

REGULAR MEETING

March 13, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC, and Chief of Police Donald Harper.

Council Member Frank gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Bucky Berry, a resident of Harrisonburg, thanked Mayor Eagle for helping the Salvation Army on Thanksgiving Day.

Al Jenkins thanked everyone for the grant funding for the African-American Heritage brochure and driving tour of places in Harrisonburg and Rockingham County.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police, Public Utilities and Public Works Departments. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Landes Heating and Air Conditioning, Inc. to rezone a .53-acre +/- portion of property from R-2 to B-2. The property is located at 101 West Mosby Road and can be found on tax map 6-A-5. The Comprehensive Plan designates this area as Commercial. Landes Heating & Air Conditioning was located on the subject parcel prior to its annexation in 1962. The parcel consisted of an existing apartment building and the offices for the business. When annexed into the City a split zoning was placed on the property. In 1984 the applicants purchased a 1.4 +/- acre parcel to the rear of their existing property, which was also split zoned R-2 and B-2. The applicants are now seeking to bring the parcel into compliance with the business zoning classification. She reviewed the surrounding uses in the area. She said that Planning Commission has recommended that the request be approved.

At 7:10 p.m., Mayor Eagle closed the regular session temporarily and called the evening first public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 26, and Monday, March 5, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on March 13, 2007 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Rezoning – 101 West Mosby Road (Landes)

Public hearing to consider a request from Landes Heating & Air Conditioning, Inc. with representative Robert Stone to rezone a .53-acre +/- portion of property zoned R-2, Residential District to B-2, General Business District. The property is located at 101 West Mosby Road and can be found on tax map 6-A-5.

The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City.

The Zoning Ordinance states that 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. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Eagle called on anyone desiring to speak for or against this rezoning request. Robert Stone, an attorney with Litten and Sipe and representing the applicant reviewed the zoning history of the property. There being no others desiring to be heard, the public hearing was declared closed at 7:12 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Pace, and approved with a roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Recused - Council Member Chenault

Absent – None

Planning and Community Development Director Turner introduced a request from Phillip Constable and William Shomo to rezone a 6,528 sq. ft. +/- portion of property from M-1 to R-4. The property is located at the corner of North Main Street and Emerson Lane and can be found on tax map parcel 42-D-20. She said that a land swap recently occurred between the subject parcel and the non-conforming parcel located at 1256 North Main Street. The land swap gave the subject parcel more property for townhouse construction to the rear of the lot; however, the acquired land is zoned M-1 and must be rezoned for the property plan of development. She reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as Planned Business. She said that Planning Commission has recommended that the rezoning request be approved.

At 7:16 p.m., Mayor Eagle closed the regular session temporarily and called the evening second public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 26, and Monday, March 5, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on March 13, 2007 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Rezoning – Corner of North Main Street & Emerson Lane (Zach Roberts)

Public hearing to consider a request from Philip Constable and William Shomo with representative Zach Roberts to rezone a 6,528 sq. ft. +/- portion of property zoned M-1, General Industrial to R-4, Planned Unit Residential District. The property is located at the corner of North Main Street and Emerson Lane and can be found on tax map parcel 42-D-20. The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.

The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The R-4, Planned Unit Residential District is intended to permit the development of planned residential neighborhoods containing not less than twenty-five (25) contiguous acres under one ownership or control at the time of approval for development. Within the district the

location of all buildings, playgrounds, recreation and green areas, parking areas and open spaces shall be developed in such a manner as to promote a variety of residential and permitted nonresidential buildings in orderly relationship to one another. The residential density ranges for the R-4 district are single-family, 6,000 sq. ft. minimum; two-family, 3,000 sq. ft./unit; multi-family, 3,000 sq. ft./unit; and townhouse, 2,000 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 least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG
Roger D. Baker
City Manager

Mayor Eagle called on anyone desiring to speak for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 7:17 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this rezoning request. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was a request to preliminarily subdivide 15.39 acres into 16 single-family lots and 16 duplex lots along an extension of Smith Avenue. Planning and Community Development Director Stacy Turner said that City Council approved the preliminary plat September 2005. However, the applicant did not file a final plat within twelve months after approval of the preliminary plat, a requirement of the Subdivision Ordinance Section 10-2-26 (d), and therefore it has expired. The applicant has resubmitted the exact same preliminary plat that was approved in 2005. The applicant is requesting to re-subdivide six lots (15.39 acres) into 16 single-family lots and 16 duplex lots along an extension of Smith Avenue, along with the reconfiguration of three lots along College Avenue for a total of 35 lots in the subdivision. The applicant is requesting a variance because an extension of Smith Avenue along Greystone Street involves a 1,280 foot cul-de-sac, which exceeds the City's length of 800 feet for a cul-de-sac. It also exceeds the number of trips per day for a cul-de-sac. The old section of Smith Avenue does not connect all the way through to the new proposed terminated extension of Smith Avenue. It meets no City street standards. It is very narrow and does not have a curb or gutter. A 15-foot access easement is in place to allow pedestrians and bicyclists the ability to travel north in the direction of Eastern Mennonite University. The easement would be an all weather road surface,

with an unlocked chain gate to restrict vehicular access, but allowing for emergency equipment to access this development. The second variance was a configuration of six large lots not meeting the standard zoning classification requirements and includes a provision that these lots would not be further subdivided. She said that Planning Commission recommended to approve the preliminarily plat. Following further discussion and comments, Council Member Chenault offered a motion to approve the master plan of the preliminarily subdivision with the condition that staff ascertain the City has a legally enforceable easement across the 15 foot strip to serve the subdivision. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Bill Neff to revise a previously approved Master Development Plan for 60.60 acres of R-7, Medium Density Mixed Residential Planned Community. The 60 acres of Southbury Station was rezoned by City Council in May 2007 from Industrial Business classification to R-7 Medium Density Mixed Residential Planning Community zoning classification. At the time of the rezoning the applicant had to present a plan of development, which the applicant is now requesting to modify. Mrs. Turner reviewed the surrounding uses in the area and concerns of staff regarding the land use. The reason the applicant is modifying their plan of development is due to the difficulties associated with the Boxwood Court/Pointe Drive intersection. However, this current request is the same proposal presented to Council in May for a total of 466 units. She then reviewed the original and revised plans including the existing Boxwood Court right-of-way off of Main Street, entrance at East Kaylor Park Drive and E&M Paint's loading dock and internal traffic. Boxwood Court is offset 150 feet to the south from the intersection of Pointe Drive across South Main Street. It is being proposed that the entrance to the property at 2870 South Main Street be closed. She also said that the Public Works Director feels this plan is not ideal, but acknowledges that if this development must occur, the proposed intersection design could technically work. She said that City staff does not recommend the amendment to this plan, but has continued to work with Valley Engineering. She said that Planning Commission recommended to deny this request to revise a previously approved Master Development Plan.

Director of Public Works Jim Baker clarified that the department has worked closely with the developer and his engineers on this property. The Public Works Department is dedicated to finding a reasonable and safe solution for this development; however, they are concerned about the proposed traffic signal installation. It is being recommended that a further study be conducted other than what is being presented tonight. Technically this system will work, but is not the best system for the citizens of Harrisonburg living in this area.

At 7:47 p.m., Mayor Eagle closed the regular session temporarily and called the evening third public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 26, and Monday, March 5, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on March 13, 2007 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Rezoning – Southbury Station Revision (South Main Street)

Public hearing to consider a request from Bill Neff, with representative Valley Engineering, to revise 60.60 acres of R-7, Medium Density Mixed Residential Planned Community zoned parcels. The properties are located near South Main Street between Boxwood Court and Kaylor Park Drive and can be found on tax maps 2-C-1, 2-D-0, 6-10, and portions of 103-A-5 and 103-A-14.

The Comprehensive Plan designates this area as Medium-Density Mixed Residential. This designation is intended for small-lot single family detached and single family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. The gross density of development in these areas should be in the range of 4-12 dwelling units per acre.

The Zoning Ordinance states that the R-7, Medium Density Mixed Residential Planned Community is intended to permit the development of planned residential communities offering a mix of single family detached and attached dwellings and open spaces. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walk ability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed, redeveloped, and amended in accordance with a master development plan.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Eagle called on anyone desiring to speak for or against revising the previously approved Master Development Plan.

Bill Neff requested a revision to the original plan of Southbury Station, which is currently, zoned R-7. “We are requesting a revision of the northern street from a 50-foot right-of-way to a 60-

foot right-of-way. As a result of moving the street, we have moved some of the buildings in the subdivision. We have attempted to work out a deal to see if we could get the building at 2870 South Main Street, but it is tied up in a trust and the owners do not want to sell the house. We have discussed six to seven hundred thousand dollars for the building and you just cannot put that much into a building just to get a street to line up.”

Seth Roderick an engineer with Valley Engineering reviewed the reconfiguration plan and changes that would occur to Mr. Long’s property and maneuvering trucks at E&M Paint.

Bucky Berry said that he opposed the plan because it will impact the school system. There being no others desiring to be heard, the public hearing was declared closed at 8:04 p.m., and the regular session reconvened.

The following discussion by Council Members included: Trucks at E&M Paint will still have to back into a loading dock. Will the two light structure speed up traffic going into Boxwood Court? What is the number of left turns based on? Is this option a better flow of traffic than what has already been approved? Can an agreement be reached with Mr. Long that his property will not be diminished? The private road next to E&M Paint could serve as an emergency lane. A commitment was made by the developer on the previously approved Master Development Plan that trucks from E&M Paint cannot back onto the street. The safest most effective and recommended way is to align Point Drive with Boxwood Court. Council supporting the request the first time, but not analyzing probably the negative aspects of entering in by E&M Paint.

Following further discussion and comments, Council Member Frank offered a motion to deny this request revising a previously approved Master Development Plan. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: No - Vice-Mayor Pace
Mayor Eagle

Yes - Council Member Chenault
Council Member Byrd
Council Member Frank

Absent – None

The next item of business was a presentation by Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority. He said that a Homeless Point-in-Time Survey was conducted in January 2007 by the Continuum of Care Coalition. The Coalition is a local community network of service, affordable housing and shelter providers. It was established to address the various challenges homeless individuals face in the Harrisonburg and Rockingham Region. The Homeless Point-in-Time Survey is part of a national initiative by HUD to identify and address homeless. Surveys are collected across the country during the last week in January. The standard survey provided more demographic information. The number one reason stated for homelessness in Harrisonburg is the inability to afford rental payments. The other top three

reasons listed are family problems, victim of domestic abuse problems, and eviction for reasons unrelated to payments.

Karin Bender said almost 80% of the respondents are between the ages of 21-50 years old and 14% of the respondents are older than 50 years of age. She reviewed sheltered demographic trends of education completed, veterans status, frequency of homelessness, and food stamps. The two greatest challenges to being homeless, as answered on the survey are “Cannot find affordable housing” (38%) and “Cannot find work” (20%).

Michael Wong said 435 applicants applied for subsidized housing assistance on January 10, 2007. According to the United States census data one-fifth of families in Harrisonburg live below 150 percent of the poverty line. Over one third of the children living in Harrisonburg live below 150% of the poverty line, 10% of Harrisonburg children live in extreme poverty and one-fifth of seniors live below 150% poverty line.

Charles Vessels said that he was a homeless person and disagreed with information in the survey provided by the Harrisonburg Redevelopment and Housing Authority.

Jim Baker, Director of Public Works, presented an overview of several projects including proposed improvements to Reservoir Street from University Boulevard to the east City limits.

Rick Delong project manager with McCormick Taylor said the purpose of the following analysis was to determine the future lane requirements along Reservoir Street between the intersection at University Boulevard and the Eastern City limits. We recommend to proceed with the design because it maintains the City’s active right-of-way coordination. It will be challenging to talk with developers about giving right-of-way to conduct engineering work without a preliminary design.

Brian St. John said traffic information was used from VDOT for the study of Reservoir Street. The report identified 14 potential developments to 2030. He reviewed the threshold analysis methodology and forecasted traffic from 2005 to 2030 based on information provided by the Community Development staff. A five-lane section will be required to meet the future demand.

Jim Baker, Director of Public Works encouraged Council’s approval to move forward with the street improvements design process.

Council Members asked Jim Baker to provide more realistic numbers on the preliminary engineering costs before moving forward with approval.

Council Member Chenault offered a motion to approve a request by Valley Aids Network for a 5K Aids Walk/Run on April 14, 2007. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

The next item of business was distribution of Dog and Cat Sterilization Funds received from the Department of Motor Vehicles. Vice-Mayor Pace offered a motion to distribute the

funds \$747.89 to the SPCA. The motion was seconded by Council Member Byrd and approved with a unanimous vote of Council.

Fire Chief Shifflett presented a request for the Fire Department. He said that these funds were donated to the Fire Department for expenses related to the trip to Mississippi in January, 2007 to rebuild homes destroyed by Hurricane Katrina. The request also includes recovery of funds from the sale of two reserve fire trucks which will be used to replace a staff vehicle. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$3,876 chge. to: 1000-31811 Sale of used equipment
9,496 chge. to: 1000-31809 Donations

\$3,876 approp. to: 1000-320232-48151 Motor vehicles
9,496 approp. to: 1000-320232-45545 Hurricane Katrina trip

The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was a proposal from Mike Layman. Mr. Layman proposed that the City acquire some additional acreage on Garbers Church Road adjacent to the entrance to the golf course and add this park land to the First Tee program. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$325,000 chge. to: 1000-31010 Amount from fund balance

\$325,000 approp. to: 1000-730271-48282 Land

The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Fire Chief Shifflett presented a request for the Fire Department. Fire Station 4 has developed settling cracks in the exterior walls since it was constructed in 1975. These funds will be used to engage the services of Sease & Associates to determine the cause of the situation and the corrective action to be taken. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$72,000 chge. to: 1000-31020 Amount from fund balance

\$ 3,500 approp. to: 1000-320132-43100 Professional services

68,500 approp. to: 1000-320232-43360 Maint. & repair-bldg. & gnds

The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that John J. (Jack) Broaddus, 64 Maplehurst Avenue, be appointed to a first term on the Industrial Development Authority to expire on April 24, 2011. The motion was seconded by Council Member Chenault, approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 10:03 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

