

REGULAR MEETING

JULY 25, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, and Joseph Gus Fitzgerald; City Clerk Yvonne "Bonnie" Ryan, CMC/AAE, and Chief of Police Donald Harper.

Council Member Lantz delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Human Resource Director Whistleman introduced five new City employees: Amanda Irvine, Stephanie Porter, Laverne Roach, Police Department; Brian Harris, Finance Department/Data Processing; and Austin High, Public Works Department.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department, several encumbrances, and adopting Robert's Rules of Order Newly Revised. The motion also included referring a request to close an alley that runs between Old South High Street and South High Street to the Planning Commission. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
Council Member Lantz
Council Member Fitzgerald
Vice-Mayor Peterson
Mayor Frank

Absent - None

✓ Leonard A. VanWyk presented for Council's consideration a proposal for the City to hire a transportation consulting firm to conduct a comprehensive transportation study. He explained that although City Council had adopted an updated Bike Plan in February 2000, there is still a need to improve all transportation including auto, pedestrian, bicycle and mass transit. Hiring a firm that specializes in transportation and urban planning would provide Harrisonburg with an overall plan for traffic flow. These firms can look at transportation needs from a fresh perspective. He also said that motorized vehicle traffic does not flow as smoothly and safely through the City as it could. Wide-open street design and poor traffic-light timing often results in speeding and many neighborhoods do not have any sidewalks, bike or walking paths. Council Member Lantz suggested that the Harrisonburg Transportation Safety Commission and City staff should also be involved in developing a transportation plan and making a recommendation to City Council at a later meeting as to what should be considered.

Several members of the CHANGE group appeared before Council to discuss transportation matters, National Night Out, and Vice-Mayor Peterson's charter initiatives.

Bob Berrson said that CHANGE looked forward to working cooperatively and constructively with all members of City Council and City Government. We applaud Hugh Lantz, Larry Rogers and members of the previous Council for supporting a new Planning Commission proposal on beautification. We also applaud Mr. Lantz, Mr. Rogers, and the previous Council Members for opening up these meetings to the larger community through television coverage. CHANGE thanks Council for supporting the August 1st neighborhood watch National Night Out and has been working with the Police Department to make this national night out the best one ever. At this meeting and in the future CHANGE will bring citizen initiatives to City Council and will support initiatives and projects that are in harmony with our platform. CHANGE strongly supports Len VanWyk's Comprehensive Transportation Study. The goal of the transportation proposal is to make our transportation system even safer and even more effective, moving motor vehicles, bicyclists, and pedestrians through the City at the most effective accident free level. The City needs to make transportation a very high community priority.

Ben Fordney read the following statement: CHANGE supports any Council action that a referendum can overturn initiated by petitions signed by 10% of the registered voters of Harrisonburg. CHANGE also supports recall of Council Members initiated by petition. CHANGE supports that at least three Council Members are to be elected every two years. This would give voters an opportunity to really change the direction of a Council. Finally, CHANGE believes that they should remove the specific cap on Council and the Mayor's salary. He noted that some of these changes may seem radical, but according to history this proposal has been discussed for more than a hundred years.

City Treasurer Neal presented a request to accept the delinquent tax collection report and to authorize the advertising of delinquent real estate taxes for 1997/98 and 1998/99. Council Member Fitzgerald offered a motion to authorize City Treasurer Neal to advertise the delinquent real estate taxes. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Economic Development Director Shull presented the following Ordinance for Council's consideration:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
 VIRGINIA ESTABLISHING A SPECIAL ASSESSMENT FOR THE
 HARRISONBURG CROSSING COMMUNITY DEVELOPMENT AUTHORITY**

AND AUTHORIZING CERTAIN AGREEMENTS

WHEREAS, the City Council of the City of Harrisonburg, Virginia (the "City") authorized the creation of the Harrisonburg Crossing Community Development Authority (the "CDA") by Resolution, adopted June 27, 2000.

WHEREAS, the CDA is being created to provide certain public improvements that will benefit the land within the CDA District;

WHEREAS, the CDA, the City and landowners within the CDA District (the "Landowners") propose to enter into a Development Agreement providing for the levy of a special assessment within the CDA District;

WHEREAS, the CDA proposes to issue its bonds (the "Bonds") to finance certain improvements within the CDA District which Bonds will be secured by such special assessment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

1. **Approval of Development Agreement.** The Development Agreement is approved in substantially the form on file with the City Manager, with such minor changes and corrections (including, without limitation, changes in the date thereof) as may be approved by the City Manager or the Mayor, whose approval shall be evidenced conclusively by the execution, and delivery of the Development Agreement. The City Manager and the Mayor, or either of them, is authorized and directed to execute and deliver the Development Agreement.

2. **Special Assessment.** By agreement between the Landowners and the City pursuant to the Development Agreement, a special assessment to pay the costs of public improvements to be provided within the CDA District is hereby established. The amount of the special assessment shall be established and apportioned by the CDA in accordance with the Rate and Method of Apportionment of Special Assessments attached hereto as Exhibit A. Such special assessment shall not become effective until the Bonds are issued. Such special assessments shall be liens on the taxable real property in the CDA District in accordance with the provisions of Virginia Code Section 15.2-2404 et. seq.

3. **Effective Date.** This Ordinance shall be effective immediately.

Economic Development Director Shull presented an overview of the ordinance and the CDA. City Council held a public hearing and adopted a resolution on June 27, 2000 creating the Harrisonburg Crossing Community Development Authority (CDA). The CDA Board of Directors held its organizational meeting July 20. The purpose of the CDA is to provide certain public improvements, namely street improvements, that will serve this retail complex. The next step is to approve the development agreement and allow the levy of a special assessment on the landowners within the CDA district. The following action was taken.

At a regular meeting of the City Council of the City of Harrisonburg, Virginia, held on the 25th day of July, 2000, the following City Council Members were recorded as present:

PRESENT: Mayor Carolyn W. Frank
 Vice-Mayor Dorn W. Peterson
 Council Member Joseph Gus Fitzgerald
 Council Member Hugh J. Lantz
 Council Member Larry M. Rogers

On motion by Council Member Rogers, the attached Ordinance was approved upon first reading by the City Council by roll call vote, the votes being recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Mayor Carolyn W. Frank	Aye
Vice-Mayor Dorn W. Peterson	Aye
Council Member Joseph Gus Fitzgerald	Aye
Council Member Hugh J. Lantz	Aye
Council Member Larry M. Rogers	Aye

Clerk, City Council, City of Harrisonburg, Virginia

Vice-Mayor Peterson offered a motion to schedule a public hearing on August 22 to consider a request by Heidelberg, LLC (Glenn Loucks) for a special use permit to allow four (4) unrelated persons to occupy a dwelling in the R-2 Residential District. The site is located at 433 West Market Street. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Vice-Mayor Peterson proposed four amendments to the City Charter including allowing referendums on City Council decisions upon receipt of a petition signed by 10% of registered voters a right to recall Council Members, having at least three Council Members elected every two years, and removing the specific cap on Council and Mayor's salary. He also suggested moving the date of the City Council election from May to November noting that the state legislature had just passed a law allowing this date to be changed by an ordinance. The first charter amendment Mr. Peterson introduced was referendums on Council actions which states that any Council action could be overturned by a referendum initiated by petitions signed by 10% of the registered voters of Harrisonburg to have the item put on the ballot. He suggested exempting zoning and some or all

of administrative actions and that the circulated petition should be filed within 15 days of Council's action. He also suggested that in case of an emergency situation, Council could by 2/3 vote declare any such action of the Council an emergency action. The second charter amendment would allow Council Members to be recalled with a petition signed by 15% of the registered voters and should take place between 30 and 60 days after filing of the petitions. The third charter amendment would change the election process to have three Council Members elected every two years. Under "most normal circumstances" the lowest vote-getter from the previous election would run again with two Council Members whose four-year terms had expired. The fourth charter amendment would remove the Council Members' salary cap from the City Charter.

Barry Hensley read the following statement: I speak to you tonight as a member of CARING concerning the proposed charter amendments offered by Dr. Peterson. These proposed amendments, as CARING understands them, concern referendum initiated by petitions, recall of City Council Members initiated by petition, election of City Council Members every two years and removal of specific cap on Council Member and Mayor's salaries. These proposed actions are cause for concern and raise a number of troubling issues. CARING feels that these actions should be studied and evaluated very carefully. Specifically, CARING is suggesting that the City Council hold a series of public forums before any action is taken to discuss and consider these proposed changes. We have discovered through conversations and research that citizens do not understand what these actions intend nor do they understand long term consequences. CARING is especially concerned that the Council does not act in an impulsive manner and create even more uncertainty than now exists in the City. This issue needs to be slowed down and very carefully considered. There is absolutely no need to rush to judgement in this matter. The City has certainly operated well under the existing charter and democracy is alive and well as attested by the last City Council elections. The need for charter change needs to be justified and explained to the public and, at this time, is best left for study and consideration. The efficacy of these proposals has yet to be offered and has certainly not been given an adequate public hearing. For example, under the proposed changes, any action taken by City Council can be overturned by referendum initiated by petitions signed by ten percent of the voters. Does this mean that a proposed budget approved by the City Council for police and schools can be held captive by ten percent of registered voters? If so we are concerned that it would be a relatively simple matter to initiate a referendum to overturn any City Council action and consequently disrupt significantly the routine activity of City government. City government requires stability and cannot meet the needs of citizens when placed in a more politically charged environment. City government is not an esoteric exercise that can be manipulated as an abstract scientific experiment where variables are controlled to produce data for new experiments. There is a difference between social experimentation and scientific analysis. Social experiments can and do alter the lives and livelihoods of persons, including children. We need to be especially vigilant that in the process of attempting to make our government more responsible and accessible, we do not create social uncertainty and possible chaos.

Secondly CARING feels there is no current justification for an increase in the City Council Member's salaries. CARING has reviewed this matter with former Council Members, not all of whom were involved in the past election. CARING perceives that an increase in City Council Member's salaries is premature and that service to the City should not be predicated on economics. Significant numbers of citizens serve the City on a voluntary basis daily. Many of the citizens who serve on various boards and commissions work long and extended hours without any remuneration.

I would suggest that members of the School Board often work as hard as Council Members do. Their mission is vitally important to our youth. Should their remuneration of \$60.00 per month also be increased? CARING feels that the City Council should serve as a role model for government service. We are concerned about the model that appears to be developing from this council. The model that appears to be emanating from the Council suggest among other things, distrust for one another, a strong focus for increased monetary remuneration for members, and the lack of focus on substantive rather than political issues. For example, CARING would have preferred that the Council work diligently to offer Mr. Stewart incentives to remain in Harrisonburg rather than to focus on increased salaries for City Council Members. The Council's issues do not appear to be rooted in the needs facing the City. Political change has occurred. It is alive and well and that goal has been achieved. We now need to move forward to the business of the City. Citizens need to know your position on revenue and taxes, transportation matters, long term downtown development, education, student housing, public safety, and a number of other pressing issues. As citizens we are waiting for your direction. CARING realizes the new Council has to take hold and grasp the issues. We are concerned that you grasp the issues important to the citizens and not focus on political issues that are primarily non-substantive.

Thank you for you time and consideration. CARING members are always available to discuss concerns with you individually or collectively. Frankly, our membership would welcome this opportunity. There is not a need to rush to judgement in this matter. Portsmouth and Lynchburg are the only two localities in Virginia having these amendment. Virginia has 40 cities, 95 counties and a number of towns.

Council Member Lantz commented that the cap for Council Member salaries could be changed at any time and that he personally did not seek being elected to City Council for the money. He also pointed out that Harrisonburg's City Council Members are paid 300% more than Council Members serving in Winchester. He said, "We are public servants and the salary of Council Members should not be viewed as a second income. As long as our expenses are covered then the poor and rich can equally serve in these duties." This Council has more important things to do than making charter changes. There are problems in the City including schools and roads and we need to take the opportunity to discuss these issues rather than charter changes. Mr. Lantz said, "You can get 1,300 people to sign anything." He also mentioned that in the past, City Council had made some very important decisions, including building Switzer Dam and the steam plant, which were very unpopular at the time. Where would the City be today if a vote from the people had been taken on these decisions? He also suggested that after holding a retreat, a public hearing should be held to provide an educational seminar, so that all of the people of the City will know the consequences. He also suggested that the retreat could be used to gather information from many people, including City Manager Stewart.

Council Member Rogers said that he did not seek being a member of City Council for the money. He suggested that this City Council needed to have a retreat to establish short and long term goals and determine where Council Members stood on all issues. He also suggested that representatives from the Virginia Municipal League attend the retreat and it should be open to the public and the news media. Council Member Lantz said retreats have been helpful in the past in bringing Council together under a common direction and giving the City Manager a focus on where we want to go.

Council Member Rogers offered a motion to schedule a retreat to set a long-term agenda. The motion was passed with a unanimous vote.

Vice-Mayor Peterson said that he hoped the retreat and other meetings could be accomplished during a certain time frame so everyone could come to an agreement on his proposed charter amendments before the state filing deadline of Sept. 8, to have these proposed charter amendments on the election ballot in November.

Council Member Fitzgerald suggested that the deadline not be the goal, but an important consideration, nonetheless. The presidential election draws a large amount of voters.

Todd Rhea, attorney with the law firm of Clark and Bradshaw, requested that the rezoning request by Beckwith Development be tabled again until the August 8th Council meeting. He said some of the issues have been studied and discussed; however, one issue has not been resolved. Attorney Jay Litten representing Frazier Quarry objected to this rezoning request being postponed until the August 8th Council meeting. He requested that a decision be made tonight. City Manager Stewart commented that historically when an applicant has requested a continuance, Councils in the past have granted the request because it is the applicant who is asking for the continuance. Council Member Rogers offered a motion to table this rezoning request until the next meeting. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Parks and Recreation Director Gucker presented a request for a supplemental appropriation for the Parks and Recreation Department. She explained that these funds will be used for the Parks and Recreation Department to complete three capital outlay projects. Those three projects are the paving of the entrance from South Main Street to the softball field at Purcell Park, finalizing and beginning construction of the walking and hiking trail funded by the Virginia Trails Fund Grant, and the installation of water and sewer at a concession stand at Purcell Park. Council Member Lantz offered a motion to approve this request for a first reading:

\$112,190.00 chge. to: 1000-31010 Amount from fund balance
 80,000.00 chge. to: 1000-32508 Conservation & natural resources grant

\$100,000.00 approp. to: 1000-710171-48284 Improvements - Va Trails Fund Grant
 92,190.00 approp. to: 1000-710171-48181 Building and grounds paving

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz

Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these donations were received from Layman, Diener, and Borntrager Insurance Company to purchase in-car video camera. Council Member Lantz offered a motion to approve this request for a first reading:

\$1,000.00 chge. to: 1000-31010 Amount from Fund Balance
 \$1,000.00 approp. to: 1000-310231-48211 Machinery and Equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from a Division of Motor Vehicle grant for purchasing radar units. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$3,500.00 chge. to: 1000-31010 Amount from fund balance
 \$3,500.00 approp. to: 1000-310231-46100 Police supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds from a Division of Motor Vehicle grant will be used to purchase turbo flares equipment. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$1,500.00 chge. to: 1000-31010 Amount from fund balance
 \$1,500.00 approp. to: 1000-310231-46100 Police supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds from a Division of Motor Vehicle grant will be used to purchase a bicycle and equipment. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$1,268.14 chge. to: 1000-31010 Amount from fund balance
 \$1,268.14 approp. to: 1000-310231-46140 Other operating supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

City Manager Stewart presented a request for a supplemental appropriation of funds encumbered at June 30, 2000. He explained that these funds are for purchase orders out of lat year's budget for a variety of good and/or services. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$124,410.66 chge. to: 1115-31010 Amount from fund balance
 17,238.67 chge. to: 2011-31010 Amount from fund balance
 3,000.00 chge. to: 2014-31010 Amount from fund balance

\$121,147.00 approp. to: 1115-111511-45672 Friendship Industries, Inc.
 3,263.66 approp. to: 1115-111511-43850 Central Shenandoah Valley Planning District
 5,370.00 approp. to: 2011-332061-43380 Water loss management
 7,975.00 approp. to: 2011-372061-48181 Buildings and grounds
 3,893.67 approp. to: 2011-372061-48271 EDP equipment
 3,000.00 approp. to: 2014-912242-43330 Maintenance and repairs-machinery & equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
Council Member Lantz
Council Member Fitzgerald
Vice-Mayor Peterson
Mayor Frank

Absent - None

Brian Love, a resident of Grottoes, suggested that the ISTE A funds proposed for renovating the Chesapeake Railroad Station be used to purchase and rescue several old diesel and steam locomotives. He suggested that perhaps these locomotives could be used in creating a museum in the City. City Manager Stewart said that the Harrisonburg Redevelopment and Housing Authority received the ISTE A grant and the original idea was to develop a museum at the old train station. Unfortunately, negotiating didn't progress with the railroad. Several months ago, the Harrisonburg Redevelopment Housing Authority approached the Virginia Department of Transportation about transferring the ISTE A grant money to save another very historical structure in downtown Harrisonburg known as the Craft House which is the second oldest building in the City. The money has been reallocated for the purchase and renovating of the Craft House and will be developed in conjunction with the visitors center, Rockingham County, and the Rockingham Public Library. No money is available at the present time for the old train station.

City Manager Stewart announced that a water supply planning session has tentatively been scheduled for August 7th at 7:00 p.m.

At 9:05 p.m., Council Member Peterson offered a motion that Council enter a closed session for discussing and considering prospective candidates for appointment to boards and commissions, and; discussing the filling of a public office. A closed session is permissible for both purposes pursuant to Section 2.1-344. A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of considering the acquisition of real property for a public purpose. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.3 of the Code. IN ADDITION, the purpose of the closed session is for discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. A closed session is permissible for this purpose pursuant to Section 2.1-344-A.5 of the Code. The motion was approved with a unanimous vote of Council.

At 10:30 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 10:31 p.m., there being no further business and on motion adopted the meeting was recessed until July 26, 2000 at 10:30 a.m., at which time Council will reconvene the meeting.

The Harrisonburg City Council reconvened the meeting on July 26, 2000 at 10:30 a.m. Council Member Rogers offered a motion that Roger Baker be appointed City Manager of Harrisonburg beginning September 2, 2000. Mr. Rogers praised Mr. Baker for his extensive experience and years of dedicated service. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
Council Member Lantz
Council Member Fitzgerald
Vice-Mayor Peterson
Mayor Frank

Absent - None

Council Member Lantz commented that Roger Baker has served the City as Assistant City Manager for a number of years. He has been a very dedicated employee of the City always doing his job without a lot of fanfare or a lot of press. Mr. Lantz said that he was delighted to have the opportunity to appoint Roger as the new City Manager.

At 10:35 a.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR