

REGULAR MEETING

AUGUST 25, 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 Larry M. Rogers; City Clerk Yvonne Bonnie Ryan, CMC, and Chief of Police Donald Harper. Absent: Council Member Walter F. Green, III.

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

Assistant City Manager Baker introduced 17 new City employees: Michael Sheets, Edward Grant, Wesley Chesser, Kenny Knight, Jeremy Wisman, Public Works Department; Dave Garber, Jane Martin, Traci Lindsey, Vickie Conley, Rachel Barnes, Jesse Dugger, Phyllis Lancaster, Kelly Zirkle, Public Transportation Department; Fred Good, Cindy Cull, Christopher Rush, Police Department; and Mary Naylor, Community Development Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several 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 Rogers

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Green

City Manager Stewart presented a recommendation for Council's consideration to set a 25 mph speed in work zones with a maximum \$250.00 fine for violators. He explained that Council Members had expressed several concerns regarding the type of sign, sign verbiage, and maximum speed fine in construction zones at the last Council meeting. Public Works Director Baker said that construction projects are posted with standard "Road Under Construction" signs around the perimeter of the project. The maximum fine will apply only to speed violations which occur within an active work zone during the day within the project limits. Mr. Baker noted that the judge determines the amount of the fine. Police Chief Harper said the work zone speed limit has to be posted for the entire construction area; however, the maximum \$250.00 fine is only enforceable in the active work zone. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve setting a maximum \$250.00 fine for violators exceeding the posted speed limit in a posted work zone.

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

Vote: Yes - Vice-Mayor Lantz

Council Member Rogers

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Green

Planning and Community Development Director Turner introduced a request by Edward F. Budd and Walter Trobaugh, III, for approval of a preliminary plat entitled "Brayton Subdivision," with a variance to the City's standard for cul-de-sac length. She explained that this request is to subdivide a 14.191 acre parcel located at the western end of Sharon Street and Middlebrook Street into 69 lots. The property is zoned R-2 Residential District and the developers are proposing to build duplexes. The site is currently vacant and is surrounded by a variety of land uses. Mrs. Turner reviewed the zoning classifications surrounding the property. The applicant is requesting a variance to the City's standard for cul-de-sacs. The Design and Construction Standards Manual places a limit of 800 feet in length, with a maximum of 20 units served. The preliminary plat of Brayton Subdivision shows that the length of the cul-de-sac portion of Sharon Street exceeds City standards. The plat shows an approximately 1,230 foot cul-de-sac serving approximately 43 units. She noted that this property would be difficult to develop and have a through street. Railroad tracks and grade problems located immediately north of the property preclude Sharon Street's connection to South High Street. She said that Planning Commission recommended approval of the request. Council Member Rogers 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 Members present.

City Manager Stewart explained that the proposed amendments to the Zoning Ordinance pertaining to off-street parking had been tabled from the previous meeting until the City Attorney could provide Council with a report. City Attorney Thumma said that the proposed amendments from the Parking Study Committee may be an attempt to regulate the density of the R-2 Residential District through the use of parking regulations. He explained that since many older single-family neighborhoods have large houses on small lots, easing the parking crunch in these neighborhoods could lead to a lot of problems and potential litigation. When single-family homes have been converted into rental units, these conversions can add more people and their vehicles to the neighborhood without providing additional parking spaces. He said that density is the same in R-2 Residential District and R-3 Multiple-Dwelling Residential District. Lowering the density could reduce the existing problem in some neighborhoods. The special-use permit could be used to allow more unrelated people in homes that are on lots large enough to accommodate the off-street parking spaces. He noted that the City currently allows four unrelated people to live together in the same house. Discussion included how the special-use permit has been used in other applications, the success of the permit, allowing and putting controls on special conditions, and whether the special-use permit has been challenged. Council will have to approve special-use permits and can put conditions on them. If the conditions are not followed, the City can revoke the permit. City Manager Stewart said that if there is a solution to this problem, it really needs to be dealt with by looking at the density issue and not trying to control density through parking. In the past, the special-use permit has worked well for the City. City Attorney Thumma suggested that the Planning Commission should review the proposed regulations again from the stand point of density to explore alternatives to easing the parking crunch in these neighborhoods. Vice-Mayor Lantz offered a motion to refer the proposed amendments to the Planning Commission and requested that they review the City Attorney's recommendations and other appropriate alternatives. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

Council Member Rogers offered a motion to adopt the following policies: Residential Anti-Displacement & Relocation Assistance Plan, Local Business and Employment Plan, and Fair Housing Certification. Planning and Community Development Director Turner explained that adoption of these policies is required before the Department of Housing and Community Development will contract with the City for the Community Development Block Grant for Friendship Industries. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a request from the Office on Children and Youth for additional funding. He explained that the City and County had agreed to match funds to establish this local office. The request is for an additional \$190.00 each from the City and County to match an additional \$1,142.00 in state funds. Vice-Mayor Lantz offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a request to support an application for the Shenandoah Valley Partnership for funding a comprehensive City-County labor force analysis. He explained that the City of Harrisonburg and Rockingham County jointly submitted a proposal to the Shenandoah Valley Partnership (SVP) on June 30, 1998 to add the Harrisonburg/Rockingham County Comprehensive Labor Force Analysis to the Regional Strategic Plan for Economic Competitiveness. One primary reason is that the City is in a high growth area with a very low unemployment rate. Funds are available through the Regional Strategic Competitiveness Act which is being administered locally through the Shenandoah Valley Partnership. The City and County have jointly reviewed these proposals and are recommending the Wadley-Donovan Group as the preferred contractor for this analysis. Council is asked to consider authorizing the City Manager to sign a letter of support requesting funding for this project to the Shenandoah Valley Partnership. These are state funds and no local match is required. Council Member Rogers offered a motion to approve a letter of support for this application. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented the following proclamation recognizing September as National Alcohol and Drug Addiction Recovery Month.

PROCLAMATION

WHEREAS, alcohol and drug abuse and addiction is on the rise in our country and in our community; and

WHEREAS, James Madison University seeks to address the economic, social and cultural needs of the region; and

WHEREAS, The JMU Office of Sexual Assault and Alcohol and other Drug Abuse Prevention and the Counseling and Student Development Center is committed to raising awareness in regard to recovery from these addictions; and

WHEREAS, the Harrisonburg-Rockingham Community Services Board develops and maintains a continuum of innovative community-based treatment and rehabilitation substance abuse services.

WHEREAS, the Harrisonburg-Rockingham Community Services Board and James Madison University wishes to recognize every member of our community who is in recovery from an addiction.

NOW, THEREFORE, I, *Rodney L. Eagle, Mayor, of the City of Harrisonburg*, do hereby proclaim the month of September, 1998 as:

NATIONAL ALCOHOL & DRUG ADDICTION RECOVERY MONTH

and encourage City businesses, government agencies, educational institutions, community-based organizations, and service groups to support the philosophy that treatment of these addictions is effective. Supporting and enhancing the expansion of substance abuse treatment efforts needs to be a community effort. Substance abuse effects every single family in our community directly or in indirectly and substance abuse treatment is integral to reducing addiction in our community--in our country.

Date

Rodney L. Eagle, Mayor

Attest:

Clerk of City Council

City Manager Stewart explained that JMU Office of Sexual Assault and Alcohol and the Community Services Board have requested that Council proclaim September as National Alcohol & Drug Addiction Recovery Month. Vice-Mayor Lantz offered a motion to approve this proclamation. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

City Manager Stewart presented a request for a supplement appropriation for the Police Department. He explained that these funds will be used for the purchase of a second K-9 vehicle and make repairs to the Police department s building. These funds came from drug forfeiture money and can only be used for law enforcement. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$29,000 chge. to: 1000-31010 Amount from Fund Balance

\$14,000 approp. to: 1000-310131-48251 Motor Vehicles & Equipment

15,000 approp. to: 1000-310131-48181 Building & Grounds

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

Vote: Yes - Vice-Mayor Lantz

Council Member Rogers

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Green

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to purchase protective shield equipment for Police Officers entering a barricaded area. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$800.70 chge. to: 1000-31010 Amount from fund balance

\$800.70 approp. to: 1000-310131-48211 Machinery & Equipment

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 Rogers

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Green

Vice-Mayor Lantz stated that he had received a letter expressing concern about the year 2000 effect on computers and whether there would be any problems within the City. City Manager Stewart explained that an audit is being conducted of all the City departments to determine where we are and said that the Finance Department is taking the lead in this area. Finance Director Seal said that City's goal and objective is to be Y2K compliant in all software by June 30, 1999.

At 8:15 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 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 and briefings by staff members pertaining to probable litigation, 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 Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present.

At 9:50 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.

Council Member Rogers offered a motion for a first reading to purchase 14.82 acres from the estate of Clede J. Puffenbarger at a cost of \$200,000 financed over four (4) years with a 6.5% interest rate. 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 Rogers

Council Member Byrd

Mayor Eagle

No - None

Absent: Council Member Green

Council directed that it meet in regular session on October 20, 1998 at 7:30 p.m. in lieu of the October 13 and 27 meetings due to attendance at the VML Annual Conference in October.

At 9:56 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR