

## REGULAR MEETING

MAY 25, 2004

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 Members Carolyn W. Frank; Dorn W. Peterson; Hugh J. Lantz; Acting City Clerk Jenny Brockwell, and Police Captain Claytor. Absent: City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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 of a Supplemental Appropriation for the Parks and Recreation Department and Fire Department. The recorded roll call vote was taken as follows:

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

Absent – None

Mayor Fitzgerald announced that a request to close a right-of-way at the end of Betts Court had been tabled at the May 11<sup>th</sup> Council meeting because of an objection from a surrounding property owner. The objection has been resolved. Council Member Frank offered a motion to approve a request to close a right-of-way at the end of Betts Court. The recorded roll call vote was taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by Roger Simmons to subdivide a 3.71 acre parcel zoned B-2, General Business District and R-1, Single Family Residential District into two separate parcels. The property is located at 1160 West Market Street. The applicants have requested to subdivide their 3.71 acre lot into two separate

parcels. The proposed rear parcel, consisting of 2.55 acres would not front onto a public street, requiring a variance to the requirement that all lots resulting from a subdivision front on a public street. She reviewed the surrounding uses in the area. The applicants are proposing to have two access easements from the site that would access the rear portion of the property. She said that the applicants have indicated the reason for subdividing this parcel is to reduce the acreage for the front parcel for business financing reasons. She also said that the rear portion of the original lot is unique because it has a split zoning classification. Because of the split zoning, almost any future development on the proposed new real lot, will require the applicants to appear again before Planning Commission to request rezoning the entire parcel. Reconfiguration of the stormwater management plan could potentially open up more of this rear area for development. She said that Planning Commission has recommended approval of the request. Following further discussion and comments, Council Member Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request by Doug Kline to subdivide a parcel with a variance to the Subdivision Ordinance requiring all lots to front on a public street. She said that the property is located at 102-104 Maryland Avenue. The applicant requests that his lot located along Maryland Avenue be subdivided to allow for the creation of a second parcel for the purpose of building a two unit dwelling. The second parcel would not have street frontage. This property is a suitable candidate for this variance because of the unique nature of the lot and the geographic and development challenges of the surrounding area makes any future road connection virtually impossible. The major concern with further development on this property is the impact of Blacks Run and flooding potential. Any new structure built on this site must be at least four feet higher than the current ground level. Currently, the City is in the process of re-mapping the floodway and floodplain zones. She said that Planning Commission recommended approval of the request. Following further discussion and comments, Council Member Lantz offered a motion to approve this request. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of business was a request from Diversified Properties for City public utilities to service 25 single-family home lots located in Rockingham County off of Pear Street. Mrs. Turner said that this subdivision has not been approved by the City or County, but has a conceptual plan showing how the applicant intends to lay out the lots. She said that the property is also a subject of a rezoning request in the County. The applicant request needs approval from the City to allow the request to continue through the County rezoning process. She said that approximately 15 lots are located in the City and approximately 25 lots are located in the County. Mike Collins, Director of Public Utilities, has reviewed the plan and recommended approving the request. She said that Planning Commission has recommended approval of the request. Following further discussion and comments, Vice-Mayor Rogers offered a motion to approve Planning Commission recommendation. The recorded roll call vote was taken as follows:

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

No - Council Member Frank

Absent – None

City Attorney Miller presented for Council’s consideration amending and re-enacting Section 13-1-51(c), 13-1-52, 13-1-53, 13-1-55, 13-1-67, 13-1-7, 13-1-72, 13-1-73, and 13-1-74 of the Harrisonburg City Code. He said these are various ordinances changes on parking and traffic regarding updating fines for various parking violations. He said that the Police Department recommended changing Section 13-1-7 to read that officers of a fire department and members of a rescue squad may direct or assist police in directing traffic at or in the near vicinity of a fire, vehicle accident, natural disaster or similar situations, as deemed necessary for public safety. Council Member Peterson said that while he was reviewing the City Code, he noticed an inconsistency in numbers in Section 13-1-25 and suggested that it be reviewed by the City Attorney. Council Member Lantz offered a motion to approve amending these ordinances including the changes in Section 13-1-7 for a first reading. The recorded roll call vote was taken as follows:

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

Absent – None

The next item of discussion was on the impact of additional state revenues and scheduling a joint City Council/School Board meeting date. City Manager Baker said the City and School Board should receive approximately \$1.1 or \$1.2 million in additional funding from

the state. He also said that City Council agreed to add an additional \$352,000 to the school budget. This amount is being subtracted from additional funding received from the state leaving a balance of \$974,000. City Council suggested having a joint meeting with the School Board on June 1<sup>st</sup> at 6:00 p.m.

Council Member Peterson proposed using some of the additional state revenue and increasing City employees' salaries from 3% to 4%. Council directed City Manager Baker to place this item on the June 8<sup>th</sup> Council agenda and provide an estimate of the cost.

City Manager Baker presented a request to transfer funds within the City's current budget and set up a new capital project. He said that these funds will be used for the repair and renovation on the foundation of the Municipal Building. Council Member Peterson offered a motion to approve this request, and that:

\$25,000 chge. to: 1310-910141-48606 Public Safety Building

\$25,000 approp. to: 1310-910141-48698 Repair & Renovation-Municipal Building

The recorded roll call vote was taken as follows:

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

Absent – None

City School Business and Finance Director Triplett presented a request to transfer funds for the School Board. He explained that at the conclusion of some school years, it is necessary to make funds available where they are needed. These funds will be used in transportation and food services. No additional local dollars are required from the City. Council Member Frank offered a motion to approve this request, and that:

\$250,000 chge. to: 1111-111114-40680 Technology

\$ 50,000 approp. to: 1111-111114-40630 Transportation

200,000 approp. to: 1111-111114-40650 Food Service

The recorded roll call vote was taken as follows:

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

Absent – None

City School Business and Finance Director Triplett presented a request for a supplemental appropriation for the School Board. He said that these funds will be transferred from the School Fund to the City's General Fund, and an in kind transfer from the General fund to the School Fund. The net effect of these transfers will be zero increase in the City's budget, but will satisfy legal requirements from the Department of Education. No additional local dollars are required from the City. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$354,356.50 chge. to: 1111-34210 Transfer from General Fund

\$354,356.50 approp. to: 1111-111114-40673 Transfer to General Fund

The recorded roll call vote was taken as follows:

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

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from recovered money received from donations and costs recovered for providing various services throughout the year. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$15,606.68 chge. to: 1000-31809 Donations  
8,555.94 chge. to: 1000-31914 Recovered Costs  
4,129.54 chge. to: 1000-32502 Office of Emergency Service  
6,897.64 chge. to: 1000-32510 Hazardous Materials  
1,216.02 chge. to: 1000-32512 Fire Programs Fund  
7,244.23 chge. to: 1000-33537 Disaster Plan & Operations

\$37,484.02 approp. to: 1000-320232-48203 Fire Programs Fund

6,166.03 approp. to: 1000-320232-48113 Equipment

The recorded roll call vote was taken as follows:

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

Mayor Fitzgerald

Absent – None

At 8:15 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