

## REGULAR MEETING

JUNE 23, 1998

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 and Chief of Police Donald Harper.

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

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

City Manager Stewart presented an application for fireworks display at Spotswood Country Club on July 4, 1998. He explained that Skyfire Fireworks Displays has completed the appropriate application and they have met all Fire Department requirements. Council Member Byrd offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request to vacate and relocate lot lines through Lots 12, 13, and 14, Section 5 in the Blue Stone Hills Subdivision. She explained that these lots front on Pearl Lane and are zoned R-1 Single Family Residential. There is someone who is going to purchase all three lots for the purpose of putting in a single family house and they need to remove the lot lines. Since easements run through all three lots, the lot lines will need to be vacated and relocated. There are general utility easements involved and an exclusive water line easement. The applicant's attorney has prepared a proper deed of easement and vacation of property line which has been reviewed by the City Attorney. Mrs. Turner said that Planning Commission recommended approval of this request, if prior to the applicant recording the plat, the agreed fee to relocate the water line easement had been paid. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request by Ray Nicely, agent for V.W. Nesselrodt and Henry Clark, for approval of a Preliminary Plat entitled "Redivision of lots 1 & 1A, Section 1, Easthampton." Mrs. Turner said that the applicant is requesting to vacate the existing lot line between the two lots and resubdivide the parcel. The parcel contains two lots which do not conform to the current area and dimensional regulations of the R-2 zoning classification. The reasoning for this request is that the existing lots were conforming at the time of the original subdivision, but do not conform to current regulations. The applicant claims a topographic hardship prevents development of the lots. She said that Lot 1 currently contains 4,574 square feet and Lot 1A is 5,413 square feet. Steep slopes will hinder the construction of driveways unless they redraw the property lines to make the lots more accessible from the street. If approved, Lot 1 would become 5,833 square feet and Lot 1A would become 4,154 square feet. Changing the lot lines will bring one lot into conformance with the subdivision ordinance, although the other will remain nonconforming. She said that Planning Commission recommended approval of the request. Council Member Byrd questioned what would be the position of City staff if the smaller lot came up for a variance in the future. Mrs. Turner responded that generally staff does not recommend approval of any variances, only provides facts, but City staff would point out that the applicant had recently resubdivided the property.

Ray Nicely

said that because of the steep slopes, it would hinder the construction of the driveways, and access to one lot could only be gained by an easement across the other lot. This request will allow both lots to have a frontage on the street. Following further discussion and comments, Council Member Byrd offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner presented for Council's consideration the adoption of the 1998 Comprehensive Plan update. She explained that City Council and Planning Commission held a joint public hearing on May 26, 1998 on the update of the plan. Mrs. Turner said that Planning Commission discussed some of the changes at its June 10th meeting and she reviewed some of the recommended changes on the land use plan. One is on Peach Grove Avenue and Neff Avenue extended which is zoned R-1; however, the area should be listed as Medium Density Residential to make it compatible. The other area is on South Main Street near where the rezoning took place for Carilion. This area is zoned Medium Density Planned Residential and should be considered as Planned Business classification. In addition, property located on North Main Street and Moore Street should be Planned Business classification and property at the intersection of Port Republic Road and Peach Grove Avenue should be changed from planned commercial classification. She said that Planning Commission did not have any other changes and recommended that the plan be adopted. Council Member Green offered a motion to adopt the 1998 Comprehensive Plan. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration a request from Rockingham Memorial Hospital to close a portion of South Mason Street on July 26. He explained that the hospital will be having an open house and dedication of the new West Tower. The Police, Fire, and Public Works Departments have reviewed this request; however, he noted that the request should be granted contingent upon HEC allowing banners to be hung on their utility poles. Council Member Rogers offered a motion to approve the request as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds from the Parking Authority operating budget to the Parking Authority Capital projects. These funds will be used to assist with repair to the Water Street Parking Deck. Vice-Mayor Lantz offered a motion to approve the transfer of these funds:

\$30,000 chge. to: 2015-410641-43360 Maint. & Rep. - Buildings & Grounds

\$30,000 approp. to: 2015-410641-49216 Transfer to Capital Projects

\$30,000 chge. to: 1325-34275 Transfer from Parking Authority

\$30,000 approp. to: 1325-910641-48653 Rehabilitation Parking Deck

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

City Manager Stewart presented a request to transfer funds from Highway and Street Maintenance to General Capital projects. He explained that these funds will assist in covering cost of improvements to Park Road between Parkwood Drive and Shank Drive. The project cost has increased due to additional storm drain system necessary to support development along Park Road. The City will be reimbursed for a portion of the additional costs. Council Member Rogers offered a motion to approve the transfer of these funds.

\$40,000 chge. to: 1000-410241-48294 WIP - Annexed Area - 1

20,000 chge. to: 1000-410241-43372 Maint. & Rep. - bridges

\$60,000 approp. to: 1000-90111-49216 Transfer to Capital projects

\$60,000 chge. to: 1310-34210 Transfer from General Fund

\$60,000 approp. to: 1310-910141-48609 Park Road Project

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

City Manager Stewart presented a request to transfer funds from Reserve for Contingencies to the Convention and Visitors Bureau. He explained there are shortfalls in the Convention and Visitors Bureau budget and this transfer will provide additional money to the Bureau. Council Member Green offered a motion to approve the transfer of these funds:

\$2,449 chge. to 1000-940111-49310 Reserve for contingencies

\$2,449 approp. to: 1000-910411-45654 Convention and Visitors Bureau

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

City Manager Stewart presented a request to transfer funds from Sanitation operating funds to Sanitation Capital projects. He explained that these funds will assist in Retro-fits and improvements at the Landfill and Resource Recovery Plant to address state regulations. Vice-Mayor Lantz offered a motion to approve the transfer of these funds:

\$ 8,000 chge. to: 2014-922041-44200 Central Garage

3,000 chge. to: 2014-922041-44310 C.S. Power Equipment Fuels

12,000 chge. to: 2014-932042-43140 Engineering, Arch. & Mapping

14,000 chge. to: 2014-932042-43360 Maint. & Repair Bldgs. & Grounds

6,000 chge. to: 2014-932042-46070 Repairs & Maintenance Supplies

18,000 chge. to: 2014-952042-41010 Salaries & Wages Regular

3,000 chge. to: 2014-952042-41020 Salaries & Wages Overtime

3,500 chge. to: 2014-952042-42010 FICA

4,400 chge. to: 2014-952042-42020 Retirement - VRS

4,100 chge. to: 2014-952042-42050 Hospital Insurance

2,000 chge. to: 2014-952042-43360 Maint. & Repairs - Buildings & Grounds

\$78,000 approp. to: 2014-992042-49216 Transfer to Capital projects

\$78,000 chge. to: 1324-34270 Transfer from Sanitation Fund

\$43,000 approp. to: 1324-910142-48681 Landfill Closure & Monitoring

35,000 approp. to: 1324-910142-48682 Retro-Fit Steam Plant

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

City Manager Stewart presented a request to transfer funds from Reserve for Contingencies. He explained there will be a shortfall in the court appointed attorneys fund. Council Member Rogers offered a motion to approve the transfer of these funds:

\$283.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$283.00 approp. to: 1000-330231-43151 Court appointed attorney

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

Steven Layman expressed his appreciation to Council and Police Chief Harper for supporting the Kelley Street neighbors in their effort to take back their neighborhood.

Council Member Green expressed concern about the potential loss of car tax revenue because the state will be phasing out the personal property tax. He said that regardless of whether the City will be reimbursed, it is time to look at other sources of revenue. He went on to say the state has a history of not fulfilling such promises to localities and the City has many needs that cannot be met with current revenues. He said that the City needs to look at some user taxes to replace some possible lost revenue and to provide additional revenues for the needs of the City. He said, "I have always been anti-tax all my life, but we must widen our approach to let more people that are not paying taxes in the City contribute to a cause. The schools every year request another million dollars of additional local funds. However, we can't continue to ignore the needs of the Fire Department, Recreation Department, and Police Department." The infrastructure is very expensive to the City, and he said that ways will be needed to distribute the revenue burden on those who come into the City. He also noted that although he supported the schools, he did not want to build something because it is a good time to borrow money. Mayor Eagle said that he agreed with Council Member Green's comments and noted these changes should be implemented right away to brace the City for potential loss of the local revenue and to meet the increasing demands on the City. People coming into the City should be paying more in taxes including meal taxes, transient taxes, and admission taxes. He also mentioned that the City has only 34,700 residents; however, 250,000 people from the surrounding area use the City. Council Member Rogers said that we should plan to look at other sources of revenue for the City. He also suggested that the City review the water rates charged to customers who live outside Harrisonburg. Council Member Rogers noted that during the four years he has been on Council, the City has purchased a new fire truck, made additions and repairs to the schools, added new police officers, added new firefighters, promoted downtown, and made bridge improvements without a tax increase. Vice-Mayor Lantz said that he favored spreading the tax burden around instead of placing it on the approximately 6,500 real estate owners in the City. Council Member Byrd noted that Council in recent years has been responsive to the things that are on the front page of the newspaper. Beyond the very visible school system, he said that it has been his experience there are many other dedicated people living within the City structure who are being asked to wait their turn. However, that turn seldom seems to come along in the line of priorities. Following further discussion and comments, City Council directed City Manager Stewart and City Attorney Thumma to review the City's transient tax, meals tax, and admissions tax and to schedule a public hearing on July 14, 1998.

Commissioner of Revenue Hosaflook announced that she will be attending a workshop on computer software package being used to meet the Governor's guidelines for computing vehicle tax this year. The City has already purchased the software package; however, some programming adjustments will be needed to accommodate information being sent to Richmond to qualify vehicles and refund money to tax payers. She also said that information received from the Department of Motor Vehicles will be used as a guideline on how

much money to return to the localities.

City Manager Stewart announced that WHSV-TV will have a ground breaking ceremony on Court Square, Wednesday, July 1, 1998 at 9:00 a.m.

At 8:30 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Harrisonburg-Rockingham Regional Sewer Authority, and Community Services (Chapter 10) Board, and the evaluation of a City department, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney requiring the provision of legal advice by the City Attorney, 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 Byrd, and approved with a unanimous vote of Council.

At 10:59 p.m., the executive 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 business matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the executive session by the City Council.

Vice-Mayor Lantz offered a motion to purchase 7.1 acres of property from Wayne and Donna Gates at a cost of \$225,000 for access to City property from Garbers Church road in accordance with the City's adopted Capital Improvement Program (CIP). The motion was seconded by Council Member Byrd, and approved for a first reading with a unanimous recorded vote of Council.

At 11:02 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CLERK

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MAYOR