

REGULAR MEETING

MAY 27, 1997

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

Vice-Mayor Lantz offered a motion to approve the consent agenda, including approval of the minutes and the second reading of an ordinance amending and re-enacting Section 16-9-2, 13-1-9 and 13-1-3 of the Harrisonburg City Code. The motion also included the second reading of transferring funds to meet a revenue deficit for the Central Garage. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner introduced a request from Tim Lacey for a Final Subdivision Plat approval of Park Lawn Subdivision, Section 6. She explained that this is a request to subdivide approximately six acres into 21 single family lots. All required easements and bonds have been submitted, and Planning Commission has recommended approval. Council Member Green offered a motion to approve this request as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Public Utilities Director Collins presented recommended revisions to the City's Design and Construction Standards Manual. He explained that periodically the department makes recommendations on certain products to add to the City's Design and Construction Standards Manual. These products which meet department requirements include valves, tapping valves, tapping sleeves, straight couplings, manhole frames, manhole covers, foster adapters, and a revision to one construction detail. Council Member Rogers offered a motion to approve these recommended products as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart introduced a request to amend Section 7-4-9 and repeal of Section 7-4-26 of the Harrisonburg City Code pertaining to utility billing adjustments. Public Utilities Director Collins explained that the City's Water and Sewer Department wanted to pursue a more customer friendly policy by minimizing the difference in allowable utility billing adjustments among incurred conditions. In addition, utility field personnel can be placed into a customer assistance role rather than an inspection and enforcement role. Public Utilities Director Collins reviewed the adjustment methods used for a customer's high consumption. He also reviewed the modifications used for drafting the policy goals and requested that City Attorney Thumma draft the language in amending this ordinance. Mr. Collins also explained that a customer who has a cabin in the Rawley Springs

area used 730,000 gallons of water within two months. The meter was checked for accuracy by a service technician. According to the City Code, City Council must authorize any adjustment to the customer's water and sewer bill. Mr. Collins recommended that Mr. Charles Mathias be only charged for 50,000 gallons of water. Council Member Green offered a motion to amend Section 7-4-9 and repeal Section 7-4-26 of the City Code for a first reading as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council. Following further discussion and comments, Council Member Rogers offered a motion to adjust the account of Charles Mathias. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds from the Highway & Street Maintenance Budget to Capital Projects Budget. These funds will be used to complete payment of the Gay Street Bridge project. Council Member Rogers offered a motion to approve the transfer of these funds.

- \$37,000 chge. to: 1000-410241-48121 Furniture & Fixtures
- \$37,000 approp. to: 1000-990111-49216 Transfer to Capital Project Fund

- \$37,000 chge. to: 1310-34210 Transfer from General Fund
- \$37,000 approp. to: 1310-910141-48604 Gay Street Bridge

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

City Manager Stewart presented a request for a supplemental appropriation to meet budget deficits created by additions to a JMU contract added after the budget was adopted. These additions increased labor and operating costs. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

- \$50,000 chge. to: 2013-31654 JMU Transit Contract

- \$15,000 approp. to: 2013-812081-41010 Salaries & Wages Reg.
- \$35,000 approp. to: 2012-812081-44200 Central Garage

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

Jim Triplett representing the School Board presented a request to transfer school funds. Increased food costs for food service make this transfer necessary. Council Member Green offered a motion to approve the transfer of these funds.

- \$15,000 chge. to: 1111-40630 Pupil Transportation

- \$15,000 approp. to: 1111-40650 School Food Service

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

Public Utilities Director Collins presented a Sanitary Sewer Backup action policy for endorsement. He explained that the Water & Sewer Department has developed a policy which would financially assist customers who experience sanitary sewer backups. The assistance is limited to cost sharing in the installation of prevention devices. He also reviewed the seven policy goals and read the following policy statement:

The City of Harrisonburg will participate financially at 50% in the construction cost of devices intended for the purpose to prevent public sanitary sewers from surcharging into serviced dwellings. Ownership of an insurance rider against a sanitary sewer backup is conditional to qualification for this assistance. Those City utility customers providing formal documentation of two (2) or more paid claims against their home owners insurance rider for an event related to surcharge of a public main and in the total amount which exceeds the policy deductible value shall qualify for this assistance. The responsibility of the customer shall include the selection, installation and future maintenance of the prevention device. The responsibility of the City shall be 1) to pre-approve proposed installations and associated cost estimates within general practices of the industry as limited for the purpose intended and 2) to provide payment upon installation, inspection by the City, and receipt of installation invoices. Consideration of damages from a backup shall be made pursuant to current policy of state law and the City's insurance carrier regardless of whether a prevention device is present.

Mr. Collins noted that most of the sewer backup problems occur during either a hurricane or flood. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve the policy statement as presented including the pre-approval of proposed installation, device, and associated cost estimates within general practices of the industry. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Human Resource Director McBride presented a request to modify Section 6.3 of the Personnel Policy Manual. It will enable employees who are approved for disability retirement by the Virginia Retirement System (VRS) to remain on the City's health insurance plan. These revisions also include a clarification of eligibility to participate in the City's Carve-Out option. He said the City's existing post-retirement health insurance policy does not include a provision to allow employees who are approved for VRS disability retirement to continue to be covered under the City's health insurance plan. The current policy only addresses employees approved for "service retirement." Under the proposed change, employees with 15 or more years of continuous service to the City who are approved for VRS disability retirement will be eligible to continue participation in the City's health insurance plan, including the City's contribution. Employees with less than 15 years of service who are approved for VRS disability retirement will be eligible to continue participating in the plan, but are required to pay both the employee and employer contribution. This change clarifies that the Carve-Out option is available for retired employees only. Vice-Mayor Lantz offered a motion to modify Section 6.3 of the Personnel Policy Manual. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart announced that a work session will be held with the School Board on July 29. Council Member Rogers suggested using a facilitator and holding the work session in the City. Following further discussion and comments, Council Member Rogers offered a motion to hold

a work session with the School Board on July 29. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council. After the vote, it was clarified that it did not include a facilitator.

✓ Public Utilities Director Collins announced that the Washington Street Water Tank will be painted and repaired by Superior Industrial Maintenance Company. He reviewed the paint colors being considered for the water tank. Vice-Mayor Lantz suggested that perhaps they should paint Blue Streaks of Harrisonburg on the water tank. City Council will discuss the wording at a later Council meeting.

✓ Vice-Mayor Lantz offered a motion to approve the following resolution recommending that the General Assembly approve the Roberta Webb Child Care Center for tax exempt status. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

RESOLUTION

WHEREAS, the Roberta Webb Child Care Center, Inc., a Virginia non-profit corporation (hereinafter referred to as "Corporation"), has requested the City Council of the City of Harrisonburg, Virginia to adopt a resolution supporting its request to the General Assembly to designate the property of the Corporation exempt from taxation pursuant to Article X, Section 6(a) of the Constitution of Virginia; and

WHEREAS, the City Council of the City of Harrisonburg held a public hearing concerning the request of the Corporation, pursuant to Section 30-19.04 of the Code of Virginia, 1950, as amended, on May 13, 1997; and

WHEREAS, pursuant to Section 30-19.04(B) of the Code of Virginia, 1950, as amended, the City Council has examined and considered all of the questions as set forth in said section;

NOW, THEREFORE, in compliance with Section 30-19.04 of the Code of Virginia, 1950, as amended, BE IT RESOLVED that the City Council, after examining and considering all of the questions as set forth in the above referenced section, supports the request of the Corporation and recommends to the General Assembly that the Corporations be exempted from taxation with a specific classification of charitable. That the assessed value of all property owned by the Corporation in the City of Harrisonburg for the year 1996 was \$10,000.00 and the taxes paid to the City for the year 1996 was \$160.00.

ADOPTED AND APPROVED this 27th day of May, 1997.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

City Manager Stewart stated that he had received a memo from the Rockingham County Administrator concerning the bids on the Lower Courts Facility. The total estimated cost to provide office space for the Lower Courts Facility is \$158,377.30. Council had approved proceeding with the request to provide office space for the Lower Courts Facility, but recommended that the cost should not exceed \$100,000. Following further discussion and comments, Council still recommended that the cost should not exceed \$100,000.

Council Member Byrd commented that the American Legion Dayton Post #27 should be recognized for their efforts to beautify the monument in Harrisonburg.

Council Member Rogers commented that Gary McBride, Director of Human Resource, should be congratulated for presenting the Awards and Recognition Program which recognizes employees for their dedication and faithful service to the City.

At 8:45 p.m., Vice-Mayor Lantz offered that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees and Harrisonburg Parking Authority, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation, 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, 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 Rogers, and approved with a unanimous vote of Council.

At 11:57 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.

At 11:58 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR