

REGULAR MEETING

MARCH 27, 2001

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

Council Member Rogers delivered the invocation and Michael Kerns from the Asbury United Methodist Church Troop #40 led everyone in the Pledge of Allegiance.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplement appropriation for the Police Department, Public Works Department, and the School Board. The motion also included referring a request for a street name change to the Planning Commission, closing a 613 square foot alley and holding a public hearing April 10, 2001 to set the tax rate. The recorded roll call vote was taken as follows:

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

Absent - None

City Manager Baker presented for Council's consideration a request to release a City easement located off Stonewall Drive. Mr. Baker explained that the property owners are asking to have an easement that used to contain overhead power lines belonging to the Harrisonburg Electric Commission (HEC) be released. The overhead lines have been removed and the easement is no longer needed due to the absence of the lines. He said that Planning Commission recommended approving this request. Vice-Mayor Peterson offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

John Neff (former Mayor of Harrisonburg) presented an overview of a joint proposal from the Arts Council of the Valley and the Harrisonburg Redevelopment and Housing Authority (HRHA). Mr. Neff said that the Arts Council of the Valley's mission is to create a vibrant community through the advancement of cultural arts organizations and venues. Harrisonburg is a pioneer in the state with its recent legislation passed by the Virginia General Assembly allowing for the creation of an arts and cultural district in the downtown area. Mr. Neff said, "Approval of this bill is expected to add momentum to Harrisonburg's downtown revitalization efforts." Once Governor Gilmore signs the bill as expected, the City can provide incentives for arts and cultural venues within the new district. Mr. Neff introduced several members of the Arts Council including Doug Guynn, Brian Shull, Joe Fitzgerald, Ed Sipe, Stephanie Byrd, and Judy Strickler. This

proposal is a partnership in support of local art organizations and includes businesses, industries, creative arts organizations, HRHA, and the Harrisonburg City Council. Cultural development is an integral component of any City's economic development program. Mr. Neff encouraged everyone to visualize a downtown area with shops, art galleries, theaters and other venues that will offer a diversity of programming and entertainment. The success of Court Square Theater, OASIS and The Playhouse is absolutely critical to continue the revitalization of downtown Harrisonburg. Art support creates a source of pride and vitality for the citizens of our community. Mr. Neff said, "I have a dream and can visualize what potential the City has if we all work together." The Court Square Theater was built several years ago through a collaboration of the City and HRHA to redevelop and enhance the downtown area. Michael Wong (Chairman of the HRHA) proposed a partnership between the City and the Harrisonburg Redevelopment and Housing Authority to transfer one-half undivided interest in the Court Square Theater complex. In return for half ownership, the City will forgive the unpaid principle balance on the project. The HRHA owes the City \$447,811.50. Harrisonburg and the Harrisonburg Redevelopment Housing Authority will lease the theater to the Arts Council of the Valley beginning July 1, 2001 for the next 10 years rent free. The Arts Council will be responsible for all ongoing expenses concerning the operation of the theater. The Arts Council will take over the theater's operation, including responsibility for ongoing operational expenses and a commitment for use of the theater through August 2001 to the Blue Ridge Festival. The Arts Council of the Valley commitment to the community is to create a vibrant facility in the Court Square area that will be diverse and pro-active, bringing new programming and marketing plans to fruition. Mr. Neff said that the Arts Council requests \$25,000 funding in the City's current fiscal year ending June 30, 2001 primarily for the upstart of the Arts Council which includes the hiring of an executive director. Mr. Neff also requested \$40,000 in funding from the City's next fiscal year budget ending June 30, 2002. The Arts Council of the Valley is relying on seven primary revenue sources including corporate, foundation/government grants, business and individual contributions, program admissions and concessions, special events, event sponsorships, miscellaneous income, leases and ticket commissions, and member fees/tuition. Corporate, foundation and government grants comprise more than one third of the overall budget, but funding from the City of Harrisonburg is a critical element. This budget will enable the Arts Council of the Valley to operate in a manner sufficient to sustain its mission.

Vice-Mayor Peterson said, "I was initially opposed to the proposal because of the cost. But, Mayor Frank and I met with the president of the Arts Council, former Mayor John Neff, and came away impressed. I came away convinced this is money well spent. I don't think it was easy to convince me of that."

Mayor Frank commented that this is obviously a labor of love for John Neff and the only alternative the City would have would be to put a closed sign on the Court Square Theater.

Council Member Fitzgerald said, "It seems like a lot of money, but if you look at the work the Art's Council has already accomplished, it would have cost the City several thousands of dollars to duplicate." Council Member Fitzgerald offered a motion to approve the proposal as outlined by former Mayor John Neff which includes transferring \$25,000 from this fiscal year budget ending June 30, 2001.

\$25,000.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$25,000.00 approp. to: 1000-910411-45885 Arts Council of the Valley

The recorded roll call vote was taken as follows:

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

Absent - None

✓ Mayor Frank introduced three new City employees: Ben Zimmerman, Kevin McInturff, Fire Department; and Marcia Sharp, Police Department.

✓ Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 2001-2002 budget. He said the proposed school budget provided a breakdown of anticipated revenue and expenditures for the coming year. However, he noted at this point we still do not have a clear picture of what our state revenues are going to be. The School Board included in the budget an amount based on the best estimate of information provided by the Virginia Department of Education and on previous budget experience. Work on this year's budget has been extremely difficult. The budget includes large increases over which the School Board has little or no control including utility increases, bus transportation, debt service, Governor's school, and health insurance increase. The budget is based on a projected average daily membership (ADM) which next year is projected to be approximately 3,750. At a time when school enrollment is increasing the amount of state funds are decreasing. The total budget is \$37,329,444. Of that amount, City revenues total \$22,307,558 which includes an increase of \$2.5 million. This represents an increase of 12.88% in local revenues. Dr. Ford reviewed the many achievements the City's schools have received including five out of the six schools being fully accredited by the state, Expansion Magazine naming Harrisonburg as an outstanding school division, and principal Steve Jackson being named a 2000 Milken Foundation National Educator Award winner. He noted meeting the needs of a very diverse student population increase has become a difficult challenge for the School Board. The SOL tests and scores continue to be challenging and increasing enrollment provides pressure to keep class sizes at appropriate levels. Dr. Ford reiterated if additional state funds were received, then the School Board would reduce the amount of money requested from the City.

Vice-Mayor Peterson asked Dr. Ford to review the projected salary increases. Dr. Ford said that the budget includes a projected average salary increase of 6.12% for teachers and a 5% salary increase for all other personnel.

Council Member Lantz said, "Enrollment increasing and state funding decreasing is an alarming trend and continued increases in City funding for schools could eventually force up real estate taxes."

Council Member Rogers commented that he is very proud of the City's schools because of the dedicated teachers, administrative staff, supporting staff members and achievement of the students.

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

**RESOLUTION OF THE CITY OF HARRISONBURG
PROJECT ENDORSEMENT AND PROGRAMMING RESOLUTION
TRANSFER OF ENHANCEMENT PROJECT FROM THE HARRISONBURG
REDEVELOPMENT AND HOUSING AUTHORITY
TO THE CITY OF HARRISONBURG**

WHEREAS, the City of Harrisonburg, Virginia, is desirous of acquiring and developing the Virginia Craft House a/k/a Hardesty-Higgins Property located on South Main Street in Harrisonburg, Virginia, and converting it into a Visitor's Bureau and Transportation Heritage Museum through the use of the funds previously programmed to the Harrisonburg Redevelopment and Housing Authority for the same purpose since the ownership and mission of this project is a proper and appropriate function for the City of Harrisonburg, and, in accordance with Commonwealth of Virginia, Department of Transportation, acquisition and construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program can transfer an enhancement project in the City of Harrisonburg, Virginia, from the Harrisonburg Redevelopment and Housing Authority to the City of Harrisonburg, a municipal corporation.

NOW THEREFORE, BE IT RESOLVED:

1. The City of Harrisonburg requests the Commonwealth of Virginia, Department of Transportation, transfer a project from the Harrisonburg Redevelopment and Housing Authority to the City of Harrisonburg for the planning, design, acquisition, right-of-way, construction and improvement of the Virginia Craft House a/k/a Hardesty-Higgins Property and converting it into a Visitor's Bureau and Transportation Heritage Museum;
2. The City of Harrisonburg hereby agrees to pay twenty percent (20%) of the total costs for the planning, design, acquisition, right-of-way, construction and improvement of this project, and that if the City of Harrisonburg subsequently elects to cancel this project, it agrees to reimburse the Commonwealth of Virginia, Department of Transportation, for the total amount of the costs expended by the Commonwealth of Virginia, Department of Transportation, through the date that it is notified of such cancellation; and
3. The City Manager of the City of Harrisonburg is authorized to prepare and execute all documents necessary to effectuate the programming and transfer of this enhancement project from the Harrisonburg Redevelopment and Housing Authority to the City of Harrisonburg.

Adopted this 27th day of March, 2001, by the Harrisonburg City Council, in Harrisonburg, Virginia.

Mayor

Attest:

City Clerk

City Manager Baker explained that adopting this resolution would transfer a project from the Harrisonburg Redevelopment and Housing Authority to the City of Harrisonburg for the planning and developing of the Virginia Craft House converting it into a Visitor's Bureau and Transportation Heritage Museum. The funds were received from an ISTEAs grant through the Virginia Department of Transportation program for purchasing this building. If the City takes over the project, it can also apply for additional ISTEAs funds to renovate the building. Council Member Fitzgerald offered a motion to approve this resolution. The motion was approved with a unanimous vote of Council.

Clarence Bauman representing Eastern Mennonite University came to the podium and said EMU would like to defer its request for a contribution to the Bach Festival. Mr. Bauman said that after speaking with John Neff, President of the Arts Council of the Valley, EMU would prefer deferring this request for a contribution from the City and working with the Arts Council to support the community's art functions. He also said it is a wonderful opportunity for the community, Eastern Mennonite University, and the Bach Festival to work together to benefit the entire Shenandoah Valley in the area of the arts.

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

Resolution Designating April as Clean-up/Fix-up Month

WHEREAS, the mission statement of the City of Harrisonburg expresses the intent to preserve and enhance the quality of life that is unique to the community; through promoting a partnership between citizens, elected officials and City employees; and

WHEREAS, it is also the City's desire to project an image of community pride, friendliness and livability; and

WHEREAS, the City Council seeks to encourage all citizens, businesses, schools, universities, civic groups, City employees and others to participate in a mutual effort to further enhance and beautify the City through fixing up and cleaning up public and private properties.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Harrisonburg, Virginia does hereby designate the month of April as "Clean-up/Fix-up Month" in the City of Harrisonburg.

Date

Carolyn W. Frank, Mayor

Attest:

Yvonne Ryan, CMC, City Clerk

City Manager Baker said that the Chamber of Commerce is helping to promote this event by encouraging all citizens, businesses, schools, universities, civic groups, and City employees to participate in a mutual effort to further enhance and beautify the City through fixing up and cleaning up public and private properties. Council Member Fitzgerald offered a motion to support this resolution. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request for Summer Feast on the Square on June 16, 2001 from 8:30 a.m. until 3:30 p.m. He explained that this is the fifth year for the event and will give residents and visitors a chance to familiarize themselves with the taste of many restaurants which now exist in the area. Emergency routes will be maintained and Main Street will remain open. Council Member Lantz offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds from the United States Department of Justice will be used to purchase bulletproof vests. Council Member Lantz offered a motion to approve this request for a first reading:

\$7,144.10 chge. to: 1000-31901 Recoveries and rebates

\$7,144.10 approp. to: 1000-310231-48140 Bullet proof vests

The recorded roll call vote was taken as follows:

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

Absent - None

Mayor Frank said a new statement has been added to the agenda under other matters which states: Comments are limited to no more than three (3) to five (5) minutes, if more time is needed, please request to be placed on the regular agenda.

Lois Ann Handrich, Chair of the Harrisonburg School Board, said it is the responsibility of the School Board to meet the needs of the students. She expressed her appreciation to City Council for the additional funding that had been provided in past years.

Jeremy Fry expressed his appreciation to City Council and previous Council Members for their support for the arts in downtown Harrisonburg.

✓ Council Member Lantz offered his congratulations to the James Madison Women's Basketball Team for making it to the final four of the Women's National Invitation Tournament. He noted that the basketball team had beaten Temple and Mississippi State before being defeated by Ohio State in a semifinal game.

Mayor Frank announced that she had served as a judge in the state competition for the Boys and Girls Club. She said that it was an experience and she wished everyone could have won. She also thanked Council Member Larry Rogers for bringing the Boys and Girls Club to Harrisonburg.

At 8:45 p.m., Council Member Fitzgerald offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commission: The Central Shenandoah Planning District Commission. A closed session is permissible for this purpose 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 matters related to three (3) parcels of real property. 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 the discussion of matters related to personnel matters not related to public business, which need to be discussed in closed session to protect the privacy of individuals. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.4 of the Code.

At 10:21 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 Council: I 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 closed session by the City Council.

Vice-Mayor Peterson offered a motion that Carolyn Frank and Stacy Turner be appointed to another term on the Central Shenandoah Planning District Commission to expire on June 30, 2004. The motion was approved with a unanimous vote of Council.

At 10:28 p.m., there being no further business and on motion adopted the meeting was adjourned.

Lyonna Ryan
CLERK

Carolyn W. Frank
MAYOR