

REGULAR MEETING

AUGUST 11, 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., and Walter F. Green, III; City Clerk Yvonne Bonnie Ryan, CMC, and Police Captain Danny Claytor. Absent: Chief of Police Donald Harper and Council Member Larry M. Rogers.

Council Member Green 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 and the second reading of an ordinance amending and re-enacting Section 13-1-3, Harrisonburg City Code. The motion also included the second reading of a supplemental appropriations for the Police Department, and the re-appropriation of several outstanding encumbrances. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

Planning and Community Development Director Turner introduced a request by Lowe's Home Center's Inc. to obtain a Special Use Permit to operate a restaurant-kiosk at 201 Linda Lane. She explained that this property is zoned M-1 General Industrial District and restaurants are only permitted by a special use permit. The applicant wants to operate a restaurant-kiosk in front of Lowe's Home Center. There will not be any seating associated with the restaurant-kiosk. If approved, the proposed restaurant-kiosk will be required to meet all building code and site requirements. The building code does not require a structure to be put on a permanent foundation unless it will be in place for longer than twelve months. Lowe's Home Center is required to have 715 parking spaces and they have provided 716 parking spaces. The kiosk would require one parking space and the extra space provided on the site would meet this requirement. She said that Planning Commission has recommended approval of this request with the provision that before the conclusion of the twelve-month period, the kiosk will be placed on a permanent foundation.

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, July 27, and Monday, August 3, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, August 11, 1998 at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, to consider the following:

Special Use Permit:

Request by Lowe's Home Centers, Inc. to obtain a Special Use Permit to operate a restaurant-kiosk at 201 Linda Lane. The property is identified as parcel 13(A)2 on the City of Harrisonburg's block maps and is zoned M-1.

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 the opportunity to express their views at this public hearing.

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

#### CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against this special use permit. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion to approve Planning Commission recommendation as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

Planning and Community Development Director Turner introduced a request by the Driver Corporation to rezone approximately 44,347 square feet located at 1590 South Main Street from M-1 to B-2. The property is identified as parcel 10(C)10 and a portion of 10(C)9 on the City of Harrisonburg's block maps. She explained that the applicant is requesting to rezone the property from M-1 General Industrial District to B-2 General Business District to allow use of an unoccupied building for commercial purposes. Mrs. Turner reviewed the zoning classifications surrounding the property. Two buildings are currently located on this property which include Yee's Place restaurant and a former branch of First Union bank. Both the restaurant and the bank are uses not permitted in the M-1 General Industrial District which the property is currently zoned. They would be permitted by a special use permit in the M-1 General Industrial District. Yee's Place has not applied for a special use permit and is operating as a legal nonconforming use under current regulations. Yee's Place is nonconforming in terms of parking and will not require additional parking unless the building is expanded. Parking provided for the vacant bank building appears sufficient for a variety of commercial uses. The Comprehensive Plan recommends commercial use in the area. She said that Planning Commission recommended approval of the request.

At 7:43 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, July 27, and Monday, August 3, 1998.

#### NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, August 11, 1998 at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, to consider the following:

Rezoning:

Request by the Driver Corporation to rezone approximately 44,347 square feet located at 1590 South Main Street from M-1 to B-2. The property is identified as parcel 10(C)10 and a portion of 10(C)9 on the City of Harrisonburg's block maps. The Comprehensive Plan recommends this 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 the opportunity to express their views at this public hearing.

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

#### CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

#### Mark Callahan

, attorney for the Driver Corporation, said that rezoning the property would allow for a different use for one small building which is unsuitable for M-1. 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 rezoning request as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present.

Planning and Community Development Director Turner presented a request to amend Section 10-3-25(10) and 10-3-25(8) of the Zoning Ordinance which pertains to off-street parking. She explained that residents in R-2 neighborhoods, especially in Old Town near the University, complained of not having enough on-street parking in their area. Problems are starting to exist when somebody changes their house from a single-family residential use to a house occupied by four unrelated individuals and not providing enough off-street parking. The majority of single-family homes do not have enough off-street parking. Mrs. Turner said that Planning Commission set up a Parking Study Committee to address these concerns and make some recommendations expressed by the residents in these neighborhoods. Concerns expressed by neighbors included the increasing number of people relying on on-street parking as their only parking, people parking in a grass yard area regardless if there were a driveway, and parking of commercial and recreational vehicles on the street. Issues not directly related to zoning but related to parking included the methods of issuing decals to tenants of rental properties and how readable the year was on the parking decals. Discussion included the methods of issuing decals, the number of decals issued to a single-family home, coordinating with the zoning office if more than four people requested decals per home, suggestions for the Treasurer and the Police Chief on making the year more readable on the decals, the status of some of the existing non-conforming uses, and detached single-family homes with boarders. She said that the committee suggested that Planning Commission and City Council consider two amendments to the off-street parking requirements contained in the Zoning Ordinance. The first proposed amendment would be to require if somebody changes or converts their home from a single-family dwelling to a dwelling occupied by non-related persons that they have to provide one off-street parking space per tenant. The second proposed amendment would require that all off-street parking should be in a driveway or parking area and could not be in the front lawn area. She said that enforcement would have to be on a complaint basis. She also noted that some homes may never qualify for off-street parking if they are

converted under the proposed regulation because of the narrowness of some residential lots. However, Planning Commission did recommend that Zoning Ordinance Section 10-3-25(10) be amended to require one off-street parking space per tenant in single-family detached dwellings occupied by non-related persons and also a change to Section 10-3-25(8) to require that in all districts, all off-street parking shall be in a gravel, asphalt, or other surfaced parking area or driveway, which otherwise meets the requirements contained herein.

At 7:50 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, July 27, and Monday, August 3, 1998.

#### NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, August 11, 1998 at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, to consider the following:

Ordinance Amendments:

Consider an amendment to the off-street parking regulations to add a parking requirement for single-family detached dwellings occupied by non-related persons. *Section 10-3-25.*

Consider an amendment to the off-street parking regulations to add a requirement that all off-street parking be in a gravel, asphalt, or other surfaced parking area or driveway. *Section 10-3-25.*

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 the opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against amending the zoning ordinance.

Pat Sweet

, a member of the parking committee, stated that there are many parking concerns in R-2 neighborhoods. He explained that the committee looked at all possible solutions to help the on-street parking problem in R-2 neighborhoods including parking problems on Paul Street, old South High Street, Gratten Street, and Campbell Street. He encouraged Council to amend the zoning ordinance to help the R-2 neighborhoods with the parking.

Les Bolt

, a resident of Campbell Street for 16 years, stated that there is a constant battle to try to keep the quality of life up in the R-2 neighborhoods, especially in Old Town near the University. There has been a significant turnover in the families within the neighborhood especially with younger families moving in, and houses

being upgraded or updated. There is a constant issue of how to deal with the JMU student population. The characteristic of the neighborhood is primarily residential and he said that it should be protected.

Norm Sanger

, a resident of Old South High Street for 40 years, stated that when he moved into the neighborhood, there were only two single-family houses. Currently houses have six to eight tenants who are parking in the front yards, sidewalks, and other neighbors' property.

Howard Turner

, a resident of South High Street, explained that there are too many college students on the street. He mentioned that last winter during a snow storm, he moved his car off the street and shoved a place to park it, and upon returning a student had taken the parking space. 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 problems being created when a single-family home is converted to rental property, no changes to people who are currently renting houses to unrelated individuals, tighten requirement for verification upon requesting parking permits, enforcement, existing non-conforming uses allowed to continue, houses existing on small lots, houses not having adequate parking space, and the legality of the problem. Vice-Mayor Lantz offered a motion to table the proposed amendments and requested that City Attorney Thumma provide Council with a report by the next meeting. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

Council Member Green offered a motion to approve a request from the Downtown Harrisonburg Retail Merchants Associates to hold a Christmas Tree lighting ceremony on Friday, November 27, 1997 at 7:00 p.m. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

Vice-Mayor Lantz offered a motion to approve a request from the Downtown Harrisonburg Retail Merchants Associates to hold a Christmas parade on Friday, December 4, 1998 at 7:00 p.m. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

Representatives from the Downtown Harrisonburg Retail Merchants Association presented several proposals to City Council to place informational kiosks around Court Square. These kiosks would be installed around Court Square and would contain information for tourists, visitors and other people visiting the downtown area. It was mentioned that the Rotary Club is working on a plan around Court Square that may be in conflict with this proposal. This plan could include a play park, benches, a water fall and hopefully total involvement from many organizations and clubs in addition to the County and City in this project. It was also suggested the Convention and Visitors Bureau should be involved in any project. No action was taken on this proposal.

City Manager Stewart presented a recommendation for Council's consideration to set a 25 mph speed limit in work zones with a maximum \$250.00 fine for violators. He explained there is a lot of construction in the City and motorists are ignoring work zones and failing to slow down while passing through these areas. It could become very dangerous for the workers. Discussion included language from the state code on the maximum fine, maximum speed limit in work zones, maximum fine for speeding in posted work zone, posted portable speed limit signs, and portable signs being placed close to the work area. Council Member Green offered a motion to approve this recommendation for a first reading provided that the concerns voiced are answered before the second reading as to the type of sign and verbiage on the sign. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

City Manager Stewart presented a request for a supplemental appropriation of funds encumbranced at June 30, 1998. He said these funds are for goods and services that were committed out of last year's budget but for a variety of reasons the goods and/or services were not delivered by June 30th. Vice-Mayor Lantz offered motion to approve this request for a first reading, and that:

\$80,426.47 chge. to: 2011-31010 Amount from fund balance

27,097.05 chge. to: 2012-31010 Amount from fund balance

68,254.00 chge. to: 2013-31010 Amount from fund balance

17,000.00 chge. to: 2014-31010 Amount from fund balance

1,930.75 chge. to: 2015-31010 Amount from fund balance

\$ 8,902.95 approp. to: 2011-372061-48181 Buildings and grounds

19,885.00 approp. to: 2011-372061-48225 Radio meters

1,727.00 approp. to: 2011-372061-48273 Software

12,526.52 approp. to: 2011-372061-48291 Engineering/mapping

34,385.00 approp. to: 2011-372061-48295 WIP-Annex area #2

3,000.00 approp. to: 2011-332061-43310 Repairs and maintenance

2,097.05 approp. to: 2012-472061-48181 Buildings and grounds

25,000.00 approp. to: 2012-472061-48225 Radio meters

25,000.00 approp. to: 2013-812081-43100 Professional services

43,254.00 approp. to: 2013-872081-48254 School buses

17,000.00 approp. to: 2014-972043-48151 Motor vehicles and equipment

1,930.75 approp. to: 2015-410641-43360 Maint. & repairs - Buildings and grounds

The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to cover expenses for salary, overtime, and benefits for a school resource officer. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$26,436.00 chge. to: 1000-33505 School Resource Officer

\$17,811.00 approp. to: 1000-310131-41010 Salaries/Wages reg.

1,875.00 approp. to: 1000-310131-41020 Salaries/Wages OT

1,232.25 approp. to: 1000-310131-42010 FICA

1,871.25 approp. to: 1000-310131-42020 Retirement

3,162.75 approp. to: 1000-310131-42050 Hospital Insurance

137.25 approp. to: 1000-310131-42060 Life Insurance

346.50 approp. to: 1000-310131-42110 Worker s Comp.

The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to cover overtime and FICA for drug interdiction, purchase two (2) portable radios, and to purchase a second K-9 dog and necessary equipment. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$24,012 chge. to: 1000-32524 Enhancing Drug Enforcement

\$14,960.70 approp. to: 1000-310131-41020 Salaries/Wages OT

1,239.30 approp. to: 1000-310131-42010 FICA

1,962.00 approp. to: 1000-310131-48131 Radio Equipment

5,850.00 approp. to: 1000-310131-48241 Police K-9

The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that this money from COPS MORE GRANT will be used to purchase new radio equipment and

recover rest of property clerk s salary. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$32,787.95 chge. to: 1000-31010 Amount from fund balance

\$30,000.00 approp. to: 1000-310131-48231 Radio Equipment

2,787.95 approp. to: 1000-310131-41010 Regular salaries

The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to cover expenses for office

supplies and miscellaneous equipment for crime prevention. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$1,125.00 chge. to: 1000-33503 Community Crime Prevention Services

\$ 375.00 approp. to: 1000-310131-46010 Office supplies

750.00 approp. to: 1000-310131-46140 Other operating supplies

The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Rogers

At 8:32 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 Social Services Advisory Board, and the evaluation of a City department, exempt from 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 purposes, 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 requiring the provision of 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 Byrd, and approved with a unanimous vote of Council Members present.

At 11:25 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.

At 11:30 p.m., there being no further business and on motion adopted the meeting was adjourned.

---

CLERK

---

MAYOR