

## REGULAR MEETING

JANUARY 13, 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.

Council Member Byrd 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 supplement appropriations for a DMV grant and drug forfeiture funds for the Police Department. The motion also included the second reading for a supplemental appropriation for the Sewer Enterprise Fund. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

At 7:35 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 5, 1998.

**NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, January 13, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following.**

**It is the intent of the City Council to amend the fiscal year 1997-98 budget by an amount of \$1,342,238.00 in order to appropriate funds to pay off a loan from the Virginia Retirement System for the 1991 Early Retirement Incentive Program for the Harrisonburg City Schools.**

**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**

City Manager Stewart explained that a public hearing was being held because the budget needed to be amended by more than 1% or one-half million dollars. Council wanted to consider taking reserve funds to pay off the VRS Early Retirement Program debt for the Harrisonburg City

Schools to avoid paying the 6.98% interest rate. The amount of the pay off on the VRS bond is \$1,342,238. City Manager Stewart noted that a first reading would be appropriate for tonight with the second reading on January 27, 1998. VRS must receive payment by January 31, 1998. Mayor Eagle called on anyone to speak either for or against this budget amendment.

Dale Diaz questioned if these funds were surplus or discretionary funds that were being used to retire the debt. She expressed concern whether there would be any changes in future revenue which could cause some problems in the budget. Mayor Eagle acknowledged that he did not anticipate anything and that this is a good business decision. There being no others desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion to approve amending FY 97-98 budget. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council. Council Member Green noted that the public should be aware that the City may need to borrow funds for capital projects in the next fiscal year budget and that the schools should give credit to the City for retiring this debt because it will lower their debt service in next year's budget.

Miki Shifflett, representing the Chamber of Commerce, presented the "Garbage Collection" award to the City of Harrisonburg. This award and plaque are being presented to the City from the Environmental Concerns Committee for participating in the annual 1997 Spring cleanup. She recognized Mayor Eagle for a commendable job in picking up trash along Route 33.

Council Member Rogers offered a motion to table Item #7 to consider approval of a parade permit until further information can be received. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from retired City Treasurer Miller to charge off delinquent business licenses for 1997. City Treasurer Neal explained that the office has exhausted all forms of collection. Council Member Rogers offered a motion to approve writing off these uncollectable amounts. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Attorney Thumma presented a request from City Registrar Emily Long to amend Section 1-1-13 of the Harrisonburg City Code. He explained that this amendment will add State, General, Gubernatorial, and May Local Elections to the Central Absentee Voter Election District (CAVED) for the City of Harrisonburg to count the absentee ballots. She would like to count these absentee votes for the May election. Mr. Thumma said that after the second reading he will file the amendment with the United States Attorney General office for approval. Council Member Rogers offered a motion to amend this ordinance for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

City Manager Stewart introduced a request to enact Section 3-5-9 and 3-5-10 of the City Code. He explained that this ordinance will establish a procedure for employees of the Commissioner of the Revenue and the Treasurer to be subject to the City's personnel policies and procedures, except grievance procedures. If enacted, Council would need to adopt a resolution to implement the ordinance subject to a written request from the Commissioner of the Revenue and the Treasurer. The final approval involves having the employees in the two offices included in the

City's classification and compensation plan. Mr. Stewart noted that the employees in these two offices are and will always be employees of the Constitutional Officers. They are not City employees nor are they state employees. Council Member Green offered a motion that Section 3-5-9 and 3-5-10 of the City Code be enacted for a first reading. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration adoption of an ordinance enacting Chapter 5 of Title 10 of the Harrisonburg City Code. He explained that this ordinance will create a technology zone for the City's 23 acre industrial park. He said that City Attorney Thumma has drafted language in the ordinance which provides the definition of a technology business including computer hardware, software or telecommunications sales, leases, and licensing or services. A qualified technology business must employ at least five people and make an investment of at least \$200,000. Under the proposed regulations, qualified technology businesses would be exempt from the payment of business, professional and occupational license taxes and fees imposed by the City for the first three years following the actual location of the business on the property. There will also be a one time waiver of water and sewer hookup fees. Council Member Rogers offered a motion to approve adoption of this ordinance 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 to transfer funds from reserve for contingencies to pay the interest on a note for the purchase of property. This note was issued after the 1997-98 budget had been completed. Vice-Mayor Lantz offered a motion to approve the transfer of these funds.

\$4,104.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$4,104.00 approp. to: 1000-980142-49134 Warble note

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

City Manager Stewart presented a request to transfer funding for sick leave payment for compensation of employees in the Treasurer and Commissioner of Revenue's offices that are either retiring or assuming a constitutional office. Council Member Rogers offered a motion to approve the transfer of these funds.

\$14,107.50 chge. to: 1000-940111-49310 Reserve for contingencies

\$ 6,160.00 approp. to: 1000-120912-41051 Sick leave upon separation  
 472.00 approp. to: 1000-120912-42010 FICA  
 6,943.50 approp. to: 1000-121313-41051 Sick leave upon separation  
 532.00 approp. to: 1000-121313-42010 FICA

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

City Manager Stewart presented a request to transfer funding between departments. He explained that this will not increase the total budget, but will transfer previously budgeted funds from the City Council to the City Attorney's budget to cover additional expenses of the City Attorney. Council Member Green offered a motion to approve the transfer of these funds.

\$5,000 chge. to: 1000-110111-43130 Management Consultant

\$5,000 approp. to: 1000-120411-43152 Other legal services

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

Taines Rontopoulos expressed concern as owner of a small restaurant in the downtown area regarding the enforcement of a City ordinance on portable signs. He said that small, "little businesses" use knee-high advertising boards on downtown City sidewalks to attract customers." He said that "little" businesses built downtown and I am sure the signs will disappear, but I would hate to see the small businesses disappear." Following further discussion and comments, Mayor Eagle suggested that the City's ordinance should be reviewed by the Community Development Department and possibly the Planning Commission.

City Manager Stewart reminded everyone of the VML Legislative meeting in Richmond on February 5 starting at 2:00 p.m.

At 8:08 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, Rockingham Extension Leadership Council, Shenandoah Valley Airport Commission, Blue Ridge Disability Services Board, and Alcohol Safety Action Program, 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 a 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 and public works, 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 Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 11:05 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 that Council Member Larry Rogers be appointed to another term on the Rockingham Extension Leadership Council to expire on January 1, 2000. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

✓ Council Member Green offered a motion that Joe Bowman, 1155 Rockingham Drive, be appointed to another term on the Shenandoah Valley Airport Commission to expire on January 28, 2001. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 11:06 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan, CMA  
CLERK

Rodney L. Ertle  
MAYOR