

MINUTES - REGULAR MEETING OF CITY COUNCIL - AUGUST 26, 2003

REGULAR MEETING

AUGUST 26, 2003

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

Vice-Mayor Rogers gave the invocation and Mayor Fitzgerald led everyone in the Pledge of Allegiance.

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading approval of a Supplemental Appropriation for the Police Department and Parks and Recreation Department. The motion also included amending and re-enacting Sections 10-3-24, 10-3-78, 10-3-85, 10-3-90, 10-3-91, 10-3-96, and 10-112 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent None

City Planner Anderson introduced a request by the JMU/Harrisonburg Downtown Committee to allow City buses to provide free transportation for an event on October 10, 2003. The committee is sponsoring the upcoming Harrisonburg Museum & Gallery Walk on October 10, 2003 from 5:00 p.m. to 8:00 p.m. Many downtown businesses have offered evening hours to support this event. Due to the extent of the Arts and Cultural District, the Committee is asking City Council to consider allowing the City buses to provide free transportation to visitors who wear a Gallery Walk sticker. Participants can receive their sticker, free, from

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any sponsor location. Providing this free service will help promote the effort in highlighting the vibrant downtown. Council Member Frank offered a motion to approve this request as presented. The motion was approved with a unanimous vote of Council.

Mayor Fitzgerald presented the following resolution for Council's consideration of approval:

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF HARRISONBURG, VIRGINIA APPROVING THE  
INCREASED LINE OF CREDIT AMOUNT AND THE INCURRENCE OF DEBT BY  
THE SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION**

The Shenandoah Valley Regional Airport Commission (the Commission) was duly established pursuant to Chapter 3, Article 1, Title 5.1 of the Code of Virginia of 1950, as amended (the Code), and by agreement of the several political subdivisions of the Commonwealth of Virginia making up the Commission, namely the Counties of Augusta and Rockingham, Virginia, and the Cities of Harrisonburg, Staunton and Waynesboro, Virginia, to have and exercise, on behalf of the several political subdivisions, the power and authority to operate the Shenandoah Valley Regional Airport (the Airport);

The Commission has deemed it necessary to (i) increase of the Commission's credit line with Planter's Bank from \$125,000 to \$325,000 and (ii) expand the physical facilities of the Airport, and to fund such improvements through the incurrence of debt not to exceed \$583,000, such debt to be used for improvements and expansion to the Airport, including, but not limited to, the construction of hangars (collectively, the Project).

Pursuant to the Code and the agreement entered into among the several political subdivisions, (the Agreement) the Commission has requested approval and authorization by the governing boards of the several political subdivisions constituting the Commission of the proposed financing of the Project.

The Commission has held a public hearing on the issuance of the debt on July 23, 2003, and has recommended that the governing bodies of the several political subdivisions approve the incurrence of the debt and increase of credit. A copy of the Commission's resolution, dated July 23, 2003, approving and authorizing the incurrence of the debt and the increase of credit, subject to the terms to be agreed upon, (the Commission Resolution) is attached as Exhibit A to this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Harrisonburg, Virginia (the Council):

- (1) The Council approves the increase in the amount of the line of credit with Planter s Bank from \$125,000 to \$325,000 as set forth in the Commission Resolution, such approval being required by the Code and the Agreement.**
  
- (2) The Council further approves the incurrence of the debt by the Commission for the expansion of the Airport as set forth in the Commission Resolution, such approval being required by the Code and the Agreement.**
  
- (3) It is to be understood that the documents reflecting the debt shall provide that the debt shall not be deemed to constitute a debt or pledge of the faith and credit of the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Commission and the City of Harrisonburg, Virginia, and that neither the Commonwealth, nor any other political subdivision or the Commission will be obligated to pay the principal of, premium, if any, or interest on the debt or other costs incident thereto, except from the revenues generated from the Project, as described in the Commission Resolution, and the monies pledged by the respective subdivisions for the operation of the Airport, and that neither the faith and credit nor the taxing power of the Commonwealth of Virginia or any political subdivision thereof, including the Commission and the City of Harrisonburg, Virginia, shall be pledged for the payment of the principal of, premium, if any, or interest on the debt or the costs incident thereto.**
  
- (3) This resolution shall take effect immediately upon its adoption.**

**ADOPTED: August 26, 2003**

**CITY COUNCIL OF THE CITY OF  
HARRISONBURG, VIRGINIA**

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**Mayor**

**CERTIFICATE**

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**The undersigned hereby certifies that the foregoing constitutes a true and correct copy of a Resolution entitled RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA APPROVING THE INCREASED LINE OF CREDIT AMOUNT AND THE INCURRENCE OF DEBT BY THE SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION adopted by the City Council of the City of Harrisonburg, Virginia, by a roll call vote at a regular meeting of the City, duly held and called on August 26, 2003. The recorded roll call vote of the City Council is as follows:**

	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
Joseph Fitzgerald	X			
Larry M. Rogers	X			
Carolyn Frank	X			
Dorn Peterson	X			
Hugh J. Lantz	X			

**Dated: August 26, 2003**

[SEAL]

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**City Clerk**

**City of Harrisonburg, Virginia**

Greg Campbell, Executive Director of the Shenandoah Valley Regional Airport Commission, said the proposed resolution authorizes the Airport Commission to increase its revolving line of credit to assist with a land acquisition project and construct a new corporate hangar facility at the airport. Although the legislation that created the Airport Commission currently requires consent from each of the five sponsoring jurisdictions of the airport, none of the localities are responsible for the debt. Council Member Lantz offered a motion to adopt this resolution as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

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Council Member Peterson

Mayor Fitzgerald

Absent None

Mayor Fitzgerald presented the following resolution for Council's consideration of approval:

A Resolution of the City of Harrisonburg

WHEREAS, Pilgrims Pride has expressed its intent and desire to the City of Harrisonburg to locate its commercial, business or industrial operations in the City of Harrisonburg, and

**WHEREAS, Pilgrims Pride and its operation will require rail access; and**

**WHEREAS, the officials of Pilgrims Pride, have reported to the City their intent to apply for industrial access railroad track funds from the Commonwealth of Virginia's Department of Rail and Public Transportation in the amount of \$450,000 and;**

WHEREAS, Pilgrims Pride has requested that the City of Harrisonburg provide a Resolution supporting its application for said funds which are administered by the Virginia Department of Rail and Public Transportation.

**NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Harrisonburg hereby endorses and supports the application of Pilgrims Pride, for \$450,000 in Industrial Access Railroad Track Funds; and**

**BE IT FURTHER RESOLVED, that the City of Harrisonburg hereby makes known its desire and intent to assist the Commonwealth Transportation Board in providing the maximum financial assistance to Pilgrims Pride, for the purpose of locating its business, commercial or industrial facility in the City of Harrisonburg.**

**ADOPTED: August 26, 2003** \_\_\_\_\_

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**Joseph Fitzgerald, Mayor**

**Attest:**

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**Yvonne Ryan, CMC, City Clerk**

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Economic Development Director Brian Shull said Pilgrims Pride is applying for a grant through the Virginia Department of Rail and Public Transportation to expand its rail service at the Feed Mill facility on Mt. Clinton Pike.

Ray Powell representing Pilgrims Pride said adding additional rail tracks to existing rail tracks will allow expanding from a 35 to 85 rail car capacity.

Vice-Mayor Rogers offered a motion to approve this resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent None

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The next item of business was a resolution authorizing the City Manager to apply for grant funding in the amount of \$133,729 for the Emergency Communications/Operations Center. These funds will be utilized toward the cost of equipment for the center Council Member Lantz offered a motion to adopt the resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent None

The next item of business was adoption of Joint Exercise of Powers Ordinance. This ordinance is associated with the City/County joint radio system and formalizes the process of cost sharing, operation and maintenance of the system, and addresses the modification of the system. Language was added to paragraph four in the ordinance which states: If this Ordinance remains in effect ten (10) years from the date the radio system is placed into service by the Emergency Communications Center, representatives of the County and the City shall meet within sixty (60) days of such anniversary date to evaluate the operation and use of the ECC to determine whether the cost for operating the ECC and the replacement of equipment should be reapportioned based upon an agreed upon formula utilizing any or all of the following factors: actual historical use of the ECC by the County and the City, population, land area, number of radios or other relevant measurement tool. Vice-Mayor Rogers offered a motion to adopt the Joint Exercise of Powers Ordinance for a first reading as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

No - Council Member Peterson

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Absent None

The next item of business was a discussion of Council Members salaries. Council Member Peterson said the City Charter allows a salary of \$2,400 per year for Council Members and \$3,000 for the Mayor. State law allows a City the size of Harrisonburg to pay a maximum of \$20,000 to the Mayor and Council Members \$18,000. He said higher salaries for the Council could perhaps provide a broad diversity of candidates for the office. He also said although he spends an average of 15 hours per week on Council matters, it might be difficult for many people to spend as much time. He proposed that the salaries of Council Members be increased and suggested that Council Members receive a salary of \$9,600 per year and \$12,000 for the Mayor.

Mayor Fitzgerald said, Citizens should do this job purely for the good it does to ones town. Also, he suggested that any increase should not take effect until after the Council Members have faced an election. I am reluctant to make money an incentive for somebody to run for this office. The amount of \$10,000 or \$15,000 could easily be as much as 25% pay increase for somebody over the course of a year. It is the wrong reason, wrong incentive to do it. If it were a full-time job, I would feel differently. I lean toward leaving the salary the way it is now.

Vice-Mayor Rogers commented that when increasing the salaries for Council Members was first proposed, he strongly objected to the idea, because most people do not seek the office to make money.

Council Member Frank said, It s almost embarrassing how little we re compensated.

Council Member Lantz commented that although his check was not a large amount each month, he enjoyed receiving the check. He said the issue needed further discussion.

Council agreed to place this item on the September 23<sup>rd</sup> agenda.

The next item of business was amending and re-enacting Section 7-2-4 of the Harrisonburg City Code. City Manager Baker said that Rockingham County has requested that the City amend the water moratorium ordinance so that preliminary approval is changed to acknowledgement. Preliminary approval would give the perception that the applicant has an endorsement of the project even though other action may be needed by the Rockingham County Board of Supervisors. Council Member Peterson offered a motion to amend Section 7-2-4 of the City Code for a first reading. The recorded roll call vote was taken as follows:

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Vote: Yes - Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds will be used for payment of one-fourth of the purchased price of a portable radio system used by RUSH Drug Task Force. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$3,663.50 chge. to: 1000-31010 Amount from fund balance

\$3,663.50 approp. to: 1000-310331-48231 Radio equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Council Member Peterson

Mayor Fitzgerald

Absent None

Vice-Mayor Rogers requested that a resolution supporting rail alternatives to complement planned improvements to I-81 be placed on the September 9<sup>th</sup> Council agenda.

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Council Member Peterson commented that September 5<sup>th</sup> is the due date for VDOT to send competing proposals from Flor and Star to localities asking for respond from the local governing agencies. He proposed making the documents available on the City's web site if it was possible.

City Manager Baker announced that on August 25<sup>th</sup>, the first wireless 911 phase two call was taken at the EOC in Harrisonburg. The first call was a law enforcement domestic matter.

City Manager Baker also announced that the repair work at Wolfe Street Parking Deck has been completed, improvements to the Chesapeake Avenue Bridge is on schedule, and the City Steam Plant project is moving forward and ahead of schedule.

At 8:15 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR