

REGULAR MEETING

NOVEMBER 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, CMC, and Chief of Police Donald Harper.

Council Member Green 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 a supplemental appropriation for the Police Department and School Board. The motion also included removing Article L. R-5 Planned Single-Family Residential District from the Zoning Ordinance. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

No - None

Mayor Eagle presented the following resolution for Council's consideration of approval.

RESOLUTION

WHEREAS, The Honorable Charles S. McNulty, III, has been an untiring and dedicated public servant and has contributed greatly to the children and families in the City of Harrisonburg and to the practice of family law, throughout his career; and

WHEREAS, Judge McNulty, during his years of private law practice, actively served the community as Special Justice for Mental Commitments, Escheater, and Chairman of the local Electoral Board, as well as serving as a member of the DeJarnette State Psychiatric Hospital for Children's Local Human Rights Committee and ultimately Chair of the State Human Rights Committee where he was especially effective in promoting the rights of children and adults committed to state psychiatric hospitals; and

WHEREAS, Judge McNulty served as a District Court Judge with the 26th District Juvenile & Domestic Relations District Court since 1992 and as Chief Judge of that court since 1996; and

WHEREAS, Judge McNulty organized a broad-based Domestic Violence Task Force, created a special docket for spouse-abuse cases, was a driving force in the creation of the Harrisonburg-Rockingham Bar Association's Family Law Section, worked closely with the Center for Marriage and Family Counseling to

establish court-ordered supervised visitation and exchange program; and

WHEREAS, Judge McNulty was involved in the Abuse and Neglect G.A.L. Pilot Program for the Virginia Supreme Court, was appointed as one of two Virginia judges to serve on the House/Senate Legislative Task Force to Revise the Juvenile Justice System in Virginia; was appointed to the Virginia Juvenile Judges Association Liaison Committee with the Division of Child Support Enforcement, served on the executive committee and as Treasurer of the Virginia Council of Juvenile & Domestic Relations Judges; and

WHEREAS, Judge McNulty has been honored by many segments of the community: in 1997 he and Charlotte McNulty, his wife, were awarded the First Annual Outstanding Advocate for Child Abuse Prevention Award by the Child Development Clinic of James Madison University and in 1998 he was the recipient of the Virginia State Bar's Family Law Section Lifetime Achievement Award; and

WHEREAS, poor health led to Judge McNulty's resignation from the bench in September, 1998;

NOW, THEREFORE, BE IT RESOLVED that the Harrisonburg City Council, on behalf of the citizens of Harrisonburg, does hereby recognize and express sincere gratitude to The Honorable Charles S. McNulty, III, for his numerous contributions to the City of Harrisonburg.

Given under our hand this tenth day of November in the year one thousand nine hundred and ninety-eight, A.D.

Rodney L. Eagle, Mayor Hugh J. Lantz, Vice-Mayor

Dr. Walter F. Green, III Council Member John H. Byrd, Jr., Council Member

Attest: _____

Larry M. Rogers, Council Member Yvonne Ryan, CMC, City Clerk

Mayor Eagle said that this resolution honors Judge Charles McNulty for his outstanding service to the citizens of Harrisonburg. City Council also presented Judge McNulty with a beautiful mantle clock. Council Member Green offered a motion to adopt this resolution. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration approval of the Charles McNulty Children and Families Center. He explained that the proposed center would be located on approximately two acres of land at the Ralph Sampson, Jr., Park on Washington Street. The City's commitment would be for a maximum of \$325,000 and approximately two acres of land located at the Ralph Sampson, Jr. Park. The cost for the facility would be shared jointly with Rockingham County. Joseph Sharrer, executive director of Harrisonburg-Rockingham Community Services Board, explained that the current building is very crowded with three people using an office designed for one person, clinical people using the waiting room to discuss sensitive matters with individuals, and scheduling problems. Community Services Board provides treatment for mental illness, mental retardation, substance abuse disorder, and prevention work. The new proposed center would provide service for child and family services and would be named after retired Juvenile and Domestic Relations Court Judge Charles S. McNulty, III. The center would be staffed with existing positions and services would include mental health therapy, children case managers, family preservation specialists,

child psychiatrist, infant programs, and adolescent substance abuse treatment and administrative support. He reviewed the cost and size of the proposed building and explained that the present building cannot continue to provide the increased service that needed to be done.

Conard Washington

, representing the Northeast Community Association and other groups, expressed concern about the children who would be receiving treatment for drug and alcohol abuse at this proposed center. He requested that City Council take additional time and review the current proposal to locate the Community Services Board's Family and Children Center on East Washington Street. He also questioned if this facility was built on the Washington Street site, whether it would have a negative impact on the School Board's site selection committee. He said "We are trying to clean up our area, and we are not looking for something to dirty it up." He also mentioned that the association supports the fine work of the Community Services Board; however, it does not support the facility being located at the East Washington Street site.

Council Member Green said that he was prepared to make a motion to support this request; however, he did not have an objection to waiting and discussing this issue with the association or other people. He noted that the facility would only require two acres of land and suggested that an area between the park (City owned land) and the Transportation Department could be cleaned up and used for parking for this facility. He also noted that in the 1970's the Washington Street area was in deplorable condition. The City Council authorized purchasing some of Hilltop Farm property for City purposes because it was the last piece of land adjoining the Water Department. The land was supposed to be used in the best way that would benefit the City. He also noted that in the future, if a new elementary school was built, it would only require four acres plus one acre for each 100 students. The present Simm's site contains 7.3 acres, and the adjacent Ralph Sampson, Jr. Park has 10.7 acres. If two acres are conveyed to the CSB, a total of 16 acres would remain in the two parcels which would be more than enough land for an elementary school. Further discussion included losing more land from the tax roll, Rockingham County has already appropriated funds for the center, giving up two acres of park land for this center, the possibility of a new proposed elementary school on this site, cleaning up an alley area next to the bus garage of the Transportation Department, CSB trying to make a difference in drug treatment and rehabilitation, adolescent substance abuse treatment being very minimal in the proposed new facility, and exploring other possible areas for this facility. Vice-Mayor Lantz offered a motion to approve this request for the entire project for a first reading with an opportunity for modification by the second reading on November 24. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Vice-Mayor Lantz

Mayor Eagle

Abstained - Council Member Rogers

Council Member Byrd

No - None

Carolyn Perry, attorney with the law firm of Wharton, Aldhizer and Weaver presented a resolution for Council's consideration authorizing the issuance of "Bank-Qualified" bonds. She explained that these bonds will be issued through the Industrial Development Authority on behalf of Eastern Mennonite University. She said that in December 1995, the Rockingham County Industrial Development Authority issued \$7,500,000 of

tax exempt bonds for the benefits of Eastern Mennonite University. By refinancing these bonds now, it will allow Eastern Mennonite University to obtain a more favorable financing rate. City Manager Stewart clarified that although Council will be approving the issuance of these bonds by the Industrial Development Authority, it is not debt of the City and the City has no financial obligation for the repayment of this debt. Ms. Perry said that EMU is solely responsible for this debt obligation. Vice-Mayor Lantz offered a motion to approve this resolution as presented.

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

No - None

City Manager Stewart presented for Council's consideration a request for the Rescue Squad to hold a parade on May 1, 1999. Jeff Obenschain said that the Harrisonburg Rescue Squad was established in 1949 to render first-aid transport to Harrisonburg and Rockingham County citizens. Next year the Harrisonburg Rescue Squad will enter its 50th year of continuous service. All members past and present will be recognized and commended for their selfless untiring commitment and devotion to the service of their fellow men. The Harrisonburg Rescue Squad is planning to host a 50th anniversary celebration and he requested that Council grant permission to hold a parade on May 1, 1999. Council Member Byrd offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from Rockingham County Schools. He explained that Council had approved an allocation of water to the School Board to develop a new elementary school site on 33 West. This request is to amend the 1989 agreement with WestRoc to reduce the water allocation from 40,000 gpd to 34,000 gpd for their property. A separate agreement will be negotiated with Rockingham County Schools for water to the new elementary school on 33 West not to exceed 6,000 gpd. Mr. Stewart requested that staff be authorized to work out the details of the agreement between the City and Rockingham County and between the City and WestRoc Associates and bring an agreement back to City Council for final approval. Council Member Green offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Joan Strickler, Executive Director of First Night, requested support for the festival by closing certain streets and approving the fireworks permit. She also noted that this is the seventh year that Harrisonburg will celebrate New Year's Eve around Court Square. Plans for this year are identical to those of past years, in terms of our fireworks display and requests for street closing and sanitation crews. Council Member Rogers offered a motion to approve the request. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from the Retail Merchants Association. He explained that the association has requested permission to place luminarias around Court Square on November 27th as part of

the tree lighting ceremony and Christmas concert. This has been reviewed by Rockingham County. Council Member Green offered a motion to approve this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Vice-Mayor Lantz offered a motion to set a date of November 24, 1998 for a public hearing on the proposed Capital Improvement Program (CIP). The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Division's Capital Improvement Plan. He reviewed the proposed renovations for Harrisonburg's Keister, Waterman, and Spotswood Elementary Schools. He said that construction began on Keister Elementary School in 1953 at an estimated cost of \$464,000. The school opened in 1955, added a library and gym in 1975, and additional classrooms in 1981. Spotswood Elementary School opened in 1960 with an original cost of \$560,000, added a library and gym in 1975, and additional classrooms in 1982. Waterman Elementary School was built in 1911 at a cost of \$17,000 and has had additions and renovations during the last 87 years with a significant addition in 1994 at a major renovation cost of \$2.3 million. He said significant population changes and programs will affect the need for renovation and ultimately will impact the need for additional space. He noted that over one-third of the students enrolled in the City schools are being served in special programs including special education students, ESL students, and Title I students. Ben Motley, representing Motley and Associates, explained that his firm, which focuses on educational facility design, had conducted a feasibility study and condition report on the three elementary schools. The report identifies that major improvements are needed for roofs, windows, interior finishes, mechanical and electrical systems to include air-conditioning for all of the three schools and significant kitchen upgrades. Included in the report is also improving the bus and vehicle traffic on each site. Mr. Motley suggested improvement at Keister Elementary School should include a parent drop-off loop, a canopy on the front of the school, expanding the kitchen to improve the basic food service program, and a new elevator. Improvements at Spotswood Elementary School should include a parent drop-off loop, expanding the administrative offices and kitchen area. Waterman Elementary School improvements include a new dedicated parent drop-off loop and interior renovations. He reviewed the large discrepancy between his firm's estimates and the actual cost for work that they have already accomplished. He mentioned that the libraries and dining areas at all three elementary schools are oversized which will allow future enrollment at the schools. Dr. Ford reviewed what they have accomplished with the \$980,000 appropriation fund received from City Council. However, he noted that now is the time to employ an architect and approach the renovation from an entire systemic way. He also noted that these buildings are not crumbling down and just need some renovations to bring them up to modern standards. The request would be to renovate one elementary school each year for a total cost of approximately \$10,228,640.

Parks and Recreation Director Gucker presented a request to endorse a grant application to the United States Soccer Federation Foundation, Inc. She explained that the Harrisonburg Soccer Association and the Parks and Recreation Department are working together to submit a grant application to the USSFF for the construction of a regulation soccer field at Smithland Road. This grant is available on an annual basis and last year awarded \$2.5 million for various projects throughout the Country. The federation mission is to enhance and assist the sport of soccer. The grant award would be used to construct a third field, parking lot and irrigation system at the Smithland Road facility. Harrisonburg Soccer Association is providing the enrollment data, accounting information, and submitting the actual application. The City of Harrisonburg is providing in-kind support in the amount of approximately of \$87,000 which includes land cost, engineering services, maintenance services, and other parks and recreation staff related services. The previous development of the existing two new soccer fields is also being utilized as in-kind support. This is a wonderful, exciting opportunity in which the Harrisonburg Soccer Association and the City of Harrisonburg are working in partnership to provide an additional facility that will increase the quality of play and life for our young athletics.

Carolyn Frank

expressed her appreciation for the two new soccer fields at Smithland Road. She said that since soccer is growing in the community a third field is needed. Many of the game and practice fields have been overused and need a season of rest to recover. The association has grown to over 900 members which includes players, coaches, volunteer staffs, and referees. The kids love it and the program is a good community builder bringing people together in a positive and playful atmosphere. Council Member Green offered a motion to support this endorsement. The motion as seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Police Chief Harper presented a brief report on the formation of an Auxiliary Police Unit. He said that at the last Council meeting, several Council members had expressed concern about not having enough information regarding the Auxiliary Police Unit. He reviewed information outlining the program including responsibilities, selection process, duties, and general order governing the auxiliary unit and noted that the selection process is the same process used for hiring full-time officers. He also explained that the Auxiliary Policy Unit will be required to complete 250 hours of training, classroom lectures, practical activity, and working with a Police Officer for five weeks of field training. He reviewed other localities that currently have an Auxiliary Police Unit. Discussion included auxiliary officers wearing a different uniform, being armed, initial training period, non-paid volunteers accompanying police officers, volunteers issuing future parking citations and because of the selection process getting great auxiliary officers. City Manager Stewart pointed out the provision to require the auxiliary officers to be City residents.

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. This money is being reimbursed from a Division of Motor Vehicles grant for overtime spent for traffic enforcement. Council Member Green offered a motion to approve this request for a first reading, and that:

\$2,976.44 chge. to: 1000-32520 DMV grant

\$2,976.44 approp. to: 1000-310131-41020 Salaries & Wages/OT

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Fire Department. He explained that these are state funds being used for hazardous materials, E-911 and fire program funds. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$79,724.53 chge. to: 1000-31010 Amount from fund balance

\$ 5,379.15 approp. to: 1000-320132-48203 Fire programs fund

55,821.66 approp. to: 1000-350532-45240 (911)

18,523.72 approp. to: 1000-350532-46160 Hazmat supplies

The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

No - None

Taines Rontopoulos

expressed his concern to Council that Columbia Gas Company has once again changed its procedure for connecting and hooking up new customers with gas service. He explained that the gas company has increased the hook-up fee without notifying the public of the increase. He also complained about having to install a new cut-off valve to a stainless steel flexible line behind every gas stove. He said that with the new cut-off valve and a new stainless steel flexible line, the fee has increased to \$80.00. A year ago, the fee was \$35.00.

Dale Diaz

said that taking two acres from the Ralph Sampson Park could set a precedent for all green space in the City for any future expansion or development. Green space may not generate revenue for the City, but is valuable to the entire community. Once it is appropriated for other uses, it is a loss to us and our children. She questioned if only park land could be used for this facility and suggested that some of the vacant buildings in the City should be purchased and renovated for this facility. City Manager Stewart noted that the vast majority of the vacant land in the City is park related land.

Scott Eichlin

, a Rockingham County resident, said that he is currently a corporal with the Waynesboro Police Reserves and has been serving since March 1995. He questioned the requirement of being a City resident to volunteer and serve on the Auxiliary Police Unit, when the regular police force only has the requirement of living one hour from the City. He said that having that restriction may excluded some very qualified candidates and requested that Council consider a resident requirement more consistence with the regular police force or other volunteers organization relating to emergency services. The auxiliary program will enhance the community policing already in place, provide enhanced crime prevention with more eyes and ears on the street, and may help to deter crime against regular officers. The City, citizens, and the Police Department will receive enormous benefit from implementing and supporting an Auxiliary Police Force.

At 9:57 p.m., Vice-Mayor Lantz offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Commission for the Office on Children and Youth and Parks and Recreation Commission, exempt from public meeting requirements

pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for economic development purposes and disposition of publicly owned real estate, all exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members concerning probable litigation, 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, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:30 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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 Rogers offered a motion that Roger A. Jones, 1216 Windsor Road, be appointed to a second term on the Parks and Recreation Commission to expire on December 31, 2002. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Byron Bullock, 680 Blue Ridge Drive, be appointed to fill the remainder of Henry Whitelows term on the Youth Services Commission. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Elroy Miller, 1401 North College Avenue, be appointed to a first term on the Social Services Advisory Board to expire on July 1, 2000. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 11:43 p.m., there being no further business and on motion adopted the meeting was adjourned.

MAYOR

CLERK