

REGULAR MEETING

MARCH 13, 2001

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

Girl Scout Troop #24 from Harrisonburg including Briana Watts, Brianna Shears, Alona Gates, Jessica Mahon, Brittney Martin, Megan Kelly, and Logan Hand delivered the invocation and led everyone in the Pledge of Allegiance.

Mayor Frank request that Item #4c be removed from the consent agenda and considered separately.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of an ordinance amending Section 4-2-62 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote:            Yes -            Vice-Mayor Peterson

                  Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Mayor Frank explained that she had requested Item #4c be removed from the consent agenda because it will be approving a golf course driving range for a second reading. She said, AI am not objecting to the driving

range, but I am objecting to investing \$386,275.37 into a piece of property that the City does not own and has not agreed upon a purchase price. Council Member Fitzgerald offered a motion to approve the second reading of a golf course driving range. The recorded roll call vote was taken as follows:

Vote:        Yes -        Vice-Mayor Peterson

              Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

No -        Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by A.B. McHone and Sons to close a 613 square foot alley that runs north from West Water Street and to purchase a 1,425 square foot City owned parcel. She explained that the area is zoned R-2 Residential District. The applicant is requesting to close a 613 square foot alley running north south adjacent to property already owned by the applicant. In addition, the applicant is asking to buy a parcel which the City currently owns. The house on this site is currently nonconforming due to the 30-foot front yard setback and 7,000 square foot lot area requirements for R-2 Residential District. The addition of this land would still not make it conform to either the front yard setback or the required 7,000 square foot lot area requirements. She said that the Public Works Department has requested a 10-foot easement at the corner of West Water Street and South High Street. The easement would be used to place a future stoplight control box at this corner. Staff has reviewed the alley closing and recommends approval. Mrs. Turner noted that the sale of the property would not be handled the same as the transfer of the alley or the vacation and closure of the alley. The Planning Commission recommended closure of the alley. City Manager Baker said the City owned property will be advertised in the newspaper for sale by sealed bids or it can be sold at a public auction.

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, February 26, and Monday, March 5, 2001.

**NOTICE OF INTENTION TO CLOSE**

**AN ALLEY**

**LOCATED ON THE CORNER OF  
WEST WATER STREET AND NORTH HIGH STREET  
AND PURCHASING A 1,425 SQUARE FOOT CITY OWNED PARCEL  
IN THE CITY OF HARRISONBURG**

**The Harrisonburg City Council will hold a public hearing on Tuesday, March 13, 2001, 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of A.B. McHone & Sons, LLC to vacate a 613 square foot alley at the corner of West Water Street and North High Street and purchase a 1,425 square foot City owned parcel.**

**A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the alley to be vacated and closed 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 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**

**Roger D. Baker**

**City Manager**

Mayor Frank called on anyone desiring to speak for or against this alley closure. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve this alley closure and authorize City Manager Baker to advertise the City owned property for sale. The recorded roll call vote was taken as follows:

Vote:            Yes -            Vice-Mayor Peterson

Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

City Manager Baker presented for Council's consideration a request from the Salvation Army to donate City owned land adjacent to its facilities. He explained that the land consists of two paper streets that the Salvation Army had requested to be closed several years ago. However, since the City did not receive payment for the land a second reading was never held. The third parcel is a small triangle that would have to be disposed of by sealed bid or public auction. Mr. Baker said that Sections 6-1-22 and 6-1-23 of the Harrisonburg City Code refer to the specific language on how a street, alley or portion thereof can be vacated by action of the City Council. Discussion by Council Members included whether to refer this request to the Planning Commission, initiate the request to donate the land to the Salvation Army or ask them to withdraw their request. Major Samuel Van Denberg of the Salvation Army came to the podium and formally withdrew the Salvation Army's request. Council Member Lantz offered a motion to appoint a Board of Viewers to consider this request. The motion was approved with a unanimous vote of Council.

Tim Lacey, a builder and developer in Harrisonburg, presented a proposal to City Council. He explained that several years ago he had started developing and planning Westfield Subdivision. He also said that during the planning and reviewing process, City staff requested streets in the Westfield Subdivision be over built by adding additional asphalt to accommodate future growth. Mr. Lacey said that he had spent additional money to prepare for the future growth. He is now completing the final section of Westfield Subdivision and has an option to purchase a 102-acre parcel of county land bordering the western city limits. He estimated he could build 170-180 homes, but would need the City to lift its moratorium on services to county residents. In exchange for lifting the moratorium, Mr. Lacey said that he would donate 20 acres of the parcel to the City. He noted that this offer has no stipulations on how the land will be exchanged, could be, or should be used. Mr. Lacey said that as a developer he would pay the cost of extending water and sewer lines. The City will benefit by receiving twice the monthly fees for the service. Mr. Lacey said this offer will allow him to continue developing the subdivision.

Vice-Mayor Peterson questioned how many connections would be needed for the subdivision. He said that he would need more information about estimated water use before making a decision. He also said that he was concerned that lifting the moratorium would put an extra strain on the City's water supply.

City Manager Baker noted that the City's moratorium went into effect in 1991. Since 1991, requests have been granted to single families and a new Rockingham County school.

Council Member Fitzgerald asked two questions, Question number one, do we have the water and how much water will these houses need? Question number two, whether the situation is unusual enough that it would not create a precedent causing the City to break the moratorium for other requests? He said that he would need

more information about estimated water use before making a decision. He also questioned if the City had a use for the donated land.

Bob Steere, a resident of 652 Central Avenue, said that he was opposed to the deal. He said, I am concerned about the development's size and the large amount of water service that will be used per day. He also said that the City should provide water service to its citizens first before giving service to people who do not or will not live within the City limits. He pointed out that real estate taxes would be paid to Rockingham County.

Naomi Curry, a resident of 408 Lee Avenue, questioned whether it was appropriate for an elected official to make such an offer for financial gain, or to participate in any form of discussion related to such an offer.

Dale Metzler, a resident of 1513 North College Avenue, questioned the strain this request would put on the City's water supply.

Pat Spalding, a resident of 277 Franklin Street, questioned whether it was appropriate for an elected official to offer a gift in exchange for favors that will benefit monetarily. She also said that a gift is not a gift if it is related to receiving something in return.

Chris Watts, a resident of 1888 Shenstone Lane, said that she was worried about the families bordering Mr. Lacey's proposed subdivision. The property is almost completely surrounded by old farms. How many of the current residents will enjoy construction noise over the next year or the added traffic through the area.

Sallie Strickler, a resident of 1017 Smithland Road, thanked the Planning Commissioner for his comment regarding the areas in the City without water and sewer because her family lived in one of the areas. She said, I think that it is important to take care of those citizens living within the City limits before reaching out to others. She said that she has been waiting a long time for water and sewer.

Following further discussion and comments, Council Member Lantz offered a motion to table this item until further information can be provided. The motion was approved with a unanimous vote of Council.

Walter W. Aldredge, president of the Greendale Neighborhood Association, presented concerns from the residents regarding the operation of the Rockingham County landfill. He said, We believe the new cell is in violation of state and Federal regulations. We knew when we built our homes, the neighborhood was next to the Rockingham County landfill, but at that time there were trees and a large hill that separated the

neighborhood from the active part of the landfill protecting it from blowing trash and dust. However, things changed drastically last spring when the county cleared trees and leveled the large hill that separated residents from the active area of the landfill. Mr. Aldredge said that if Rockingham County cannot operate the landfill in total compliance, then it should not be operating a landfill. He suggested that Rockingham County should plant trees and build a large earthen berm to block the landfill from the Greendale residents. He suggested that housekeeping should also be a part of the landfill daily operation.

Captain Dan Claytor of the Harrisonburg Police Department presented an overview of the Weed and Seed Program. He explained that the Department of Justice had identified eight localities throughout the United States which have significant methamphetamine or drug problems. Harrisonburg and Rockingham County has been designated as one of those areas. Representatives from the eight jurisdictions met in San Diego, California to discuss various strategies on how to deal with this problem and learn about a strategy the San Diego area has been using which has had some success. Captain Claytor said that an application was submitted through the Harrisonburg-Rockingham Criminal Justice Board for funding through the Weed and Seed strategy program. The primary goals of the program's strategy are to reduce violent crimes, drug traffic, drug related crimes within a particular target area of a jurisdiction and provide a safe environment for law-abiding citizens of the community. He reviewed the four elements of the strategy program including law enforcement, community policing, prevention, intervention, and treatment of various programs for the residents in the targeted areas. He said that presently the Weed and Seed Initiative is under the direction of a Steering Committee composed of various government representatives. The application is being handled through the Harrisonburg-Rockingham Criminal Justice Board with the assistance of the United States Attorney's office in Roanoke.

The request from Eastern Mennonite University for a contribution to the Bach Festival has been tabled until the next meeting.

Director of Public Works Baker presented a request for Capital Project funds. He explained that these funds had been transferred into the East Side Road Improvement Capital Project from the General Fund to complete the project. However, since that project is completed, these funds are needed for the Stone Spring Road/Erickson Avenue project improvements. This transfer request will not increase the budget. It is only transferring funds from one project to another project. Council Member Lantz offered a motion to transfer these funds.

\$1,161,262.64 chge. to: 1310-910141-48607 Eastside Road Improvements

\$580,631.32 approp. to: 1310-910141-48636 Stone Spring Road Improvements

\$580,631.32 approp. to: 1310-910141-48637 Erickson Avenue Extension

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

City Manager Baker presented a request for transferring funds for the new Welcome to Harrisonburg entrance signs. He explained that a contest had been held and it was announced that Jim Anderson who is the owner and operator of Signs USA was the winner. This transfer is necessary to pay for the new entrance signs. Mr. Baker noted that the City will be working with the Virginia Department of Transportation in the placement of the signs. Council Member Lantz offered a motion to transfer these funds.

\$5,000.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$5,000.00 approp. to: 1000-410841-43010 Miscellaneous contractual services

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Director of Public Works Baker presented a request for a supplemental appropriation. He explained that the City needs to purchase 400 tons of deicing salt to replenish the stockpile of salt on hand for snow and ice control. Council Member Lantz offered a motion to approve this request:

\$19,044.00 chge. to: 1000-31010 Amount from Fund Balance

\$19,044.00 approp. to: 1000-410541-46070 Repair & Maintenance Supplies

The recorded roll call vote was taken as follows:

Vote:        Yes -        Vice-Mayor Peterson

              Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds from a Division of Motor Vehicles grant will be used to purchase orange traffic cones. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$1,250.00 chge. to: 1000-32520 DMV Grant

\$1,250.00 approp. to: 1000-310231-46100 Police Supplies

The recorded roll call vote was taken as follows:

Vote:        Yes -        Vice-Mayor Peterson

              Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds are unanticipated receipts from Federal funds that were not known during the budget process. The funds will be used in a Refugee Children School Impact Grant that has been made available to instruction. No new local dollars are required from the City. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$20,217.00 chge. to: 1111-33301 School Revenue - Federal

\$20,217.00 approp. to: 1111-111114-40610 Instruction

The recorded roll call vote was taken as follows:

Vote:        Yes -        Vice-Mayor Peterson

Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

Mayor Frank

Absent - None

Deborah Wright, a resident of 3081 Horseshoe Lane, questioned what could the City Council do to help the residents of the Greendale neighborhood. Mayor Frank responded that the only thing City Council can do is make sure Rockingham County is obeying all of the rules and regulations.

Bill Crapple said that he had retired and moved to the Greendale neighborhood. He said, AI have spent my life savings for my home and didn't know about the landfill because the realtor did not inform me it existed. When the expansion started last summer, it was a shock to everyone.

Council Member Lantz commented that City Council can encourage Rockingham County to follow the rules and regulations concerning the landfill.

Council Member Fitzgerald offered a motion that Roger Baker be appointed to a term on the Shenandoah Valley Partnership to expire on June 30, 2003. The motion was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that Jane C. Prey, 28 Laurel Street, be appointed to a second term on the Blue Ridge Community College Board of Trustees to expire on June 30, 2005. The motion was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that J. Wayne Alley, 418 Fairway Drive, be appointed to a second term on the Industrial Development Authority to expire on April 24, 2005. The motion was approved with a unanimous vote of Council.

At 9:15 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