

MINUTES - REGULAR MEETING OF CITY COUNCIL - SEPTEMBER 24, 2002

REGULAR MEETING

SEPTEMBER 24, 2002

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Joseph Gus Fitzgerald; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Larry M. Rogers; Council Member Carolyn W. Frank, Dorn W. Peterson, Hugh J. Lantz; and Chief of Police Donald Harper. Absent: City Clerk Yvonne Bonnie Ryan, CMC/MMCA.

Council Member Lantz gave the invocation and Mayor Fitzgerald led everyone in the Pledge of Allegiance.

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading amending and re-enacting Section 10-3-24 and 10-3-35 of the Harrisonburg City Code. The motion also included the second reading approval of Supplemental Appropriations for the Police Department, Parks and Recreation Department, and transferring funds for a department. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent None

Planning and Community Development Director Turner introduced a request from Eastern Mennonite High School for the creation of a master plan for the school's campus. She said that the master plan would allow parking areas and accessory structures to encroach into the required setback. The property is located at 801 Parkwood Drive. The Comprehensive Plan designates this area as Institutional. These lands are designated for development by certain nonprofit and public institutional uses such as colleges and universities,

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hospitals, offices of nonprofit organizations, community assembly uses and institutions, which provide for the shelter and care of people. She reviewed the surrounding uses in the area. Currently, the property has a split zoning designation of B-2, General Business District and R-3, Multiple Dwelling Residential District; however, both zoning sections are overlaid with the I-1, Institutional Overlay District. The regulations provided under the I-1 District are intended to supplement those permitted in the underlying zoning classification, in this case B-2 and R-3, not to be more restrictive than those of the underlying zoning classification. These overlay regulations are available to several different types of institutional uses to allow for a greater flexibility than the underlying zoning classification would allow. This flexibility is in recognition that property lines are somewhat artificial in these types of developments and to allow for a relaxation of regulation where appropriate as a part of an overall development plan and when not detrimental to surrounding properties. The City's Zoning Ordinance in the Institutional Overlay District contains the basic permitted uses allowed in setback regulations. Additionally, under Section 10-3-106 (a) of the I-1 District, there exists a master plan process which provides a mechanism for an applicant to request approval of a master plan for development that may include uses which do not meet the dimensional or parking requirements. The proposed EMHS master plan has two areas that do not meet the above necessary requirements, which allows the Planning Commission and City Council to allow for the reduction in these requirements through the master plan process. The first area is located along Mt. Clinton Pike, where a dugout is planned to be constructed for the softball field and does not meet the dimensional regulations. The dugout located parallel to Mt. Clinton Pike encroaches into the 30-foot setback requirement by five feet. The applicant states in their letter that the options for locating this dugout other than as projected are limited as there would be very significant cost in relocating the softball field, and it would tighten an already tightly planned property. The second area does not meet the necessary parking requirements and is located along the western property line that adjoins Eastern Mennonite University (EMU). The large parking lot shown behind the main facility directly abuts the western property line. The Zoning Ordinance's Off-Street Parking regulations, Section 10-3-25 (3) states, that parking spaces shall be separated from all property lines by a landscaped border not less than ten (10) feet in width or appropriate visual elements such as walls or fencing. The configuration shown encroaches upon the property line and leaves no room for appropriate visual elements. In 1998, EMU received approval of their master plan, which shows a parking lot on the adjacent property, but not directly abutting the property line. She said that staff and Planning Commission recommended approval of the request.

At 7:40 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, September 10, and Tuesday, September 17, 2002.

## **Notice Of Public Hearing**

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**The Harrisonburg City Council will hold a public hearing on Tuesday, September 24, 2002, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

**MASTER PLAN**

**A request by Eastern Mennonite High School for approval of a master development plan for real estate owned or controlled by the school and situated within the R-3 Institutional Overlay District. The site is identified as the following parcel on the City of Harrisonburg s block maps: 47-N-7.**

**Maps and other information are available for review in the Community Development, 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 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 Fitzgerald called on anyone desiring to speak for or against this request.

J. David Yoder, Principal of Eastern Mennonite High School (EMHS) said that he appreciated the opportunity to speak and said that Mrs. Turner had made an excellent presentation of the request. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent None

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Planning and Community Development Director Turner introduced a request by James Hoak for a preliminary plat to subdivide one acre of land, with improvements, out of a larger twenty-acre parcel, zoned R-1, Single-Family Residential District. The property is located at 460 Pear Street. She said that Mr. Hoak has requested several variances in the City's subdivision regulations. The preliminary plat request is to subdivide a parcel creating an additional parcel of land that is approximately one (1) acre in size. This new lot contains an existing house and garage. Because of the unique situation of this lot, two variances are being requested. The first variance is to Section 10-2-42(d) of the subdivision ordinance that requires all lots to front on a public street. The second variance is to Section 10-2-43 of the subdivision ordinance that requires utility easements along lot lines. The unnecessary hardship particular to this property is the large size of the parent tract, 20 plus acres, and the fact that only one lot is desired to be divided at this time. This subdivision would allow the separate conveyance of a one (1) acre lot and an existing house and garage. This house has been on the property for approximately 30 plus years and was annexed into the City in 1983. Currently, the house on the property is serviced by a well. In the future, water could be provided from a line on Pear Street. The proposed plan conforms to the R-1 zoning classification, the Comprehensive Plan, and City staff has no objections to the preliminary plat with the variances. She said that Planning Commission recommended approval of the request. Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent None

Kevin Leigh, President of the Rockingham-Harrisonburg SPCA, appeared before City Council to request funding for a new animal shelter. He said that a new facility is needed to meet standards for state veterinary regulations, new OSHA and ADA laws. The 30-year-old building is consistently overcrowded. It is also difficult to contain the spread of disease among animals. Mr. Leigh said that the SPCA had approximately \$1 million in available funding for a new facility. The SPCA plans to spend \$400,000 of the funding for the new facility and borrow \$600,000. He said that the SPCA was requesting \$500,000 from the City. Rockingham County pledged \$500,000 for the new facility. He also noted that the new shelter would have dedicated office space for animal control officers.

Council Member Lantz questioned whether the current facility could be renovated and if the City and County were sharing equal responsibilities.

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Vice-Mayor Rogers stressed the need to help the SPCA build a new facility. He said, The City would have to build its own impoundment facility if the SPCA did not take in the animals caught by the animal control officer. It s actually a good deal for the City.

Council Member Peterson expressed concern about the City taking on more debt. He suggested that instead of giving the organization a lump sum donation, it might prove better for the City to draw out those payments over a 30-year period. The SPCA is going to have to bond out \$600,000 anyway, so why don t they borrow another \$500,000 and Harrisonburg will sign a contract promising to pay that part of it over the life of the bond. He said by paying off a portion of the SPCA s debt, the City could still donate the \$500,000 without taking out a loan itself. With current interest rates, the City would pay the SPCA about \$27,000 a year for 30 years under such a deal. Currently the City gives the SPCA about \$43,000 annually. He said, So we essentially just bump that donation up to \$70,000. Council Member Peterson offered a motion to refer this request to the City Manager and his staff for a recommendation regarding the City s finances. The motion was approved with a unanimous vote of Council.

Mayor Fitzgerald announced that a proposed joint City Council/School Board meeting has tentatively been scheduled for October 29, 2002. The meeting will be televised.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from state asset seizure money to purchase upgrades for current polygraph machine. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$3,615.00 chge. to: 1000-31010 Amount from fund balance

\$3,615.00 approp. to: 1000-310331-48172 Hardware (replacement)

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Frank

Vice-Mayor Rogers

Council Member Peterson

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Mayor Fitzgerald

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that the department has received reimbursement money from the Virginia Municipal Liability Pool to repair a police car, which was damaged in an accident. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$1,009.99 chge. to: 1000-1000-34011 Insurance recovery

\$1,009.00 approp. to: 1000-310131-43350 Maintenance and repair to vehicle

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Frank  
Vice-Mayor Rogers  
Council Member Peterson  
Mayor Fitzgerald

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from a Federal block grant to purchase in-car cameras for police vehicles. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$25,016.00 chge. to: 1000-33507 block grant (Federal)

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\$25,016.00 approp. to: 1000-310231-48211 Machinery & equipment (new)

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Frank  
Vice-Mayor Rogers  
Council Member Peterson  
Mayor Fitzgerald

Absent None

Bucky Berry, a resident of 877 North Main Street, suggested that a fifth fire truck should be located in the Park View area of the City.

Ken Bahn, a resident of 668 Garbers Church Road, suggested that the City should hire a survey research expert rather than requesting bids for these services on many projects. He said there are local people who can conduct surveys at a lower cost, saving the City a lot of money in research. Having professionals conduct the research for new projects should be extremely important to the City.

Douglas Orndoff, a resident of 350 East Elizabeth Street, said that he was the owner and operator of Harrisonburg Auto Upholstery. He said that during the last several months his business has been completely blocked by the construction on the North Main Street Bridge. He said he is losing business every week from repeat customers because the construction has not been completed on time. City Council requested that City Attorney Miller look into this matter.

At 8:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR