

REGULAR MEETING

MAY 8, 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 ABonnie@ Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Council Member Fitzgerald offered a motion to approve the consent agenda, including approval of the minutes of April 24 and May 1 City Council meetings, and the second reading of supplemental appropriations for the School Board and Public Works Department. The motion also included a supplemental appropriation for the Public Utilities Department and the Craft House. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by First Bank & Trust Company to vacate a total of 21,656 sq. ft. of street right-of-way that runs east west parallel with South High Street. She explained that City Council held a public hearing on April 10, 2001. At that public hearing the request included closing part of an old street right-of- way and purchasing a City owned parcel; however, it was discovered that the triangle is not excess property belonging to the City, but the triangle parcel is all right-of-way. Planning Commission reviewed the request again and has recommended vacating and closing

this portion of the street right-of-way.

At 7:37 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, April 23, and Monday, April 30, 2001.

NOTICE OF CLOSING A PORTION

OF OLD SOUTH HIGH STREET

SOUTH OF CANTRELL AVENUE

The Harrisonburg City Council will hold a public hearing on Tuesday, May 8, 2001, 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of First Bank & Trust Company to vacate a 17,601 sq. ft. street that runs east west parallel with South High Street and vacate 4,055 sq. ft. of South High Street.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the portion of the street 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 to speak either for or against this request.

J.R. Copper representing the applicant explained that he was present to answer any question. There being no others desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve vacating a total of 21,656 sq. ft. of street right-of-way for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by the Harrisonburg Rescue Squad, Inc., to change the proffers for tax map parcel 15-M-9, R-3, Multiple Dwelling Residential (conditional) zoning. She explained that the parcel is located at 983 Reservoir Street. The Harrisonburg Rescue Squad wishes to relocate to the now vacant Old Dominion Business School building and is requesting to change certain proffers on the southwestern property parcel that is zoned R-3 conditional. The Rescue Squad is permitted within the R-3 zoning classification as a charitable and benevolent use. These uses are permitted by the previous proffers and the current zoning of this property. Mrs. Turner stated that the Comprehensive Plan's Land Use Guide classifies the area as professional. This designation states that these areas are suitable for commercial development, but need careful controls to ensure compatibility with adjacent land uses. She reviewed the surrounding zoning uses. The history of the property began in December of 1989, when Lawson Associates requested to rezone a 7.29 acre tract of land at the corner of Cantrell Avenue and Reservoir Street from R-2, Residential District to R-3, Multiple Dwelling Residential District conditional and B-2, General Business District conditional. The applicant proffered to have many conditions placed on the development of the property. These proffers were 1) A large buffer zone between property and the residences on Mountain View Drive. 2) Permitting the construction of 42 condominiums with constraints to occupancy. 3) No access off Cantrell Avenue. 4) Limits on the size of the building to be built on the property designated as a school building. 5) Restrictions on uses and hours of operation within the B-2 district. The request was approved and the Old Dominion Business School was built, but has since closed and the building is now vacant. In addition, the Valley Microcomputers facility was built within the B-2 conditionally zoned properties. However, before the CVS Pharmacy was built the property owners requested to extend the hours of operation from 9:00 p.m. closing to 11:00 p.m. closing, which was approved in December of 1999. The Rescue Squad is requesting approval to increase the square footage of the building and create a new entrance onto Cantrell Avenue. In addition, the applicant is adding a new proffer for lighting that would alleviate illumination of any surrounding residential properties. Staff has some concerns that a larger building may increase traffic to the site, regardless of whether the Rescue Squad owns and occupies it, or some other use occupies the site. This may lead to a desire for lighting or more parking area, both of which could be an adverse impact to the adjacent neighborhood. The addition of a proffer to have all outside lighting project directly down and not intrude past the site boundaries by 0.5-foot candles will decrease the effects of placing the lighting. If the changes to the proffers were not approved, the Rescue Squad could renovate this existing building there going up to the 12,000 square foot maximum size limitation and could also do it by utilizing only the access off of Reservoir Street. However, the Rescue Squad is interested in increasing the size of the building to allow for additional bays to be built onto the building. If the proffers for an entrance along Cantrell Avenue is approved, a completed design plan showing profile and cross-sectional grades must be provided for review and approval to City standards before any construction. In addition, any access onto Cantrell Avenue may be limited to exit only into the southbound lane. Finally, after further consideration, staff felt that the proffer for no residential use should not be stricken from the proffers from this property. Mrs. Turner said that surrounding residents had expressed concerns about the proffers. Staff has notified the current owner of the property and the local real estate agent and expressed to them that not all of the proffers that had been placed on the property had been met. These proffers include the vegetative buffer, additional tree planting, and additional fencing. Planning Commission voted 5-2 for the motion to recommend approval of the proffer changes. In addition, they also recommended looking at the idea of modifying the traffic light at Cantrell Avenue and Reservoir Street, so that it could be changed to all red whenever an emergency vehicle approached.

At 7:45 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, April 23, and Monday, April 30, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, May 8, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

REZONING

Public hearing to consider a request by Harrisonburg Rescue Squad, Inc., to change the proffers for tax map parcel 15-M-9, R-3, Multiple Dwelling Residential District (conditional) zoning. The parcel is located at 983 Reservoir Street.

The Comprehensive Plan's Land Use Guide classifies the area as Professional. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. In addition, the Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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 432-7701 at least five days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against this request by the Harrisonburg Rescue Squad.

Brian Moore said that he is President of the Harrisonburg Rescue Squad and lives at 75 Wilson Avenue. He said many volunteers were present in support of the Rescue Squad request for the change in two proffers on the property of the former Old Dominion Business School. The purpose of tonight's request should not be clouded by non-related issues or the expected success or failure of the Harrisonburg Rescue Squad to raise the required funding. The mission for the Harrisonburg Rescue Squad is not a political one. It is a personal one, saving the lives and improving the health of the citizens of Harrisonburg. The Harrisonburg Rescue Squad began its search for a building more than two years ago. He said, AWe have investigated numerous locations and attempted to locate the squad in areas farthest away from any possible residential areas, but were unsuccessful for various reasons. The location of this property suits the squad best. The property had to meet several qualifications including being located in an area providing access to the primary roads of the City, located in an area central to the highest call volume, located in an area that is central to the membership base, and have plenty of room for equipment and parking. This property fulfills each of these qualifications. It is located next to Cantrell Avenue which is a highly utilized street for both personal and business traffic. Cantrell Avenue gives the squad access to all of the major streets. According to personnel responsible for the emergency operation center, 28% more calls are run in the area of the property than any other single area of the City. With this large percentage of calls, this is a logical place for the station to sit because the nearer the squad is to patients the less the response time. The Harrisonburg Rescue Squad currently has over 90 members on the active roster of which approximately 65% of the membership are James Madison University students. Because of this fact of life, we are obligated to remain central to our membership base. The squad encourages JMU members to sign up as freshman because they will be able to volunteer for four years. Freshman are not allowed to have cars at JMU so they rely on public transportation, bicycling and walking. He said that, AIf we expect our members to come to the station on a regular basis, it must be easy for them to get to, and being near JMU will accomplish this.@ This property is large enough to accommodate the proposed building and still have plenty of parking space left over. It is our intent to build for the future, not just ten years, but for more than 25 years. If these proffers are approved, we would be able to build a station that will accommodate our needs. We would not have to just get by with what we have. An important question that needs to be answered is, if the rescue squad was not granted these changes in the proffers would it keep the squad from purchasing the property and making additions to the current building, and the answer is no. The Harrisonburg Rescue Squad can purchase the property tomorrow and move right in leaving our ambulances out in the parking lot. The existing proffers do no prevent the rescue squad from relocating to this property, but they simply limit our ability to utilize the property to the fullest extent possible. With the growth of Harrisonburg at a staggering 33% increase from 1990 to 1999, the number of calls the squad has responded to has increased. The increase in calls requires more vehicles and volunteers. Currently, the Harrisonburg Rescue Squad owns: five advanced life support ambulances, one heavy rescue truck used to carry the Jaws-of-Life and similar extrication equipment, one technical rescue truck used for dive rescues, cave rescues and ground searches, four auxiliary emergency response vehicles, on Zodiac River rescue boat, and a first aid trailer. Currently, they have one ambulance, all four auxiliary emergency response vehicles, and the first aid trailer stored outside exposed to the elements. The Zodiac River rescue boat that may have been seen on television recently is being housed at a rental unit at their cost, off-site. They have simply out grown their current home that the City has provided for more than 30 years. They live in an old trailer located at the edge of the parking lot. This trailer is more than 20 years old and is in terrible physical condition. Many times, they are unable to provide sleeping accommodations for their own volunteers, while they are at the station. There is no room to build additional housing at the current site. He said that the Planning Commission addressed one major concern with building an additional exit onto Cantrell Avenue. The suggested proposal of having either a manual switch installed inside the station that would transfer all lights to red or the installation of a system that would automatically transfer the lights to green from which ever direction the ambulance was coming satisfied most of the concerns of the commission. Since the City plans to expand Cantrell Avenue into four lanes to Ott Street, it appears that the Harrisonburg Rescue Squad has recognized that this street is one that contains enough traffic that four lanes are warranted. This indicates that the street is more commercial than residential. Cantrell Avenue contains primary fast food restaurants,

offices, businesses, churches and the hospital. The second proffer request will allow us to build our station to comfortably hold the equivalent in membership that we will have for the coming years. We are allowed to build up to 12,000 square feet under the current restrictions and what we are proposing to build would be around 18,000 square feet. It would all be one story with lighting directed straight at the ground. Pole lights will be avoided, but if they must be used at the CVS side of the property they will be as short as possible to prevent light shining into a neighbor's home or business. Brian Moore also said that the rescue squad has agreed orally to pay \$840,750 for the Old Dominion School property. The Planning Commission recommended approving these requests and he urged City Council to approve these proffers.

Carson AMickey@ Moore, a resident living at 493 Virginia Avenue, said he has seen a lot of changes in the City. Change has occurred all over the City and we can't go back. We must deal with change. He said, I don't think we could have a better neighbor than the rescue squad and the many volunteers helping us in the City.@ He encouraged supporting this site for the rescue squad.

Tammy Barnhard stated that she is a cardiac tech in the Harrisonburg Rescue Squad; professionally she is an emergency room nurse at Rockingham Memorial Hospital. She joined the squad in December of 1984, when she was 19 years old. Although the active membership, rescue calls, and equipments have grown, their living quarters and storage area has not. Their living quarters is a 1979 single wide mobile home with six beds. After more than twenty years of wear and tear, it is falling apart. When most of you are asleep or enjoying time with your family, the Harrisonburg Rescue Squad members are at headquarters 24 hours a day volunteering their time. This includes good weather, bad weather, during snow storms and busy times where they have had up to 25 members sleeping the six beds, with the rest on sofas, chairs, and the majority of their members on the floor. Everyone agrees that the squad should have a suitable place to accommodate sleeping, equipment supplies and training classrooms, but no one has come up with a better location than the Old Dominion Business school. The location of this building is a key because besides being near the interstate, it is near RMH where all of the patients are transported. It is also located near JMU. She said that the Harrisonburg Rescue Squad had made bids for several other locations, but were unsuccessful. If you support the squad, then you have to trust that we have considered every lot, avenue, and building in the City that we know to be available. For the good of the whole City and to continue the volunteer work of the Harrisonburg Rescue Squad she encouraged City Council to follow the direction of the Planning Commission and approve the lifting of these two proffers.

Bucky Berry living in Dayton said that the Harrisonburg Rescue Squad had saved his mother's life seven years ago when she was in a diabetic coma. He encouraged City Council to support this proposal.

Don Kuhns, a resident living at 528 Mountain View Drive, said he has lived in the Preston Heights neighborhood for 22 years and was involved in the original agreement and negotiation of proffers. The agreement with Lawson's Associates was made in good conscience and even though the property owner did not do everything that they were required to do, the City has made the property owner honor the original proffers. The City should have enforced the original proffers or revoked the zoning. He said, AI feel that approving these proffers would be a breach of an agreement made with the neighbors in good faith if these proffers are changed.@

David Larkins, a resident living at 536 Mountain View Drive, said that the back of his property adjoins the back of the vacant school property and it is easily visible from his house. He said that he was concerned about the noise from the squad having only lived in the house for two months. He said that if he had known two months ago there was a possibility they would have an organization other than a school located on the property, he would not have bought the house. He said that he was told something similar to the school would be located on the property. The noise and the constant activity and lights 24 hours a day are concerns. Another concern is that people will be sleeping in the building while they are there. They are all volunteers, but when do they start the day, is it at 8:00 a.m. in the morning or are the volunteers there 24 hours a day including sleeping in the building. This could add to the number of people that are going to be in this facility and it would be 24 hours a day.

Pat Adams, a resident living at 532 Mountain View Drive, said that she was concerned about the traffic and noise the squad would create in the area. She questioned why the squad couldn't relocate to the area behind the Valley Mall. She said, Our neighborhood is one of the most established, cohesive, and tranquil neighborhoods in the City. When the school was located on the site, she said she could hear many conversations from the students from her back porch. She said that she would like to know why the squad had turned down other locations in the City.

Bob Stieber, a resident living at 535 Mountain View Drive, said that he has a clear view of the vacant school building and the deck. He said, AI agree that the rescue squad is a great organization and needs a satisfactory location.@ He said that he had asked the Planning Commission to find another location for the rescue squad other than Cantrell Avenue and Reservoir Street. AI don't think the Planning Commission seriously looked into alternative locations and apparently accepted the squads' statement that they had exhausted all possible options during the two-year search. What is the next thing to change? When will it stop? Are rights are being chipped away.@ The noise of the sirens will have a negative impact on my family. He asked City Council not to approve the changes in the proffers.

Ralph Geddes, a resident living at 395 Franklin Street, said that something will face this City if I-81 is widened.

Mayor Carolyn Frank said that she lives at 374 South Carlton Street. Most of the people speaking against changing these proffers are her neighbors.

Mayor Frank asked Brian Moore if he would like to respond to any issues raised during the public hearing.

Brain Moore said that the proffer of 5.0 foot candles will decrease the lights impacting the surrounding community with any light problems. He said that he could sit in the parking lot now and hear more than 10 sirens a day because Cantrell Avenue is a frequently used intersection by emergency vehicles. He reviewed the current calls per day the rescue squad has now. He also said that the Harrisonburg Rescue Squad has looked at many lots in the City and could not find a more suitable site than the school property.

Martha Larkins, a resident living at 536 Mountain View Drive, questioned the many sirens that now are on Cantrell Avenue. She said that sometimes there are 10 sirens in 10 minutes coming from many locations in Rockingham County. She questioned who would determine which vehicle is the most urgent at a red light to stop all other traffic.

City Manager Baker commented that a three-acre site on Central Avenue was offered to the rescue squad about 10 years ago and it is still available.

Tammy Barnhard said that the rescue squad had reviewed that site; however, they did not want to be in a situation where they could be blocked by two trains.

There being no others desiring to be heard, the public hearing was declared closed at 8:30 p.m., and the regular session reconvened.

City Attorney Miller asked Mayor Frank if she could make an objective decision not based on her own interest in the property, but in the interest of the community as a whole. Mayor Frank answered yes.

Council Member Rogers said, We need to think outside the box.@ He suggested that Council be prepared to give appropriate financial assistance for the best possible solution. He also said that as a citizen, it gives him a good feeling to have the Fire Department in different locations of the City. Maybe the citizens of the City would be better protected if the rescue squad had several locations in the City. He said, AI also have a concern when the City Manager had to inquire about how much space was needed for the facility. I believe we have a communication problem. There hasn't been enough discussion at the City staff level. We need to get our Economic Development Director Brian Shull involved with the squad for the best property.@

Council Member Lantz said, AI have spoken with Brian Shull and there isn't anybody in the City that knows more about vacant property or buildings than he does. I talked to Brian yesterday and he suggested several other options that might have possibilities and not hurt a neighborhood. Sometimes the rescue squad will have inconveniences no matter where they are located. The rescue squad provides a valuable service to the City, but what is the best location for the rescue squad and the City? Mr. Lantz said, In the seven years I have been on Council, I honestly didn't know the rescue squad was looking for a new location. He suggested that everyone needed to get involved including Planning Commission, Stacy Turner, and Brian Shull to make sure we are doing the right thing long term for the City and the rescue squad.

Vice-Mayor Peterson said that he agreed with Council Members Rogers and Lantz and suggested 30 days to conduct an inventory of available property in the City.

Council Member Rogers offered a motion to table this request until June 12th and directed City Manager Baker to form a committee including Brian Shull and Brian Moore and others to bring a recommendation to City Council June 12th meeting. The motion also included that staff would provide engineering support if needed. The motion was approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request to rezone property located on the southern portion of the 100 and 200 blocks of Port Republic Road and 1310 Crawford Avenue. Mrs. Turner explained that after the advertisement for City Council's public hearing had appeared in the newspaper, a letter was submitted requesting that Eleanor Price's property at 1310 Crawford Avenue had been withdrawn. This is a request to consider rezoning these seven tax map parcels from R-1 Single-Family Residential District to R-2 Residential District. The Comprehensive Plan's Land Use Guide classifies the area as Low-Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of one to four units per acre. Low-density sections are found mainly in well established neighborhoods. The low-density residential areas are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership. Mrs. Turner also reviewed the surrounding uses in the area. The Zoning Ordinance states that R-1, Single-Family Residential Districts are intended for low-density, relatively spacious single-family residential development, with single-family lots of 10,000 sq. ft. minimum. The R-2, Residential District is intended for medium-density, single-family and two-family residential development, with lots of single-family at 7,000 sq. ft. minimum and two-family at 5,500 sq. ft. per unit. The proposed change to R-2 promotes a higher density than allowed in the R-1 district with the additional use of two-family dwelling units. In addition, the request could have a negative impact on the single-family homes to the South of these properties, with increased density of more housing units and the possibility of request for special use permits for four persons per unit. Currently, there are many homes along Port Republic Road and other highly traveled areas which still have single-family homes. Five of the eight properties have the potential to contain duplexes, due to either current configurations (11,000 square feet or more) or through future lot line adjustments. As such, there is also the potential for increased traffic entering and existing onto Port Republic Road, which is already heavily traveled. At the time of the Planning Commission meeting, the applicant proffered that when a building permit was obtained to add bedrooms to any of these existing structures or when a new structure would be erected, they would agree to plant trees or shrubs along the boundaries of the R-1 and R-2 to buffer the R-1 areas. City staff was concerned about the impact this would have on the surrounding neighborhood and the precedent it could set for further uses along Port Republic Road and recommended that it not be approved. Planning Commission held a public hearing and also recommended denying the request.

At 8:55 p.m., Mayor Frank closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 23, and Monday, April 30, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, May 8, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

REZONING

Public hearing to consider a request by property owners: Marshall Hiatt, Anthony Harpine, Loretta McCauley, Mark Paul, Marshall Price, and Eleanor Price; with representative Mr. Steven Blatt; to rezone 11-K-5 & 5A and 11-O-1 through 6 tax map parcels from R-1, Single-Family Residential District to R-2, Residential District. The sites are located in southern portion of the 100 and 200 blocks of Port Republic Road and 1310 Crawford Avenue.

The Comprehensive Plan designates this area as Low-Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low-density sections are found mainly in well-established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges for the R-1 district is 10,000 sq. ft minimum. The R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq.ft/unit.

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 432-7701 at least five days prior to the date of the meeting.

Mayor Frank called on anyone to speak either for or against this rezoning request.

Steven Blatt representing the applicants read the following letter from Loretta J. Crislip (formerly

Loretta P. McCauley) who could not attend the public hearing.

First of all I would like to express my regrets that I was unable to attend this meeting of the Council. I would also like to thank Mr. Blatt, for taking the time to read this for you in my absence. I feel it is very important that my works be heard publicity.

Believe me, no one is more understanding of your views than I am. Twenty years ago, I would have been standing among those opposing this rezoning. You don't have any idea how much I wish I could be among you now. But, 20 years of progress have taken its toll. No matter how much I would like still be a part of your wonderful neighborhood, I cannot be. Port Republic Road, which was then a two land road has become a four lane major highway where ambulances, police cars and fire trucks travel, at all hours of the day and night. Twenty years ago there was no Greek row and JMU had not nearly as many students. My neighbors were wonderful families most with children. It was a great place to raise my daughter. But things have changed. My property is now rental property, because I could no longer stand to live there. I was forced to give up a house that was paid for and move into one with a 30 year mortgage. Because my property acts as somewhat of a barrier, you probably don't have the street lights or Godwin Stadium lights shining in your bedroom windows, you can probably leave your windows open for air and not be kept awake by the traffic, the sirens, the students or the stadium speaker system. Your children can probably play in your front yard. I don't even have a front yard anymore. Again, progress took it, along with the two big maple trees I once had to shade the front of the house and help keep it cool.

And if all this isn't bad enough, VDOT has identified it, as property to be condemned when I-81 is widened. As you can see my property has become property with little value. I along with most of the others here are not asking to build duplexes or change our property in any way, just permission to use the third bedroom that already exists.

Please realize, we did not ask for these changes, nor did we want them. We had no choice in the matter. No matter how much I would things to be the way they were, there is no way to change them back. My property is now acting as a light and sound barrier, separating and protecting yours from this awful thing called protecting yours from this awful thing called progress.

Please try to accept what has happened and allow those of us, it has happened to, to make the best use of this somewhat useless property. Again, thank you for at least listening to me and please, vote to rezone so we can at least make the most of a bad situation. Thank you.

Steven Blatt said that the Comprehensive Plan is a guide for change which unfortunately when the plan was written no one could anticipate what Port Republic Road has now become. He said, AI can remember when the only reason to use Port Republic Road was to go to Howard Johnson. Now the street is a high density magnet because of a tremendous concentration of student housing across the interstate.@ Because of the widening of Port Republic Road has resulted in a dramatic change in circumstances to these properties. That is the basis of the genesis and the request for rezoning. Conditions have changed for a portion of this subdivision and is reflected with this requested zoning change. He also said that the City has a shortage of single family housing and you don't want blight coming into a neighborhood. He suggested that if the City wanted to do something for this neighborhood put a cul-de-sac in to stop Crawford Avenue from being a through street. Because of the circumstances, Mr. Blatt requested that these properties be rezoned so that they can be used to their highest and best use.

Marshall Hiatt said that he lives in Winchester, but does own two of the lots being discussed tonight. He said Purcell Park is a beautiful area and he does not want it to be rezoned. The properties on Port Republic Road are not R-1 zoned. The Purcell Park area is a quiet residential area and the residents do not front onto the second busiest street in the City.

Eula Eppard, a resident of 135 Port Republic Road, said that she didn't understand that it took so much to run a City. She also was impressed that the meeting was opened with a prayer. She said that she has actively supported the rescue squad and the fire department. She said, I do not want duplex housing next to my house. My fear is that it will become a transition to R-3. We all know what that means, students housing or professional offices. My fear is that they intend to rezone to R-3 within the next several years. This will create a financial impact on the value of my property. She asked Council to consider what the impact will be on the neighborhood and deny the rezoning.

Jeff Landis, a resident of 59 East Weaver Avenue, said that his wife and he have lived in the Purcell Park neighborhood for more than 20 years now and have raised their four children there. They love their neighborhood. It is uniquely situated between a very attractive university campus and the beautiful Purcell Park, where their kids played at the Kid Castle. They have played in little leagues and midget football and older folks walk their dogs or selves around the park and sit by the pond. It is a remarkable neighborhood. He said with absolute confidence that he is adamantly opposed to any zoning changes that might undermine or adversely affect the integrity of the neighborhood. He said, We do not want any more traffic, any more trash, more noise, no more parking problems and do not want their property values lowered.@ The neighborhood has come together historically in times of crisis. Mr. Landis asked for a show of hands that might concur and agree with his comments from the audience and several people raised their hands.

Cathy Brookshire, a resident of 32 Monument Avenue, said she hears sirens all times of the day and at night. Also, any time the wind is blowing in the right direction, she can hear noise from I-81. She does live one block from Main Street and has watched Main Street grow in the 12 years since they moved here. Port Republic Road is a busy dangerous road and high density housing will not alleviate that problem. She requested that Council vote against this rezoning.

Bill Wholem, a resident of 25 Port Republic Road, said that he came from the Northern Virginia area and noted that 57 years ago the Northern Virginia area was a nice place. During that time the inner City decayed and crime came with it. He said, AI wanted to find a City that still had a core and in the future would be a good place to live and decided that Harrisonburg was just the right place.@ He said that he can get anywhere in the City by bus, use his feet or his car. He said he opposed the rezoning.

Margaret O Brien, a resident of 110 East Weaver Avenue, said that she moved to Harrisonburg from Pasadena, California to take a pastorate at Community Mennonite Church. She purposefully looked for a home in a nice neighborhood with a big front porch, so that she could get to know her neighbors and be involved in the neighborhood. She also said that she wanted to live in a well-established neighborhood. She had a lot of concern when she looked at the house, having moved from California, and knowing what medium and high density neighborhoods feel like. She wanted to make sure her home would not be close to homes that had noise, traffic, and crime problems. That was a great concern to her. She understands the concern and the desire to benefit financially, by the persons living on Port Republic Road, because of their situation, but she does not think that should be at the expense of the rest of the neighborhood's standard of living. Thank you very much.

Majorie Christianson, a resident of 46 Monument Avenue, said that when people approach Harrisonburg from I-18, Port Republic Road is the only one that has a residential approach. The other exits are industrial or commercial. If multi-housing is allowed, it will detract from the beauty of the exit now.

Marian Jamerson, a resident of 1409 Crawford Avenue, said that she built her house and has lived there for 30 years. It was never her belief that the neighborhood would be destroyed in this way. She is appalled that anyone would even suggest high density or medium density in this area. This is spot zoning in the purest and simplest form and it is the beginning of deterioration of this section of Port Republic Road. It can be nothing else but that and it would be only a matter of time before someone else bought another piece of property and requested that it be changed. She requested that City Council not approve this request.

Lucy Parin, a resident living at 1351 Crawford Avenue, that she has spent a lot of money renovating her house, which she has owned for one year. People want to live in this neighborhood and like what is there. She said the neighborhood does not want more students, cars or more noise.

Cheryl Talley, a resident of 691 Maryland Avenue, said she lives at the end of Port Republic Road. She said that she has been stalled in traffic on Port Republic Road many times because a car is trying to turn into a driveway on Port Republic Road. It will create long lines of traffic at a dangerous intersection.

Tom Templeton stated his name and that he lives at the corner of East Weaver Avenue and Crawford Avenue. Some of the residents have lived in the neighborhood for 40 or 50 years. There being no others to be heard, the public hearing was declared closed at 9:40 p.m., and the regular session reconvened.

Following further discussion and comments, Vice-Mayor Peterson offered a motion to deny this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner presented for Council's consideration a proposed amendment to Article J. R-3, Multiple Dwelling Residential District, Section 10-3-47. She explained this amendment would bring clarification for two-family uses within the R-3, Multiple Dwelling Residential District's area and dimension regulations. All lot dimensions, setbacks, and height requirements remain the same as established in R-2, Residential District. The only reduction is in the lot area requirements that would allow up and down duplexes. The R-3 classification currently permits single-family lots of 6,000 sq. ft., multi-family lots of 3,000 sq. ft. per unit, and townhouse lots of 2,000 sq. ft. per unit. However, two family lots were not addressed in the area and dimensional regulations for R-3. Historically, staff has permitted side by side units to use the regulations for townhouses, which would require only 2,000 sq. ft., but has had no choice but to revert to the R-2 classification for area and dimensional regulations of 11,000 sq. ft. when dealing with up and down duplexes. She said that staff and Planning Commission recommended approval.

At 9:45 p.m., Mayor Frank closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 23, and Monday, April 30, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, May 8, 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 a proposed amendment to Article J. R-3, Multiple Dwelling Residential District, Section 10-3-47. Area and dimensional regulations for two-family units would be added to the existing regulations as follows:

MINIMUM FEET *Maximum*

**

Lot area	Lot	Lot	Front	Side	Rear	Height
Sq. Ft.	Width	Depth	Yard	Yard	Yard	Stories
	Feet					Feet

Two-

Family: 30/ 100 30 10 25 2 35

4,000/ Unit

unit

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 432-7701 at least five days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against this ordinance amendment. There being no one desiring to be heard, the public hearing was declared closed at 9:46 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 Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

City Manager Baker presented for Council's consideration adoption of Fiscal Year 2001-02 Budget and Appropriation Ordinance for a first reading. He explained that the budget had been amended per the direction of City Council at the April 17th work session. Vice-Mayor Peterson offered a motion to approve the Fiscal Year 2001-02 Budget and Appropriation Ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Council Member Lantz expressed his concern about the growth in the budget and spending \$30 million more in this budget than last year's. He said, I know one project is the steam plant which was included in the Capital Improvement Plan. I don't like reducing the City's undesignated fund, which is likely to hit a high

of \$14 million at the end of this fiscal year. I am uncomfortable when you spend the rainy-day fund and you don't have a rainy day. The City should live within the revenue means or come up with a revenue source to support that means. This budget does not have the revenue source to support the expenditures. He also said, AI will vote for the budget because sometimes you vote for things you don't believe in.

However, Vice-Mayor Peterson argued that even with the reduction in the undesignated fund money, the City will maintain close to 14% of the general budget as stipulated by the City's financial policy.

Council Member Rogers said that the budget was rolling the dice on that the economy is going to stay strong. He said, AI will vote for the budget, but it is like approving a crystal ball.@

Planning and Community Development Director Turner introduced a request for a vacation and new 20-foot public exclusive water easement within the Foxhill Townhomes subdivision. She said that Planning Commission supports the vacation and establishment of the new easement. Vice-Mayor Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

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

RESOLUTION

WHEREAS, The Honorable Porter R. Graves, Jr., was an untiring and dedicated public servant who contributed greatly to the justice system in the City of Harrisonburg; and

WHEREAS, Judge Graves practiced law in our community for over twenty years with the firm of Moore, Jackson, Graves and Ralston; and

WHEREAS, in 1987 Judge Graves was appointed by the General Assembly as a sitting judge in the Harrisonburg-Rockingham County Circuit Court, was reappointed in 1996 and became chief judge of the 26th Judicial Circuit in 1996; and

WHEREAS, Judge Graves was a member of the Virginia State Bar and the Virginia Bar Association, was a past president of the Harrisonburg-Rockingham Bar Association, and was active in many civic

and charitable organizations throughout the community; and

WHEREAS, Judge Graves was held in the highest esteem by many segments of the community and was well known for his dedication to his profession, for his thoroughness and fairness and for his strong work ethic; and

WHEREAS, Judge Graves, a dedicated public servant, a beloved friend and co-worker, and a devoted husband and father, earned the respect and admiration of his friends and associates; and

WHEREAS, the entire community mourned when, while preparing for a day on the bench, Judge Graves suddenly died on January 22, 2001,

NOW, THEREFORE, BE IT RESOLVED that the City Council of Harrisonburg, on behalf of the citizens of Harrisonburg, does hereby recognize and express sincere gratitude for the accomplishments of The Honorable Porter R. Graves, Jr., and for his contributions to the Harrisonburg community; and

BE IT FURTHER RESOLVED that City Council requests that this Resolution of honor, respect and friendship be placed in the official minutes of the Harrisonburg City Council in order that all may know of the high regard in which the Harrisonburg City Government places the memory of Judge Graves.

Given under our hand this eighth day of May in the year two thousand one, A.D.

Carolyn W. Frank, Mayor

Dorn W. Peterson, Vice-Mayor

Joseph Gus Fitzgerald, Council Member

Larry M. Rogers, Council Member

Hugh J. Lantz, Council Member

Attest: Yvonne Ryan, City Clerk

Vice-Mayor Peterson offered a motion to approve this resolution. The motion was approved with a unanimous vote of Council.

School Superintendent Ford presented for City Council's consideration the School Board's long range plan. He said that the School Board adopted a long-range plan that includes building a new high school, renovating the existing high school into a middle school and moving grades 6-8 there, using the existing middle school facility for a city wide upper elementary for grades 4-5, and having our current elementary schools serve students in pre-kindergarten through 3rd grade. The School Board actions include numerous discussions about the need to address current overcrowding and plan for future growth. He said that the board commissioned Mosley, Harris & McClintock to produce a Long Range Capital Improvements Feasibility Study. He said the board had public discussion at a meeting about the various options presented in the Mosley study. Presentations of these various options were made to school staffs. Feedback was requested and the board received many responses from staff members. At the School Board meeting on May 2nd, the board decided on a grade configuration and construction plan. The long range plan adopted by the School Board includes building a new high school (initially for 1,350 students and with core facilities for 1,550 students) at a projected cost of \$39,021,117, renovate the current high school facility to accommodate 1240 middle school students (grades 6-8). The renovated facility would become Thomas Harrison Middle School at a projected cost of \$5,817,213. Create an upper elementary school at the current THMS site for all 4th and 5th graders in the City (projected cost: no additional cost). The City's four elementary schools would remain in place, but house pre-Kindergarten through 3rd grade. When enrollment dictates, perhaps around 2008 or 2009, add classrooms to the new high school for an additional 200 students at a projected cost of \$3,602,537. The total estimated cost for the plan \$48,440,867. Dr. Ford said that the board would like to advertise immediately for architectural services, select an architect for the new high school, and participate in VPSA bond sale to finance the new high school facility. He suggested soliciting construction bids in February 2002 and by mid-March 2002 begin high school construction. In the spring or fall of 2003 participate in VPSA bond sale for renovating the existing high school, in January 2004 move the students into the new high school and begin renovation of current high school facility for the middle school. In August 2004, the middle school students would move to the renovated high school and the 4th and 5th grade students would begin at the vacated THMS facility. He reviewed the debt service for the new high school. Major issues needing additional consideration include site identification, transportation, staffing and curriculum planning.

Discussion and comments from Council Members included receiving additional information, whether Council was overstepping its jurisdiction, financial considerations, noted that another local locality turned down a School Board's request for more funding, elected officials of the school board are autonomous from the City Council, whether it is appropriate for Council to consider grade configurations, expressed frustration with Ford's reticence to provide more information, noted that the school board lacks the authority to tax, there are many shades of gray concerning the extent of each body's authority, and how can Council possibly vote for increasing the taxes of the City.

A work session between City Council and the School Board was scheduled for May 29th at 7:00 p.m. at the Thomas Harrison Middle School.

A request from the downtown Retail Merchants Association was tabled until the next meeting.

Public Works Director Baker presented a brief report and a request for a supplemental appropriation to award a contract for bridge replacement and utility repair on North Main Street. He requested Council's approval of awarding the contract to Wilkins Construction Company, Inc. of Amherst, Virginia for the replacement of

North Main Street Bridge and pipe culvert over Blacks Run. Vice-Mayor Peterson offered a motion to authorize City Manager Baker to sign this contract. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request for transferring funds for purchasing the vehicle the City Manager is currently driving to the Building Inspection Department. Vice-Mayor Peterson offered a motion to transfer these funds.

\$16,691.00 chge. to: 1000-910411-45660 Other non-departmental

\$16,691.00 approp. to: 1000-340121-48151 Motor vehicles and equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds were received from a grant award and will be used for truancy prevention and assistance. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$9,014.00 chge. to: 1111-32442 School Revenue - State

\$9,014.00 approp. to: 1111-111114-40610 Instruction

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Public Works Director Baker presented a request for transferring funds for the Sanitation budget. He explained that these funds would be transferred from a capital outlay to a capital project to be used for purchasing a tire treading machine for the Resource Recovery Plant. Vice-Mayor Peterson offered a motion to transfer these funds.

\$100,000.00 chge. to: 2014-972043-48111 Machinery & Equipment

7,908.27 chge. to: 2014-972043-48151 Motor Vehicles & Equipment

\$107,908.27 approp. to 2014-992042-49216 Transfer to Capital Projects

\$107,908.27 chge. to: 1324-34270 Transfer from Sanitation Fund

\$107,908.27 approp. to: 1324-910142-48685 Recycling Development

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Public Works Director Baker presented a request for transferring funds for the Sanitation budget. He explained that these funds would be used to adjust the sanitation fund's budget to cover the cost of natural gas purchases. The current budget expenditure estimates did not anticipate the large increase in natural gas costs for this year. This expenditure is covered through monthly reimbursement from James Madison University. Vice-Mayor Peterson offered a motion to approve this request for a first reading.

\$105,000 chge. to: 2014-31915 Reimbursement-JMU CISAT Operating

\$105,000 approp. to: 2014-912242-45119 Natural Gas

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds received as a reimbursement through a DMV grant will be used for salaries. Council Member Rogers offered a motion to approve this request for a first reading.

\$6,000.72 chge. to: 1000-32520 DMV Grant

\$6,000.72 approp. to: 1000-310231-41020 Salaries/Wages OT

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

Bucky Berry said that Harrisonburg has a terrible drug problem and suggested allocating more money for the Police Department.

RESOLUTION

Sallie Strickler, a resident of 1017 Smithland Road, expressed her thanks to City Council for their hard work and dedication to the City. She also expressed her thanks to Public Utilities Director Mike Collins for all of his hard work in getting water and sewer to the Smithland Road area.

Dale Metzler, a resident of 1513 North College Avenue, said that he and his wife attended the May 2nd School Board meeting. It was a public hearing to consider the three proposals for long range school planning. Citizens attended the meeting prepared to debate, discuss and offer their opinions of the proposals. He said that he was impressed with the strong unified effort of the middle school teachers advocating for Thomas Harrison Middle School and to keep grades 6-8 together. However, he said he was disappointed that a motion was made to adopt proposal number three, voted on and passed by the other school board members before it had really been discussed. He said he questioned how the school board could vote on any proposal because the proposals had not been studied. He also said that the school board did not hold enough public hearings concerning the proposal nor allow enough time for public input.

At 11:00 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR