

REGULAR MEETING

JANUARY 12, 1999

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, CMC, and Chief of Police Donald Harper.

Mayor Eagle delivered the invocation and 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 a supplemental appropriation for the Police Department, Economic Development Department, and Comprehensive Services Act program. The motion also included the second reading of an ordinance amending Section 10-3-24, 10-3-34, 10-3-40 and 10-3-46 of Zoning Ordinance and Section 11-5-4 of the Sign Ordinance and adding Section 11-5-9 variances to the Sign Ordinance. 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 Rogers

Council Member Byrd

Mayor Eagle

No - None

Pat Mullins, President of the Virginia Municipal Clerks Association Region III, presented the "Clerk of the Year 1998" award to Harrisonburg City Clerk Yvonne Bonnie Ryan. Mrs. Mullins explained that the Virginia Municipal Clerks Association is an organization dedicated to the education and promotion of the office of Municipal Clerk. She said that Bonnie has been chosen by her peers as "Clerk of the Year 1998" from VMCA Region III. Bonnie has been an active member since 1994 and serves on numerous committees, and has been secretary and is the immediate past president of Region III. In addition, she has served on several state committees and has been instrumental in recruiting several new members for Region III and is always available to assist new members in learning our procedures. She encourages the new members to avail themselves of the many programs that the VMCA has to offer. She always has a friendly smile and represents the City of Harrisonburg and the Virginia Municipal Clerks in a professional and caring manner. Mayor Rodney Eagle took the opportunity to add his thanks to Bonnie for her work with Council. Council Member Rogers suggested that an article recognizing Bonnie should appear in the Daily News-Record.

Planning and Community Development Director Turner introduced a variance request for an off premises sign for a proposed Port Republic Road Business Park. She explained that Daniel Michael of Valley Engineering was making this request of the behalf of Armada/Hoeffler, a holding company and developer of a Food Lion grocery store and other retail shops in a proposed Port Republic Road Business Park. A preliminary plat was approved in March of 1997 with a variance to the subdivision ordinance, which states that all lots shall front on a public street. Lot H, which is the site for the Food Lion grocery store and other retail shops, does not

have frontage on a public street; however, it has access easements to both Peach Grove Avenue and Port Republic Road. In the past, the City's sign ordinance had only allowed for on-premises signs which means that Food Lion and other retail shops in the proposed shopping center would have signs on their lot, not directly on Peach Grove Avenue or Port Republic Road. Each of the individual uses in the shopping center could have their own freestanding sign as well as wall signs. The freestanding signs would be limited, but could be 35 feet in height. Armada/Hoeffler was not satisfied with this type of restriction on their signage and inquired about the possibility of having off-premises signage. Armada/Hoeffler owns both lots H where the proposed Food Lion shopping center will be located, and lot F which is located on a corner of Peach Grove Avenue and Port Republic Road. Lot F is allowed to have 170 square feet of signage for any uses to be located on the parcel. She also explained that under the ordinance amendment which was just passed on the consent agenda, by special City Council permission, an off-premises sign could also be located on the corner lot F advertising Food Lion and other uses on lot H the back lot. The proposed off-premises sign will be located on lot F of the same subdivision, will be free standing and have an area of 170 square feet and 35 feet in height.

At 7:43 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, December 28, 1998, and Monday, January 4, 1999.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 12, 1999, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

Variance Request

Request by Armada/Hoffler Holding Company for a variance to erect an off-premises sign, as permitted under proposed Section 11-5-9 of the Sign Ordinance. The requested sign would serve commercial uses located on Lot H of a proposed shopping center entitled Port Republic Road Business Park. The proposed off-premises sign would be located on the South West corner of the intersection of Port Republic Road and Peach Grove Avenue, be freestanding, and have an area of 170 square feet. The property served by the sign is identified as block map parcel 92-H-11. The sign is proposed to be located on block map parcel 92-F-17, at 1091 Port Republic Road.

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, shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

Daniel Michael

from Valley Engineering said that he was present to answer questions or address any issues.

Barbara McKee

said that she was opposed to the sign variance for a number of reasons. She said that she lived in a residential neighborhood and would like the construction and location of the sign to be in harmony with the neighborhood. There are multi-dwelling student housing districts on both sides of the new business park and single family districts. The proposed sign is not in keeping with the intent and purpose of residential districts. She noted that other businesses in the area had attractive signs and said that she could not understand the purpose of the excessive sign requested by Armada/Hoffler.

Julie Strunk

said that she was opposed to the sign variance because of the excessive size of the sign. It is not in keeping with the residential neighborhoods that surround it. She said that the new proposed shopping center is the only one in the City surrounded by residential neighborhoods. She reviewed several sections in the City Code and requested that Council modify or deny the variance request. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Discussion included placing a smaller sign on the lot, Armada/Hoffler's proposal of only one freestanding sign of 170 square feet on the corner lot, how many freestanding signs could be on the corner lot, 35 foot maximum height signs, ordinance change granting variances for off-premises signs for businesses not having a public street frontage, the possibility of 16 signs in the business park and two freestanding signs on the out parcel, cooperation and compromise of Armada/Hoffler representative, concerns of nearby residents, limiting on-premises free-standing signs, and not having a field of signs in the area. Council Member Rogers offered a motion to allow one off-premises freestanding sign up to 170 square feet on the corner lot F, and specified that lot H be limited to three on-premises, freestanding signs not more than 35 feet in height. In addition, the motion also included that the one off-premises sign would be the only freestanding sign on lot F and any business locating on that lot that wanted freestanding signage would have to advertise on that sign with back lighting on the sign approved by the City. 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 Rogers

Council Member Byrd

Mayor Eagle

No - None

Planning and Community Development Director Turner introduce a request by Blackrock Contracting, Inc. (lessor) for a special use permit to operate a business and professional office at 1610 Country Club Road, in the M-1 General Industrial District. She explained that this request is for a special use permit from K. Bailey and Associates who operate a distribution and service center for air filtration equipment. Currently in the M-1 zoning classification business and professional offices are permitted by special use permit. Staff visited K. Bailey and Associates' office on East Market Street and determined that the business operates primarily as a

professional office rather than a retail establishment, although some walk-in customers are expected. Staff recommends approval of the special use permit, with one condition. Due to safety concerns about the lack of a defined entrance onto Country Club Road, the property owner shall stripe off the front of the property with yellow paint and designate the area as a no parking zone. This is intended to deter drivers from backing out of parking spaces onto the street. Planning Commission did request that Blackrock designate 12 parking spaces on the property and with this condition Planning Commission did recommend approval of the request.

At 8:19 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, December 28, 1998, and Monday, January 4, 1999.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 12, 1999, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

Special Use Permit

Request by Blackrock Contracting, Inc. (lessor) for a special use permit to operate a business and professional office at 1610 Country Club Road, in the M-1 General Industrial District. The existing building would serve as the office of K. Bailey and Associates (lessee). The property is identified as block map parcel 13(E)2.

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, shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 8:20 p.m., and the session reconvened. Vice-Mayor Lantz offered a motion to approve this request with the conditions suggested by Planning Commission. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 8:22 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 Tuesday, December 29, 1998, and Tuesday, January 5, 1999.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 12, 1999, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia.

The Harrisonburg City Council will receive the views of citizens regarding the proposed use of funds paid under the Local Law Enforcement Block Grant as it relates to the Harrisonburg Police Department's entire budget. At this hearing, persons shall be given an opportunity to provide written and oral views to the City Council about the Department's budget and the relation of the Grant to the entire budget.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against the local Law Enforcement Block Grant.

Colonel Don Harper

stated that United States Department of Justice issues the local Law Enforcement Block Grant to assist localities in improving public safety. A public hearing must be held to receive these funds which will be used to purchase computer equipment, radio equipment, and surveillance equipment used in drug investigation. There being no others desiring to be heard, the public hearing was declared closed at 8:23 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this block grant. 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 Rogers

Council Member Byrd

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request for a special use permit to operate a Bed and Breakfast Facility on a 1.874 acre tract of land located at 491 Garber's Church Road. She said that a public hearing was held on December 15th, and no one spoke in opposition to the request. The ordinance amendment allowing a Bed and Breakfast to operate in the residential zoning classification received a second reading approval on tonight's consent agenda. The house located on Garber's Church Road is an older structure with a historical background. The Fitzgerald's would like to have 10 guest rooms and will provide ample parking space. Planning Commission did recommend approval of the request. Council Member Rogers offered a motion to approve this request. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration an agreement with the Rockingham County School Board. He explained that in November 1998, Council approved an allocation of water up to 6,000 gallons per day to the Rockingham County School Board for a proposed new elementary school site on 33 West. The City will furnish water to the School Board on average at 180,000 gallons per month. If at any time the water usage for the Rockingham County School Board exceeds on average 180,000 gallons per month, the School Board will pay a surcharge of \$500.00 plus double the rural rate for exceeding the average. Council Member Rogers offered a motion to approve this agreement. The motion was seconded by Vice-Mayor Lantz,

and approved with a unanimous vote of Council.

Council Member Rogers offered a motion to recommend Earl A. Budd, Richard H. Collins, J. Nelson Liskey, and Edward P. Shank to the Circuit Court for appointment to the Board of Equalization. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Economic Development Director Shull presented a brief report for Council's consideration regarding the status of the Harrisonburg/Rockingham Comprehensive Labor Force Analysis. Mr. Shull explained that this is a joint project between Harrisonburg and Rockingham County. Both localities have jointly contracted with the Wadley-Donovan Group a well-known site selection and labor analysis consulting firm in New Jersey. The survey is expected to be implemented this month or in February with preliminary results expected in April. One part of the survey is directed at employers employing 25 or more employees to determine what skills they need and are lacking in the work force. There are plans to conduct in-dept interviews with about 20 employers. A second part will be an analysis of training institutions including high schools, community colleges, universities and private job-training centers. A final report will match these two together to determine how we can better serve our local work force to meet the needs of our employers. The final report and consultant presentation to both governing bodies is projected for the end of June.

Public Utilities Director Collins presented for Council's consideration adopting a Water Conservation Ordinance for a first reading. He explained that should an emergency exist in the City a detailed plan of action would be implemented to include specific measures for voluntary, mandatory, and emergency conditions during severe water shortages. It incorporates the majority of substances within AWWA recommended drought management planning, incorporates some recommendation of the tested North River Surface Water agreement, and the ordinance has been successfully tested in the Tidewater area of Virginia. It is far more comprehensive than anything the City has in the ordinance. He said that the City needed to be prepared in case an emergency existed and reviewed some extreme measures that could contribute to a water shortage in the City. Council Member Rogers offered a motion to adopt this Water Conservation Ordinance for a first reading. 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 Rogers

Council Member Byrd

Mayor Eagle

No - None

At 8:40 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 Harrisonburg Transportation Safety Commission, Blue Ridge Disability Service Board, Industrial Development Authority, and recommendation to Circuit Court for Board of Zoning Appeals exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950 as amended. Discussion and consideration of the acquisition and sale 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 concerning probable litigation and a proposed contract, 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.

At 11:10 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 11:11 p.m., there being no further business and on motion adopted the meeting was recessed until January 22, 1999 at 7:00 p.m. in Massanetta Springs at which time Council plans to convene in executive session for consultation with the City Attorney.

The meeting reconvened on January 22, 1999 at 7:00 p.m. for discussion with the City Attorney. The meeting was adjourned at 11:40 p.m.

MAYOR

CLERK