

REGULAR MEETING

JUNE 22, 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; 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. Absent: City Attorney Earl Q. Thumma, Jr.

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

Human Resource Director Whistleman introduced seven new City employees: Robert DeMoss, Eddie Morris, Mark Shifflett, Public Works Department; Kenneth Showman, Public Utilities Department; Julie Kline, Community Development Department; and Marc Dawkins, Edward Drayton, Police Department.

Council Member Green 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, Fire Department, Public Transportation Department, and Parks and Recreation Department, closing an alley on West Water Street South and increasing the Treasurers budget. The motion also included amending and re-enacting Section 13-1-3. of the Harrisonburg City Code and amending Section 10-3-25(8) of the Zoning Ordinance. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

Absent: None

Planning and Community Development Director Turner introduced a request by Gary Beatty for closure of a 12-foot wide alley running along the northeastern boundary of 752 Ott Street and to vacate 1,290 square feet of right-of-way along Ott Street. She explained that Mr. Beatty owns property along both sides of the alley. Also, a triangular portion where the wall is located is surplus City property. It is not part of the right-of-way. Mr. Beatty is requesting these areas be closed partiality along Ott Street and the alley between the properties because the property is zoned R-3 Multi-Family Residential classification. There are currently houses containing duplexes on both lots. Mr. Beatty would like to remove these houses and construct multi-family apartment buildings on the lot. This will provide more lot area, increase the setback area from the Ott Street right-of-way, and allow some additional building extensions over the alley separating the two parts of his property. It will not increase the overall lot area but will allow the properties to be connected for further development. Planning Commission considered this request at several meetings and ultimately recommended approving this request if a water line easement is maintained at the alley, the retaining wall at the corner of Ott Street and Cantrell Avenue is removed as a condition of the closure of the Ott Street right-of-way, and the sale of any property along Cantrell Avenue. The wall is a concern because it is on public property and maintained by the City.

At 7:41 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 Monday, June 7, and Monday, July 14, 1999.

**NOTICE OF INTENTION TO VACATE A
PORTION OF THE OTT STREET RIGHT-OF-
WAY AND A TWELVE-FOOT ALLEY OFF OF
CANTRELL AVENUE IN THE CITY OF
HARRISONBURG**

City Council Chambers

Tuesday, June 22, 1999

7:30 p.m.

The Harrisonburg City Council will hold a public hearing on Tuesday, June 22, 1999, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia to consider an application to vacate a 1,290 square foot portion of the Ott Street right-of-way running from property owned by Rockingham Memorial Hospital northeast to Cantrell Avenue, and to consider vacating a twelve foot (12') wide alley running northeast from land owned by Rockingham Memorial Hospital to Cantrell Avenue.

A request of Gary L. Beatty to vacate a portion of the Ott Street right-of-way running northeast from the northeastern lot boundary line of 752 Ott Street, approximately 130 feet in length along the northwest boundary lines of 748 and 742 Ott Street to Cantrell Avenue, consisting of 1,290 square feet, in the City of Harrisonburg. A request is also made to vacate a twelve foot (12') wide alley running northeast from the northeastern boundary line of 752 Ott Street approximately 158 feet in length along the southeastern boundary line of 748 and 742 Ott Street to Cantrell Avenue, consisting of 1,907 square feet, in the City of Harrisonburg.

A copy of the recommendation of the City Planning Commission along with a copy of a plat showing the portion of the street and alley to be vacated are available at 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 individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager's office at 434-6776 at least five days prior to the date of the public hearing.

City of Harrisonburg

Steven E. Stewart

City Manager

Henry Clark

, attorney with the law firm of Clark and Bradshaw, representing Gary Beatty explained that Mr. Beatty has owned the property for 20 years. He said that the alley which is 12 feet wide is topographically unusable for either access or traffic. He also said that there are two water lines that run through the property which have been

discussed with the Water and Sewer Department and a reasonable solution has been tentatively agreed to if the alley is closed. There is a 18-inch water line that runs through the site which is one of the main water lines in the City. Right now it is located within the right-of-way, but there needs to be an easement granted for it. He explained that their proposal upon vacation of the alley, is to dedicate a 20 or 25-foot easement for these water lines and the developer will move the six-inch water line into the easement. Therefore both water lines would be in a legitimate granted easement. The wall is on City property; however, the owner is willing to remove it. As part of the agreement on the alley and acquisition of the other strip, the developer during the construction period will remove the wall. The proposed building is very similar to the JMU dormitories. There will be 18 units consisting of 72 bedrooms. The parking on the preliminary plat indicates parking in excess of the City's requirement. Due to the location of these units there will be very little traffic in and out of the parking lot. Also, all of the traffic in the development will enter from Ott Street and the existing little roadway from Cantrell Avenue will be closed as part of the project. He pointed out that the tax base will be increased dramatically to the City. He also noted that this project is not depending upon the abandonment of the alley. They can build this project under the strict interpretation of the City's zoning codes and building codes. This project will greatly benefit the City. It will allow the owner to develop a more compact and serviceable project.

Glenn Hodge

, attorney with law firm of Wharton, Aldhizer and Weaver, representing Rockingham Memorial Hospital, said that the hospital was concerned the preliminary plan showed only 68 parking spaces for the planned 72 bedrooms. He said that hospital officials were concerned vehicles from the apartment project would spill over into Ott Street and take spaces away from the area in front of the Wine-Price Center. Removing the wall will probably benefit sight distance. There being no others desiring to be heard, the public hearing was declared closed at 7:55 p.m., and the regular session reconvened.

Discussion included the conceptual drawings of the buildings showing four stories including one level partially below ground, City code allowing only three stories to be occupied, how many people would actually be allowed to live in the building, students doubling up, students moving off campus to have their own bedroom, easements, and RMH concern regarding 72 planned bedrooms and only 68 parking spaces. Discussion also included no more than one unit per 3,000 square feet of lot area, 12 dwelling units per building, each unit having only four unrelated people living together, concern about increasing density in an area where visibility is limited, maintaining the wall is currently the City's liability, many vehicles and traffic, and the best interest for the neighborhood. Council Member Green offered a motion to appoint a Board of Viewers to examine the impact of closing the alley and directed staff to develop clearer information on what Gary Beatty plans to build there. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Mayor Eagle announced that the agenda item to consider setting a public hearing date to consider sale of City property was removed.

City Manager Stewart announced that the request by Owens-Brockway Plastics, Inc. to rezone a parcel located at 291 West Wolfe Street was tabled. Owens-Brockway is still discussing the request with adjacent property owners.

City Manager Stewart presented a request by Eleanor Price, resident of 1310 Crawford Avenue, to consider the implementation of tow away zones on Crawford and Weaver Avenue. Ms. Price submitted petitions supporting the tow away zones in all the neighborhoods in the Purcell Park area. She said the petitions represented 75%-80% of the residents in these neighborhoods. She also explained that they would provide information to the residents in the neighborhoods concerning the rules of the tow away zones. The City Attorney will draft an ordinance to allow a tow away zones to be designated between South Main Street, I-81

and the Purcell Park area for a second reading at the July 13 Council meeting. Council Member Green offered a motion to designate this area as a tow away zone for a first reading. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

Absent: None

City Manager Stewart presented a request from the Harrisonburg-Rockingham Community Criminal Justice Board. This request will be for grant writing assistance for the development of an integrated criminal justice information system and requires a \$12,500 match from the City. Vice-Mayor Lantz offered a motion to support this request. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

Absent: None

City Manager Stewart presented an application for fireworks display at Spotswood Country Club on July 4, 1999. He explained that Skyfire Fireworks Displays has completed the appropriate application and they have met all Fire Department requirements. Council Member Green offered a motion to approve this request. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to reallocate funds to cover the City's share of expenses with Rockingham County for development of a landfill and closure of the County landfill. Council Member Rogers offered a motion to approve the transfer of these funds:

\$550,000.00 chge. to: 1324-910142-48681 Landfill Closure & Monitoring

\$550,000.00 approp. to: 1324-910142-48684 County Landfill Development & Closure

The motion was seconded by Vice-Mayor Lantz, approved with approved with a unanimous vote of Council.

City Manager Stewart said that he had spoken with Mike Amyx of the Virginia Municipal League concerning the 50/30 retirement issue from the Virginia Retirement System enacted by the General Assembly. He

explained that the legislation was proposed after the VML committees had met and established the VML policy statements for the last session of the General Assembly. VML did not take a position when the bill was introduced at the General Assembly. He said that although beginning in fiscal year 2000-2001, the City's contribution rate to VRS will drop, if the City would opt out of the 50/30 program the reduction would be greater. It provides a positive benefit to a number of employees down through the years and puts the City in a better competitive situation with other localities. Council decided not to take any action.

Mayor Eagle said that Friendship Industries has requested that the City contribute another \$25,000 to their new facility. Council Member Rogers noted that Friendship Industries contributes a lot to the community and provides employment to disabled persons. Council Member Rogers offered a motion to approve this request for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

Absent: 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 Parking Authority, and the Community Services (Chapter 10) 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, 1950, amended. Discussion concerning an industry expansion in the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia, 1950, as amended. Discussion and consideration of the acquisition of real estate to be used for a public purpose, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) 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 9:45 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 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.

There was a general discussion about the public information forum on the proposed golf course to be held on July 12, 1999.

Vice-Mayor Lantz offered a motion to renew City Manager Stewart's employment agreement from July 1, 1999 through June 30, 2002. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

Absent: None

At 10:35 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

cc: City Council

City Manager

Assistant City Manager

Director of Finance

Public Library

Charlene Rice