

## REGULAR MEETING

FEBRUARY 10, 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.

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

Human Resource Director McBride introduced four new City employees: Pam Lillard, Public Works; and Christopher Meadows, Kevin Ritchie, and Brandon Foreman, Police Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes and the second reading of an ordinance amending Section 10-3-24 of the City Code and a supplemental appropriation for a debt payment. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

At 7:36 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 26, 1998.

**The City of Harrisonburg is presently preparing its annual grant application for Operating and Capital Funds for FY 98-99. This application is for Federal and State funds under the Federal Transit Administration 49 USC Section 5311 (formerly Section 18) program.**

**A public hearing for this application will be held on Tuesday, February 10, 1998, at the City Council meeting. This meeting will be held in Council Chambers in the Municipal Building at 7:30 p.m. All interested citizens are encouraged to attend.**

**Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Ann Cave before February 1, 1998 at 540-432-0492; or mail comments to: Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, VA 22802.**

Transportation Director Smith explained that this is the annual application for state and federal funds including capital funds for fiscal year 1998-99 which are administered through the Virginia Department of Rail and Public Transportation. He reviewed the operating budget for fiscal year 1998-99. He said that part of these funds will be used to resurface the existing driveway at the

City's transportation facility which has deteriorated. There being no one present desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this application for state and federal funds. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

✓ Planning and Community Development Director Turner said that the City is soliciting public input on local community development and housing needs in relation to Community Development Block Grant funding for a project in the City of Harrisonburg. If a locality intends to apply for a grant application, which is due in March, a public hearing must be held prior to the application process. Once a project is specified, another public hearing will be held. There were no comments from the audience or Council members.

✓ Suzanne Stickley, Administrative Director of the Harrisonburg Ballet, presented a proposal requesting financial assistance from the City Council. She said that the Harrisonburg Ballet is a semi-professional ballet company whose purpose is to give aspiring dancers an opportunity to express their talents and gifts. The Harrisonburg Ballet has a lot to offer the community in cultural and educational enrichment. The Ballet Company will add appeal and attractiveness to the City of Harrisonburg for both the residents and visitors. With the construction of the new theater on Court Square, it seems almost essential to showcase and promote the City's only ballet company as a performing entente. The Company strives to promote the Art of Classical Dance in Harrisonburg and the surrounding areas. She said that its financial success beyond the first year of incorporation is very vital to the dance company. It lays the foundation for the receipt of future grants from the state and other art foundations who require at least one year of incorporation before applying for grants. If the Harrisonburg Ballet is to continue to grow, financial support from the City will considerably assist the company in its vitality and growth. She asked that Council carefully consider their proposal.

Mayor Eagle announced that the presentation by the Town of Dayton had been postponed until February 24, 1998.

✓ City Manager Stewart explained that after a successful Fundfest concert series in 1995, 1996, and 1997, the John D. Eiland Company has again requested sponsoring the Fundfest concert series. The concert series will be held on alternating Wednesday evenings and will again provide fund raising opportunities for a number of local charities. The Fundfest concert series will begin May 20, 1998 and end on August 26, 1998. Mr. Stewart said that the City has not experienced any problems with the concert series over the past three years. Council Member Rogers offered a motion to approve the concert series. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ Human Resources Director McBride presented a request to modify Section 7.2 and 7.4 of the City's Personnel Policy Manual. He explained that these changes will bring the City's procedures in line with some changes that were recently adopted by the General Assembly in the

Commonwealth of the Virginia Local Government Grievance Procedures. Religion was added as a basis for filing a complaint, and language was added that acts of retaliation can include incidences of fraud, abuse, or gross mismanagement. Additional changes are also proposed to clarify the time frame required for the City Manager to schedule a grievance hearing and for the grievant after the hearing date has been set. Several changes are proposed to the City's performance evaluation and merit pay process used to determine eligibility for employee merit pay increases. These changes in Section 2.14, 3.8, 9.3, and 9.6 will provide additional flexibility to more closely link employees pay increases to the employee's performance. Changes are also proposed to provide supervisors with additional alternatives for addressing below average employee performance. The total dollar amount available for merit pay increases will be established each year as part of the annual budget process approved by City Council. Discussion included merit pay, employee performance, attracting and hiring experienced Police Officers, retaining our Police Officers, and more flexibility for supervisors to award pay increases based upon performance. Council Member Rogers offered a motion to modify these changes in the City's Personnel Policy Manual. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from Loudoun County to endorse a legislative proposal for State assistance for school construction and renovation. The proposal would provide for the Commonwealth to reimburse localities for one-half of the capital costs for a school construction, enlargement, or renovation project based on State standards. Following further discussion and comments, Council Member Green offered a motion to support Loudoun County's proposal. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Public Works Director Baker presented a request for a supplemental appropriation to rehabilitate equipment at the Steam Plant. He explained that due to excessive wear, the existing crane needs a major overhaul to improve the plant's dependability. Failure of this crane which operates 24 hours per day seven days a week could stop the complete waste-to-energy system. The existing crane will receive a complete overhaul of all major components including a complete rewiring and control system. Council Member Green offered a motion to approve this request for a first reading, and that:

\$100,000 chge. to: 1324-34270 Transfer from Sanitation Fund  
 \$100,000 approp. to: 1324-910142-48682 Retro-fit steam plant

\$100,000 chge. to: 2014-31010 Amount from fund balance  
 \$100,000 approp. to: 2014-992042-49216 Transfer to Sanitation Capital Projects Fund

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

Public Works Director Baker presented a request for a supplemental appropriation to reflect additional pass-through cost for the Steam Plant. He explained that the 1997-98 budget needs to be revised to include additional revenues anticipated from JMU for heating and cooling CISAT. Revenue from JMU is utilized to cover operational costs of the RRP Heating and Cooling Plant.

Also requested is a one-time use of fund balance to cover expenditures which will exceed reimbursement from JMU in 1997-98. Operational costs are paid 30 days prior to receiving the JMU reimbursement. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that :

\$ 72,000 chge. to: 2014-31010 Amount from fund balance  
200,000 chge. to: 2014-31915 Reimbursement from JMU operation

\$120,000 approp. to: 2014-912242-45110 Electricity  
70,000 approp. to: 2014-912242-45119 Natural gas  
50,000 approp. to: 2014-912242-45120 Heating  
20,000 approp. to: 2014-912242-45131 Water  
12,000 approp. to: 2014-912242-46180 Chemicals

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

✓ Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used to purchase an in-car video camera. This will be purchased through a grant; however, not enough grant funds are available. The funding for the request will come from drug forfeiture money which is held in reserve in the General Fund. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$2,500 chge. to: 1000-31010 Amount from fund balance  
\$2,500 approp. to: 1000-310131-48131 Radio equipment

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

✓ Council Member Green mentioned that he had received numerous telephone calls regarding snow removal. He requested an update on the procedures for snow removal and suggested that the procedure should be publicized. He also suggested that the newspaper article called "City Hall Update" be used to remind people of the procedure and to clarify some of the snow removal priorities. Council Member Green also expressed some concern with enforcing the City ordinance on portable signs. He noted that a lot of Cities have portable signs which can be placed on the sidewalk advertising a restaurant's menu. He suggested possibly putting a time limit on how long the sign could be placed on the sidewalk. It needed to be done so that it would not obstruct pedestrian passage. He also noted that these signs could provide some character for the downtown area. Mayor Eagle stated that he plans to discuss this at the Planning Commission's meeting on Wednesday, February 11, 1998.

✓ Vice-Mayor Lantz presented a brief report on the deer population in the City. He said that an area on West Market Street between the Harrisonburg Electric Commission substation and Thomas Harrison Middle School seems to be a favorite crossing place for deer. He noted that the

darkness of the area seems to attract the deer. Because of the construction on West Market Street, the deer are moving farther and farther into the woods to get more cover. The crossing on West Market Street seems to be the only place where there is a wooded area that they can cross the highway to get to another wooded area. The number of reported deer killed by motorists in Harrisonburg dropped from 27 in 1996 to 26 in 1997. Mr. Lantz reported that 33 deer were killed in Harrisonburg in 1997, but seven were taken with a City permit. So far in 1998, one deer has been reported killed in Hillandale Park which had apparently been struck by a vehicle before entering the park. The Deer Task Force has suggested that game biologists conduct another parasite study of the deer in August. It should help to determine the condition of the deer herd and whether it is healthy.

Taines Rontopoulos mentioned that some dark areas in the different parking lots in the City could use more lighting for safety protection. Mayor Eagle noted that the City is experimenting with some new lighting solutions.

City Manager Stewart announced that the City has advertised for engineering firms to conduct a City wide drainage study. The study will take approximately one year and Council will be provided updates during this time.

At 8:16 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 Harrisonburg Planning Commission, Community Criminal Justice Board, recommendation for Harrisonburg Board of Zoning Appeals, Industrial Development Authority, Blue Ridge Disability Services Board, and Alcohol Safety Action Program, and the evaluation of a City department exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney pertaining to an existing contract, 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. Discussion and consideration of the acquisition of real estate to be used for public purposes, namely, economic development and streets, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) 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 9:58 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following statement which 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.

Council Member Green offered a motion for the following people to be appointed to these Board and Commissions: Dr. Donald Ford to a term on the Community Criminal Justice Board; William L. Jones, Jr., to a term on the Alcohol Safety Action Program; and Ben Melton to another

term on the Blue Ridge Disability Services Board to expire on February 1, 2001. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 10:16 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan, CMC  
CLERK

Richard Lantz  
MAYOR