

REGULAR MEETING

AUGUST 8, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, and Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/AAE, and Chief of Police Donald Harper.

Council Member Rogers delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Vice-Mayor Peterson 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, Parks and Recreation Department, capital outlay items, and several encumbrances. The motion also included an ordinance establishing the Harrisonburg Crossing Community Development Authority (CDA). The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by D.B.D., Inc. for a special use permit (per Section 10-3-91(4) of the Zoning Ordinance) to co-locate communication antennas on an existing 75 foot broadcast pole. The site is located at 130 University Boulevard and identified as parcel 78-C-1. She explained that in April 2000 a building permit was approved for Easy Radio, Inc., a radio station re-locating in the upper floor of Donovan's Framery building. The pole for the radio station is permitted as an accessory use by the Zoning Ordinance in the B-2 zoning classification. She also clarified that communication towers no more than one hundred twenty-five (125) feet in height are allowed as a special use permit. The Comprehensive Plan states under Community Facilities those utility companies such as telecommunications, electrical, and cable need to place emphasis on aesthetics and environmental concerns during construction and maintenance of facilities. The property owner has requested a special use permit to install telecommunication equipment on the pole for Shenandoah Personal Communication, CellularONE, and RICA.net. Mrs. Turner said that Planning Commission reviewed the request and recommended approval of the special use permit with the following conditions: a) No companies' equipment, except equipment by the radio station, shall be placed on the pole until the radio station is operating from the office building at 130 University Boulevard and all radio station equipment is on the pole. In addition, if the radio station ceases to operate from the building, the co-located equipment shall be removed. b) If Shenandoah Personal Communications, CellularONE, and/or RICA.net go off the air or their equipment no longer operates for more than twelve (12) months, then all equipment associated with that company shall be removed from the pole. c) Only the equipment shown on the submitted drawing shall be approved under the issuance of this special use permit. Any other equipment placed on the pole not shown on this drawing will constitute a violation of the special use permit and make the permit null and void. Therefore, all equipment for Shenandoah Personal Communications, CellularONE, and RICA.net will have to be removed from the pole. This shall not include equipment approved under another special use permit. d) The equipment attached to the pole shall be painted a uniform color to match the pole that decreases the visual impact on the surrounding environment. e) The fence shall be maintained so as not to appear dilapidated or in poor condition, and to provide security against entrance by unauthorized persons. f) Landscaping surrounding the fence line shall consist of evergreen materials and shall be maintained to improve the appearance of the surrounding area. g) Placement of advertising of any kind is prohibited on the fence and/or antennas, except for an 11"X17" sign, placed on the fence, displaying telephone numbers in case of emergency. h) City staff shall review the special use permit annually, on the date of permit issuance, for compliance to the above conditions. If any of the above conditions are found to be in neglect, then a certified letter will be sent to the property owner, at which time the condition shall become compliant. If the condition is not brought into compliance then the special use permit will be held null and void and all equipment approved under the issuance of this permit shall be removed from the pole.

At 7:40 p.m., Mayor Frank 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, July 24, and Monday, July 31, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, August 8, 2000 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

Request by D.B.D., Inc. for a special use permit (per section 10-3-91(4) of the Zoning Ordinance) to co-locate communication antennas on an existing 75' broadcast pole, on property identified as parcel 78-C-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 an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Frank called on anyone desiring to speak for or against approving this special use permit.

Gary Summers, a resident of Staunton, and representing Project Development Services briefly reviewed the equipment that will be located on the pole and inside the building on the second floor.

There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve this special use permit.

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Mayor Frank

Absent - None

Todd Rhea, attorney with the law firm of Clark and Bradshaw, presented an overview of the rezoning request by Beckwith Development which had been tabled from the July 25th City Council meeting. He explained that despite many hours attempting to find some common ground, a settlement could not be reached by both parties. However, he said as an outcome of the discussions and showing good faith in an attempt to address the stated concerns previously raised, the applicant is willing to reduce the density of this parcel by 30% from 29 townhomes in the initial proposal to 20 townhomes which is 50% of permitted density under R-3 zoning requirements. The issue is the proper development of this subject tract which is currently zoned R-1. The primary reason for the initial rezoning request by Beckwith Development was the geography unique location of this lot which is adjacent to a B-2 zone. This parcel can be used as an appropriate buffer development because it is between B-2 and other residential areas. He said they believed this was the reasoning behind the Planning Commission's unanimous approval of this application and its recommendation by City staff. He urged City Council to consider the Comprehensive Plan, City staff and Planning Commission's recommendations when voting on the merits of this request.

Jay Litten, attorney with the law firm of Litten and Sipe, and representing Frazier Quarry said that the Fraziers still opposes this rezoning application because of public safety, family residential development, and children living in close proximity with an industrial site. He said to have a quarry on one side and an electrical station on the other side creates too many safety hazards. Industrial areas should be kept separate from residential areas according to the Comprehensive Plan. He insisted there is an abundance of R-3 land and multi-family housing in the City.

Discussion by Council Members included whether lot 7 had been transferred to Frazier Quarry, restrictive covenant, Comprehensive Plan, and keeping what the Comprehensive Plan recommends for medium density residential. Further discussion included that Planning Commission and staff have heard the same presentation that City Council has heard at all the meetings, traffic generated by any increase in density from a proposed development, City Council having the ultimate authority to make the final decision, and that staff judges a rezoning by the same criteria City Council judges it by. City Manager Stewart further clarified that the Comprehensive Plan takes into consideration many factors including safety, density, potential impacts on traffic, and there should be an overwhelming reason not to follow the Comprehensive Plan. Council Member Fitzgerald offered a motion to approve this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

No - Vice-Mayor Peterson

Mayor Frank

Absent - None

Planning and Community Development Director Turner presented an overview of Planning Commission's recommendation concerning the proposal to purchase a 48-acre tract of land adjacent to Hillandale Park. She explained that a proposal was made by Council Member Rogers at the May 23rd City Council meeting to add a 48-acre tract of land to Hillandale Park. This proposal was referred to the Parks and Recreation Commission and then to Planning Commission. The Parks and Recreation Commission have considered the proposal and have recommended purchasing the 48-acre tract of land bordering Hillandale Park. Mrs. Turner said that Planning Commission recommended purchasing the property with the stipulation that the land be an addition to Hillandale Park.

Paul Rexrode said that the addition into the park system can be desirable or undesirable to the neighborhood. There is a need for more walking trails and woodland. This type of development would be low impact and would enhance the quality of life for residents of the area. It would preserve the quiet and private character of the neighborhood. He suggested that a plan of development for the proposed park addition be made and publicized before the property is purchased.

Council Member Rogers offered a motion directing Council Member Lantz, the City Manager and his staff present a recommendation to City Council at a later meeting including the cost of the 48 acres. He also suggested that the property should be used for passive use. City Manager Stewart clarified that the Parks and Recreation Commission recommendation s stated that the property should be used for passive use, such as walking trails and picnic areas. The motion by Council Member Rogers was passed with a unanimous vote.

Public Works Director Baker presented an overview on the plans for renovations to the Resource Recovery Facility (RRF). The purpose of this report is to provide information to the Council on the planning of renovations to the Resource Recovery Facility (RRF) Solid Waste Burner Plant. The plant is located on Driver Drive adjacent to JMU CISAT campus.

The original RRF plant was placed in operation in June of 1981. The cost of construction was \$7,179,000. The plant burns municipal solid waste and generates steam for supporting the building heating load for JMU west campus, Convocation and Recreation Center.

The design capacity of the plant is to burn 100 tons of waste in a 24-hour period; however, the average daily operational volume is approximately 80 tons per 24-hour period, depending on consistency of the trash. Operational volume is affected by down time for repairs and trash flow to the plant. The plant was constructed to reduce the amount of trash being placed in the landfill and to reduce the volume of fossil fuel for heating the JMU facilities. During the late 1970's and early 80's the price of fossil fuel, especially natural gas was very high, and an alternate fuel source was in demand.

In 1996 the operation was expanded to provide heat and cooling for the new JMU CISAT campus. The \$8.5 million expansion included the addition of two gas-fired steam boilers (for backup steam supply to the original waste boilers) and three 100 ton steam driven chillers and related equipment.

Steam from the waste burning operation provides the primary heat and energy supply, and the gas boilers are for peak demands and backup of the waste boilers. The current RRF serves JMU's Convocation Center, Recreation Center, and CISAT campus. Currently seven buildings are served on the CISAT campus with four buildings to be connected within the next three years.

The gas boilers also provide steam to generate electricity for peak demand for Harrisonburg Electric Commission. Steam is used to drive a 2.5 mega watt generator, which is located in the plant.

The waste-burning portion of the plant operates 24 hours a day 7 days a week. This section of the plant is 19 years old. Maintenance and repairs of the waste plant have increased over the years, especially the last two years. The constant use and the increased demand for serving the CISAT campus have created a higher demand on the plant.

Wear on an incinerator (trash burner) is not unusual. The furnaces in the plant operate at an average temperature of 1500 degrees. The consistency of the trash being burned also causes extreme wear. Mr. Baker noted that what ever you throw in your trash could go through the plant. Inert material (i.e., metal bed springs, auto parts, batteries, rocks, construction waste, glass, metal containers, LP bottles) are regularly in the trash being burned. These inert materials not only cause excessive wear, but cause environmental concerns with air emissions. The plant has air emission controls; however, new EPA small combustor air regulation will require the emission control systems in the plant to be rebuilt.

Major components of the waste burner furnace and boiler are in need of replacement. The sheet metal, furnace liner, framework, ash conveyor system, and furnace grates have corroded due to the heat. The boiler tubes have lost metal thickness, causing more frequent replacement, and the exhaust stack needs replacement due to the heat and exposure to the weather. Mechanical support equipment (i.e., electric motors and pumps) has operated for 19 years, 24 hours a day and are in need of replacement.

Also, in our planning for the renovation of the plant, we are considering the value of increasing the capacity of the plant. A 200-ton per day design capacity plant is being considered. Increased capacity will provide a larger reduction in the waste disposed at the landfill, and will increase the volume of steam for energy.

The decision to increase the capacity will depend on the energy needs of JMU and any participation, if any, in the project. Increased steam capacity should help reduce the need for steam generated from the gas-fired boilers. The waste plant at a 100-ton capacity cannot provide the steam needed, when the CISAT campus is completed. JMU's staff has been asked to assist with the decision to increase the plant capacity. Also, with Rockingham County's staff help, the impact of lengthening the life of the landfill, in relation to the cost of constructing the plant will be considered.

The budget estimate to renovate the RRF waste plant with an increased capacity that will provide compliance with the new EPA regulations is \$15,000,000. This is an estimate and every effort will be made to find ways to lower the cost.

Even though the plant is in need of renovations, its purpose has been well served through the capture of energy from a waste product. Space has been saved in the landfill and use of fossil fuel has been reduced.

It should be noted the City has agreements with JMU, Rockingham County, and Harrisonburg Electric Commission to maintain a waste burning plant to assist in our communities solid waste management process and to provide an energy source.

For these reasons, City staff recommends building the renovation of the Resource Recovery Plant. In review of the process of renovating the plant it has been determined that the technology of trash incineration has improved. Currently there are several ways to incinerate trash. To help determine the best method for the City's RRF renovations, Versar Greenwood Consultants from Lynchburg, Virginia will be hired by the City to assist in the planning process.

Versar Greenwood will develop a performance-based specification with clear expectations of what we want the plant to provide for us. Vendors will be invited to provide a proposal for rebuilding the plant based on their individual equipment design.

Versar Greenwood's contract for administration and engineering assistance in this project will be in several phases. The phases will start with development of the performance specification and progress through construction contract negotiations, bid award, construction review, final inspection and checks for expected performance. The cost for the consultant's services is estimated to be \$279,000 for all phases.

This process of solid waste collection and disposal is complex, and very expensive. Although the budget estimate for this project is very large, we must consider the cost of development, operating, and maintaining a landfill site, before we can determine if increasing the capacity of the plant is a positive option for the City.

Prior to the final decision to increase the capacity of the plant and the award of a construction contract it is suggested that Council and staff meet in a work session to review our Solid Waste Management plan for the City. Following further discussion and comments, Council Member Lantz offered a motion to proceed with architectural design. The motion was approved with a unanimous vote of Council.

Finance Director Seal presented a request for the Finance Department to set up a new fund. He explained that the City's Industrial Development Authority has requested that the City provide it with financial record keeping. Council Member Rogers offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds were made available through the United States Department of Labor funds made available to the Virginia Department of Education. This grant is called the Virginia Business - Education Partnership Grant. This request does not require any local funds. Council Member Fitzgerald offered a motion to approve this request for a first reading:

\$39,325.00 chge. to: 1111-33301 School Revenue - Federal

\$39,325.00 approp. to: 1111-111114-40610 Instruction

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Mayor Frank

Absent - None

City Manager Stewart said that they had held a water supply planning session on August 7, 2000. They had discussed an overview of the City's water supply including the history of the water supply and the Eastern Water Source project. Mr. Stewart said that money has been budgeted for the project and requested that City Council authorize the project to continue. The City will begin its design and right of way and easement acquisition phase of the project which is predicted to take about a year. Upon completion of the project, the City will issue bonds to pay for the costs of the project. Mr. Stewart also noted that the water rate increase which went into effect in July 1999 was the beginning of providing some of the money for the expansion of the water system. He also noted that this money has been accumulating during the past fiscal year and during this fiscal year. Council Member Fitzgerald offered a motion to continue the work on the project including

proceeding with expanding the water treatment plant and designing the water line and intake structure and acquisition of easements and right of way. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Mayor Frank

Absent - None

Assistant City Manager Baker announced that a meeting between City Council and the School Board has been scheduled for October 30th.

Mayor Frank announced that a retreat for City Council has been scheduled for August 18th and 19th.

Vice-Mayor Peterson offered a motion that Donald D. Driver, Jr., L. Wayne Harper, and Dr. Mark Warner be appointed to the Harrisonburg/Rockingham Community Justice Board. The motion was passed with a unanimous vote.

At 9:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR