

## REGULAR MEETING

NOVEMBER 25, 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.

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

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes and the second reading of an ordinance amending and re-enacting Sections 4-2-87, 4-2-88 and 4-2-89 of the Harrisonburg City Code. The motion also included the second reading for supplemental appropriation from unanticipated receipts from Federal and State Revenue sources. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

Carolyn Perry, attorney with the law firm of Wharton, Aldhizer and Weaver, presented a resolution for Council's consideration authorizing the issuance of bonds to refinance the City's outstanding obligation to the Virginia Retirement System for the 1991 Early Retirement Incentive Program for the Harrisonburg City Schools. She explained that these bonds were financed at a 8% interest rate in 1991. The City has an opportunity to refinance these bonds at a 6.98% interest rate through Crestar Bank. If paid by January 30, 1998, this outstanding obligation to the VRS would be \$1,504,231. Of that obligation, the School Board has already budgeted \$161,993 leaving a remaining balance of \$1,342,238. She noted that now is the time to maximize the savings and reviewed the refinancing procedure. At 7:37 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. There being no one desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Council Member Green requested clarification of the right of anticipation payment. Ms. Perry responded that for the first five years of the 15 year term, in order to achieve a more favorable interest rate, the City has no right of pre-payment. She also explained that during the next ten years if interest rates dropped and the City wanted to pre-pay the interest rate differential, Crestar would assess charges against the City. In order to achieve this lower interest rate, the City would give up the right of pre-payment for the first five years plus a penalty. City Manager Stewart noted that these are taxable bonds. Following further discussion and comments, Council Member Rogers offered a motion to approve this resolution for a first reading. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

At 7:50 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Saturday, November 15, and Saturday, November 22, 1997.

## NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, November 25, 1997, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider:

The proposed Capital Improvements Program, for fiscal year 1998-99 through 2002-2003. The Capital Improvement Program is a multi-year projection and scheduling of capital projects of \$25,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvements needs over a subsequent five-year period.

For any additional information, contact the City Manager's office, 345 South Main Street, Monday - Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at the Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least five (5) days prior to the time of the meeting.

**CITY OF HARRISONBURG**  
**Steven E. Stewart**  
**City Manager**

Planning and Community Development Director Turner presented the 1998-99 through 2002-2003 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program is a five-year schedule of capital projects defined as being \$25,000 or greater. It is a financial planning tool, but it is not the budget. She reviewed only the new projects with a priority one or two ranking in the report. A new communication base system for the Police Department and the replacement of carpet in the Community Development Building are included in this report. New to the program are the following: the Water Street bridge, a new paint truck, and the widening of Park Road, a project for which Eastern Mennonite University has offered matching funds. She mentioned that the 1999-2000 Capital Improvement Program includes the Port Republic Road bicycle/pedestrian facility, a new traffic signal at Port Republic Road & Devon Lane, and possibly a new traffic signal at Country Club and Keezletown Road in 2000-2001. The Parks and Recreation Department involves acquiring land to access Hillandale Park from Garbers Church Road, paving the parking area at Hillandale & Westover Park, and resurfacing basketball courts at Purcell, Ralph Sampson and Morrison Parks. Mrs. Turner said that new projects for the Water and Sewer Department include providing water and sewer to the Smithland Road area, Shenandoah Dam portage, Forest Hills water improvements, Park View water improvements, and water tank rehabilitations. Also included are sewer improvements in the Smithland Road area and rehabilitating the Shandshill Pump Station. The Transportation Fund includes continuous replacement of transit and school buses and resurfacing the parking lot at the Transportation Department. There are several new projects in the Sanitation Fund. These include a building upgrade of the Resource Recovery

facility, purchasing a loading crane, replacing an exhaust stack, rebuilding waste boiler #1 and #2, testing air pollution control system, replacing a tire grinder, rebuilding the water system, and replacing the truck scales. Colin Owens, representing the City schools, stated that the School Board had adopted these projects, including renovation and repair work at the three older elementary schools, acquisition of land for a seventh unidentified school, and air-conditioning the field house at the high school. Mrs. Turner said that the Planning Commission reviewed the CIP projects at its October 29 meeting and recommended approval. There being no one desiring to be heard, the public hearing was declared closed at 8:07 p.m., and the regular session reconvened. Discussion included the projection of Harrisonburg High School enrollment of 1,000 students, an increase in kindergarten classes, and a seventh school in the City. In addition, discussion included contributions from other groups to help pay for sidewalks on Park Road, perhaps a public/private partnership with Mr. Hopkins to consider sidewalks on Port Republic Road to help with the safety of JMU students, and the many transit buses being used to move JMU students back and forth from the campus. Public Works Director Baker made several comments regarding City bridges including the annual bridge inspection, long-term use renovation to some of the bridges, railroad responsibilities and the railroad wanting the Grace Street crossing closed to traffic. Vice-Mayor Lantz offered a motion to approve the Capital Improvement Program. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Brenda Spencer presented a brief report on the Virginia Juvenile Community Crime Control Act. She explained that localities throughout the Commonwealth became eligible to receive state money without a local match by the act of the legislators to provide funding for community based services to juveniles who come before the court. The amount of money allocated to each locality was based on the 1995 statistic compiled by the Virginia State Police. The plan calls for Rockingham County and Harrisonburg to collaborate under this act, with the City serving as the fiscal agent. In the first year of the biennium 1997, the combined total fund was \$69,434. In January of 1997 the state increased the amount for both jurisdictions to a total of \$140,962. She reviewed how the funds are being used including hiring additional staff members, intensive out-patient substance abuse treatment, group counseling, family in-house services, individual counseling, sex offender treatment programs, and substance abuse testing. All of these services will continue into the next fiscal year.

City Manager Stewart presented a request for a Children's Parade to be held on May 17, 1998. He explained that a children's parade is being proposed for downtown with primary sponsorship from Wal-Mart and Valley Mall. Council Member Rogers offered a motion to approve the parade. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart introduced a request to amend and re-enact Section 4-1-9, Section 4-1-27(c), Section 4-1-29, Section 13-1-15, to repeal Article C, Chapter 1, Title 4 (Sections 4-1-41 through 4-1-45) and to enact Section 4-1-38 of the City Code. Council Member Green explained that the Committee which has met several times is proposing these changes in order to implement the Committee's statement of purpose. The possibility of going to twice per year collection of personal property taxes will continue to be studied. City Manager Stewart noted that the due dates for vehicle decals and personal property listings will be March 31, and the City will use a combined

form for the benefit of taxpayers. The collection of delinquent taxes will be the responsibility of the Treasurer. The section of the City Code related to the Collector of Delinquent Taxes and the commission will be eliminated. City Attorney Thumma reviewed the following changes in the City Code: changing the filing date for personal property from May 1 to March 31, authorizing the Commissioner of Revenue and City Treasurer to use a combined form for filing personal property reports and purchasing automobile decals, making the interest in penalty section in compliance with the state law, and advertising delinquent real estate taxes. In addition, it states that the collection of delinquent taxes will be the responsibility of the Treasurer, eliminates the commission being paid to the Collector of Delinquent Taxes and amends the number of copies being used for the City motor vehicle license. Following further discussion and comments, Council Member Rogers offered a motion to amend, re-enact and repeal these changes in the City Code for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request for a supplemental appropriation for the Harrisonburg Parking Authority. These funds will be used to replace fixtures and bulbs on both City parking decks. The Authority believes that this will increase the visibility on the decks and give an increased comfort level to its users. Council Member Green offered a motion to approve this request for a first reading, and that:

\$13,000 chge. to: 2015-31010 Amount from fund balance

\$13,000 approp. to: 2015-410641-46070 Repairs and maintenance supplies

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

The agenda item regarding transferring funds from Reserve for Contingencies was tabled.

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds are from a DMV grant and will be used to reimburse the City for items purchased through our budget. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$1,384.03 chge. to: 1000-32520 DMV Grant

\$1,384.03 approp. to: 1000-310131-46140 Other Operating Supplies

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

Parks and Recreation Director Logan presented a brief report on soccer fields. She explained that sod had been laid on one field and the pump house has been painted.

Council Member Rogers recognized City Clerk Ryan for becoming a Certified Municipal Clerk. He noted that very few Cities of our size have a certified clerk. City Manager Stewart noted that a brief ceremony will be performed at the next Council meeting to recognize City Clerk Ryan.

City Manager Stewart announced that a VML Regional Legislative reception/dinner will be held December 17 at 5:30 p.m., at the Sheraton Hotel in Harrisonburg. Also, VML Legislative Day is scheduled for February 5, 1998 at 2:00 p.m., in Richmond, Virginia.

Public Works Director Baker said that the Grace Street bridge could not reopen by the November 14 date because contractors found an unexpected problem in the foundation that slowed connection of the sewer line. Another delay came this week when concrete poured on the bridge deck was found not to have set completely. It is anticipated that it will reopen December 5th.

At 9:11 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 Central Shenandoah Planning District Commission and Alcohol Safety Action Program and evaluation of two City departments, 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 and proposed agreement, 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, 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.

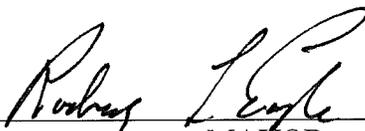
At 12:32 a.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt 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.

Vice-Mayor Lantz offered a motion to adopt a resolution by Harrisonburg Electric Commission. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Vice-Mayor Lantz offered a motion to approve a transfer from the Reserve for Contingencies following the State Compensation Board's guidelines required in paying for leave in the Treasurer's and Commissioner of the Revenue's offices. The motion was seconded by Council Member Green, and approved with a four to nothing recorded vote with one abstention by Council Member Byrd.

At 12:45 a.m., there being no further business and on motion adopted the meeting was adjourned.

  
CLERK

  
MAYOR