

REGULAR MEETING

SEPTEMBER 11, 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 Mayor Frank 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 several appropriations for the Police Department. The motion also included the second reading amending and re-enacting Section 10-3-41, Section 10-3-47, Section 10-3-53, Section 13-1-3, Section 1-1-12 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

Chuck Heckman, a resident of 1555 Shank Drive, presented the following comments concerning some statistics he made at the August 28th meeting. He said, "We can look at the facts, disagree, work to be kind with each other, avoid offensive personal comments and work to avoid being offended. We should appreciate each other's humanity. Council has some decision to make that will affect the community. So much of the school controversy isn't really about the fact, but it is about personality and old wounds and battles. Mr. Heckman encouraged Council to look at the facts, set aside the personalities and old wounds that are clouding our reasoning and causing us to distort the facts that are at our disposal. Our kids and our community are too important to be used as pawns in our old petty power struggles. At the last Council meeting there were a few facts presented, discussion held concerning the facts, and many statements which were made were either misused or misrepresented facts. He again reiterated that school districts across the nation that have kept their schools small have discovered higher graduation rates, test scores, and community development. Many large City governments are moving away from policies that have failed and moving to policies that have demonstrated success. Can large schools work in Harrisonburg? There is a definition that states "Insanity is trying the same thing over and over and expecting different results." We should learn from these facts and the experiences of other cities. He said that complete strangers have encouraged him to keep making noise and noted that a lot of people are watching the Council meetings. With the continuing polarization of our community there is no long range plan that has much chance of successfully meeting the goals we are putting out in front of it. The numbers will show that parent and community involvement is the common thread behind every school district success story. When the community is involved in setting goals and making plans, enthusiasm, support, and commitment will be present. He said, "We can all be part of a win-win community instead of groups mobilizing to fight each other all winter and spring. These are our public schools, our children, our community and we need to know the facts and have a voice."

Renee McCulloch, a resident living at 48 Pleasant Hill Road, said she was in favor of building a new high school. She said two small high schools in the City would not work because of the redistricting. The high school is the last opportunity that parents have their children before sending them out into the community and she said let's send them out in style.

Kathy Phillips, a resident living at 1055 Wyndham Drive, commented that for every comment City Council has received in opposition, she has received a positive comment for Harrisonburg High School.

Gina Conley, a resident living at 693 Wyndham Wood Circle, said that she was a parent of a student at Harrisonburg High School and did not believe Harrisonburg should have two high schools. She said students should be kept together just as they were in the middle school. It will help to keep the "Blue Streak" spirit alive.

Matt Gilkerson, a resident living at 979 South Dogwood Drive, said that he had spent the summer working with a founder and grant writer of "Youth Against Drugs and Alcohol Prevention Program." He reminded everyone that in every high school there are little groups of youth who are only associating with certain topics and relationships.

Vice-Mayor Peterson commented that he was worried about people making statements concerning the unity of our community. Information has been presented regarding extensive research which states that small schools educate students better. The students in the smaller schools do not drop out, at-risk students learn more, and test scores go up. He said, Nobody has handed me any research that says the opposite. Are we saying that students are more comfortable in the bigger school because everybody will be more friendly? The research says it is not true. There are students currently attending Harrisonburg High School who just disappear into the corners and hide for four years.

Council Member Rogers commented that research says smaller classroom size is the key.

Council Member Lantz commented that if smaller schools were better, why is everybody in Virginia wrong. Every school that has been built in the last five years in Virginia has been bigger than schools built in Harrisonburg. Also, it is not fair to compare Harrisonburg and other Virginia schools to schools being built in other states. The School Board is not proposing building a big high school because it will be small compared to other schools being built in Virginia.

Following further discussion and other comments, Mayor Frank called a special meeting of the Harrisonburg City Council on September 20, 2001 to be held at the Thomas Harrison Middle School. She said that the purpose of the meeting would be to hear public comment on the proposed new high school. She also announced that a public hearing will be held September 25th to consider a resolution authorizing the issuance, sale and awarding a general obligation bond not to exceed \$41,500,000.

John W. Rosenberger, a resident of Shenandoah County, requested that the City remove the 1% sales tax on heating fuel. He said that he has been purchasing home heating fuel from a dealer in Harrisonburg for many years. He also requested that Council adopt an ordinance to exempt the fuel tax.

Mervin Armentrout representing Rockingham Petroleum which is located at 981 North Liberty Street reviewed the local sales and use tax which states that the local 1% sales and use tax will continue to apply all purchases for domestic consumption of artificial or propane gas, firewood, coal and home heating oil unless the locality adopts an ordinance specially exempting such fuels. He said that all surrounding localities including the counties of Rockingham, Page, Augusta, Shenandoah and the cities of Staunton and Waynesboro have adopted ordinances to exempt the fuel tax. The tax adds an additional expense to those already burdened by the relative high cost of fuel. The tax is somewhat unfair to consumers because it is based upon a point of origin rather than point of consumption. The tax puts dealers located in Harrisonburg at a price disadvantage when compared to dealers located outside Harrisonburg not required to charge the tax. The tax is very confusing to all concerned including the consumer, dealer, and City officials. City officials have repeatedly been unable to explain the tax to consumers when questioned. Consumers have even been told that no such tax is imposed and if a dealer is charging such tax they are doing so incorrectly this puts the integrity of businesses in question with the consumer. He encouraged City Council to adopt an ordinance to exempt the fuel tax.

Jack Miller owner of Miller Fuel Company said that this tax has been imposed for 20 years.

City Manager Baker commented that the Commissioner of Revenue has said that the best estimate is the tax generates approximately \$150,000 per year. Following further discussion and comments, Council Member Fitzgerald offered a motion to table this request until the September 25th meeting. The motion was approved with a unanimous vote of Council.

City Planner Anderson presented an overview of the Landscape Committee's conceptual proposal. He explained that Planning Commission had formed a committee to look at landscaping options in the City. The Landscape Committee consisted of Kathy Whitten, Lee Foerster, Rudy Propst, Chad Layman, J.R. Copper, and Ken Patterson supported by staff members Carolyn Noel and Earl Anderson. Mr. Anderson said that the committee had reviewed the LEAF project in the City of Lynchburg. The LEAF project had a goal to raise \$380,000 in corporate and individuals donations to create a public-private agreement to landscape the Lynchburg Expressway. Benefits the committee observed were of economic development, tourism, encouragement for business landscaping, and promoting civic pride. The Lynchburg committee used several implementations tactics including identifying sources of funding, making contact and securing those sources. As well as, designing a system of incentives and recognition and working out a landscape design with a professional landscape architect. The City of Lynchburg supported the project by funding the master landscaping plan, providing public relations, organizing the committee and providing support staff, besides maintaining the landscape areas once installed. Signage designed for the project consisted of wood engraved signs with the sponsoring business name in each bed. All of the beds contained various plantings of flowers, bushes, grasses, and trees. In addition, the beds were placed along major areas of traffic circulation. The LEAF project also was awarded the Virginia Municipal League's 1995 Achievement Award for their design. Mr. Anderson also reviewed some of the landscaped beds in the City including Washington Street and North Main Street, Cantrell Avenue bridge and where the Landscape Committee is proposing to plant a bed dedicated by the City, along East Market Street in front of K-Mart Shopping Center. He said that the Landscape Committee has proposed creating a joint public-private venture similar to Lynchburg. The committee has proposed creating a private bed system. The proposal also included that the City sponsor a bed site and the hill site in front of the K-Mart Shopping Center should be used because of the high visibility. Mr. Anderson said that a Harrisonburg sign contest was held and a winner was selected. Two new signs have been erected on West Market Street and East Market Street. This plan has been presented to the Chamber of Commerce members.

Rudy Propst, a member of the Planning Commission, said that the proposed landscaping project may require some City funding in the future, decisions where to place the landscape sites, cost of landscaping, maintenance of landscape areas, sign size, and designing the landscape areas. Council Member Fitzgerald offered a motion to refer the landscaping proposal back to the Planning Commission. The motion also included that the Planning Commission reform another committee to consider the proposal and present a report to City Council at a later meeting. The motion was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion to authorize the City Manager to write a letter of support for Blue Ridge Community College. The college has requested a letter of support for their request for funds from the Shenandoah Valley Partnership. The motion was approved with a unanimous vote of Council.

Public Works Director Baker presented an overview on proposed changes for the City parking garages. He explained that the Harrisonburg Parking Authority has suggested installing a gate system at the Wolfe Street and Water Street Parking Decks to replace parking meters. He noted that when the Parking Authority had presented a proposal to City Council to remove parking meters heads in the downtown area in December 1999, it had met with some opposition; however, the proposal was helping to provide parking spaces for customers in the downtown area. The Parking Authority has been considering how to make the parking decks more user friendly primarily for the shoppers in the downtown area. Mr. Baker said the proposed gate system would be user friendly and cost efficient. The booth rates would increase parking rates from 25 cents every three hours to 25 cents an hour. It would also eliminate customer disputes with authorities who ticket them for expired meters. We receive many complaints from people about the tickets they get because they don't get back to the meters on time. The new system's appeal is its flexibility because it allows customers to park as long as they wish before paying. Some of the meters are more than 15 years old, repair and/or replacement will become a costly investment. He also reviewed other options being used in different cities.

Nancy Garber, owner of David Garber Jewelers, Inc., said that she was very concerned because the gate proposal to the parking garages would be costly to shoppers. She said, "I do not want another battle, but I've heard comments about this plan that are graphic, pungent, and colorful. The plan is unfair to daytime businesses which operate when the parking lots charge. The frequent late-night eateries won't have to pay as much to park. Why wasn't the public included in this decision?" She requested an agenda and the minutes from the Parking Authority when this decision was made to install gates. She encouraged City Council to table this proposal.

Ed Monger, a resident living at 1231A. Harmony Drive, said that he strongly objected to the proposed parking deck change. This proposal would increase parking in the decks to more than 300%. He suggested replacing 50% of the old meters with electronic meters and then use the old ones for spare parts. The idea of having one-way in and one-way out is ludicrous. During peak hours the increased traffic will jam the intersections. He said, "This proposal if accepted by City Council will drive more businesses away from downtown. He also said that the \$250,000 the Parking Authority has could be used more wisely by fixing the leaks that exist in both decks, clear out the birds who reside in the decks, occasionally clean the bird dropping off the meters, and provide snow removal from the top of each deck.

George Merz, said that he was the coordinator for the Farmers Market and clarified that the market season is from April to November. He said that he was happy that the members of the Farmers Market ideas and comments had been taken into consideration for this proposal.

Cheryl Talley, a resident living at 691 Maryland Avenue, said that she was against not including the public in the decision making and said "Give this more time.

Davis Griffin said that he shops at the Farmers Market regularly. He questioned why charge anything for parking in the lower deck.

Robert Evers said that he has an interest in the Water Street Café and has heard many of the customers say we won't shop in downtown anymore.

Following further discussion and comments, Vice-Mayor Peterson offered a motion to table this agenda item.

Public Works Director Baker announced that Plecker Construction Company was the low bidder at \$887,655.00 for the Port Republic Road improvements. He explained that City Council's approval is necessary before the contract can be sent to the Virginia Department of Transportation for their approval because it includes a federal grant. The project will take approximately one year to complete and will include widening the four lanes with bicycle lanes and sidewalks on Port Republic Road from I-81 to Devon Lane. Vice-Mayor Peterson offered a motion to award this contract to Plecker Construction Company. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

Public Works Director Baker presented for Council's consideration an ordinance adopting and prohibiting placing advertisements, etc., on public property. He explained that the City needed to restrict posting advertisements on public property including attaching signs and flyers to traffic signs, utility poles, and traffic signal boxes. Mr. Baker said that these advertisements are not attractive and are creating electronic problems in some of the traffic signal boxes. One written warning will be issued to violators before a fine is imposed. Vice-Mayor Peterson offered a motion to adopt this ordinance. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

No - Council Member Fitzgerald

Absent - None

Director of Public Transportation Smith presented a request for a supplemental appropriation to purchase one (1) Dupont trolley bus. He explained that the total bid is \$245,000, 95% state funds of \$232,750 with the City providing 5% local match at \$12,250. Mr. Smith said that an agreement was made to paint the trolley buses the same transit colors of blue and white. Council Member Fitzgerald offered a motion to approve this request for a first reading.

\$ 12,250.00 chge. to: 2013-31010 Amount from fund balance

232,750.00 chge. to: 2013-32518 Transit Capital Grant

\$245,000.00 approp. to: 2013-872081-48253 Transit Buses

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

Director of Public Transportation Smith announced that on November 16th the Harrisonburg Transportation Department will have a promotional day to observe its 25th anniversary. Free bus rides and refreshments will be available.

The agenda item to consider a request for a supplemental appropriation for the Parking Authority was tabled.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds received from state and drug forfeiture will be used to purchase various equipment including cameras, vests, lighting system, weapons, and super glue vacuum chamber for the department.

\$ 1,890.00 chge. to: 1000-31010 (Federal) drug forfeiture

10,000.00 chge. to: 1000-31010 (State) drug forfeiture

\$ 700.00 approp. to: 1000-310131-48181 Building and grounds

2,500.00 approp. to: 1000-310331-48211 Machinery and equipment

1,762.00 approp. to: 1000-310231-46100 Police supplies

2,500.00 approp. to: 1000-310231-48211 Machinery and equipment

4,428.00 approp. to: 1000-310331-46100 Police supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

Ellen Lucius, a resident living at 261 Paul Street, said schools are an issue of justice for her and should be an economic issue for City Council. The School Board prematurely closed the public process concerning building a new high school. This City should have small schools. Good things can be done with a school of 750 students. Research is available that says cliques are worse in larger schools. Virginia has not followed small school research. She said, Who are the schools for and what is City Council responsibility? City Council needs to represent the voiceless.

George Rontopoulos, a resident and business owner living at 65 East Market Street, said today our lives were dramatically changed by nameless, faceless cowards who attacked our country. We should all roll up our sleeves and donate blood and somehow find a way to support each other in this hour of need.

At 10:10 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the Community Services (Chapter 10) Board. 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 discussing and evaluating a specific public officer or appointee of the Council. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.3 of the Code of Virginia (1950), as amended (the Code).

At 10:40 p.m., the closed session was declared closed and the regular session reconvened. The following statement was read and 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 matters as were identified in the motion by which the closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

At 10:42 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

