

REGULAR MEETING

MAY 25, 1999

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 Police Captain Malcolm Wilfong. Absent: Chief of Police Donald Harper.

Council Member Rogers delivered the invocation and the Girl Scout Troop #16 from Harrisonburg 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 Water Capital projects, West Market construction projects, closing an alley on East Washington Street, and increasing the Commissioner of the Revenue budget. The motion also included amending Section 7-4-1(1), Section 10-3-96(19) of the Harrisonburg City Code and referring an update of the Major Street Plan to the Planning Commission. 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

Absent: None

City Manager Stewart presented a request to increase the School Capital Projects Fund Budget for \$2,022,128.19. He explained that these funds will appropriate the City's proceeds from the Spring VPSA bond sale and will be used to renovate the City's elementary schools (Keister).

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 Saturday, May 17, 1999.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, May 25, 1999 at 7:30 p.m. in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of the public hearing will be to get citizen input concerning a proposed increase in the City's 1998-99 School Capital Projects Fund Budget in

the amount of \$2,022,128.19 These funds are the City's proceeds from the Spring VPSA bond sale. It is proposed that these funds be used to renovate the elementary schools.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG
Steven E. Stewart
City Manager

Mayor Eagle called on anyone present desiring to speak for or against increasing the 1998-99 School Capital Projects Fund. There being no one desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve issuing these VPSA bonds for a first reading. The motion was seconded by Vice-Mayor Lantz, 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

Absent: None

Vice-Mayor Lantz offered a motion to refer a request from the School Division for the erection of a greenhouse on City property to the Parks and Recreation Commission for a recommendation. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ Patt Doss, Executive Vice-President of the Harrisonburg-Rockingham Chamber of Commerce, presented a plaque and award to the City for participating in the annual 1999 Spring cleanup for its continuing effort to beautify the community. She also presented a request from the Chamber of Commerce's Board of Directors to consider televising the Council meetings. She explained that if Council agrees, the chamber would pursue planning to broadcast the meetings. The cameras would be manned regularly and full time during Council meetings by students from the local colleges. Broadcasting the meetings of the two governing boards is one of the Chamber of Commerce's established goals. Ms. Doss said that televising the governmental meetings would be a service to those who can't attend, particularly the area's rapidly growing senior citizen population. The broadcasts would not be done at City expense and the Council could set the rules governing the broadcasting of the meetings. Discussion included setting guidelines, rules, and the public being intimidated by the cameras.

✓ Larry Bowers, president of the Harrisonburg-Rockingham Historical Society, presented a request for an easement across City property at Silver Lake. He explained that in 1997 the Rockingham Milling Company donated the mill on Silver Lake to the Historical Society in the hopes

that it would be able to preserve this historic mill. The Historical Society does not have the funds to preserve the mill but would like to sell this property to a business who will restore it to its original exterior appearance. He requested that the City grant to the Historical Society an easement across the City property for the construction of a handicap ramp and part of the addition to the mill encroaches onto the City property. The easement from the City would be four feet wide and run along the common boundary line between the City property and the Historical Society's property. Discussion included zoning of the area, a special use permit from Rockingham County, City understanding that this mill belonged to the Historical Society, and property being sold to another business. Council Member Rogers offered a motion to table this request and refer it to the City staff for a recommendation. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from City Treasurer Neal to charge off 1977, 1978 real estate taxes and 1992, 1993 personal property taxes. Council Member Green offered a motion to charge off these taxes. 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

Absent: None

City Manager Stewart presented a request to transfer funds from reserve for contingencies to the City Attorney's budget. He explained that these funds will be used to eliminate a projected deficit in the budget for legal services. Council Member Rogers offered a motion to approve the transfer of these funds:

\$5,800 chge. to: 1000-940111-49310 Reserve for contingencies
 \$5,800 approp. to: 1000-120411-43152 Other legal services

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 1998-99 fiscal year allocation to Capital Projects funds. He explained that these funds will be used for the Eastern Source Development and Shenandoah Dam Portage to hopefully complete the project in the next fiscal year. Vice-Mayor Lantz offered a motion to approve the transfer of these funds:

\$70,000 chge. to: 1321-34220 Transfer from Water Fund
 \$70,000 approp. to: 1321-910161-48654 Easter Source Development.

\$70,000 chge. to: 2011-372061-48226 Shenandoah Dam Portage
 \$70,000 approp. to: 2011-392061-49216 Transfer to Capital projects

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

✓ City Manager Stewart presented a request to transfer funds from the current budget of the Parking Authority to the Parking Authority Capital projects. He explained that these funds will be used to conduct some rehabilitation work at the Water Street Deck. Council Member Rogers offered a motion to approve the transfer of these funds:

\$10,000 chge. to: 1325-34275 Parking Authority
 \$10,000 approp. to: 1325-910641-48653 Rehabilitation Parking Deck

\$10,000 chge. to: 2015-410641-46070 Repair & Maintenance Supplies
 \$10,000 approp. to: 2015-410641-49216 Transfer to Capital projects

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

✓ City Manager Stewart presented a request for a supplemental appropriation for the Commissioner of the Revenue's office. Commissioner of Revenue Hosaflook explained that these funds are needed to cover added expense of a full-time, part-time real estate clerk during the 1998 general reassessment. The reassessment was extended due to the new software that is being installed. Council Member Green offered a motion to approve this request for a first reading, and that:

\$5,330 chge. to: 1000-31010 Amount from fund balance
 \$5,330 approp. to: 1000-120912-41030 Part-Time Salaries and Wages - Regular

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

Absent: None

✓ City Manager Stewart announced that a meeting will be held June 3 at 10:00 a.m., in the conference room on the second floor of the Municipal Building. Members of the Harrisonburg Redevelopment Housing Authority and a consultant involved in a study will be present to discuss some housing issues. Mr. Stewart encouraged members of City Council to attend.

✓ Ben Fordney requested further information on the development of the golf course project adjacent to Hillandale Park regarding the environmental impact and rock formation. He noted there has been considerable comment in the community on this very controversial project and noted that only limited comments were permitted on the evening it was passed by City Council. He also

requested that further opportunities be provided for public input. City Manager Stewart said that the environmental impact, rock formations, sink holes and a potential layout of a golf course are all being studied.

Carolyn Frank expressed some concerns with the funding of the golf course project. She reviewed some of the projected cost from the 1985-1989 and 1995 studies. She requested that City Council receive additional input from the citizens of Harrisonburg and said that she believes in democracy which is a government of the people, by the people, and for the people.

At 8:15 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 Parking Authority, and the Community Services (Chapter 10) Board and the evaluation of a City Department, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Discussion and consideration of the acquisition of real estate to be used for a public purpose, namely streets, exempt from public meeting requirements pursuant to Section 21.-344(A)(3) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members concerning three (3) contracts and pending 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 Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 10:15 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 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 11:10 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and evaluation of a City Department, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended.

At 11:50 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 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 11:55 a.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan, CMC
CLERK

Rodney L. Eagle
MAYOR