

REGULAR MEETING

JULY 8, 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; 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 Police Captain Malcolm Wilfong. Absent: Chief of Police Donald Harper and Assistant City Manager Roger Baker.

Council Member Rogers 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 a supplemental appropriation for the School Board. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request from Brenda Spencer, Court Service Unit Supervisor, to use fiscal year 1996-97 state funds for electronic monitoring of juveniles. He explained that Ms. Spencer has requested that \$6,000 in state funds be rolled over to the 1997-98 budget in order to expand the court-ordered electronic monitoring of juveniles. No local match is required. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented the following resolution for Council's consideration of approval:

**Project Programming Resolution
Rail/Highway Grade Crossing Projects**

WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by Council resolution be made in order that the Department program an urban highway project in the City of Harrisonburg; now

THEREFORE, BE IT RESOLVED, that the City of Harrisonburg, Virginia requests the Virginia Department of Transportation to establish the following rail/highway crossing improvement project:

Project Name

Location

DOT No.

Elizabeth Street .04 Mile West of Liberty Street DOT859972V

BE IT FURTHER RESOLVED, that the City of Harrisonburg hereby agrees to pay its share, 10.0% of the total costs for preliminary engineering, right-of-way, and construction of this project, and that if the City subsequently elects to cancel this project, the City hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this _____ day of _____, 1997

City of Harrisonburg, Virginia

Rodney L. Eagle, Mayor

ATTEST:

Clerk of City Council

Public Works Director Baker explained that this project is being developed as part of a Federal ISTE A Rail/Highway Grade Crossing Improvement program. This resolution requests that VDOT develop a project for the improvement of the Elizabeth Street railroad crossing. The Elizabeth Street project had initially been part of an earlier grant application, but because of a lack of money the project was not funded. Besides flashing lights, automated gates will also be installed to close when a train approaches the area. The City is required to pay 10% of the costs for the improvements. Council Member Rogers offered a motion to approve this resolution. 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 of funds encumbered at June 30, 1997. He said these funds are for goods and services that were committed out of last year's budget but for a variety of reasons the goods and/or services were not delivered by June 30th. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

- \$255,369.78 chge. to: 1000-31010 Amount from fund balance
- 27,552.29 chge. to: 2011-31010 Amount from fund balance
- 6,065.88 chge. to: 2012-31010 Amount from fund balance
- 133,614.60 chge. to: 2014-31010 Amount from fund balance
- 3,351.78 chge. to: 2015-31010 Amount from fund balance
- 425,954.33 Total

- \$ 66,620.00 approp. to: 1000-121012-48141 Assessment software
- 12,500.00 approp. to: 1000-410121-48274 Geographic Information System
- 10,000.00 approp. to: 1000-410241-48296 WIP-Port Road
- 16,293.30 approp. to: 1000-410241-48297 WIP-West Market Street
- 3,969.00 approp. to: 1000-410241-43374 Maintenance & Repairs - Allowable
- 121,106.79 approp. to: 1000-410741-48111 Machinery and Equipment
- 1,711.00 approp. to: 1000-710171-43100 Professional services
- 3,690.60 approp. to: 1000-710171-46130 Recreational supplies
- 5,000.00 approp. to: 1000-710171-46132 Ed/Rec Supplies - Athletics

7,614.00	approp. to: 1000-710171-48184 Improvements
6,865.09	approp. to: 1000-710771-48184 Improvements
255,369.78	Sub - Total
74.50	approp. to: 2011-362061-43710 Uniform Maintenance contract
310.12	approp. to: 2011-362061-46110 Uniforms
14,945.00	approp. to: 2011-372061-48216 SCADA
12,222.67	approp. to: 2011-372061-48291 Engineering/mapping
27,552.29	Sub-Total
361.35	approp. to: 2012-432061-43710 Uniform Maintenance contract
177.47	approp. to: 2012-432061-46110 Uniforms
77.06	approp. to: 2012-452061-43710 Uniform Maintenance contract
5,450.00	approp. to: 2012-472061-48291 Engineering/mapping
6,065.88	Sub-Total
105,000.00	approp. to: 2014-972043-48151 Motor vehicles and equipment
3,614.60	approp. to: 2014-972043-48186 Steam plant
20,000.00	approp. to: 2014-972043-48217 Recycling
5,000.00	approp. to: 2014-972043-48285 Landfill
133,614.60	Sub-Total
3,351.78	approp. to: 2015-41064-43330 Maintenance and repairs - M&E
425,954.33	Total

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

City Manager Stewart presented a request to accept the delinquent tax collection report as of June 30, 1997 and to authorize the City Treasurer to advertise delinquent real estate taxes for 1995-1996 and 1996-1997. Council Member Rogers offered a motion to authorize the City Treasurer to advertise delinquent real estate taxes. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Jim Deskins, Executive Director of the Harrisonburg Redevelopment and Housing Authority, presented a brief report on the proposed downtown Market Place. He explained that a community theater is essential to the Market Place Court Square complex. The planned 288-seat theater for the complex will be in the former Rockingham Motor Company building located on Graham Street. The theater will be able to host movies, musical events, and live performances. Part of the reason for the entrance of the theater through the Woolworth building is because we want to bring people through a very spacious promenade that will feature restaurants and retail shops on the ground level. A restaurant reviving the old "Calhoun's" name will include a terrace dining overlooking Court Square. A duplicate cast detailed ornamental design will be reproduced on the exterior of the building. It will represent not only a place to have fun and provide entertainment, but also a place to celebrate the history of the building. He reviewed downtown parking areas including the municipal lot, a church lot, Harrison Plaza parking lot and spanning Blacks Run with a wooden foot bridge to use another parking lot. Mr. Deskins requested conditional approval to several variances regarding encroachments on public right-of-ways for the development of the complex. David Turner who works for the University of Virginia Real Estate Foundation commented about the revived downtown Roanoke shopping area and what this Market Place building should be able to accomplish in the downtown area. He mentioned that the balance of the Market Place should be filled by retail shops and a possibility of locating an office on the second floor. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve several variances including an arch

clearance on Graham Street, front encroachment of the Woolworth Building, encroachments on public right-of-ways, especially expansion of the existing sidewalk along Graham Street from its present three-foot width to a six-foot width, and to let the parking lot details be worked out between City staff and the Housing Authority. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Human Resource Director McBride presented a request to change the City's shared leave policy in the Personnel Manual. Mr. McBride explained that in the current shared leave policy, employees can donate leave to fellow employees who have a catastrophic illness, injury, or an extraordinary and unforeseeable circumstance beyond the employee's control. Nevertheless, in order to qualify, employees must have at least six months continuous service and used all forms of eligible leave. It is a rarely used policy and approval is required by both the Department Head and the City Manager, but because of a recent event an oversight was noticed in the policy. Mr. McBride requested that the six-month waiting period be eliminated on shared leave to be effective as of June 30, 1997. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Planner Sarkar presented a brief report on the development of the new 131,000 square-foot Lowe's Superstore located at the corner of Linda Lane and Country Club Road. The site plan identifies 716 parking spaces for customers. Both store entrances will be on Linda Lane. The plans also show right and left turning lanes on Country Club Road at the intersection with Linda Lane. Linda Lane will be improved to a three-lane road with a center turn lane. The side of the site facing Linda Lane will be installed with curb and gutter. The City will contribute partially to the cost of paving the right turn lane. A traffic signal will be installed at the intersection of Linda Lane and Country Club Road. The signal will be designed to accommodate future widening of Country Club Road. The cost to the City for traffic signal improvements will be approximately \$2,500.

At 8:25 p.m., Vice-Mayor Lantz offered a motion that Council enter an executive session to discuss and/or consider the following: Consultation with the City Attorney and briefings by staff members pertaining to a proposed contract and agreement, 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 Green, and approved with a unanimous vote of Council.

At 9:25 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 briefly discussed the upcoming Council/School Board work session and the responses to the PTA/PTO questions.

At 9:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan
CLERK

Reuben L. Egle
MAYOR