

REGULAR MEETING

SEPTEMBER 23, 1997

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 Members John H. Byrd, Jr., Walter F. Green, III, Larry M. Rogers; and Chief of Police Donald Harper. In the absence of City Clerk Yvonne Bonnie Ryan, Assistant City Manager Roger D. Baker served as Acting Clerk.

Council Member Green delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Vice-Mayor Lantz offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Fire Department. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 7:34 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, September 8, and Monday, September 15, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council and the Harrisonburg Planning Commission will hold a joint public hearing on Tuesday, September 23, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following rezoning:

Request by James R. Sipe, Sr., and Northside LLC, property owners and the City of Harrisonburg, contract purchasers of a portion of the property, to rezone approximately 35 acres located on the North Side of Mt. Clinton Pike and North Main Street, from R-2, Residential District, to M-1, General Industrial District. These properties are identified as 44-A-15 through 25; and 44-B-1 and 4 on Harrisonburg block maps. The Comprehensive Plan recommends the area for commercial use.

Maps and other information are available for review in the Department of Planning and 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 the Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the Director of Planning and Community Development at least 5 days prior to the time of the meeting.

Stacy H. Turner
Director of Planning and Community Development

Planning and Community Development Director Turner introduced a request to rezone approximately, 32.31 acres located on the north side of Mt. Clinton Pike from R-2, Residential District, to M-1, General Industrial District. She explained that approximately 23.06 acres of this property is under contract for purchase by the City of Harrisonburg and the remaining acreage requested to be rezoned is owned by James R. Sipe, Sr. and Northside, LLC. The purpose of the request is to create an industrial park area for the City of Harrisonburg and then to rezone the remaining portion of the parcel owned by Mr. Sipe and Northside, LLC. The surrounding zoning classifications include R-2, Residential District, and M-1, General Industrial District. The land use guide has recommended this site for commercial use; however, there is a large area surrounding it recommended by the land use guide for industrial use. Mrs. Turner also stated that the revision of the Comprehensive Plan will recommend this area for industrial use. She said that staff recommended approval of the rezoning. There being no others desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Planning Commission Chairman Whitten reported that the Planning Commission unanimously recommended approval of the rezoning. Vice-Mayor Lantz offered a motion to approve the rezoning request as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

✓ Jane Hubbell, Executive Director of Big Brothers/Big Sisters, introduced a request to adopt a resolution supporting an Office on Youth. She explained that in 1990, Council had approved the program, but because state funding was unavailable Harrisonburg did not start an Office on Youth. State funding is now available and the department has reapplied for the grant funding. If the grant proposal is accepted funding would start July 1, 1998. The annual budget should be approximately \$60,000 including contributions from the state grant funding, the United Way of Harrisonburg, Rockingham County and Harrisonburg. She requested that Harrisonburg support this Office on Youth by contributing \$5,000 beginning July 1, 1998. Following further discussion and comments, Council Member Rogers offered a motion to adopt this resolution supporting an Office on Youth. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

✓ Planning and Community Development Director Turner introduced a request by Kirk Hardy for a preliminary plat in Willow Hills Subdivision, Unit 4A, with a variance to Section 3.1.7 of the Design and Construction Standards Manual pertaining to sidewalks. She explained that the applicant wants to subdivide three (3) parcels from a larger parcel located at the western end of Willow Hill Drive. Because it involves a slight extension of the existing Willow Hill Drive, a sidewalk will be required to be constructed on this extension. She also explained that Mr. Hardy has requested a variance to waive the requirement for sidewalks. Although there are no sidewalks along the existing portion of Willow Hill Drive, the ordinance requires the construction of sidewalks for new developments. Staff has not supported sidewalk variances in other instances where a variance has been requested and cannot support a variance in this case. Furthermore, the applicant has shown his intent to further extend the subdivision to construct approximately fifteen single-family homes. Mrs. Turner also noted that Planning Commission discussed this issue in depth and with a decision of four

to two votes recommended approval of this request granting the variance requiring sidewalks. Council Member Rogers offered a motion to support Planning Commission's recommendation. The motion was seconded by Vice-Mayor Lantz. Discussion included public safety, wider streets, whether we need sidewalks at all, whether we should require sidewalks on all residential streets, or should they be required only on totally new subdivisions or on extensions of existing ones, whether sidewalks will connect existing developments, the impact on the development community and the price of housing if we continue to require sidewalks. After requesting clarification of the motion, Council Member Rogers withdrew his original motion and offered a new motion directing the Planning Commission, Staff, and the City Attorney to review this request again and submit another recommendation to City Council. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Public Utilities Director Collins introduced a request to amend Section 7-1-16 of the Harrisonburg City Code. He reviewed the present requirements for utility deposits and reported that the rates had not changed since 1984 and the deposit was no longer sufficient to cover delinquent accounts. Pursuing the delinquency is also difficult due to the cost of the collection process. Vice-Mayor Lantz offered a motion to amend Section 7-1-6 of the City Code for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Public Utilities Director Collins introduced a request to amend Section 7-4-3 of the Harrisonburg City Code. He explained that the existing ordinance concerning the penalty for delinquent bills was perceived as unfair by some customers and would be a more customer friendly policy if the ordinance was amended to give a longer grace period. Vice-Mayor Lantz offered a motion to amend Section 7-4-3 of the City Code for a first reading. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request for a supplemental appropriation for the Public Utilities Department. He explained that an encumbrance to Emery & Garrett Groundwater from an earlier re-appropriation request had been omitted and this supplemental appropriation was necessary to cover this expenditure which is an ongoing contract as part of our west source water development. Council Member Green offered a motion to approve this request for a first reading, and that:

\$17,476.11 chge. to: 2011-31010 Amount from fund balance

\$17,476.11 approp. to: 2011-372061-48209 Western Source Development

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

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. Police Chief Harper requested to have grant money that had lapsed back to the General Fund on June 30, 1997, be re-appropriated to the Police Department to purchase radio equipment. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$1,095.55 chge. to: 1000-31010 Amount from Fund Balance

\$1,095.55 approp. to: 1000-310131-48131 Radio Equipment

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

City Manager Stewart presented a request for a supplemental appropriation for the Police Department for a second dispatch work station. Police Chief Harper explained that these funds are from the drug forfeiture fund and can only be used for law enforcement purposes. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$27,264.00 chge. to: 1000-2700 Drug forfeiture fund

\$27,264.00 approp. to: 1000-310131-48131 Radio equipment

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

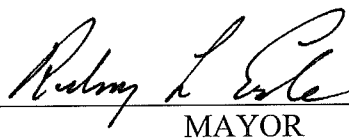
Beth MacDonald, Director of Marketing and Member Services for the Virginia Municipal League stated that she was present to address questions or concerns Council may have related to the League. She reviewed the various functions and services of the VML offered to members. City Manager Stewart announced that Harrisonburg has been selected as the winner of the VML Achievement Award for cities with populations of 10,000 to 35,000. This VML Achievement Award is for the recent Resource Recovery Facility expansion project and will be presented to the City at the annual VML Convention banquet held on October 21 in Hampton, Virginia.

City Manager Stewart stated that the Virginia Municipal League has been scheduled for October 19-21, 1997. Vice-Mayor Lantz offered a motion that naming Mayor Rodney Eagle as the voting delegate and Council Member Larry Rogers as the alternate voting delegate. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart announced that he had received a letter from Emily Purdy thanking the City staff for the paving of her street and the other good work they do for the citizens of Harrisonburg.

At 9:14 p.m., there being no further business and on motion adopted the meeting was adjourned.


ACTING CLERK


MAYOR