

REGULAR MEETING

JULY 13, 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.

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 a supplemental appropriation for Friendship Industries. The motion also included amending and re-enacting Section 13-1-60.01(b) of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

Absent: None

Planning and Community Development Director Turner introduced a request by Robert F. Moss and William D. Sanger for a special use permit (per section 10-3-97(3) of the Zoning Ordinance) to operate a professional office at 1620 Country Club Road, in the M-1 General Industrial District. She explained that the applicant plans to operate a real estate office in the M-1 General Industrial zoning classification. She reviewed the surrounding land uses adjacent to the property. The Land Use Guide recommends this site for General

Industrial Use. In May of 1995, the applicant was granted a change of use permit to operate an accounting office at 1620 Country Club Road; however, the zoning regulations did not have a special use permit provision to allow professional offices in the M-1 District. It is unclear why the accounting business was allowed to locate there. Staff advised the applicant to apply for this permit to bring the property into compliance. She said that Planning Commission recommended approval of the request.

At 7:35 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 Tuesday, June 29, and Tuesday, July 6, 1999.

## NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, July 13, 1999, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

### Special Use Permit

1. Request by Robert F. Moss and William D. Sanger for a special use permit (per section 10-3-97(3) of the Zoning Ordinance) to operate a professional office at 1620 Country Club Road, in the M-1 General Industrial District. The property is identified as parcel 13(E)5.

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 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 special use permit.

Bill Shomo said that he would be leasing the property and was present to answer questions or address any issues. There being no others desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this special use permit 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 - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

Absent: None

Planning and Community Development Director Turner introduced a request by Owens-Brockway Plastics, Inc. to rezone parcel 35(R)40 at 291 West Wolfe Street from R-3 Multiple Dwelling Residential District to M-1 General Industrial District (conditional). She explained that this request had been continued from a previous meeting. The applicant is requesting to rezone one lot of 7,692 square feet from R-3 Multiple Dwelling Residential District to M-1 General Industrial District (conditional). In a letter dated March 5th, Owens-Brockway Plastics had proffered that this area would be used for a parking lot for their facility. They also proffered that the company would provide a landscaped buffer zone between the parking lot and adjoining properties. However, at several public hearings, there were some concerns from adjacent property owners concerning the buffering of the parking lot and water runoff. Owens-Brockway Plastics has been working with an engineer to resolve some of these details with the surrounding property owners. They will be presenting an amended proffered letter tonight to address some concerns of the surrounding property owners. The buffer zone will consist of shrubbery serving as a visual barrier along with the installation of privacy strips in the chain link fence to match the existing fence. Hopefully all of the communications problems have been conducted between the property owners and a solution can be presented to City Council.

At 7:39 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 Tuesday, June 29, and Tuesday, July 6, 1999.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, July 13, 1999, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:**

##### **Special Use Permit**

**2. Request by Owens-Brock way Plastics, Inc. to rezone parcel 35(R)40 from R-3 Multiple Dwelling Residential District to M-1 General Industrial District (Conditional). The property located at 291 West Wolfe Street is 7,692 square feet in area. The Comprehensive Plan recommends that property for Neighborhood Residential use. This type of land use is characteristic of older neighborhoods that have large housing units on small lots.**

**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 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 rezoning request.

Steve Thigpen, plant manager at Owens-Brockway Plastics, presented an amended letter restating the company intent to use the lot for employees and visitors parking. He also explained that the buffer zone will consist of shrubbery to be planted as a visible barrier including installing the privacy strips. With the assistance of TRIAD Engineering Inc., Owens Brockway Plastics and Dr. Joseph Ervin have agreed on a proposal to resolve the water run off problem. He said that AOWens Brockway Plastics has addressed all issues and concerns to the best of our knowledge and would appreciate approval of the request.@

Dr. Joseph Ervin, said that with the assistance of TRIAD Engineering a satisfactory way of dealing with the water run off had been resolved. There being no others desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve the rezoning request as presented. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

Absent: None

Emily Purdy, retired Director of the Harrisonburg/Rockingham United Way, presented Council with a beautiful framed picture with a story titled AWithout United Way a lost Civilization@ that she had written about the community. She also said that Trudy Cole-Zielanski had framed the picture. City Council thanked Ms. Purdy for the picture.

John Raker, Spotswood Country Club Tennis Pro, announced that a woman=s professional hard court tennis tournament will be held on the campus of James Madison University August 1-8, 1999. The event is part of the International Tennis Federation (ITF), the Women=s Tennis Association (WTA) Tour and the United States Tennis Association (USTA) Professional Tour. This is the first professional tennis tournament to be held in Harrisonburg. The tournament is expected to draw between 90-100 professional world-ranked tennis players representing 31 different countries competing for \$10,000 in prize money. He also said that there will be no charge for the eight-day event because they have received adequate financial support. Council Member Rogers acknowledged the hard work and effort of Ruth Deskins and the Visitors Bureau in encouraging this tennis tournament to be held at JMU.

Jim Deskins, Harrisonburg Redevelopment and Housing Authority Executive Director, presented a brief report on the proposed new Harrisonburg Farmer=s Market. He explained that the modified plans for the market will include a two-post design for the shelter and changing a three bay entrance into the shelter on Liberty Street. Construction can begin on the shelter once they have received and awarded the bids. Discussion included ground support for the footers, safety concerns to enable the tower to stand on Graham Street, fire trucks passing through the tower, people being able to get to the tower from the second floor of the building, and lighting at the law office of Clark and Bradshaw.

Council Member Byrd offered a motion to approve the cancellation of the September 14 and September 28 Council meetings and to move the meetings to September 7 and September 21. The motion also included the cancellation of the December 28 Council meeting and to move the December 14 meeting to December 21. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council. Council decided to wait another month before making a decision regarding changing a meeting date in October.

City Manager Stewart presented a request to reallocate current budget funds in capital projects for rehabilitation to the Cantrell Avenue Bridge. Council Member Green offered a motion to approve the transfer of these funds:

\$286,001.31 chge. to: 1310-910141-48605 Grace Street Bridge

80,000.00 chge. to: 1310-910141-48608 Chesapeake Avenue Bridge

\$366,001.31 approp. to: 1310-910141-48612 Cantrell Avenue Bridge

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

City Manager Stewart presented a request for a supplemental appropriation of funds encumbered at June 30, 1999. He explained that these funds are for purchase orders committed out of last year=s budget for a variety of goods and/or services. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$59,047.38 chge. to: 2011-31010 Amount from fund balance

18,838.66 chge. to: 2012-31010 Amount from fund balance

1,978.81 chge. to: 2013-31010 Amount from fund balance

\$ 3,570.00 approp. to: 2011-332061-43380 Water loss management

1,895.84 approp. to: 2011-372061-48181 Building and grounds

13,975.00 approp. to: 2011-372061-48188 tanks and pumps

5,221.54 approp. to: 2011-372061-48291 Engineering/mapping

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

13,418.66 approp. to: 2012-472061-48181 Buildings and grounds

4,900.00 approp. to: 2012-472061-48271 EDP equipment

520.00 approp. to: 2012-472061-48273 Software

1,978.91 approp. to: 2013-812081-43100 Professional services

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

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

Absent: None

City Manager Stewart presented for Council=s consideration of a first reading an ordinance amending and re-enacting Section 4-2-97 of the Harrisonburg City Code. He explained that this amendment is being made to eliminate the need to charge the admissions tax at public school events. Vice-Mayor Lantz offered a motion to approve this ordinance 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 Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

Absent: None

Assistant City Manager Baker presented a request for a supplemental appropriation for emergency generators for Harrisonburg High School. He explained that in reviewing the contingency plans for Y2K preparedness it was realized that there was no emergency generation capability at the high school. The high school is designated as the primary shelter in times of emergency. Mr. Baker explained that funding was not budgeted for Y2K corrections. These funds for \$54,000 will be used to rent these generators. City Manager Stewart said that he hoped the City would not need the generators but as a community we need to be prepared for every contingency. It will cost approximately \$210,000 to purchase these generators. Discussion included \$54,000 to rent these generators for four months, most economic way to serve the citizen, City responsibility for the hookup, renting versus lease/purchase, buying new generators rather than renting used generators, and without generators having no means of providing electric to emergency shelter. Council Member Green offered a motion to appropriate the \$54,000 request for a first reading with the direction to investigate the purchase of new generators including the cost of a permanent hookup and if possible arrange a lease/purchase agreement or installment payments. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

Absent: None

Council Member Green offered a motion that Bill Boyd, 402 Fairway Drive, be appointed to fill the unexpired term of James McHone to expire on November 28, 2002 and Dr. Charles Shank, 1110 Moffett Terrace, be appointed to fill the unexpired term of James AJim@ Richardson on November 28, 2000 on the Harrisonburg Parking Authority. The motion was seconded by Council Member Rogers and approved with a unanimous vote of Council.

Vice-Mayor Lantz offered a motion that City Manager Steven E. Stewart be appointed to a term on the Shenandoah Valley Partnership Board of Directors to expire on June 30, 2001. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 8:15 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CLERK

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MAYOR

