

## REGULAR MEETING

MARCH 10, 1998

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 Member 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 Green 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 supplemental appropriations for Landfill Tipping Costs and a West Market Street project. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

✓ Planning and Community Development Director Turner presented a request for approval from Eastern Mennonite University for a Master Development Plan. The Eastern Mennonite University campus is approximately 91.896 acres and is zoned R-3 Multiple Dwelling Residential, but also has the I-1 Institutional Overlay District imposed upon it. The proposed Master Plan will take approximately 10 years to complete. Eastern Mennonite University currently has an enrollment of 1,259 students with a projected enrollment of 1,400 as shown in the narrative. The plan proposes the construction of three new buildings, expansion of six existing buildings, an additional athletic field, and associated parking additions. New buildings include a Welcome Center, an academic building, and an arts/theater building. Proposed expansions include the addition of a recreation and wellness center to the existing gymnasium, an addition to the Northlawn residence hall, and additions to the library, science center, bookstore, and Lehman auditorium. A new soccer and recreation field is proposed to be located along Mt. Clinton Pike. The narrative provides more detailed information on these uses including the approximate square footage of the buildings involved, number of stories and height. It also provides some information on the proposed parking and indicates that all City requirements will be met. She said that although the entire campus impacts the surrounding areas the most significant visual impact will be located closest to the outer boundary of EMC campus. She reviewed the two new facilities planned near the University's boundary with Mt. Clinton Pike. The proposed university's common and wellness center would be the closest facility to Dogwood Drive. This proposed facility hopes to break ground in the spring of 1999 with completion in the year 2000. In review of the plan, staff requested that the applicant provide a landscape buffer between the proposed parking lot along Dogwood Drive. EMU amended their master plan to include landscaping that will be low in height to protect the view of the residents in the neighborhood. Questions also arose over whether the baseball field on Park Road would be lighted in the future. The applicant indicated that it may be considered in the future. Based on the review of the submitted items, staff finds that the general plan of the development is not detrimental to the public health, safety, or welfare, and is not in conflict with policies and principles of the

Comprehensive Plan. She said that Planning Commission recommends approval of the proposed Master Plan.

At 7:40 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 23, and March 2, 1998.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, March 10, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:**

#### **MASTER PLAN**

**A request by Eastern Mennonite University for approval of a master development plan for real estate owned or controlled by the university and situated within the I-1 Institutional Overlay District. The site is identified as the following parcels on the City of Harrisonburg's block maps: 48(A) 1-3 and 34-36; 48(B)5-14, 48 (H) 1, 4, 5, 6; and 58 (A) 1, 3, 4, 5, 6, 7.**

**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**

Roger Williams, Attorney for Eastern Mennonite University, explained that a few years ago, Eastern Mennonite University appeared before City Council with some requested zoning text amendments to the R-3 zoning district. At the conclusion of that meeting, City Council indicated it would be helpful in the future if there were Master Plans of EMU which could be shared with the public. Meanwhile, the City adopted the Institutional Overlay District. The very same dimensional regulations have now been put into the Institutional Overlay District where they belong because they are uniquely tailored to colleges, hospitals, universities and institutions. With the assistance of the Troyer Group, Eastern Mennonite University has prepared a Master Plan. There are two component pieces - the drawing and the narrative description, which goes into a bit more detail on uses, the number of stories, height, and square footage of the additional buildings that are projected into the future. The Master Plan includes the development of approximately a 90-acre campus. He said that Eastern Mennonite University held a neighborhood meeting to share information and listen to concerns. They also met with City staff to discuss different aspects of the plan.

Joseph Lapp, President of EMU, said that the university has been experiencing quite a bit of growth in the past number of years. As we approach the 21st century, we are trying to anticipate what things might be like for the university in the next 10 years. He reviewed the plan indicating where there would be expanded facilities. He noted that the recreation/athletic facility will be imminent in the next several years. The other facilities will be built as programs needs exist and we can raise the contributing dollars. Mr. Lapp presented a picture of the new facility. There being no others desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session reconvened. Council Member Byrd commended EMU on their efforts for master planning, but also taking all the proper steps to involve the immediate community surrounding the university. Council Member Byrd offered a motion to approve the Master Plan of Eastern Mennonite University as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner said that the City is soliciting public input on a proposed Community Development Block Grant (CDBG) application to be submitted to the Virginia Department of Housing and Community Development on the Friendship Industries project. The Community Development Block Grant program is a program established by the State of Virginia to improve the economic and physical environment in Virginia localities. One of its primary focuses is to benefit low and moderate income persons. Friendship Industries has asked the City to submit this application to construct a new 40,000 square foot facility on Liberty Street. This is a project with a total value of more than \$3.5 million. Friendship Industries has received tentative approval of a Rural Development Grant for \$1,513,492 toward this project, commitment from VDOT for construction of an industrial access road for \$290,000, and \$500,000 in Federal Rural Development grant funds, \$25,000 commitment from Rockingham County and \$66,475 from the City of Harrisonburg. City staff will provide grant administration for \$15,000. The City wishes to apply for \$700,000 of Virginia Community Development Block Grant funds for the new industrial facility for Friendship Industries, Inc.

At 7:50 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order.

George Homan, vice-president of Operations for Friendship Industries, said that Friendship Industries was applying for the Community Development Block Grant to build a new facility. One driving force that we have seen in this community is a need to employ additional persons with disabilities. State statistics show that 70% of all persons with disabilities are not employed at this time. We have currently a population of 65-70 individuals with disabilities and a total work force of between 90-100 individuals. We currently are working out of two facilities. The current facility on Waterman Drive is inadequate for expansion and growth. The other facility is in Bridgewater. Funds would be used to construct a new industrial facility of approximately 40,000 square feet to expand operations and continue growth and improvement of employment services to persons with disabilities. He also noted funding sources from rehabilitation dollars have dwindled over the years. This new facility will also generate revenue for the City of Harrisonburg. Friendship Industries is also exploring other grant sources; however, any money that is not put together through a grant process will be provided through a fund raising program.

Steve Riddleberger, Director of Human Resources at Dunham Bush, spoke in support of the application for funding to be used for the expansion of Friendship's Industries. Friendship Industries over the past 30 years has met a need by providing a working environment for disabled people in our community. They have trained people with disabilities to be productive and wage earning citizens. The management group has created ways to offset the reduction in funding by going out and aggressively seeking new customers in changing market conditions. He said that everyone should visit Friendship Industries and see people who truly enjoy what they are doing and learning.

Maupin Stewart, Chairman of the Board of Friendship Industries, encouraged Council's support of this proposal. Friendship Industries has a positive impact on its clients, their families and the community. This proposal is a critical component for us to be able to achieve our goal to provide better facilities and better working conditions for the present clientele and opportunities for meaningful new employment for new clients from the disabled community.

Dwayne Martin, Director of the Association for Retarded Citizens OP Shop, said the OP Shop is a work activity center for adults with mental retardation. It is a pleasure to work with Friendship Industries especially in corporate transportation. He expressed support for the block grant.

Shirley Terry said she was a sister of one employee at Friendship Industries. Her brother who has Down's syndrome could not even write his name until he started working at Friendship Industries and now can bring home a pay check. She said that her brother is just one of many who have received help from Friendship Industries.

Kim Flesher said that Friendship Industries is a wonderful establishment. She encouraged City Council to consider this funding grant.

City Manager Stewart said that they have discussed this project and City staff will provide grant administration for \$15,000 if Friendship Industries is successful in receiving the grant. In addition, the City has had a program for over a year on being able to extend water and sewer services for certain priority projects including commercial and industrial development. The preliminary estimates for providing water and sewer to the property would be approximately \$51,475. This would be included in the 1998-99 water and sewer budget. There being no others desiring to be heard, the public hearing was declared closed at 8:07 p.m., and the regular session reconvened. Council Member Rogers questioned if \$51,475 would be enough to make a strong grant. Mr. Homan stated that they would receive any support from the City as showing cooperation. City Manager Stewart noted that actually the City would be providing up to \$51,475 in water and sewer services plus an additional \$15,000. Council Member Rogers noted that Friendship Industries does an excellent job in helping the disabled to earn an income. Council Member Rogers offered a motion to support this grant funding. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council. Mayor Eagle said that he was very impressed with the revenue that Friendship Industries brings into the community. They provide jobs for our disabled citizens for both the City and County. Vice-Mayor Lantz stated that he has toured Friendship Industries and was very impressed with the work ethic of the people and the first-class product that they are producing.

✓ Kathy Whitten, Chairman of the Planning Commission, presented a brief report concerning the major accomplishments of the Planning Commission. She said that the R-5 Planned Single-Family Residential District needs some more study to make it more workable for the City. She said

that developing goals and objectives had been very helpful. The commission has a good sense of direction. They will review the Comprehensive Plan's draft very soon. Council Member Rogers said that the Planning Commission is doing a good job and he understood all the hard work the commission did concerning land uses.

Chad Layman representing the Chamber of Commerce issued an invitation to City Council to participate in "Spring Cleanup Week." He explained that it is a week long event encouraging people to clean up the area. He also challenged the Council to participate on Monday, April 20th at 2:00 p.m., to pick up trash on the Grassy Creek Road. It will provide an opportunity for the community to see the leaders of the area picking up trash.

Charlette McQuilkin presented a request from the Harrisonburg-Rockingham Community Policy and Management Team (CMPT) for additional funding for the Comprehensive Services Act. She explained that since the General Assembly in July 1993 passed the Comprehensive Services Act, Harrisonburg-Rockingham CMPT has served only mandated children by State and Federal law. Children in foster care and children placed through the schools receive these services. This year CMPT has initiated efforts to maintain costs by requiring parent financial contributions to the cost of caring for their children and limiting rates paid for individual and group therapy. In addition, CMPT has increased case management activities to more closely scrutinize services and costs, increased use of contracted in-home services to prevent foster case replacement, and development of a wrap around service for intensive cases. However, they still need additional funding. This year, CMPT has been working to implement the process of utilization management. The state will be taking a more careful look at what each locality is doing including initialing an assessment instrument by having a plan of action and more reviews to be more cost effective. Don Driver, Director of Social Services, explained that again there is a deficit in the budget. The state and locally established allocation this year for this program are \$630,634. Total expenditures will be approximately \$900,879 for this year leaving a deficit of \$270,245. Of that amount, the required local match will be \$84,452. The number of children served has basically remained the same, but the cost per child has significantly increased. However, Mr. Driver noted that this is a good community with many services. Discussion included more severe problem children, special reviews of some children, foster care prevention, high cost hard-to-place difficult children (teenagers), and mandated children with a variety of problems. Council Member Rogers offered a motion to approve this request for \$84,452 for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council. Council Member Green questioned how much school funding was involved for this special group of children. Social Services Director Driver acknowledged that some of these high cost hard-to-place difficult children have been placed out of state in special programs; however, most of the children go back into their homes or into adoption.

Walter C. McGill, Jr., a manager partner of the Jupiter/McGill Housing Group, presented a request for Council's endorsement of its apartment project. He explained that the housing group wants to build a 44-unit apartment complex and will be asking the Virginia Housing Development Authority for Federal tax credits associated with the property. Federal tax credits are offered to private developers as an incentive to provide reduced rents typically to middle and low income groups. The Virginia Housing Development Authority awards the tax credits based on a point system. Council Member Rogers said that endorsing this project could be a major burden upon the

City and he could not support it. He reviewed some City's goals including creating higher-paying jobs, high-tech technology, and affordable housing. Vice-Mayor Lantz said that the federal tax credits would put developers who already have apartments in the City at a disadvantage because they would not have the benefit of the indirect subsidy. Following further discussion and comments, Council Member Rogers offered a motion directing the City Manager to write a letter to the Virginia Housing Development Authority stating that Council does not support this project. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote; however, Council Member Byrd did not vote. He said that he was not prepared to vote on this issue.

Ray Nicely presented a request from Northfield Associates, L.P. He explained that the group wanted Council's endorsement of its apartment project. This request involves a proposed 120-unit development which the Planning Commission has approved. He said that it is zoned R-4 and required a master land-use plan.

Mary Christhlf, regional vice-president of Boston Financial, said that her company manages Castle Development's properties in the Virginia area. The company has 14 sites from Northern Virginia to the Roanoke area. Rent is below the market rates and caters to the working individual. However, sometimes if an individual can meet the criteria, they accept Section 8 vouchers. She presented pictures of the communities and said that they did not have any more police activity in their communities than regular apartment communities in any city. Sometimes the managers and maintenances people live on the property. It is not low income; however, renters must have a minimum and maximum income to get into the community. Following further discussion and comments, Council Member Rogers offered a motion directing the City Manager to write a letter to the Virginia Housing Development Authority stating that Council does not support this project. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

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

### **Project Programming Resolution Rail/Highway Grade Crossing Projects**

**WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by Council resolution be made in order that the Department program an urban highway project in the City of Harrisonburg; now**

**THEREFORE BE IT RESOLVED, that the City of Harrisonburg, Virginia requests the Virginia Department of Transportation to establish the following rail/highway crossing improvement project:**

<b>Project Name</b>	<b>Location</b>	<b>DOT No.</b>
<b>Wolfe Street</b>	<b>.03 Mile West of Liberty St.</b>	<b>85997IN</b>

Maryland Avenue .08 Mile South East of Roosevelt St. 842239M

BE IT FURTHER RESOLVED, that the City of Harrisonburg hereby agrees to pay its share, 10.0% of the total costs for preliminary engineering, right-of-way, and construction of this project, and that if the City subsequently elects to cancel this project, the City hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1998  
City of Harrisonburg, Virginia

ATTEST: By: \_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk of Council

Public Works Director Baker explained that this project is being developed as part of a Federal ISTEIA Rail/Highway Grade Crossing Improvement program. This resolution requests that VDOT develop a project for the improvement of Wolfe Street and Maryland Avenue (near Central Avenue) railroad crossings. Beside installing safety signals, improvement will be made to the grade crossings. The City is required to pay 10% of the costs for the improvements. Council Member Green offered a motion to approve this resolution. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Vice-Mayor Lantz offered a motion authorizing the Harrisonburg Redevelopment and Housing Authority to proceed with refunding the jail bonds by naming Craigie and Ferris Baker Watts as Senior co-managers for underwriters services and Christian and Barton as bond counsel. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a supplemental appropriation. He explained that this adjustment is necessary to show that the purchase of voting machines and the Industrial Park land were properly budgeted. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

- \$375,665.00 chge. to: 1000-34112 Loan proceeds
- \$ 44,587.00 approp. to: 1000-130114-48110 Machinery and equipment
- 331,078.00 approp. to: 1000-430221-48282 Land

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

City Manager Stewart presented a request from Congressman Goodlatte to have a joint meeting with City Council and the Board of Supervisors to discuss local issues. Council Member Rogers suggested that perhaps Congressman Goodlatte should meet only with the City Council to discuss his support and help with technology of providing high paying jobs in our community. Council Member Green recommended having the meeting on any regular scheduled City Council meeting night.

At 9:22 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 and recommendation for Harrisonburg Board of Zoning Appeals, 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 probable litigation, requiring the provision legal advice by the City Attorney, exempt from 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 Rogers, and approved with a unanimous vote of Council.

At 11:40 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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.

Vice-Mayor Lantz offered a motion that Cathy McClatchy, 1614 Central Avenue, be recommended to the Circuit Court for a second term on the Board of Zoning Appeals to expire on March 20, 2003. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Donn E. Meyerhoeffer, 486 Andergren Drive, be appointed to a second term on the Industrial Development Authority to expire on April 24, 2002. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 11:42 p.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR