

REGULAR MEETING

JULY 10, 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.

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

Vice-Mayor Peterson offered a motion to approve the minutes on the consent agenda and to dispense with the reading of the minutes from the previous meeting. The motion was approved with a unanimous vote of Council.

✓ Planning and Community Development Director Turner introduced a request by Spotswood Country Club, Inc., for a special use permit. The permit would allow the Country Club to construct and operate a private clubhouse and temporary clubhouse within the R-1, Single-Family Residential District. The site consisting of approximately 78 acres is located at 1980 Country Club Road. The clubhouse would be for the golf course members and outbuildings consisting of a pool and pool house all zoned R-1, Single-Family Residential District. The applicant's property was brought under the City's authority during the 1983 annexation. At the time of annexation the property was zoned to R-1, Single-Family Residential. Under the current R-1 regulations the golf course, clubhouse, and other facilities are only allowed by a special use permit. Mrs. Turner also reviewed the surrounding uses in the area. The Country Club has never applied or been approved for a special use permit, until now. Currently, the golf course, clubhouse, and other facilities are nonconforming uses. Section 10-3-20 states that "a nonconforming use shall not be extended, enlarged, reconstructed, or structurally altered. The Country Club is now looking at removing and rebuilding a larger clubhouse to provide more services for their membership. Spotswood Country Club is only requesting that they be allowed a special use permit to construct and operate a private clubhouse and temporary clubhouse for their membership in the area shown on their plan. The applicants are not asking for any other areas to be considered, except those outlined in the special use permit plan. She said that Planning Commission recommended approval provided that the building is located within the parameter of the site plan submitted as part of the application. This will give the Country Club the flexibility to move the building around to keep it in the general location of where the existing club is located.

At 7:36 p.m., Mayor Frank 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, June 25, and Monday, July 2, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, July 10, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

Public hearing to consider a request by Spotswood Country Club, Inc., with representative Stephen T. Heitz, for a special use permit {Section 10-3-34 (4)} to construct and operate a private clubhouse and temporary clubhouse within the R-1, Single-Family Residential District. The site is located on tax map parcel 73-B-1 (approximately 78 acres) and is located at 1980 Country Club Road.

Section 10-3-34 (4) of the Zoning Ordinance allows the following only by special use permit: private clubs and golf courses.

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 these public hearings. 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 request.

John Nevin, attorney for the applicant, said that he didn't have anything to add to the summary presented by Mrs. Turner. Joseph Funkhouser, a member of Spotswood Country Club, and a member of the building committee, discussed the need for building a new structure because of the age of the current facility. The new construction would be only slightly larger than the original building and in basically the same location as the present structure. The construction will last no longer than 9 to 10 months. Construction should start by the end of this summer and be completed by the end of the next summer. There being no others desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Abstained - Council Member Lantz
 Council Member Rogers

Absent - None

Planning and Community Development Director Turner introduced a request to consider adding an ordinance to the Zoning Ordinance, Article U. She also explained that a statement would be added to Section 10-3-123 of the Zoning Ordinance requiring proffers as part of a rezoning to be recorded at the office of the Clerk of Circuit Court. Mrs. Turner said that when an applicant is making proffers as part of a rezoning and intends to have more restrictions than what the zoning allows, those restrictions transfer with the property. However, when the property is being transferred and someone reviews the original proffer, the conditional zoning might be overlooked. It was a concern that people notice the conditional zoning up front and if it was recorded in the office of the Clerk of Circuit Court, it would be noticed every time the property changed hands. The language in Section 10-3-123 would read: A certified copy of all ordinances accepting proffered conditions, together with a duly signed copy of the proffer statement, shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of clerk of the circuit court within thirty (30) days of Council approval. She said that Planning Commission recommended approval. She also said prior to tonight meeting, City Attorney Miller had mentioned that the local bar association real estate committee may want to review the language in Section 10-3-123.

City Attorney Miller said that he would make the members of the local bar association real estate committee aware of the proposed language in Section 10-3-123.

At 7:43 p.m., Mayor Frank 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, June 25, and Monday, July 2, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, July 10, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

Public hearing to consider an amending the Zoning Ordinance, by adding the following to Article U. Amendments and Changes, Section 10-3-123.

- (d) **A certified copy of all ordinances accepting proffered conditions, together with a duly signed copy of the proffer statement, shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the clerk of the circuit court within thirty (30) days from approval of City Council.**

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 these public hearings. 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 amending this ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:44 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve this ordinance amendment for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Rogers
Vice-Mayor Peterson
Council Member Fitzgerald
Mayor Frank

Absent: None

Public Works Director Baker presented an overview of the City's current regulations for solid waste collection. He said City residents participate approximately 80% in the volunteer recycling program. The City's curb side recycling program provides a collection for glass, aluminum, steel/tin, plastic (with the number one or two on the bottom) and miscellaneous metal. In addition, there is a "white goods" collection once a month which includes refrigerators, stoves, appliances, and other household items. Mr. Baker reviewed the "white goods" collection schedule. The City encourages recycling household batteries and automobile wet cell batteries. These items can be placed beside the recycling bin on regular recycling day. Dry cell household batteries should be placed in a clear wrapper and then placed in the recycling bin. Newspaper stacked neatly with a string tie or placed in brown paper bags will be picked up on recycling day. Wet or damp newspaper is not acceptable. Used motor oil which is placed in a leak-proof container and labeled will be used by the City for heating in some of the public works buildings and public transit building during the winter months. The City also offers a special pick up of cardboard boxes for people who have just moved, if they contact the public works department. Mr. Baker reviewed the City's guidelines for refuse collection which includes containers placed at back of the curb or at the property line by 7:00 a.m. on collection day and not before 4:00 p.m. of the previous day, and all refuse should be in non-leaking containers. The maximum weight per container is 75 pounds or 35-gallon capacity (limit of five 35-gallon containers). If City residents have more than five 35-gallon containers on refuse collection day, customers can buy stickers allowing more trash to be taken away when needed. The stickers cost \$1.00 each and can be purchased at the City Treasurer's office or the Public Works office. Mr. Baker also said that anytime a citizen signs up for new water and sewer service they will receive a packet of information. On July 1st the residential refuse collection fee was increased to \$10.00 per month. Every Wednesday leaves, brush or grass is picked up throughout the City; however, the yard debris is limited to five units. The only time the limit is lifted on leaves is during the fall when the leaf collection program is in effect.

Charles Chenault, a member of the Golf Course Advisory Committee, presented an overview of a final recommended fee schedule for the Harrisonburg Municipal Golf Course which was endorsed unanimously by the full Golf Course Advisory Committee. Mr. Chenault introduced several members of the committee including Reg Foucar-Szocki, Chuck Farthing, Pam Dubose, and David Wigginton representing the Parks and Recreation Department. This final submission is a one tier schedule except for season passes. He said, "The rates were lowered and are very competitive with other golf courses, but yet are sufficient to pay the operational cost of the course and to cover the debt service. This final submitted schedule was adopted with the idea that rates would be used to encourage volume of play and not the regulation of the use of the course. Mr. Chenault requested that Council approve the final submitted recommended fee schedule. The City's golf course is scheduled to open September 29, 2001. Following further discussion and comments, Council Member Fitzgerald offered a motion to approve the submitted fee schedule. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent: None

Council Member Fitzgerald offered a motion to approve a performance contract between Harrisonburg-Rockingham Community Services Board and Virginia Department of Mental Health, Mental Retardation, and Substance Abuse Services. The motion was approved with a unanimous vote of Council.

City Manger Baker explained that the Retail Merchants Association has requested blocking certain streets around Court Square on August 25 for an Arts and Craft Show and Cruise-In. The street will be closed from 9:00 a.m. until 4:00 p.m. The appropriate staff members reviewed the request and supported closing the streets around Court Square, but recommended leaving the appropriate 18' fire lane and movable barricades. Council Member Fitzgerald offered a motion to close a portion of Court Square on August 25. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request for a supplemental appropriation of funds encumbered at June 30, 2001. He explained that these funds are for purchase orders out of last year's budget for a variety of goods and/or services. Vice-Mayor Peterson offered a motion to approve this request for a first reading, and that:

\$291,658.28 chge. to: 1000-31010 Amount from fund balance
 47,008.00 chge. to: 2013-31010 Amount from fund balance
 19,997.00 chge. to: 2111-31010 Amount from fund balance

\$ 2,500.00 approp. to: 1000-120111-45530 City Manager

2,400.00 approp. to: 1000-130114-46140 Electoral Board
 3,696.00 approp. to: 1000-320232-48114 Fire Suppression
 10,525.00 approp. to: 1000-410241-43140 Highway and Street Maintenance
 79,133.98 approp. to: 1000-410241-48297 Highway and Street Maintenance
 89,437.50 approp. to: 1000-410241-48294 Highway and Street Maintenance
 1,951.00 approp. to: 1000-710171-43100 Parks and Recreation Administration
 64,162.00 approp. to: 1000-710171-48181 Parks and Recreation Administration
 119.26 approp. to: 1000-710571-45110 National Guard Armory
 3,825.79 approp. to: 1000-710771-48181 Westover Pool
 474.00 approp. to: 1000-710771-48184 Westover Pool
 5,150.00 approp. to: 1000-710771-48211 Westover Pool
 23,800.00 approp. to: 1000-710871-48184 Athletic Complex
 4,483.75 approp. to: 1000-810521-43600 Economic Development

1,800.00 approp. to: 2013-872081-48121 Capital Outlay
 45,208.00 approp. to: 2013-872081-48253 Capital Outlay
 19,997.00 approp. to: 2111-672141-48111 Capital Outlay

\$14,139.21 chge. to: 1000-31010 Amount from fund balance

\$1,749.00 approp. to: 1000-430221-43330 Maintenance & repairs - Machinery
 & equipment
 525.87 approp. to: 1000-710171-43320 Service contracts
 1,442.50 approp. to: 1000-710171-43600 Advertisement
 3,308.25 approp. to: 1000-710171-46130 Recreational supplies
 1,955.49 approp. to: 1000-710171-48181 Buildings and grounds
 5,158.10 approp. to: 1000-810521-43134 Laborer Market & Training survey

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Rogers
 Vice-Mayor Peterson
 Council Member Fitzgerald
 Mayor Frank

Absent: None

Council Member Lantz said that the Deer Population Task Force met on July 9th to discuss whether the City wanted to participate in the special archery season. He said that the State Game and Inland Fishery passed a law for a special archery season. If a locality wanted to participate, it will need to notify the State Game and Inland Fishery. The Deer Population Task Force has decided that Harrisonburg does not have a deer problem at this time and will not participate in the special archery season.

At 8:26 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the Community Services (Chapter 10) Board, Convention & Visitors Bureau Advisory Board, Social Services Advisory Board, and the Shenandoah Valley Partnership Board of Directors. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the closed session will be for the purpose of discussing and considering personnel matters. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the closed session will be for the purpose of discussing a prospective business or industry interested in locating or expanding its facility in Harrisonburg. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.5 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the closed session will be for the purpose of considering the purchase of real estate permissible pursuant to 2.1-344.A.7.

At 9:45 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I 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 closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

✓ Vice-Mayor Peterson offered a motion that Phyllis Wong, 447 Northfield Court, be appointed to a term on the Social Services Advisory Board to expire on July 1, 2005. The motion was approved with a unanimous vote of Council.

✓ Vice-Mayor Peterson offered a motion that Larry Rogers, 455 Andergren Drive, be appointed to another term on the Convention & Visitors Bureau Advisory Board to expire on June 30, 2004. The motion was approved with a unanimous vote of Council.

✓ Vice-Mayor Peterson offered a motion that City Manager Roger Baker, 524 Paul Street, be appointed to a term on the Shenandoah Valley Partnership - Board of Directors to expire on June 30, 2003. The motion was approved with a unanimous vote of Council.

At 10:00 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR