

REGULAR MEETING

SEPTEMBER 7, 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 Police Captain Malcolm Wilfong. Absent: Chief of Police Donald Harper.

Vice-Mayor Lantz delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Council Member Byrd 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, and the Public Utilities Department. 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

✓ Planning and Community Development Director Turner introduced a request by the Salvation Army to rezone 0.29 acres, located at 201 and 209 Monroe Street (tax map parcels 40-D-9 and 10) from R-2 Residential to M-1 General Industrial District (conditional). She explained that this request will allow the Salvation Army to expand the existing facility and provide approximately 30 beds for men. She reviewed the surrounding zoning classifications including single-family homes, duplexes, the Salvation Army Family Service Center and Emergency Shelter. The Land Use Guide recommends the site for "Neighborhood Residential" use. This designation draws attention to the need for careful consideration of the type and density of future residential development. Policies in this area encourage the development of housing units that are compatible with existing facilities. The site is located on the southwest corner of the intersection of Jefferson Street and Monroe Street. Mrs. Turner noted that Monroe Street is a dedicated public street, with a 50-foot right-of-way; however, it has not been constructed and at this time, the City has no plans to improve Monroe Street. In addition, the site is located within the 100-year floodplain and any development of the property occurring within a designated floodplain will be done in accordance with all applicable regulations. The Salvation Army has proffered to limit use of the property to transient housing facilities, accessory buildings, training facilities, vocational schools and stated that any future development occurring within the floodplain would be done in accordance with all applicable

regulations. She said that although The Comprehensive Plan recommends the site for "Neighborhood Residential" rather than "General Industrial" use, staff believes the rezoning would not be detrimental to the surrounding area. In addition, the area in which the Salvation Army is seeking to expand is unlikely to develop under the current R-2 zoning designation due to the nature of surrounding uses and the property's location within the floodplain. She said that the Planning Commission recommended approval of the rezoning.

At 7:40 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 Monday, August 23, and Monday, August 30, 1999.

NOTICE OF PUBLIC HEARING

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

Rezoning

A request by The Salvation Army to rezone 0.29 acres, located at 201 and 209 Monroe Street, from R-2 Residential District to M-1 General Industrial District (conditional). The R-2 district is intended for single-family and two-family development, with certain governmental, educational, religious, and recreational uses. The M-1 district is intended primarily for manufacturing, processing, storage, and distribution activities that are not properly associated with, nor compatible with, residential and institutional development. The property is identified as tax map parcels 40-D-9 and 10. The Land Use Guide recommends the site for neighborhood residential use.

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 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
Steven E. Stewart
City Manager

Mayor Eagle called on anyone desiring to speak for or against approving this rezoning request. J.R. Copper, the applicant's representative, said that he was present to answer any questions. 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 Green offered a motion to approve this request. 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 to amend Section 10-3-91, 10-3-26 and 10-3-25 of the Harrisonburg City Code. She explained that staff had received an inquiry from a commercial developer asking if the City allowed zero setback in any commercial zones. Staff researched several other localities, including Rockingham, Augusta and Chesterfield counties, and found that they all permit zero side yard setbacks in one or more of their commercial zoning classifications. This allows a commercial business to own a lot and the building on which it is situated even if they are in a shopping center type of configuration. The actual lot line would go down a party wall between two commercial businesses extend out into the parking lot and run to the street. The business would then own the building, lot, and the parking lot around the building. Mrs. Turner noted that currently the City requires parking for a business to be on the lot upon which the business is situated or an adjoining lot under the same ownership. The City also requires that there be a 10-foot separation, landscape boundary, or fence between parking spaces on adjoining lots. She said that Planning Commission recommended that Section 10-3-91 of the Zoning Ordinance be amended to read *a reduction in required side yard setbacks to zero feet on the side of a lot abutting property zoned B-2 or M-1*. It is also recommended that Section 10-3-26 of the Zoning Ordinance be amended to *add a provision for a permanent easement and maintenance agreement to facilitate zero side yard setbacks*. Section 10-3-25 of the Zoning Ordinance should be amended to *eliminate landscape buffers when a special use permit is obtained for a side yard setback when the side lot line falls in a shared parking arrangement*. She said that Planning Commission recommended approval of the proposed changes.

At 7:47 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 Monday, August 23, and Monday, August 30, 1999.

NOTICE OF PUBLIC HEARING

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

Zoning Ordinance Amendments

An addition to Section 10-3-91. Uses permitted only by special use permit:
(9) Reduction in required sideyard setback to zero feet on the side of a lot abutting property zoned B-2 or M-1.

An amendment of Section 10(3)26. Location [of parking] in relation to building or use served:

“... A common or cooperative location, which provides parking for two (2) or more uses, shall be in the ownership of all the participants, or contain a permanent easement and maintenance agreement, and shall ...”

An amendment of Section 10-3-25. Off-street parking regulations:

(3) “... Parking spaces shall be separated from all right-of-way lines and property lines by a landscaped border not less than ten (10) feet in width or appropriate visual elements such as walls or fencing, except at side lot lines approved by special use permit for a zero side yard setback where the side lot lines fall within a shared parking arrangement ...”

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 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

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against these proposed changes in the Zoning Ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:48 p.m., and the regular session reconvened. Council Member Byrd commented that the Zoning Ordinance should be friendlier to the user and suggested that the language in Section 10-3-25 should be simple to understand. Council Member Rogers offered a motion to approve the suggested changes in the Zoning Ordinance including reviewing the language in Section 10-3-25 for a first reading. The motion was seconded by Council Member Byrd, and approved with a 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 adoption of the Major Street Plan. He explained that Planning Commission had recommended approval and Council held a public hearing on July 27. Staff reported on its meetings with VDOT and Norfolk and Southern at the August 24 Council meeting.

Discussion and comments included trying to accommodate some on-street parking on Country Club Road, safety and traffic on Country Club Road, Major Street Plan only being a plan, concerns about accepting the current route, engineering problems, receiving many concerns and requests from citizens for more information, railroad problems, compromising an established neighborhood and noting that elected officials change, conditions change, and a commitment cannot be made until the road is built.

✓ Council Member Byrd offered a motion to approve the Major Street Plan as presented in part with the exclusion of the Erickson Avenue connector subject to further clarification, modification or compromise with the existing neighborhood that will be impacted; however, the motion died for lack of a second.

✓ Council Member Green offered a motion to accept the Major Street Plan as presented with the condition that the Erickson Avenue connector be moved as far south as possible away from the subdivision toward the north side of the hill, and directed that City staff conduct an engineering study that would determine just how much farther south the proposed road could be moved from what is shown on the 1999 Major Street Plan to ease the fears of residents and still be economically feasible, directed that a no through street be planned to connect the existing neighborhood with the proposed road, and directed that a buffer zone including sound and sight be considered to buffer Willow Hill residents from the most visible part of the road and that the road be located so as to have the least impact going between the Hoak and Heatwole property. 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

✓ Public Works Director Baker presented for Council's consideration approval of City of Harrisonburg/County of Rockingham Composting Program. He explained that this grant application for \$20,000 from the Department of Environmental Quality will enable both City and County residents to become educated in composting vegetative waste and assist in the purchase of backyard composters. This program will be jointly conducted with Rockingham County and will be managed by the recycling coordinator. This project will be held in connection with Earth Day on April 22, 2000. Prior to the sale of the composters, information kits will be provided to the media, posters placed in schools, handouts will be provided, circulars in local newspaper, and there will be public service announcements. In-kind contributions to the grant will be City/County Recycling Coordinator's time for project administration and volunteers from the community. Council Member Rogers offered a motion to approve this grant application. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart presented the following resolution for Council's consideration of approval:

Resolution Honoring Greg Pfaff

WHEREAS, Greg Pfaff has recently retired as President of the Harrisonburg-Rockingham Convention and Visitors Bureau (CVB); and

WHEREAS, Mr. Pfaff was instrumental in assisting with the CVB accreditation by the Virginia Tourism Corporation and;

WHEREAS, Mr. Pfaff headed the organization when it was a committee of the Chamber of Commerce; and

WHEREAS, Mr. Pfaff assisted in the transition from a committee to a separate convention and visitors bureau located in its own facility; and

WHEREAS, Mr. Pfaff has been involved in many special events during his tenure as CVB president; and

WHEREAS, Mr. Pfaff has demonstrated responsible and visionary leadership as president.

NOW, THEREFORE, Be It Resolved that the City Council of the City of Harrisonburg, Virginia wishes to honor Greg Pfaff for his work as president of the Harrisonburg-Rockingham Convention and Visitors Bureau.

Adopted this the 7th day of September, 1999.

Attest:

Yvonne Ryan, CMC, City Clerk

Rodney L. Eagle, Mayor

Council Member Rogers said that under the leadership of Greg Pfaff, the Harrisonburg-Rockingham Convention and Visitors Bureau has been successful in separating from the Chamber of Commerce when it was only a committee and becoming accredited by the Virginia Tourism Corporation. Council Member Rogers offered a motion to approve this resolution honoring Greg Pfaff as past president of the Harrisonburg-Rockingham Convention & Visitors Bureau. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented the following resolution for Council's consideration of approval:

Resolution Honoring Linwood H. Rose,

President of James Madison University

WHEREAS, James Madison University has been an integral part of the City of Harrisonburg since the University was founded in 1908; and

WHEREAS, the City and University have grown and prospered together during the past nine decades, each drawing on the other for support; and

WHEREAS, the University has been a major source of resources for the citizenry of Harrisonburg, giving them access to a multitude of educational, social and entertainment opportunities; and

WHEREAS, James Madison University will observe a milestone occasion on September 17, 1999, when the University inaugurates Dr. Linwood H. Rose as only the fifth president in the institution's long history:

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Harrisonburg, Virginia, sends forth its congratulations and best wishes to the University and to President Rose and the Council further declares that September 17, 1999, shall be designated as James Madison University Day in the City of Harrisonburg.

Adopted this the 7th day of September, 1999.

Attest:

Yvonne Ryan, CMC, City Clerk

Rodney L. Eagle, Mayor

Council Member Rogers offered a motion to approve this resolution honoring Linwood H. Rose as James Madison University's fifth president and designating September 17, 1999 as James Madison University Day in the City of Harrisonburg. The motion was seconded by Council member Bryd, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration authorization for installation of a marker on City right-of-way. He explained that this request is for a marker on South High Street designating what is believed to be the grave of Thomas Harrison, the founder of Harrisonburg. Council Member Byrd said that he had been approached by members of the local Daughters of the American Revolution Chapter expressing an interest in identifying the final resting place of Thomas Harrison, the founder of Harrisonburg. The gravesite is believed to be located on old South High Street beneath the marble monument of what was once the old Brethren Church's northwest stairwell. Mr. Byrd said that more information will be available at a later date. Council Member Byrd offered a motion directing the City Manager to authorize the installation of a DAR Marker designating the burial site of Thomas Harrison. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ Vice-Mayor Lantz offered a motion to approve the cancellation of the October 26 City Council meeting. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented for Council's consideration authorizing the Finance Department to set up a new fund. He explained that this account is being set up as a special revenue fund to reflect and account for the Community Development Block Grant funding that the City is administering on behalf of Friendship Industry. Council Member Rogers offered a motion to approve this request. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ City Manager Stewart presented a request for reallocation of current funds in capital projects from City Landfill Monitoring to Recycling Development. Public Works Director Baker explained that the purpose of transferring these funds is to establish an accounting line item to cover costs of expansion of existing recycling center in conjunction with Rockingham County's agreement to participate in the recycling process. Council Member Green offered a motion to approve this request. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

✓ Public Utilities Director Collins suggested because Hurricane Dennis dumped about four inches of rain on the area that the City should remove the mandatory irrigating restrictions, but keep the voluntary water conservation. He said that Switzer Dam water level had increased by 300-400 million gallons of water and now the dam is minus four feet rather than minus 12 feet. He did not have any information available on North River. He also commented that the citizens of Harrisonburg had been very responsive to helping with the mandatory irrigation because of the drought. He mentioned that James Madison University made voluntary water conservation as part of their introductory welcome back to school package. Council Member Rogers suggested that the City should thank JMU, EMU, citizens, schools, and the Parks and Recreation Department for the voluntary water conservation. Council Member Rogers offered a motion to lift the mandatory irrigation restriction and directed the City Manager to send thank you letters to citizens, universities, schools, and departments of the City. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 8:40 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Community Services (Chapter 10) Board, and Social Services Advisory Board, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, as amended. Discussion concerning a prospective industry locating within the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation and two pending contracts, exempt from public meeting requirements, pursuant to Section 2.1-

344(A)(3) of the Code of Virginia, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.



At 10:36 p.m., the closed session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the Council: I hereby 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 executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

At 10:37 p.m., there being no further business and on motion adopted the meeting was recessed until September 9, 1999 at 7:30 p.m., at which time Council plans to convene in closed session.

Council reconvened at 7:30 p.m. Vice-Mayor Lantz offered a motion to go into closed session for consultation with the City Attorney concerning a proposed contract exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:15 p.m., the closed session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the Council: I hereby 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 executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

At 10:16 p.m., there being no further business and on motion adopted the meeting was adjourned.

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