

MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 25, 2002

REGULAR MEETING

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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 Police Captain Malcolm Wilfong. Absent: Chief of Police Donald Harper.

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

Council Member Fitzgerald offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for a \$42,010,000 bond and amending Section 7-4-9, amending and re-enacting Section 13-1-3 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

Public Works Director Baker presented a brief overview of a proposed Solid Waste Management Plan. He explained that the Department of Environmental Quality requires that the City update the plan every five years. He reviewed the basic plan, which sets the parameter and goals for the future to protect the health, safety, and welfare of the citizens of Harrisonburg. He also reviewed the City's recycling process and the importance of resource recovery.

MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 25, 2002

At 7:42 p.m., Mayor Frank closed the regular session temporarily and the evening's public hearing to order. The following notice appeared in the Daily News-Record on Friday, June 14, 2002.

NOTICE OF PUBLIC HEARING

**City Council Chambers**

**Tuesday, June 25, 2002**

**7:30 p.m.**

**The Harrisonburg City Council will hold a public hearing on Tuesday, June 25, 2002, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to receive public comments on the following:**

**A Solid Waste Management Plan prepared for and submitted to the Virginia Department of Environmental Quality. A copy of said plan is available for public review at the office of the City Manager, 345 South Main Street, Harrisonburg, VA. Information is also available at the Public Works office located at 320 East Mosby Road, Harrisonburg, VA Telephone 540-434-5928.**

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

Mayor Frank called on anyone desiring to speak for or against this proposed Solid Waste Management Plan. There being no one desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve this Solid Waste Management Plan as presented. The motion was approved with a unanimous vote of Council.

Public Works Director Baker briefly reviewed the City Solid Waste Management Plan. He explained that three-fourths of the solid waste management plan is recommendations from the state which the City can consider as guidelines. Some of the recommendations include tax exemption, reduced tax incentives, and recycling programs. The adopted plan will be filed in the City Manager's office and with DEQ. Mr. Baker also said that several years ago the City closed its landfill and entered into a joint venture with Rockingham County to share a landfill. Rockingham County owns the land, manages the landfill, and takes care of the administrative work. It is more cost effective to work as a community in the landfill operation instead of operating two landfills within a mile of each other. Landfill operations are very expensive. Also, the City has

## MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 25, 2002

continued to support and plans to upgrade the resource recovery plant. This program reduces the amount of trash going into the landfill and provides a revenue source by selling the steam as an energy source to James Madison University. The City does not make a profit in this venture. He also said that burying trash does not make it to go away because one of the biggest problems with landfills is the potential of ground water contamination or methane gas being generated.

Harrisonburg Redevelopment and Housing Authority Director Michael Wong presented an overview of the renovation plans for the Simms Center. He noted that the Lucy F. Simms Center is located close to the downtown area, Blacks Run Greenway, and Convention Visitors Bureau. Perhaps the trolley system could be used to link it to the center, Hardesty-Higgins House, and create a historical tour of the City. He said, A proposed vision involves transforming the facility into a lifelong learning center that celebrates diversity in our past, present and future. Proposed features of the learning center include classroom space for adult education, programs, art gallery, museum space, a food court, meeting and banquet facilities, and recreational areas. Two major entrances are being proposed into the building and a service road will be needed into the back of the facility. The structure is a two-story school building. There is a partial basement in the building, which currently houses the Op Shop, Boiler Room, storage, and the Police Department Substation. The upper two levels were designed primarily for classrooms and are now used as a combination of classrooms and offices. There is a gymnasium on the first floor. Meetings were held with concerned residents of the Northeast Harrisonburg community, Harrisonburg Redevelopment and Housing Authority Commissioners, City Engineering and zoning staff, Parks and Recreation Department, and Office of Economic Development to review proposed plans. He reviewed the proposed changes for the facility and mentioned inquiring about proposed historical tax credits, accessing approximately \$800,000 for the renovations of the original Simms building, historical registry, rezoning, and possible Community Development Block Grant funding. The Boys and Girls Club has pledged to contribute approximately \$1.5 million to support renovation and new construction costs. He discussed establishing a limited partnership to manage the facility. Mr. Wong requested that Council approve this request allowing HRHA to start the application process.

Some discussion by Council Members relative to the subject included a detailed proforma, real estate taxes being paid if building transfers to a limited corporation, cost of banquet facility, whether the City should be operating a banquet facility, job training, application deadline, EDGE loan, commitment from Boys and Girls Club, operational cost of the building, debt service, blighted area, and the City's budget including \$200,000 per year toward the project.

Cheryl Talley, a member of the Harrisonburg Redevelopment and Housing Authority, said the cost of the project had been discussed at board meetings. It had also been discussed how much of the project is an investment in the City and whether it could be a revenue producing project. It's a \$7 million project in one part of the City that hasn't had that kind of investment.

Ken Handrich, a resident of 610 Broad Street, said that the City built the school, however, the school system has had control of the building since 1937 until 2001. A good building has deteriorated and will need major renovations in every infrastructure of the building. There has been no money spent on the building for 40 years. Renovations to the building are needed.

Bucky Berry, a resident of 877 North Main Street, that he was concerned if a banquet room was built in the facility, alcohol would be abused.

Lois Ann Handrich, a resident of 610 Broad Street, said that the Northeast community needed a banquet facility and it should not be removed from the project. The banquet room could also be used as multi-use facility.

Vice-Mayor Peterson offered a motion that Michael Wong, Director of the Harrisonburg Redevelopment and Housing Authority, be authorized to proceed up to \$150,000 with the architectural services for the Lucy F. Simms Center project. The motion was approved with a unanimous vote of Council.

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

## **RESOLUTION OF SUPPORT**

**WHEREAS, The Central Shenandoah Valley Region is subject to natural disasters, particularly flooding; and**

WHEREAS, There have been 13 federally declared disasters in our Region in the past three decades, eight due to flooding; and

**WHEREAS, Flooding and other natural disasters have caused major damage to homes, businesses, infrastructure and agriculture resulting in loss of life and millions of dollars in economic losses; and**

WHEREAS, The Central Shenandoah Valley Region has developed a Regional Flood Mitigation Plan to address the natural disasters that put our Region at risk; and

**WHEREAS, The Central Shenandoah Valley Regional Flood Mitigation Plan identifies and describes natural hazards that impact our Region and recommends mitigation options to eliminate or**

**reduce the effects of these disasters; and**

**WHEREAS, Each of the localities of the Central Shenandoah Valley Region has worked cooperatively and participated in the development of the Plan and its recommendations; and**

**WHEREAS, This plan calls for the continuation of local and regional efforts and allows localities to apply for future state and federal disaster funds;**

THEREFORE BE IT RESOLVED THAT, the City of Harrisonburg does hereby adopt the Central Shenandoah Valley Regional Flood Mitigation Plan.

**Adopted by the Harrisonburg City Council at its June 25<sup>th</sup> meeting.**

<b>Date</b>	<b>Mayor</b>

**Attest:**

\_\_\_\_\_  
**Clerk of the City Council**

City Manager Baker explained that this plan was developed by the Central Shenandoah Planning District Commission, with input from local governments and businesses. The plan allows local governments to apply for disaster funds. The plan has to be in place before November 1, 2002 in order to be eligible to receive funds from the Federal Emergency Management Agency. Vice-Mayor Peterson suggested that the City should participate in regional studies that would guide localities in developing the most cost-effective storm water management system. He also suggested that the City should consider enrolling in the Community Rating System to hopefully reduce the rates the citizens of the City would have to pay to acquire flood insurance. Council Member Fitzgerald offered a motion to adopt this resolution as presented. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration a request that Harrisonburg sign a Memorandum of Agreement with Shenandoah Valley Project Impact. He explained that the purpose of this

MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 25, 2002

agreement is to form a group that identifies flood hazards and encourages partnership between government, business, industry, the press, and citizens to take action to lessen the impact of flooding or eliminate problems completely. It is a non-binding agreement with no City dollars involved. Vice-Mayor Peterson offered a motion to approve this request authorizing the City Manager to sign this agreement. 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 Baker presented a request to transfer funds for the Waste Characterization Study. This request will transfer operational funds into the Resource Recovery Plant Rebuild Program to support the engineering and contract administration of the project. Vice-Mayor Peterson offered a motion to transfer these funds:

\$25,000 chge. to: 2014-912242-43330 Maint. & Repairs Mach. & Equip.

21,467 chge. to: 2014-912242-45110 Electricity

30,000 chge. to: 2014-912242-45119 Natural Gas

10,000 chge. to: 2014-912242-45130 Water & Sewer

25,000 chge. to: 2014-932042-43140 Engineering, Arch. & Mapping

25,000 chge. to: 2014-932042-43360 Maint. & Repairs Building & Grounds

10,000 chge. to: 2014-952042-43320 Service Contracts

\$146,467 approp. to: 2014-992042-49216 Transfer to San. Capital Projects

## MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 25, 2002

\$146,467 chge. to: 1324-34270 Transfer from Sanitation Fund

\$146,467 approp. to: 1324-910142-48682 Retro-Fit Steam Plant

The motion was approved with a unanimous vote of Council.

Parks and Recreation Director Foerster presented a request to reserve anticipated unexpended funds in the Parks and Recreation 2001-02 budget. He said there are unspent Capital Outlay funds in the Parks and Recreation Departments budget. He proposed using these funds for a skateboard project and making improvements to the Ramblewood Athletic Complex. It is estimated that the new skateboard project will draw between 75 and 200 users a day. He said, Westover's parking lot needs to be expanded by 20 feet in each direction to accommodate the expected increase in visitors. The parking lot actually is not big enough now. The skateboard park will be roughly the size of two tennis courts. Vice-Mayor Peterson questioned whether the lights were actually needed at this time because \$40,000 is a lot of money for lights. He said perhaps the lights should be added at a later time. Mr. Foerster commented that the lack of lighting will be an effective method of controlling the use of the skateboard park. Following further discussion and comments, Council Member Lantz offered a motion to approve \$200,000 in unexpended funds in the Parks and Recreation Department 2001-02 budget. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request to amend a sewer contract. He explained that at the time of annexation, the City entered into a contract to provide sewer service to the Kaylor property with Rockingham County and the Sewer Authority. The contract referenced the drainage area and included a map showing the area to be served. The original map used to show the drainage area is a large-scale topo map making it difficult to accurately show the true drainage area. A drainage study was recently completed that shows the drainage area to be larger than originally thought and the owners are requesting that the contract be amended to allow the City to serve the area in question. Mr. Baker said that he had spoken with Rockingham County Administrator O'Brien who requested that a new topo map be drawn to show the actual drainage area. He also said that Rockingham County has requested that the City amend the contract by substituting a new map for the original map.

J.R. Copper, representing the Kaylor family, said that the current topo map shows approximately 57 acres of additional land in the drainage area. He requested that the agreement be amended to include the entire drainage area of the contract. Sewer services are available at the Northeastern end of Kaylor Drive and Baxter. If the rezoning was approved it would have to be done according to County/City specifications through the health department.

Some discussion by Council Members relative to the request included observations that the main sewer system appeared farther North, whether Rockingham County could provide sewer services to the area, whether the area is out of the City's boundaries, which locality would be billed for the capacity that the

MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 25, 2002

additional 57 acres would consume, and receiving a statement from Rockingham County regarding how a proposed new topo map impacts the county.

City Attorney Miller clarified that the contract defines the drainage area for purposes of the contract. Then subsequent engineering studies indicated that the drainage area in engineering terminology is bigger. The drafters of the contract defined it legally for the purpose of this contract as what was being marked on the map. The 1999 interpretation defines the area as being smaller. The biggest question is how will this area impact the City's infrastructure. He suggested requesting a report from Mr. Collins before Council makes a decision.

Council Member Fitzgerald offered a motion to table this request until Public Utilities Director Collins can review the request and report back to Council. The motion was approved with a unanimous vote of Council.

City Manager Baker explained that a request to amend Section 7-4-22 of the Harrisonburg City Code had been tabled at the June 11<sup>th</sup> Council meeting until Public Utilities Director Collins had contacted the Builders Association. Mr. Collins is still in the process of contacting and discussing the amendment with builders. Vice-Mayor Peterson offered a motion to approve this ordinance for a first reading. 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

Bucky Berry, a resident of 877 North Main Street, complimented Mayor Carolyn Frank on the good job she had done representing the City as Mayor.

City Manager Baker announced that Ray Goodwin with the Virginia Foster Care Program had postponed a meeting with the Rockingham County Board of Supervisors on July 24<sup>th</sup> until September 11, 2002.

MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 25, 2002

Vice-Mayor Peterson offered a motion that Alan Miller, 1160 Nelson Drive, be appointed to a term on the Social Services Advisory Board to expire on July 1, 2006. The motion was approved with a unanimous vote of Council.

At 9:45 p.m., there being no further business and on motion adopted the meeting was adjourned.