

REGULAR MEETING

FEBRUARY 22, 2000

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 A Bonnie Ryan, CMC/AAE, and Chief of Police Donald Harper.

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

Human Resource Director Whistleman introduced nine new City employees: James Cook, Patricia Justice, Charles Kimbrough, Mary Showalter, Robert Todd, Maurice Whiting, Public Works Department; David Gayhart, Christopher Rhodes, Fire Department; and Brain Moyers, Police Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and the second reading enacting Title 6, Chapter 1, Article E and amending Section 10-3-40(7), 10-3-45(3), 10-3-51(2), 10-3-94(3), 10-3-24, and 10-3-39(1) of the Harrisonburg City Code. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

Absent: None

At 7:38, p.m., Mayor Eagle closed the regular session temporarily and called the evening=s public hearing to order. The notice appeared in the Daily News-Record on Saturday, February 5, and Saturday, February 12, 2000.

NOTICE OF PUBLIC HEARING

The City of Harrisonburg is presently preparing its annual grant application for Operating and Capital Funds for FY 00-01. This application is for Federal and State funds under the Federal Transit Administration 49 USC Section 5311 (formerly Section 18) Program.

A public hearing for this application will be held on Tuesday, February 22, 2000, at the City Council meeting. This meeting will be held in Council Chambers in the Municipal Building at 7:30 p.m. All interested citizens are encouraged to attend.

Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Vickie Conley before February 18, 2000 at 540-432-0492; or mail comments to: Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, VA 22802.

Transportation Director Smith explained that this is the annual application for state and federal funds including capital funds for fiscal year 2000-2001. He said that capital projects for this fiscal year include purchasing three transit buses and two para transit vehicles. There being no one present to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this application for state and federal funds. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

Absent: None

City Manager Stewart said that the request seeking Council's endorsement of an application by First Centrum, LLC had been postponed from the February 8 meeting. He said that additional comments from staff and additional information from Jack Gordon had been provided in the agenda packet. Jack Gordon, Manager of Development for First Centrum, explained that his company has changed the age requirement for independent living senior persons from 55 and over to 62 and over. He said that the company would like to build 50 two-bedroom apartments on a 4.2 acre parcel and believe there is significant unmet demand for moderate-income senior housing projects. He said that half of the units at the Lineweaver Apartments, operated by Harrisonburg Redevelopment Housing Authority, are tax credit apartments and they generally maintain a lengthy waiting list. He noted that First Centrum projects should not be compared to the Lineweaver Apartments. In order for the project to receive the financing, it must compete with other projects based on the criteria listed in Virginia's Qualified Allocation Plan. First Centrum will not be able to build this project without Federal low income housing tax credits and the state awarded points received from support by the local governing board. Mr. Gordon also said that he doubted the project would be built or

qualify for the tax credits if Council remained neutral.

City Manager Stewart reviewed three options for Council's consideration: (1) A support letter for the project which is worth 50 points on the application. (2) For Council to take no position and maintain neutrality which is worth 25 points. (3) A letter of opposition which means no points would be granted. The application due date is March 17; however, a letter from the City supporting the project must be received by May 1.

Council Member Rogers commented that the property, already zoned for apartment buildings, could become home to something less desirable which Council has opposed in the past. There is a need for retirement housing because of the lack of available spaces at other local facilities which are very expensive and have long waiting lists. Council Member Rogers offered a motion to approve the request and move forward with the project. The motion died for lack of a second. Council Member Rogers amended his motion to state, Move forward with the project with a neutral position.@ This motion died for lack of a second. Council Member Rogers offered another motion that Council approve this project with 100% support. This motion died for lack of a second.

Council Member Green commented that the information provided by Mr. Gordon did not contain statistics of how many people living in Harrisonburg needed this type of housing. He said that he was concerned people from outside the area would move into the proposed project and squeeze out local residents needing housing. Council Member Green offered a motion to table this request until the next meeting. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Economic Development Director Shull presented a brief overview of a Resolution and Consortium Agreement in preparation for a regional Workforce Investment Board formally known as the Shenandoah Valley Private Industry Council. This region Workforce Investment area includes all ten jurisdictions within the Central Shenandoah Planning District plus Page County. He explained the organizational steps for the Workforce Investment Act and how it will be implemented. The City will have an opportunity to appoint two private sector people in addition to an equal number of public people. Council Member Rogers offered a motion to approve this resolution as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Mayor Eagle announced that the agenda item adopting a resolution in support of a safety improvement project for the Harrison Street railroad crossing was tabled.

Council Member Green offered a motion that Jimmy E. Garber, 406 West Avenue, be appointed to a second term on the Industrial Development Authority to expire on April 24, 2004. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion directing the City Manager to provide an itemized statement at the next Council meeting of what it is costing the taxpayers of Harrisonburg for City Council to defend itself from

the lawsuit by the TAGS group. The motion included that the itemized statement should include all expenses, including salaries, attorney fees, time and material. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 8:20 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Commission on Children and Youth, Harrisonburg Parking Authority, Blue Ridge Disability Services Board, Board of Zoning Appeals, and the Industrial Development Authority, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Discussion concerning a prospective business locating within the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to pending litigation, 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 11:00 p.m., the closed 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 was convened, were heard, discussed or considered in the closed session by the City Council.

At 11:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR