the City is handling the collected solid waste. He reviewed the basic plan which sets the parameter and goals for the future while emphasizing the most environmental friendly way of dealing with solid waste. He also reviewed the City's recycling process and the importance of resource recovery. He recognized the staff of the Sanitation Department for updating this plan. There being no one desiring to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this Solid Waste Management Plan as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 7:40 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 Monday, August 25, and Tuesday, September 2, 1997.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday September 9, 1997 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:**

#### **STREET CLOSING:**

- 1. Request by James Madison University to close those portions of Hillside Avenue and Orchard Lane lying within the boundaries of the University's "Z" parking lot located near the southbound ramp of Interstate 81, with the entrance being Hillside Avenue between the 200 and 300 blocks of Port Republic Road. The site is identified as 11-N-40-44, 11-0-11-14, 11-R-2-13 and 11-S on the City of Harrisonburg block maps. The portion of Hillside Avenue leading to the parking lot entrance and lying between lots 11-0-16 and 11-R-1 on the City of Harrisonburg block maps is not recommended for closure.**

#### **DECISION:**

**The decision shall be made based upon the procedures set forth under Virginia State Statute 15.1-364 and the City of Harrisonburg Code §6-1-22 & 23.**

**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 the meeting.**

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

Planning and Community Development Director Turner introduced a request by James Madison University to close portions of Hillside Avenue and Orchard Lane lying within the boundaries of James Madison University's "Z" parking lot. She said the area consists of approximately 27,248 square feet and has been used by JMU for parking. The closing of Orchard Lane and Hillside Avenue will create permanent dead-end streets on three sides of the parking lot. Since the dead-end streets cannot provide turnaround space for refuse collection and snow removal trucks, the vehicles have to use existing driveways of residents on Hillside Avenue. Mrs. Turner noted that as part of the closing, JMU had also requested that payment for the property be waived. She said that Planning Commission recommended that these streets be closed, but also should consider the possibility of developing cul-de-sacs at the end of Hillside Avenue and Orchard Lane. Mayor Eagle called on anyone to speak either for or against closing portions of these streets.

G.M.Showalter, a resident living at 225 Orchard Lane, said that the street had always been a dead-end street. He noted that the grassy area at the end of the street which faces his property was an excellent place for children to play and that he and another neighbor have maintained the area by mowing it. He suggested that they should not change the area.

Bob Sherfy questioned if property owned by the state or a university would have to abide by zoning regulations. It was noted that if portions of this street were closed, then it becomes property of James Madison University. City Manager Stewart mentioned that JMU was under the assumption that the street had been closed, which essentially exists only on paper. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Vice-Mayor Lantz questioned at whose expense would these cul-de-sacs be built. City Attorney Thumma noted that the only time someone does not pay for a street closure is because City Council initiated it. Otherwise, the person who has initiated the request will pay the City. Vice-Mayor Lantz said that it was his understanding that the residents were happy with the dead-end street. Following further comments and discussion, Vice-Mayor Lantz offered a motion for a first reading that if JMU wanted the street closed, then the university should pay for the land and put in a cul-de-sac and close it. The motion also included that if JMU wanted to pursue this request under the terms stated, then Council will appoint a Board of Viewers to review the request. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 7:55 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, August 25, and Tuesday, September 2, 1997.

**NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday September 9, 1997 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:**

## REZONING

**Request by Norman and Kristine Stern to rezone approximately 6,157 square feet located at 200 South Avenue from M-1 General Industrial District to B-2 General Business District. The site is identified as lot 19-A-1 on the City of Harrisonburg block maps. The Comprehensive Plan recommends the site for commercial use.**

**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 the meeting.**

**CITY OF HARRISONBURG**

**Steven E. Stewart**

**City Manager**

Planning and Community Development Director Turner introduced a request by Norman and Kristine Stern to rezone approximately 6,157 square feet, located at 200 South Avenue, from M-1 General Industrial District to B-2 General Business District. She explained that currently the building, used as a pet store "Pet Chalet," is the only building located on the site. Parking for approximately six vehicles is located behind the building, which is sufficient for most potential B-2 uses of the property. Most of the surrounding area is zoned M-1 and contains homes, commercial uses, multi-family uses, and light industrial uses. The Comprehensive Plan recommends the property for commercial use. She said that Planning Commission has recommended approval of this rezoning request. Mayor Eagle called on anyone to speak either for or against the rezoning request.

Norman Stern requested that City Council endorse the request, since the Planning Commission has approved the request. There being no others desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this rezoning request as presented. The motion was seconded by a Council Member Rogers, and approved with a unanimous recorded vote of Council.

George Hedrick, a resident living at 251 Paul Street, stated that he was appearing before City Council to express his concern regarding the excessive number of traffic and speeding on Paul Street, mainly between Ott Street and Mason Street. Mr. Hedrick explained that the street does not have any speed limit signs or warning "Children Playing" signs visible. There are at least 25 children under the age of seven living on this block. He suggested that parking should only be allowed on one side of the street and that traffic should only be allowed to go one-way from Mason Street to Ott Street to help reduce speeding on the street. He reviewed his plan for eliminating the traffic on Paul Street. Council Member Rogers offered a motion that the City Manager instruct the appropriate departments to conduct a study and inform City Council of their findings. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from the John D. Eiland Company to hold a fund raiser for muscular dystrophy behind the Community Development building. Mr. Stewart suggested that police escort the Budweiser Clydesdale's horses from the Municipal Building to Court Square and back down Liberty Street on September 22. This will avoid closing any streets for any length of time. The Budweiser Clydesdales will then be on public display behind the Municipal Building adjacent to the concert site. Council Member Rogers offered a motion to approve this event. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented the following resolution for Council's consideration of approval:

**WHEREAS, Friendship Industries, Inc., intends to construct a 40,000 square foot manufacturing and employment training facility on 9.6211 acres of land that is located jointly in the City of Harrisonburg and The County of Rockingham just off of North Liberty Street (Star Route 753); and**

**WHEREAS, the capital investment in land, building and equipment is expected to be approximately \$3,000,000; and**

**WHEREAS, Friendship Industries anticipates initially employing between 80 and 100 workers through consolidation of its locations, Friendship anticipates the hiring of an additional 70 to 90 new workers based on growth of the organization; and**

**WHEREAS, future expansion of the site, involving subsequent capital investment, is expected to result in the addition of as much as 60,000 square feet; and**

**WHEREAS, the landowner is willing to dedicate, at the appropriate time and as development of the property proceeds, rights-of-way as required by Virginia Department of Transportation for construction of the road to be known as Friendship Drive just off of North Liberty Street at the junction of the City and County property line.**

**NOW, THEREFORE, BE IT RESOLVED THAT: The City Council of Harrisonburg hereby requests the Commonwealth Transportation Board to provide an adequate road to this new manufacturing and employment training center for persons with disabilities.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk

Council Member Rogers explained that Friendship Industries has been operating in the Harrisonburg-Rockingham County area for many years. It is a non-profit organization that works with people with disabilities. Friendship Industries has sought and received many grants to purchase vans for transporting some of these people with disabilities. Council Member Rogers offered a

motion with great admiration to approve this resolution. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a three-year lease/purchase agreement to purchase new voting machines. He explained that funds were appropriated in the 1997-98 budget for the first year installment on the lease/purchase agreement. The City negotiated with Crestar Bank to provide the financing for a three year period with a 5.75% interest rate. Council Member Rogers offered a motion to approve this agreement. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a supplemental appropriation for the Fire Department. These funds will be used to recover unexpended funds from General Fund Balance for E-911, Fire Programs Funds and Hazardous Materials supplies. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$73,118.16 chge. to: 1000-31010 Amount from fund balance

\$35,999.21 approp. to: 1000-350532-45240 E-911

19,451.77 approp. to: 1000-350532-46160 Hazardous materials supplies

17,667.18 approp. to: 1000-350532-48203 Fire Program Fund

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

Council Member Rogers proposed that the City locate a police sub-station at the Valley Mall because of a series of high-profile crimes in the area. He suggested hiring one police officer in the current fiscal year and establishing a sub-station in a trailer before the Christmas holidays. He also suggested adding 10 additional police officers while encouraging banks in the mall area to install outdoor surveillance cameras. He stated that "Our number one job is to make sure that people are safe before they go to school or anything else." He suggested that people live in this area because of the good quality of life that exists in Harrisonburg. Mayor Eagle suggested that Council needed to study the issue especially what resources are available. Council Member Rogers offered a motion that within 30 days City Council receive a report from the Police Department concerning this issue. The motion also included that the Police Department consider establishing a private/public sub-station at the Valley Mall. The motion was seconded by Council Member Green and approved with a unanimous vote of Council.

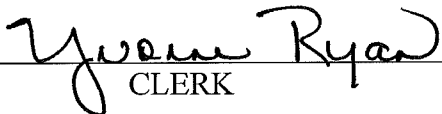
Vice-Mayor Lantz commented that several citizens and members of the Harrisonburg High School football team had asked him to express their appreciation to City Council and the Water Department for painting the water tank on Washington Street. He noted that it expresses how City Council feels about the youth in the community while promoting school spirit and pride in the community. He also commented that apparently the words "City of Harrisonburg - Home of the Blue Streaks" with a lightning bolt on the water tank were so important to the coaches of Harrisonburg High School that they conducted a caravan of approximately 40 cars to view the water tank.

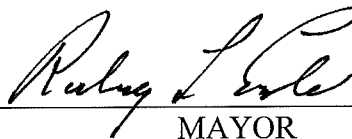
At 8:29 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Upper Valley Regional Park Authority, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purpose, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation, requiring the provision of legal advice by the City Attorney, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

At 9:35 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 Member Green offered a motion that Assistant City Manager Roger Baker be re-appointed to a term on the Upper Valley Regional Park Authority to expire on September 30, 2001. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:27 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR