

REGULAR MEETING

JUNE 13, 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 Bonnie Ryan, CMC/AAE, 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 supplemental appropriations for the School Division, Fire Department, and Big Brothers/Big Sisters. The motion also included the second reading amending and re-enacting Section 13-1-3 and Section 13-1-60.01 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 Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

Absent - None

Council Member Rogers presented a request from the Chamber of Commerce to consider televising the Council meetings. He also said that a Council Member-elect had approached City staff questioning whether the City Attorney was under a contract because they were considering making some changes. Council Member Rogers said that he believed the action was in retaliation because City Attorney Thumma had defended the City in a lawsuit by the TAGS group. He said, I think that it is very important that the citizens of the City know what is going on in our City and at these Council meetings. Council Member Rogers offered a motion to explore the cost and method of the broadcasts with the help of the Chamber of Commerce and present a plan at the next meeting. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Richard Yancey

, a resident of 247 Fairway Drive, presented a brief report to City Council concerning financial issues related to the municipal golf course. He said that there are some misconception and misrepresentation about the true cost of the golf course. He explained that he has attended several Council meetings, discussed the golf course with City residents, and Council Members; however, some information printed in the Daily News-Record has been inaccurate. Various figures have been publicized and discussed ranging from \$6 million to \$17 million. This project will be operated as a separate enterprise fund and can be looked at from a business approach. He said What is the correct cost of the golf course? The project needs to be divided into two categories, an acquisition and construction phase and the operational costs. He reviewed the costs associated with the golf

course including purchasing the land, construction costs, moving dirt costs, net operating income, current financing arrangement, and revenue expectations. He also said that he was confident that even if the City's municipal golf course did not live totally up to revenue expectations the burden to taxpayers would likely be small.

Ben Fordney

read the following report: In a little more than two weeks, the new City Council will take office. To obtain as much information as possible to enable them to make conscientious and responsible decisions, they have organized an ad hoc citizens committee to advise them. Unfortunately, several prominent citizens, who represented both sides of the golf course issue were approached and declined to participate. These business and professional leaders could have a very positive contribution to the discussions but said it was too political and that the City Council electees just wanted to use the committee to justify their actions. It was, in effect called a Trojan Horse.

Has the atmosphere become so poisoned in our community that public servants about to assume office cannot ask for advice from responsible people? If so, we are in a sorry state. Fortunately, six citizens are willing to serve despite the public politicizing of the proposal.

Mr. Fordney said, I believe the Council persons elect wanted advice and not necessarily advice they wanted to hear, but an honest presentation of different views. I believe that all issues will be on the table when this committee meets. I do not speak for them and they will resign from the TAGS

= Board and Steering Committee effective June 30th. This is appropriate, as they will represent everyone in the community when they assume office, not just the people and organizations who supported them.

The problem as I see it is the distrust and antagonism that threatens to interfere with the welfare of our community. We are in a zero-sum game. What is good for us is bad for you. What is bad for you is good for us, this is where we are. TAGS has not been totally innocent of this fact because the proposal made by Council Member Rogers and Vice-Mayor Lantz to add an additional 48 acres to Hillandale Park deserved more scrutiny than the TAGS members gave it. However, it is time to end this adversarial atmosphere.

We have tried for months to look for negotiation and compromise, long before the contract with Turf Drain was signed, but we were stonewalled. Even after the election when the voters put three new members on City Council, there is practically no attempt for a reasonable transition. When the Council persons elect wanted to meet with the new appointed golf superintendent, they were rebuffed. Does this make any sense? In fact for months, City employees have been forbidden to answer questions about the golf course. This is particularly unfortunate now as we will have a new Council in a little more than two weeks. Why cut the new Council members elect off now from information they will need.

Decisions will be made by the new Council of great importance, the golf course being the most urgent. Every day that goes by makes that decision more difficult. Work continues at the site, even on weekends and holidays. This is a time for reasoned discussion from both sides. It is not a time for recriminations and demonizing those who hold another opinion. There are options. The new Council, both electees and incumbents should be meeting now to seek compromise, for the best interest of the City.

He said, I am sure that the outgoing Council members do not want to leave office with this train wreck on the horizon. They have served the City too long to want that.

The new Council will examine all possibilities when they assume office. All options must be considered based on facts, not rhetoric. Mr. Fordney suggested that it is time to cease fire and exchange information.

Barry Hensley

read the following statement: I speak to you tonight as a representative of a newly formed coalition of City residents. The name of the organization I represent is Citizens Advocating Responsibility In Government or CARING. My comments tonight represent the considered concerns and perceptions of this newly formed group. It is not the intent of CARING to cast dispersions on any group or individual. Rather, CARING exists for the sole purpose of studying and evaluating community issues and to disseminate the results of our efforts to the community. CARING is non-partisan and has no political motives.

CARING is concerned that the City of Harrisonburg has recently become the focus of negative statewide comment. CARING fears that the City is likely to be embarrassed by the perceptions that other localities have concerning recent developments in our City. This organization was formed by concerned citizens to promote and support an assortment of family oriented issues that will have a positive impact on the quality of life that families in our community enjoy. CARING wishes to ensure that all citizens are well informed about community issues and problems. CARING members come from a broad cross section of the community and represent diverse interest. There is wide spread interest in the organization and membership is increasing daily. CARING members believe that many of the problems currently facing the City of Harrisonburg are the result of poor communication patterns concerning certain issues and the exploitation of this communication by certain groups and individuals to derive political advantage. One of CARING's primary goals is to provide a balanced perspective and to support positive growth and development of the City.

Specifically CARING would like to address this Council and the three newly elected Council Members. As most City residents are aware, the election of the three new members and the premature attempts to chart a different direction for the City have created an unsavory and unproductive atmosphere which needs to be resolved immediately. Attempts to resolve this dilemma to date have apparently been unproductive and Mr. Fitzgerald has indicated a train wreck is imminent. The question this group CARING would like to ask is Who benefits from a train wreck? Another question CARING would like to ask Who was elected to City Council? Was it Dorn Peterson, Carolyn Frank, and Joe Fitzgerald or was it a political action committee? Will a PAC control the City Council or will the newly elected members perceive themselves as individuals representing all citizens? Communication patterns since the election strongly suggests that PAC's remain in firm control of the newly elected members. CARING feels the need to focus this issue and to request that the newly elected Council Members have the insight, judgement and political courage to consider all phases and all aspects of problems rather than to follow without question the political persuasions of a non-elected few.

Without question the abortion of the municipal golf course is the most divisive issue to face the citizens of Harrisonburg within recent memory. CARING is distressed by this conflict and the threatened potential outcomes of the possible melee. Unless this problem is resolved rationally, unwanted consequences will ensue and all citizens, in one way or another, will be negatively affected. CARING members would like to avoid the projected train wreck and offer the following information and opinions concerning disposition of this matter.

1. The concept of a municipally owned golf course is not novel or certainly unique. We are not inventing the wheel. Currently 20 or more local governments operate golf courses as part of their comprehensive recreational program. These courses have met an ever increasing public need and are economically efficient.
2. The primary reason that citizens in Harrisonburg have opposed the golf course has nothing to do with the golf course. The reason that some citizens opposed the golf course was the perceived inflexible manner in which it has been developed. Opposition was a clear response to elected officials, not to the golf course. Large numbers of citizens who voted for change want the golf course to be built. It is a grievous error to assume that opposition to the City

Council is synonymous with opposition to the golf course.

3. The National Golf Foundation study and now an independent economic analysis reveals that the golf course is economically viable and will not be a burden to taxpayers. As with any economic enterprise the course will pay for itself over a period of time and constitute an economic asset to the City. Even with the most conservative projections, the golf course breaks even.

4. There is another side to the economic coin that has not been shared with City residents. This side of the coin is where City residents should focus and be concerned. If the course is unfinished the cost to City taxpayers will be two and one-half million dollars.

5. To reconstruct the work already performed on the golf course to place it in an environmentally stable condition will be very expensive. This money has not been budgeted and must come from funds appropriated from other purposes or a possible tax increase. The property cannot be left as it is.

6. Once the land is reconstructed and placed in an environmentally stable condition, the land remains undeveloped and approximately two and one-half million to two and three quarter million dollars has been expended for absolutely nothing except a larger pond. It will be the most expensive pond in the history of the United States.

7. Finally the answer to developing the property remains unattainable and future funds will be required to plan and develop future projects.

CARING want City residents to understand that the abortion of the golf course is the only scenario likely to place additional tax burdens on City residents. If you stop it, it will cost us money. Groups opposed to the golf course have done an excellent job to avoid public awareness of this reality. CARING want City residents to be aware and cognizant of both sides of the economic coin surrounding the golf course.

In summary to abort the municipal golf course in this late stage of development is not in the best economic interest of the City. Late term abortion of this project also reflects an arrogant and entitled attitude similar to the accusations leveled at the current council. There is simply no place in government for an entitled attitude whether it be with existing or future Councils. Entitlement rests with the people, not elected officials. The lesson has been learned once. Does it need to be learned again?

Council Member Green commented that when said he and two other people were first elected to City Council in 1970, there were many more issues at stake than a public golf course. The City school system administrative problems had so divided the public that many people would not conduct business with various merchants in town. Teachers, students and their families were horribly upset. In addition, the City's Police Department was being taken to task in a most unjust fashion. He said that a very positive campaign was run that year, free of antagonism and malice, and three new people were elected which constituted a majority. He said, We met to decide our course of action and decided to continue supporting Roy Erickson as mayor and also to allow the sitting City Attorney to continue to serve. None of the City Council Members sitting at that time, or indeed the City Attorney, supported us during the election. We did this for several reasons including that we had no experience in municipal government and were acting in the best interest of the citizens of Harrisonburg in stopping the diverseness that was gnawing at this community. Our action proved to be correct and we have enjoyed the fruit for the past 30 years. I would urge the Council Members elect to at least think about that history and please do not ignore the valuable input potential from Larry Rogers and Hugh Lantz.

Mayor Eagle commented that in reflecting back to when he was elected to City Council in 1996, he realized his lack of public relations has damaged the chances for the golf course. He also said that he took the time to visit other golf courses in Virginia and after speaking with other municipalities, decided the golf course is a positive project for the City.

City Manager Stewart presented an application for fireworks display at Spotswood Country Club on July 4, 2000. He explained that Skyfire Fireworks displays has completed the appropriate application and they have met all Fire Department requirements. Vice-Mayor Lantz offered a motion to approve this request. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion to endorse a resolution of support of the draft management plan for the Shenandoah Valley Battlefields National Historic District Commission. The motion was seconded by Council Member Byrd, approved with a unanimous vote of Council.

Mayor Eagle announced that an agenda item to charge back outstanding/uncashed checks issued by the City between 1995 & 1998, an agenda item charging off 1994 property taxes and 1979 Real Estate Taxes, and a request from the City Treasurer to charge off delinquent business licenses for 1997 and 1998 will be considered at another Council meeting.

City Manager Stewart presented a request to transfer funds. He explained that the City has already been billed and paid for more than was originally budgeted in the current budget for court appointed attorneys and a coroner. These are mandated expenses and the City has no control over these expenditures. Council Member Rogers offered a motion to transfer these funds:

\$7,520.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$6,820.00 approp. to: 1000-330231-43151 Court appointed attorney

700.00 approp. to: 1000-350331-43110 Coroner

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. He explained that these funds will be used for curb, gutter, and storm drain work on Dogwood Drive (Park View) from Park road to College Avenue in conjunction with completion of Park road project. Council Member Green offered a motion to transfer these funds:

\$64,048.64 chge. to: 1000-410241-48106 Sidewalks

\$64,048.64 approp. to: 1000-990111-49216 Transfer to Capital Projects

\$64,048.64 chge. to: 1310-34210 Transfer from General Fund

\$64,048.64 approp. to: 1310-910141-48609 Park Road projects

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

City Manager Stewart presented a request to transfer funds. He explained that these funds will be used for capital projects for automatic meter enforcement equipment as part of deck rehabilitation process. Vice-Mayor Lantz offer a motion to transfer these funds:

\$18,000 chge. to: 2015-410641-48111 Machinery & Equipment

\$18,000 approp. to: 2015-410641-49216 Transfer to Capital Projects

\$18,000 chge. to: 1325-34275 Transfer from Parking Authority

\$18,000 approp. to: 1325-910641-48653 Rehabilitation Parking Deck

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

City Attorney Thumma presented for Council's consideration of a first reading an ordinance amending and re-enacting Article 6, Section 4-2-86 - 4-2-95 of the Harrisonburg City Code. He explained that the General Assembly this year enacted legislative that requires every political locality in the state that has a meals tax to adopt a uniform tax state wide by July 1, 2000. He also said that the Commissioner of Revenue has reviewed these changes. Vice-Mayor Lantz offered a motion to approve this ordinance for a first reading. 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

City Manager Stewart presented a request for a supplemental appropriation for Data Processing. He explained that the City is in the process of planning and implementing a computer system software upgrade. This upgrade is based on using the City's current software provider. Changing providers would greatly increase the cost. This upgrade will take approximately thirty-one months to complete based upon current information. Council Member Green offered a motion to approve this request for a first reading:

\$20,000 chge. to: 1000-31010 Amount from fund balance

\$20,000 approp. to: 1000-122011-48173 Software

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

City Manager Stewart presented a request for a supplemental appropriation. He explained that funds will be used for the Fire Department E-911 funds which have been held in reserve.

\$34,827.00 chge. to: 1000-31010 Amount from fund balance

\$34,827.00 approp. to: 1000-350532-45240 E-911

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

City Manager Stewart presented a request for a supplemental appropriation for capital projects. He explained that these funds from the Sanitation fund will provide funding for the CISAT project in conjunction with JMU and additional funding for the County landfill development and closure. The second portion of the supplemental appropriation reflects interests earning from the golf course capital projects fund which will be used to make interest payments on the BANS s. Council Member Rogers offered a motion to approve this request for a first reading:

\$12,477.48 chge. to: 1324-31010 Amount from fund balance

30,219.70 chge. to: 1324-31513 Investments earnings

1,790.28 chge. to: 1324-34112 Loan proceeds

160,255.44 chge. to: 1326-31513 Investment earnings

26,427.39 chge. to: 1326-31908 Sale of timber

\$12,512.48 approp. to: 1324-910142-48683 Steam plant for CISAT

31,974.98 approp. to: 1324-910142-48684 County landfill development and closure

186,682.83 approp. to: 1326-910771-48660 Golf course construction

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

Absent - None

City Manager Stewart presented a request for a supplemental appropriation from unappropriated fund balance to reserve for contingency. He explained that these funds will be used to cover unforeseen year end expenses. Council Member Rogers offered a motion to approve this request for a first reading:

\$110,000.00 chge. to: 1000-31010 Amount from fund balance

\$110,000.00 approp. to: 1000-940111-49310 Reserve for contingencies

The motion was 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

Absent - None

Vern Seguin

questioned some of the information presented by Richard Yancey and Barry Hensley and then he read the following statement: Mr. Mayor: To paraphrase Ronald Reagan, Mr. Mayor, Tear Down the wall of closed government now. The voters will have it down in three weeks, anyway. The orange barrier fence in the park, may go, as well. Rescind the motion you passed at your last meeting to issue bonds for the golf course. There is still time to do so. After that meeting, the young lady who presented financial facts of the bond issue to Council told me that the issuing cost would be about \$140,000. She estimated that \$60,000, could be saved by the newly elected Council if they have the opportunity to review the matter before the bonds are issued. When the new Council takes over at the beginning of July, they will have to pick up the pieces of this project. It was never approved by the taxpayers. In fact, it was rejected by the voters in the last election, along with closed government. Even after adding a million dollars in interest to extend the loan to thirty years, it will still be a loser. The largest private U.S. golf course consortium recently declared bankruptcy. Some cities have sold off their courses to make ends meet. If you incumbents don't do the right thing and suspend the project now, then the newly elected Council should make it a first priority of business. Toss in the losing hand and cut our losses. The grass can then rest over the scars that you have slashed across Hillandale Park and the taxpayers will rest more easily, as well.

At 8:37 p.m., Council Member Rogers offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Social Services Advisory Board, and Harrisonburg Parking Authority, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to two proposed contracts, 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 10:00 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.

Council Member Green offered a motion that Elroy Miller, 1401 North College Avenue, be appointed to a second term on the Social Services Advisory Board to expire on July 1, 2004. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Green offered a motion that Alan Miller, 1160 Nelson Drive, be appointed to a first term on the Social Services Advisory Board to expire on July 1, 2004. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Green offered a motion that Michael A. Haines, 298 Franklin Street, be appointed to a first term on the Harrisonburg Parking Authority to expire on November 28, 2004. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK MAYOR