

REGULAR MEETING

NOVEMBER 23, 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 Chief of Police Donald Harper.

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

Human Resource Director Whistleman introduced two new City employees: Wendy Lam, Public Works Department; and Christopher Lee, Police Department.

Vice-Mayor Lantz offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of several supplemental appropriations for the Police Department, and amending and re-enacting Section 4-2-85, 4-2-95 and 4-2-107 of the Harrisonburg City Code. The motion also included referring a request to close a portion of 4th Street and an alley at 800 Chicago Avenue to the Planning Commission. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Byrd
 Vice-Mayor Lantz
 Council Member Green
 Mayor Eagle

Absent: None

✓ Planning and Community Development Director Turner presented the 2000-2001 through 2004-2005 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program is a budgetary tool that allows the City to plan for capital expenditures for a five-year period. These are projects that cost \$25,000 or greater. She reviewed only the new projects with a priority one or two ranking in the report. The Fire Department has several new projects in the CIP including expanding two of the City's smaller fire stations and replacing fire engines at Station 4 and Station 1. She said that Station 2 on Pleasant Valley Road and Station 3 on East Market Street needs to add about 420 square feet to these buildings to accommodate the physical training program that the firefighters are required to take part in. There were no new projects in the Police Department, Sewer Division or the Transportation Department. There are several new projects in the Community

Development Department including updating the topographic map, replacing carpet in the Municipal Building, and paving the parking lot at the Municipal Complex. There are several new projects in the Public Works Department including upgrading street improvements at Country Club Road from Linda Lane to East Market Street at Valley Mall, and replacement of curb and gutter, installation of sidewalks, and improvements to pavement on Virginia Avenue from Gay Street to Third Street. Another project that has been identified is upgrading South Main Street to a 4-lane facility from the I-81 interchange south to the City limits. The Public Works Department projects also include installing new traffic lights on West Market Street at Garbers Church Road and Thomas Harrison Middle School. A new project in the Parks and Recreation Department includes renovating the Ramblewood ball fields. The School Board has previously reviewed their Capital Improvement Program projects. The Water Department continues with the development of the Eastern Source project which includes getting water from the South Fork of the Shenandoah River. There are several projects in the Sanitation Division of the Public Works Department including the Resource Recovery Facility, the Materials Recovery Facility Closure and Monitoring Program, and the Solid Waste Management Plan. Mrs. Turner reminded everyone that all the Department Heads were present to answer any questions regarding the Capital Improvement Program and noted that the Planning Commission recommended approval of the plan.

At 7:45 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, November 13, and Saturday, November 20, 1999.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, November 23, 1999, 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 years 2000-2001 through 2004-2005. 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 improvement needs over a subsequent five-year period. Copies of the Capital Improvements Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.

For any additional information, contact the City Manager's office, 345 South Main Street, Monday through 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**

Mayor Eagle called on anyone desiring to speak for or against approving the Capital Improvement Program.

Warren Dillenbeck questioned why the \$6.4 million golf course wasn't listed in the Parks and Recreation Department's Capital Improvement Program under new projects. He said that since construction of a new water supply was included in the CIP and should involve bond issue for funding, the golf course should have also been included in the CIP. Mayor Eagle pointed out that several projects including the Judge McNulty Children Center and the library addition were not included in the CIP. He also noted there wasn't anything to prevent the Planning Commission from including the golf course in the CIP. Mayor Eagle also noted that the golf course should produce revenue for the City without using taxpayers money. City Manager Stewart said that one difference between this project and the projects recommended by the Planning Commission as Mrs. Turner had explained was that these projects are generated by recommendations from staff to him and then to the Planning Commission and City Council. City Council approved the development of the golf course in April 1999 which was after they approved last year's CIP and before the process began for this year. Mr. Stewart repeated that the Capital Improvement Plan is only a plan. It is not a budget. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion to approve the Capital Improvement Plan. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers
Council Member Byrd
Vice-Mayor Lantz
Council Member Green
Mayor Eagle

Absent: None

Joan Strickler, Executive Director of First Night, thanked City Council for naming *First Night@-Harrisonburg 2000* as "Harrisonburg Official Millennium Celebration" and providing additional funding for the celebration. She noted that because it is the millennium many local churches will be having church service this year. Plans for this year again will include fireworks display, request for street closing, and the Police Department, so hopefully everyone will have a safe celebration. Council Member Green offered a motion to approve First Night's request for fireworks

subject to acceptance by the Fire Department. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request by Edward Budd and Walter Trobaugh, III, for approval of a Preliminary Plat entitled Brayton Subdivision, with two variances. She explained that in August 1998, a preliminary plat was approved for Brayton Subdivision that showed a duplex development consisting of 68 lots; however, the preliminary plat has expired. Preliminary plats are valid for one year from the date of approval. Since the developers have changed the development plans, instead of resubmitting the same plat, the applicants have revised their drawing to show 50 single-family lots rather than 68 duplex lots. The applicants are requesting a variance to exceed the City's standard for cul-de-sac streets which is a limit of 800 feet in length because the plat shows an approximately 1,230 ft. cul-de-sac. The applicants are also requesting a variance for Lot 21 which does not meet the City's area and dimensional regulations and is a remnant created by the extension of Middlebrook Street. Staff had previously recommended approval of the variance for the longer cul-de-sac due to the landlocked nature of the property; however, a stipulation would need to be added that Lot 1 cannot be developed as a single lot. She said that Planning Commission recommended approval. Council Member Rogers offered a motion to approve this request. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Robin Wells representing the Parking Authority presented a proposal to City Council to remove parking meters in the downtown area. He explained that the Parking Authority has been discussing parking issues, rules, and regulations for several years. He said that its never been the Parking Authority's intent for parking to be solely a revenue generating source, but only to keep a turnover of parking downtown. Mr. Wells said that, "The Parking Authority is presenting a proposal to City Council that all parking heads are removed from meters on streets. We are not including any parking lots or parking decks. We will leave the posts in place in case we have made a mistake and need to put them back on again." Two hours of free parking will be offered in these areas on any day in that block. He said that point is very important because, in the past, the authority has had to deal with employers and employees who parked all day long in front of their place of business. Tires will be chalked to detect violators. Anyone caught violating the two-hour free parking will be issued a \$10.00 parking fine. Mr. Wells said that chalking of tires is the preferred method; however, the Harrisonburg Police Department will determine violators of the two-hour free parking. The proposal of the Parking Authority also included that the Department of Public Works will be responsible for setting up parking zones, and signs to inform citizens of the changes. Assistance of the Downtown Retail Merchants, Citizens for Downtown, City Council, Parking Authority, Bar Association and any other organizations will be needed to let the public know of the changes. He also noted that the Harrisonburg Parking Authority proposes that this change be made with the beginning of the "Two Hour Free Parking" policy which is offered during the Christmas season which starts Thanksgiving weekend. Mr. Wells said that hopefully City Council will pass the new ordinance by January 15, 2000, but until that time the same fine structure will be in place. At the end of one year, the Parking Authority will reevaluate this change. Following further discussion and comments, Council Member

Rogers offered a motion to approve the proposal by the Parking Authority for a first reading and directed the City Attorney to prepare the ordinance for a second reading for the December meeting. The motion seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Byrd
 Vice-Mayor Lantz
 Council Member Green
 Mayor Eagle

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

**RESOLUTION
 VIRGINIA LIVESTOCK CENTER DESIGNATION
 ROCKINGHAM COUNTY FAIR ASSOCIATION**

WHEREAS, The Rockingham County Fair Association (RCFA) desires that its facility be designated the Virginia Livestock Center by the Virginia General Assembly; and

WHEREAS, the RCFA in 1999 hosted one East Coast Regional show, eight state-wide shows & sales, four area shows & sales for Llama, Alpacas, Beef Cattle, Dairy Cattle & Goats, and Sheep; and

WHEREAS, the RCFA in 1999 hosted many other farm and domestic animal shows & sales and many other special interest shows, events, private parties; and

WHEREAS, the RCFA is located in the heart of the Virginia Livestock Region; and

WHEREAS, the RCFA is located just off I-81 and within easy access to all areas of the state and neighboring states; and

WHEREAS, the RCFA owns 110 acres, a 63,000 square foot Livestock Facility, a 21,000 square foot Exhibit Hall, and supporting buildings;

NOW, THEREFORE, BE IT RESOLVED that the Harrisonburg City Council does hereby request that the Rockingham County Fairgrounds be designated The Virginia Livestock Center.

 Date

 Rodney L. Eagle, Mayor

Attest:

Yvonne Ryan, CMC, City Clerk

City Manager Stewart explained that Harrisonburg and Rockingham County have been asked to approve a resolution requesting that the Commonwealth of Virginia designate Rockingham County Fair Association as "The Virginia Livestock Center." Council Member Green offered a motion to support this resolution. The motion was seconded by Council Member Byrd, and approved with a unanimous vote.

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

RESOLUTION

WHEREAS, in Item 497 (H) of its 1999 Appropriation Act, the General Assembly of Virginia directed the Department of Juvenile Justice, in consultation with the Department of Criminal Justice Services, the Department of Planning and Budget, the Virginia Council on Juvenile Detention and the Commission on Youth, to study and determine a long-term strategy for funding the capital and operating costs of local and regional juvenile detention homes; and

WHEREAS, that study has resulted in a recommendation that the State's allowance for the operating cost of such local and regional facilities be set for the next fiscal year at the rate of \$28,500 per bed of rated capacity, and that such allowance be adjusted annually thereafter by the Consumer Price Index; and

WHEREAS, the study has also recommended that the cap on the state reimbursement for construction of local and regional detention facilities be increased to \$59,500 per bed with further adjustments for regional differences in construction costs and for inflation in future years; and

WHEREAS, the study has also recommended the State Ward Per Diem payment be set at \$50, and that the rate be adjusted every biennium using the Consumer Price Index; and

NOW, THEREFORE, BE IT RESOLVED by the Harrisonburg City Council that the Governor and General Assembly of Virginia are urged to implement and fully fund the aforesaid recommendations developed to Item 497 (H) of the 1999 Appropriation Act.

BE IT FURTHER RESOLVED that the City Council directs the City Manager to forward this resolution to the local senators and delegates prior to the 2000 Session of the General Assembly and request their support of these recommendations.

Date

Rodney L. Eagle, Mayor

Attest:

Yvonne Ryan, CMC, City Clerk

Assistant City Manager Baker explained that the Department of Juvenile Justice has created a detention funding study committee to examine the funding of juvenile detention homes for capital improvement, operational expenses, and state ward per diem payments. The detention study committee is recommending increases in state funding to support local juvenile detention homes. Mr. Baker also said adoption of this resolution would show local support for this funding and request the local state representatives to also support this legislation. Council Member Rogers offered a motion to support this resolution. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Jim Tripplett representing the School Division presented a request for a supplemental appropriation for the school's operating budget. He explained that these are unanticipated receipts from federal, state and other funds that were not known during the budget process. No additional local dollars are required from City Council. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$20,981.00 chge. to: 111114-33301 School Revenue-Federal
53,300.00 chge. to: 111114-32442 School Revenue-State
3,956.00 chge. to: 111114-31691 School Revenue-Other

\$78,237.00 approp. to: 111114-40610 Instruction

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

Vote: Yes - Council Member Rogers
Council Member Byrd
Vice-Mayor Lantz
Council Member Green
Mayor Eagle

City Manager Stewart presented a request for a supplemental appropriation for Fire Programs. He explained these funds will be used to recover hazardous materials and fire program fund grants from the 1998-1999 budget. Council Member Green offered a motion to approve this request for a first reading, and that:

\$26,702.42 chge. to: 1000-31010 Amount from fund balance

\$15,459.56 approp. to: 1000-350532-46160 Hazardous Materials Supplies
6,792.86 approp. to: 1000-320132-48203 Fire Programs Fund
4,450.00 approp. to: 1000-350532-46140 Other operating supplies

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

Vote: Yes - Council Member Rogers
Council Member Byrd
Vice-Mayor Lantz
Council Member Green
Mayor Eagle

City Manager Stewart presented a request for a supplemental appropriation for Fire Department. He explained that these funds will be used to complete a classroom under construction at the fire training grounds. Council Member Green offered a motion to approve this request for a first reading, and that:

\$2,300.00 chge. to: 1000-31010 Amount from Fund Balance

\$2,300.00 approp. to: 1000-320132-48203 Fire Program fund

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

Vote: Yes - Council Member Rogers
Council Member Byrd
Vice-Mayor Lantz
Council Member Green
Mayor Eagle

City Manager Stewart presented a request for a supplemental appropriation for recovery of insurance funds. He explained these funds reflect recovery of insurance funds from Colonial Insurance Company due to damages of a traffic controller from an auto accident. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$2,925.00 chge. to: 1000-34011 Insurance recoveries

\$2,925.00 approp. to: 1000-410741-46070 Repair & Maintenance Supplies

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

Vote: Yes - Council Member Rogers
 Council Member Byrd
 Vice-Mayor Lantz
 Council Member Green
 Mayor Eagle

Police Chief Harper presented changes to the City ordinance on taxicabs. He explained that some changes include insurance requirements, inspection procedures, seat belt laws, CDL license, physical, established office location, and the certificate of public convenience can be issued for a five-year period since the taxi cab service is privately owned. At one time Harrisonburg owned the taxi cabs. Vice-Mayor Lantz offered a motion to approve these changes on taxicabs in the City ordinance for a first reading. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Byrd
 Vice-Mayor Lantz
 Council Member Green
 Mayor Eagle

Economic Development Director Shull presented the following resolution for Council's consideration of approval:

**RESOLUTION
 BONDED INDUSTRIAL ACCESS ROAD PROJECT**

At a regularly scheduled meeting of the City Council of Harrisonburg held on November 23, 1999, on a motion by Council Member Rogers, seconded by Council Member Green, the following resolution was unanimously adopted:

WHEREAS, Bill V. Neff Enterprises has acquired property located in the City of Harrisonburg for the purpose of industrial development; and

WHEREAS, this property is expected to be the site of new private capital investment in land, building, and manufacturing equipment which will provide substantial employment; and

WHEREAS, the subject property has no access to a public street or highway and will require the construction of a new roadway to connect with Route 988; and

WHEREAS, the City of Harrisonburg hereby guarantees that the necessary right of way for this new roadway and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED THAT: The City Council of Harrisonburg hereby requests that the Commonwealth Transportation Board provide Industrial Access Road funding to provide an adequate road to this property; and

BE IT FURTHER RESOLVED THAT: Bill V. Neff Enterprises hereby agrees to provide a surety or bond, acceptable to and payable to the Virginia Department of Transportation, in the full amount of the cost of the road; this surety shall be exercised by the Department of Transportation in the event that sufficient qualifying capital investment does not occur on Black's Run Industrial Park 2, Section 1, Lots 4-11 within three years of the Commonwealth Transportation Board's allocation of funds pursuant to this request; and

BE IT FURTHER RESOLVED THAT: The City Council of Harrisonburg hereby agrees that the new roadway so constructed will be added to and become a part of the City of Harrisonburg road system and will therefore be maintained by the City of Harrisonburg.

Attest:

Rodney L. Eagle, Mayor

Yvonne Ryan, CMC, City Clerk

Economic Development Director Shull explained that this funding would allow Bill V. Neff Enterprises to apply for VDOT funding for an approximate 1,100 foot access road located off Route 988. Mr. Neff has acquired property located in the City for the purpose of industrial development; however, the property has no access to a public street or highway and will require the construction of a new roadway to connect to Route 988. This resolution also will allow Bill V. Neff Enterprises to have a three-year window to get qualifying investment. Following further discussion and comments, Council Member Rogers offered a motion to approve this resolution. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers
Council Member Byrd
Vice-Mayor Lantz
Council Member Green
Mayor Eagle

Economic Development Director Shull said that he and Vice-Mayor Lantz had attended a School Board meeting this evening to make a presentation and present an award to the School Board by *Expansion Management Magazine*. Mr. Shull announced that the City has been ranked as a Gold Medal school district by *Expansion Management Magazine* in its annual Education Quotient. Gold Medal schools rank in the top 15 percent of those school districts evaluated. This is the first time Harrisonburg has ever been included in the survey. Only five localities in Virginia received the Gold Medal award and only two were cities Harrisonburg and Waynesboro. The school districts are evaluated by several categories including Graduate Outcome, College Board scores, teacher-pupil ratio, and locality funding to the school district.

Warren Dillenbeck said that at the last City Council meeting reports were presented from the golf course architect, environmental group, and the financial consultant. He questioned if any of these consultants have been paid for their services since some work is near completion. Mayor Eagle explained that the work done so far have only been preliminary and any money spent on the golf course plan is public information. City Manager Stewart clarified any assumption that most of the work has been done is not a correct assumption. The majority of the work has not been done. The majority of the architect's fee will come with the actual design of the golf course. He also said that they have given Mr. Dillenbeck information previously about the majority of the expenditures made to date which are very small compared to the estimated cost of the total project.

Carolyn Frank wished everyone a Happy Thanksgiving. She also noted that the TAGS group would be studying the financial report.

Vice-Mayor Lantz said that a letter written to the editor in the Daily New-Record contained some misinformation regarding Council Member Rogers motion supporting the resolution for the renovations of Spotswood Elementary School, Waterman Elementary School, and air conditioning at the Harrisonburg High School Field House. The motion was that the \$5,000,000 would be increased to \$5,100,000 to insure that the cost of the field house could be covered by the additional \$100,000 in bonds plus interest earned on the bond proceeds.

At 8:39 p.m., Council Member Rogers offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Community Services (Chapter 10) Board, Social Services Advisory Board, Commission on Children and Youth, Harrisonburg Parking Authority, Harrisonburg Redevelopment and Housing Authority, Parks and Recreation Commission, Harrisonburg Planning Commission, Harrisonburg Electric Commission, and the Rockingham-Harrisonburg ASAP and the evaluation a City Department, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation and a proposed contract, 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.

