

MINUTES - REGULAR MEETING OF CITY COUNCIL - FEBRUARY 26, 2002

REGULAR MEETING

FEBRUARY 26, 2002

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 that Council resolve to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Parks and Recreation Department, Parking Authority, and purchase of Harrison Plaza. The motion also included approving the second reading amending and re-enacting Section 11-5-6 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent None

At 7:35 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Saturday, February 9, and Saturday, February 23, 2002.

NOTICE OF PUBLIC HEARING

The City of Harrisonburg is currently preparing its annual grant application for Operating and Capital Funds for FY 02-03. This application is for Federal and State funds under the Federal Transit Administration 49 USC Section 5311.

A public hearing for this application will be held on Tuesday, February 26, 2002, at the City Council meeting. This meeting will be held in Council Chambers in the Municipal Building at 7:30 p.m. All interested citizens are encouraged to attend.

Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Vickie Conley before February 25, 2002 at 540-432-0492; or mail comments to Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, VA 22802.

Transportation Director Smith explained that this is the annual application for state and federal funds including capital funds for fiscal year 2002-2003. The application funds include state formula assistance, state capital assistance, federal operating assistance, and federal technical assistance, and a pedestrian safety study. He also said that some of the funds will be used to purchase two low floor transit buses. Mr. Smith reviewed the application process for receiving the grants including the capital assistance. Assistant City Manager Hodgen pointed out that this application also includes a request for \$45,000, which if funded, would match the money the City has available to spend on the transportation and traffic study consultant. Mr. Hodgen acknowledged and thanked Mr. Smith for bringing this information to his attention. There being no one desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that the Council resolve to approve this application for state and federal funds. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent - None

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Planning and Community Development Director Turner presented for Council's consideration adopting a comprehensive sign plan for the Harrisonburg Crossing Shopping Center. She explained that the newly amended ordinance Section 11-5-6 of the Harrisonburg City Code would allow freestanding pylon signs for all uses within a shopping center that contains multiple parcels. The three proposed signs would be placed along Burgess Road frontage, Reservoir Street frontage and Interstate-81 frontage. The monument sign located at the Burgess Road entrance is the shortest of the three, only reaching 20 feet in height with a body width of 20 feet. The sign has a total sign face area of 235 square feet and is the smallest of the three signs. The sign is fully enclosed from the top to the bottom in skirting. The pylon sign on Reservoir Street is 35 feet in total height and has a body width of 15 feet. The sign is fully enclosed by skirting and the lowest sign starts 11' 6" from the ground elevation. The face area totals 240 square feet of signage. The third and final sign proposed is along Interstate 81 and will be a total of 35 feet in height with a body width of 22' 6". This is the largest of the signs and will have the greatest sign face area. The total face area for this sign is 490 square feet. Mrs. Turner reviewed signs in other shopping centers in the City. She said that in a letter submitted with the Comprehensive Sign Plan, AIG Baker stated that they are waiving their right to use any additional square footage allowed as wall signage for any of the tenants within the shopping center. She said that City staff recommended approval of the request. Vice-Mayor Peterson offered a motion that the Council resolve to approve this comprehensive sign plan. The motion to resolve was approved with a unanimous vote of Council.

John Neff (former Mayor of Harrisonburg) presented an overview of an annual report from the Arts Council of the Valley. He said that last year the Arts Council of the Valley established the following goals which included establishing an arts and culture overlay district, attaining status as a 501(c)(3) charitable organization, formulating a board of 16 members of both City and County residents, hiring a full time professional staff for both the Court Square Theater and the Arts Council, and gaining public and private support. These goals have been accomplished, although the Arts Council continues to seek support from additional public and private sources. Creating an endowment with the Community Foundation is in the plan for the upcoming year, as is a 3-5 year plan for the organization. Additional accomplishments include having the organizational membership numbers of 28, have 42 individual members and contributors, the first newsletter was printed and distributed to about 26,000 households, and the first re-granting process is underway. He also noted that a total of 28 applications have been received, requesting almost \$90,000. A panel of experts from Charlottesville, Roanoke, Woodstock and Fairfax will meet to review the applications and make funding recommendations on March 19th. A volunteer committee is working with the staff to put together an extraordinary 9-day festival, called "Valley Fourth", to celebrate Independence Day. A January retreat produced some exciting plans for programming in the areas of arts education as well as a display of public art. The Court Square Theater completed 2001 with a positive financial condition and has established partnerships with numerous businesses. The Blue Ridge Theatre Festival and the Rockingham Ballet are now in residence. The goal of having a diverse program of music, theatre, dance and films has been successfully accomplished both financially as well as program wise. Because of this resounding success, and a clear demand on the part of the community for more services, more entertainment, more re-granted funds, more arts education for children, the Arts Council acknowledged the invaluable backing provided by the City of Harrisonburg and Mr. Neff thanked City Council for the continued support. He also noted that continued support is needed from the community, citizens, and volunteer support. He encouraged everyone to visit the new office location at 320 South Main Street which he pointed out is directly across the street from the Municipal Building.

Public Works Director Baker presented an overview on rebuilding the Resource Recovery Plant. The Resource Recovery Plant is a viable part of the City's solid waste management plan. The solid waste

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management plan includes refuse collection, recyclable materials, processing materials, trash burning plant, resource recovery plant, and disposing materials in the landfill. It takes all of these components together to make a successful solid waste management plan. The Resource Recovery Plant has provided the City a unique opportunity to take the trash and make something positive out of it where before it was buried in the landfill. The Resource Recovery Plant was built to burn trash and supply steam to generate heat to the James Madison University campus. It has been expanded one time to add additional heating and cooling opportunities for the new CISAT campus. The plant is still functional, but needs major work. It was originally built to handle 100 tons per day of trash design capacity. The rebuilt plant would be able to handle twice the trash capacity. A larger rebuilt plant also will extend the landfill's lifespan. Less trash going into the landfill means it will fill less quickly. Mr. Baker said, "I don't want anyone to think this trash-burning plant will do away with the landfill. It will not. We want to make the landfill last as long as possible." He said that last year the City took 1,400 tons of trash to the landfill and 8,300 tons of trash to the recovery plant. Most of the trash taken to the landfill came from individuals and small companies, not from the City's refuse and recycling department. Many reasons to expand the Resource Recovery Plant include increasing the capacity, providing extra space for solid waste as the City grows, providing additional steam capacity, creating additional revenues to offset operational costs, lessen the general budget revenues necessary to support the Resource Recovery facility, reduce the amount of solid waste placed in the landfill, and update the plant to meet the current EPA regulations. He noted that other alternatives were considered before proposing rebuilding an estimated \$23 million plant. It will take 10 months to finish the work and train employees how to operate the facility. Construction should begin in November. During the 10-month construction, half the plant will remain open to fulfill its contract with JMU by supplying the university with steam-generated heat. The City will use gas instead of burning trash to make the steam during that time. Employees who work at the plant will spend the 10 months working in the operating part of the facility, retraining in the new part and working on other public works projects in the City.

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

RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF HARRISONBURG, VIRGINIA

DECLARING ITS INTENTION TO REIMBURSE THE

COST OF CERTAIN EXPENDITURES

WHEREAS, the City of Harrisonburg, Virginia (the "City") has made or will make expenditures (the "Expenditures") in connection with (i) the acquisition, renovation and equipping of a building for public safety and other administrative use by the City, (ii) improvements to and the acquisition of equipment for the City's steam plant and resource recovery facility and (iii) expansion and improvements to the City's water system, including the expansion of and acquisition of equipment for the City's water treatment plant, the installation of covers on certain of the City's water reservoirs and the development, construction, equipping and integration of additional water sources into the City's water system, including the installation of additional water lines (collectively, the "Project"); and

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WHEREAS, the City may determine that the funds advanced and to be advanced to pay Expenditures on the Projects will be reimbursed to the City from the proceeds of one or more tax-exempt obligations to be issued by the City (the Indebtedness);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA (THE COUNCIL):

1. **The Council hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the City intends to reimburse itself with the proceeds of Indebtedness for Expenditures made on, after or within 60 days prior to the date hereof with respect to the Projects, except that Expenditures made more than 60 days prior to the date hereof may be reimbursed as to certain de minimis or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.**

2. **The maximum principal amount of Indebtedness expected to be issued for or allocated to the Projects is \$60,000,000.**

3. **This Resolution shall take effect immediately upon its adoption.**

CERTIFICATION

The undersigned City Clerk of the City of Harrisonburg, Virginia, hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the Council of the City of Harrisonburg, Virginia at a meeting duly called and held on the 26th day of February, 2002 by the vote set forth below, and that such Resolution has not been repealed revoked, rescinded or amended:

<u>Council Member</u>	<u>Present/Absent</u>	<u>Vote</u>
Mayor Carolyn Frank	Present	Aye

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Vice-Mayor Dorn W. Peterson	Present	Aye
Council Member Hugh J. Lantz	Present	Aye
Council Member Larry M. Rogers	Present	Aye
Council Member Joseph Gus Fitzgerald		
Present	Aye	

WITNESS, my hand and the seal of the City of Harrisonburg, Virginia, this 26th day of February, 2002.

City Clerk
of the City of Harrisonburg, Virginia

(SEAL)

City Manager Baker said that adoption of this Resolution will allow the City to reimburse itself for expenses incurred in connection with issuance of bonds and for the funds taken from this unappropriated fund balance for the purchase of Harrison Plaza. The financial advisors have recommended conducting a bid sale for the bonds. Council Member Fitzgerald offered a motion to resolve that the Council adopt this resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent None

Council Member Joseph Gus Fitzgerald	Present	Aye
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Finance Director Seal presented for Council's consideration hiring a CPA firm to perform the audit of the City's records for the next three years ended June 30, 2002, 2003 and 2004. He said that a review committee has reviewed the replies to the requests for proposal for audit services. Based upon this review, the committee recommends that the firm of Brown, Edwards & Company, L.L.P. Certified Public Accountant be awarded the contract for the next three years with an option to extend for up to additional three years. He said cost was the ultimate decision and there is approximately \$20,000 difference between the low and high bidder. Council Member Rogers expressed his concern with hiring a new firm, which is located in Roanoke, rather than using a local firm who has been conducting the City's audit for years. Council Member Lantz said, "Sometimes cheapest is not always best. Which firm can contribute the most to the community? PBGH has given more than \$100,000 to the community and headed up fund-raising efforts to renovate the Massanutten Regional Library. He said, "I'm sure Brown, Edwards is a good firm, but at the same time, are they going to give us the best for the community given the price?" Vice-Mayor Peterson said, "I think the City really has a strong obligation to go with the lowest bid." Mayor Frank commented that the City should not award a contract to PBGH just because of its long relationship with the City. That isn't the way to conduct business. Council Member Lantz offered a motion that the Council table this decision on which CPA firm to hire until the next meeting. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker presented a brief report on House Bill 1289 and Senate Bill 501, which are transportation bills being proposed in the Virginia General Assembly. Mr. Baker pointed out that Harrisonburg only has jurisdiction on streets located inside the City limits. However, both of these transportation bills actually address needs within the City limits or roads identified in the Major Street Plan. He explained that the Major Street Plan is basically the HATS plan as it applies to roads within the City limits. He said that the City continues to support the Major Street Plan and the HATS plan. Mr. Baker suggested that since the legislation would largely affect road construction in the county, he suggested that Council Members might want to back the same bill supported by the Rockingham County Board of Supervisors. He said that either bill would not have as great an impact in the community now as it would have a year ago. The Virginia Department of Transportation has less money to spend this year than last year because of a shrinking budget. All road projects in the state's six-year plan that were not already in the planning stages have been axed. Mr. Baker also pointed out that since the West Market Street project went over budget the City would continue to pay for it another three years. State money for local road projects might not be available for eight to 10 years. He recommended that City Council not take any action and continue to support the current policy, which is the Loop Road. Council Member Lantz reviewed the many meetings, negotiations, discussions, and compromises held during the last six years to support HATS plan alternate number VI. Council Member Fitzgerald said that the City has a problem moving traffic from the east to the west or west to the east and the Highway Advisory Committee, which Mr. Fitzgerald is a member of, has said that a limited access road around the City would help the east-west traffic.

Council Member Fitzgerald suggested that since only four applications have been received for consideration in the formation of a charter committee, this agenda item should be discussed in closed session.

Mike Layman, Chairman of the Golf Course Advisory Committee, presented a request from the committee that the season pass rates be lowered in order to be more competitive. He explained that when the golf course first opened the season passes were priced higher to generate more revenue. He also noted that

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this request will not affect the daily rates of the golf course. Following further discussion and comments, Council Member Fitzgerald offered a motion that the Council resolve to accept the unanimous recommendation from the Golf Course Advisory Committee to lower the season pass rates. The motion also included that any special rates for groups will be included in an annual report to City Council. The motion to resolve was approved with a unanimous vote of Council.

Chuck Schuller, Executive Director of the Valley AIDS Network, presented a request from Valley AIDS Network for a special event to be held on Saturday, March 23rd. He said that the Valley AIDS Network is a private nonprofit organization. The group has a dual mission of assisting people living with the HIV/AIDS in the Central Shenandoah Valley. The prevention efforts target the spread of HIV/AIDS among students/youth, strengthen services for families, women, and all persons living with HIV/AIDS, increase community awareness and compassion in the Shenandoah Valley. The Valley AIDS Walk will begin on the JMU campus and proceed to Court Square. In the past the group has used City sidewalks and might have 150-200 participants. He said that he understood the group would need to obtain insurance before the event can be held. Vice-Mayor Peterson offered a motion that the Council resolve to agree to allow the group to use the street for the event with the proviso if fewer than 200 people participate notifying the Chief of Police it won't be necessary to close the streets and the sidewalks will be used for the event. The motion also included that the event could be held contingent upon the group obtaining insurance if necessary. The motion to resolve was approved with Council Member Rogers abstaining.

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.

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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

Patty May representing the Chamber of Commerce requested that City Council designate the month of April as Clean-up/Fix-up Month to encourage 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 that the Council resolve to approve this resolution. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker presented for Council consideration a request by the Shenandoah Valley Track Club (SVTC). He explained that the club, in conjunction with the Shriners Hospital for children and JMU's Men and Women Track Program, is sponsoring a 10 Mile/5K (Running Race) to be held on Sunday, November 3, 2002. These groups will establish the organization of the race and will provide a number of volunteers to help conduct the event. In order for the event to be promoted and advertised in magazines it is necessary to receive City Council approval now. Vice-Mayor Peterson offered a motion that the Council resolve to approve this event. The motion to resolve was approved with a unanimous vote of Council.

City Manager Baker presented a request for a supplemental appropriation for the Harrisonburg/Rockingham Regional Sewer Authority. This budget amendment is necessary to address the increased costs associated with the treatment and beneficial reuse or disposal of wastewater solids. Council Member Lantz offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$160,000.00 chge. to: 2012-31010 Amount from fund balance

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\$160,000.00 approp. to: 2012-422061-43840 HRRSA

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent None

Public Works Director presented a request for a supplemental appropriation for an extra guard at the recycling center. He explained that the recycling center is a combined operation joint venture shared with Rockingham County. Inmate labor force is used at the recycling center and it has become necessary for security reasons to add another guard. Rockingham County will reimburse the City 40% of the cost of the extra guard. Vice-Mayor Peterson offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$8,400.00 chge. to: 2014-31010 Amount from Fund Balance

5,600.00 chge. to: 2014-31917 Reimbursement/Rockingham Co./Recycling

\$14,000.00 approp. to 2014-952042-43100 Professional Services

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

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Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Mayor Frank

Absent None

Leonard VanWyk, a resident of 1065 South Dogwood Drive, encouraged City Council to endorse the Landes bill in the Virginia General Assembly because it makes more sense for the City and will provide more flexibility with the money. The deeper issue regarding the whole transportation item is that a previous City Council approved the concept of the HATS plan as well as the Rockingham County Board of Supervisors. He said that the Virginia Department of Transportation has held various public meetings attended by thousands of people speaking against the original HATS plan. The Rockingham County Board of Supervisors has removed its support and hasn't endorsed another plan. He suggested that the Harrisonburg City Council, Rockingham County Board of Supervisors, and VDOT representatives should have a meeting to discuss a long-term plan for a loop highway around the City. He also complained about the lack of adequate bike racks in shopping centers in the City. He noted that in some shopping centers in the City he has to lock his bike to a handicap sign in the parking lot.

Bucky Berry, a resident of 877 North Main Street, complained about the Police Department not having enough funding for additional police officers and expressed concern for safety in the North end of the City.

Council Member Rogers asked Police Chief Harper to come to the podium and provide an update of the Police Department staffing.

Police Chief Harper responded that at the present time the Police Department is at full staff, which will include five Police Officers graduating in March. He also noted that this is only the second time during his nine years with the City that the department has been fully staffed.

Council Member Rogers said that he has spoken with several people to discuss a downtown pedestrian mall. He said that he has arranged for a facilitator to conduct a meeting on April 8th at 7:00 p.m. at the Massanutten Regional Library to discuss some of these ideas and suggestions. He requested that City Council Members attend the meeting.

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Cheryl Talley said that is encouraging to hear a City Council Member affirming a call for open and responsive government and inviting public participation at this meeting. She suggested that the City's Planning Commission should also be involved. _

At 10:15 p.m., Council Member Fitzgerald offered a motion that the Council resolve to enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: the Harrisonburg Golf Course Advisory Committee, the Board of Zoning Appeals, the Industrial Development Authority, and the Charter Committee. A closed session is permissible for this purpose pursuant to Section 2.2-3711.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 the acquisition real property. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.3 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the consultation with legal counsel pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the Council. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.7 of the Code of Virginia (1950), as amended (the Code).

At 10:58 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which 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 matters as were identified in the motion by which the closed session were convened, were heard, discussion or considered in the closed session by the City Council.

Vice-Mayor Peterson offered a motion that the Council resolve to allow Assistant City Manager Hodgen to negotiate with Willow Lane Partners LLC to exchange 12 acres where the driving range is located and four adjoining acres in exchange for about 26 acres near Hillandale Park. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Peterson

Council Member Lantz

No - Council Member Fitzgerald

Mayor Frank

Absent - None

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Council Member Fitzgerald offered a motion that the Council resolve that Stan Gray, 924 Mockingbird Drive, be appointed to a first term on the Harrisonburg Golf Course Advisory Committee to expire on March 21, 2006. The motion to resolve was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that the Council resolve that Antoine Lucas, 1047 Oriole Lane, be appointed to a first term on the Harrisonburg Golf Course Advisory Committee to expire on March 21, 2006. The motion to resolve was approved with a unanimous vote of Council.

At 11:00 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR