

MINUTES - REGULAR MEETING OF CITY COUNCIL - SEPTEMBER 23, 2003

REGULAR MEETING

SEPTEMBER 23, 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.

Council Member Frank 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 which included a regular meeting and a special meeting and the second reading approval of a Supplemental Appropriation for the School Board and amending Sub-Section 4-2-92(b) of the Harrisonburg City Code. The motion also included the second reading rezoning three lots at the intersection of Linda Lane and Country Club Road and rezoning approximately 15.84 acres on West Market Street. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Frank

Council Member Lantz

Mayor Fitzgerald

Absent None

Council Member Peterson requested the unanimous consent of Council to change the agenda by adding a public comment discussion concerning Council Member salaries. This agenda item will be number 8A.

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The next item of business was to confirm the Declaration of a Local Emergency. City Manager Baker said that Governor Mark Warner had declared a state of emergency in Virginia. The emergency declaration authorized Mayor Fitzgerald, Director of Emergency Services, to issue a declaration of emergency for the City of Harrisonburg. He also said that once the state of emergency has been issued, state law requires that an emergency declaration be presented at the following Council meeting or no later than 14 days to be confirmed by the entire Council.

DECLARATION OF A LOCAL EMERGENCY

WHEREAS, The City Council of the City of Harrisonburg does hereby find that:

1. Due to the heavy rain and windstorm associated with Hurricane Isabel, the City of Harrisonburg is facing life-threatening conditions of its citizens.
2. **Due to the effects of the storm, a condition of extreme peril of life and property necessitates the proclamation of the existence of an emergency;**

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that an emergency now exists throughout said City; and

IT IS FURTHER PROCLAIMED AND ORDERED that

during the existence of said emergency the powers, functions, and duties of the Director of Emergency Services and the governing body of the City of Harrisonburg shall be those prescribed by state law and the ordinances, resolutions, and approved plans of the City of Harrisonburg in order to mitigate the effects of said emergency.

Dated: September 18, 2003

City Council/ City of Harrisonburg

Mayor

Joseph Gus Fitzgerald,

Attest: Yvonne Ryan, CMC

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Clerk/City Council

City of Harrisonburg

Commonwealth of Virginia

Council Member Peterson offered a motion to confirm the declaration of emergency and rescind the state of emergency according to Section 44-146.21 of the Code of Virginia. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Frank

Council Member Lantz

Mayor Fitzgerald

Absent None

City Manager Baker announced that a request by Elwood Gilbert to subdivide a five-acre lot at 1264 Smithland Road had been tabled.

The next item of business was presentations by several companies offering solutions to widening I-81.

Chris Lloyd presented an overview of STAR Solutions proposal for traffic improvements on I-81. Because Interstate 81 does not have enough capacity to handle current traffic, mixing cars and trucks into two lanes has become a problem. In a period from March 2001 until August 2002 there were 42 deaths, 1,628 injuries and 2,845 accidents on Interstate 81 in Virginia. It has become the eighth most deadly highway in the country. Separation of cars and trucks is a common sense approach to promote safety. He said that STAR proposal includes separating cars from trucks, providing four lanes in each direction, improving interchanges, building truck-only flyovers, completing all four lanes by 2018, providing truck parking areas in the median, and keeping two lanes in each direction open at all times during construction. The project would cost \$6.3 billion in 2003 dollars inflating to \$7.9 billion by its 2018 completion. The STAR plan would levy tolls on trucks only. Projected payments for the project includes \$98 million from VDOT six-year plan, pursuing \$1.6 billion from the federal government and a 12-cent toll on trucks, increasing incrementally to 36.9 cents/mile by 2020. Mr. Lloyd said rails should be a component to solving I-81 traffic problems; however, it is not the

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only solution. Rail will not eliminate the need for widening I-81 and a significant shift of cargo to rail could have citizen and environmental implications. Mr. Lloyd said STAR Solutions proposed plan would not be obsolete as soon as it is finished and would provide 50% more road for only 33% more cost. The financing plan involves both federal and private money and would comply with the current Virginia law.

The following discussion by Council Members relative to the STAR presentation included: Whether speed limit would increase or remain the same; noting that Virginia Trucking Association is opposed to a truck toll; rail could be a portion of the solutions; and getting some of the freight off of Interstate 81.

Jim Carroll presented an overview of Fluor proposal for traffic improvements on I-81. He said Fluor proposal includes six lanes adding a car-only lane in each direction to reduce accidents and improve overall safety. The plan also includes adding 10 truck-climbing lanes on steep grades and constructing electronic toll collections for both cars and trucks. Safety benefits include less traffic density, less interaction between trucks and cars, less frustration for drivers, hopefully less accidents, and reduction in severity of accidents. The Fluor plan is projected to cost \$5.9 billion and be completed by 2014. The proposed toll on cars would be five cents a mile and 17 cents a mile for trucks; however, he noted that it would take legislative action to place a toll on cars.

The following discussion by Council Members relative to the Fluor presentation included: Why did original proposal cost less? How many interchanges would be revamped? Concern that the Shenandoah Valley is not receiving its fair share of state funding; and concern that trucks will occupy the two outside lanes forcing all cars into one inside lane.

Frank Nolen, an engineer and former state senator from New Hope, Virginia, said Interstate 81 has become so congested with traffic that even the private sector is proposing solutions. One proposal includes eight lanes and tolls only on trucks while another proposal includes six lanes and tolls on both cars and trucks. It has been suggested using the current rail system; however, the idea could be inefficient because of existing track locations and loading/unloading the containers. Mr. Nolen reviewed his proposal for the I-81 congestion called A RAIL FERRY . The RAIL FERRY would be designed to move freight. A rail track could be placed in the median allowing a drive on and drive off method. This method should enable drivers to get to their destination quicker and cheaper than driving the truck. There has to be a better way to move freight. He said that he would like to present his proposal before Congress and encouraged support from City Council. He also insisted that it is not just a Virginia problem. It is national problem!

Clark Lewis presented an overview of the Virginia Trucking Association. He said that the Virginia Trucking Association has a policy to oppose tolling on existing interstate highways. The trucking industry recommends that a fuel tax be considered to fund any upgrades on I-81. The speed limit will not be increased on a truck toll road nor would anyone advocate putting triples on trucks. Placing a toll only on trucks would require the trucking association to pay for all the lanes of the interstate without receiving a tax credit or rebate. Businesses that rely on I-81 would be at an economic disadvantage when compared to other areas of the state.

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Truckers will divert to avoid paying a toll on Interstate 81 and these diversions could have huge ramifications for Route 11. He urged the members of City Council to consider all the plans and think about the ramifications of the region, economy and the future.

The following discussion by Council Members relative to Mr. Lewis's comments included: Whether expanding I-81 to three or four lanes would make it safer; Whether the Trucking Association will support a fuel tax; and whether purchasing gas would be random on I-81.

The next item of business was accepting public comment on Council Members salaries. Council Member Lantz questioned whether an amount had been determined for the salary increase. Council Member Peterson suggested \$12,000 per year for Council Members and \$15,000 for the Mayor.

Council agreed to place this item on the October 14th agenda for citizen's input if they wished to address the issue.

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

**RESOLUTION APPROVING THE SIGNING OF THE CONSTRUCTION
CONTRACT FOR THE CONSTRUCTION AND RENOVATION OF THE LUCY F.
SIMMS CONTINUING EDUCATION CENTER AND RESOLUTION APPROVING OF
THE REVISED SIMMS FINANCING PLAN**

WHEREAS, the City of Harrisonburg, Virginia (the City), in partnership with the Harrisonburg Redevelopment and Housing Authority (the Authority) has decided to assist in the construction and renovation of the Lucy F. Simms Continuing Education Center (the Simms Center); and,

WHEREAS, the Simms Center will be renovated and utilized as a community education center in order to promote life long learning and to enhance the health, safety and welfare of the citizens of the Harrisonburg/Rockingham County community; and,

WHEREAS, on March 25, 2003 the City passed a resolution in support of the Simms Center, setting forth a financing plan and authorizing the application for a Community Development Block Grant; and

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WHEREAS, the application for the Community Development Block Grant was denied. Therefore, on July 22, 2003 the City Council passed a motion agreeing to increase the City's contribution to the Simms Center from \$2,000,000 to \$2,700,000 in order to replace the Block Grant funds; and

WHEREAS, funding for the Simms Project is expected to come from the following sources:

1. The Boys and Girls Club Capital Campaign	\$ 1,500,000
2. The Arc Op Shop of Harrisonburg/Rockingham County	500,000
3. Historical Tax Credits	800,000
4. City Contribution	<u>2,700,000</u>
Total:	\$ 5,500,000

WHEREAS, the funding sources described above will be available after the Simms Center has been substantially completed; and

WHEREAS, after due notice and compliance with the public finance act, bidders have submitted bids to perform the construction and renovation of the Simms Center; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that:

1. The City approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.

2. The City agrees to contribute Two Million Seven Hundred Dollars (\$2,700,000) in order to provide for the construction and renovation of the Simms Center.

3. The City agrees to fund the entire cost of the Simms Center during construction and renovation. It is anticipated that the Simms Center will cost \$5,500,000, and that construction will take

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approximately 2 years. After substantial completion of the Simms Center, it is anticipated that the City will be reimbursed from the financing sources listed above.

4. The City Council approves the signing of a construction contract with the properly chosen bidder, and authorizes Roger D. Baker, City Manager and Joseph G. Fitzgerald, Mayor, either of whom may act, to sign the construction contract and take such other actions as are necessary to fulfill the City's commitments set forth in this resolution.

5. **The Resolution passed by the City Council on March 25, 2003 and the motion passed by the City Council on July 22, 2003 shall continue in full force and effect, as modified by this Resolution.**

This resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: September 23, 2003

CERTIFICATE

Record of the roll call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION AUTHORIZING THE SIGNING OF RENOVATION OF THE LUCY F. SIMMS CONTINUING EDUCATION CENTER AND RESOLUTION APPROVING OF THE REVISED SIMMS FINANCING PLAN, taken at a regular meeting of the City Council held on September 23, 2003:

	AYE	NAY	ABSTAIN	ABSENT
Joseph G. Fitzgerald, Mayor	X			
Larry M. Rogers, Vice-Mayor	X			
Carolyn W. Frank	X			
Hugh J. Lantz	X			
Dorn W. Peterson	X			

Dated: September 23, 2003

[SEAL)

READ AND ADOPTED: September 23, 2003

Mayor, City of Harrisonburg, Virginia

ATTEST: _____

**Clerk, City Council of the City of
Harrisonburg, Virginia**

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the City Council) hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on September 23, 2003, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Harrisonburg, Virginia this 23rd day of September, 2003.

Clerk, City Council of the

City of Harrisonburg, Virginia

Mr. Wong said adoption of this resolution approves the contract for the construction and renovations of the Lucy F. Simms Continuing Education Center (Simms Project). He said Lantz Construction Company submitted a low bid of \$4.8 million for the project. Council Member Peterson offered a motion to adopt the resolution and award the construction contract to Lantz Construction Company. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Frank

Council Member Lantz

Mayor Fitzgerald

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Absent None

The next item of business was a report on Heritage Oaks Golf Course. City Manager Baker said that Heritage Oaks Golf Course did not make enough revenue to meet all of the expenses. The golf course had a \$319,855 shortfall in its first fiscal year. This amount is higher than what the National Golf Foundation had estimated in its prediction. In almost all areas revenue failed to meet expectations, including fees from the driving range, golf carts, concessions and all categories of golf rounds. However, Mr. Baker said that Heritage Oaks is more profitable than any other City recreation program. The golf course produced 60.5 percent of its operation revenue compared to 9 percent for other recreational facilities and programs. Mr. Baker also announced that the First TEE program has a waiting list and more volunteers are needed to help with the program.

City Manager Baker said that the Commonwealth Transportation Board changed the method of selecting road projects for the FY 2005-2010 Six-Year Improvement Program. The program was created for localities to get projects included in the state-funding plan. Arrangements have been made to hold nine public hearings in different locations of the state. This schedule will allow the public to review maps, displays and other materials in addition to submitting comments about the program. Since Harrisonburg is included in the MPO program, decisions need to be made regarding whether the City will follow specific road requests as it has in the past or be included in the MPO road plan. Council Member Peterson suggested sending representatives to this year's meeting, but suggested perhaps in the future it should be a representative from the MPO Board. Council Member Lantz emphasized the importance of having representation at the meeting. Following further discussion and comments, Council agreed to send one staff member and one member of Council to the October 9th meeting. Mayor Fitzgerald volunteered to speak as Council's representative. City Manager Baker will make a decision regarding a staff representative.

The next item of business was a request to provide funding for the Regional Talking Book Center. City Manager Baker said that he had been informed that for many years the City of Staunton has been funding the center without assistance from other regional jurisdictions. He said that Massanutten Regional Library provides an audio player to qualified individuals who are visually impaired; however, the City has not participated in the funding for the center. He said that Harrisonburg has been asked to provide \$2,742 toward supporting the center. Assistant City Manager Hodgen suggested that the library should perhaps consider including funding for this program in their budget request if they wish to support the program. Council agreed to table this request until the October 14th Council meeting and requested that a representative from the library be available to answer Council's questions and concerns.

Police Chief Harper presented for Council's consideration an application from Nadeem G. Afridi of Beni Limousine Corporation for a Certificate of Public Convenience and Necessity to operate a taxicab business. He explained that the Police Department has conducted an investigation in accordance to City Code Section 14-1-1. The police review determined that the business address given is not zoned properly for a taxi business. Therefore, it is recommended that the certificate be denied. Council Member Peterson offered a motion to deny the request. The recorded roll call vote was taken as follows:

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Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Frank

Council Member Lantz

Mayor Fitzgerald

Absent None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were reimbursed from the Commonwealth Attorney's office for travel expenses of a police investigator to interview a suspect in a homicide case. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$1,018.14 chge. to: 1000-31901 Recoveries and rebates

\$1,018.14 approp. to: 1000-310331-45530 Training/Travel

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Frank

Council Member Lantz

Mayor Fitzgerald

Absent None

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The next item of business was information on temporarily moving a voting precinct. City Manager Baker said extensive renovations on the Simms Building has necessitated that the Electoral Board temporarily move the voting precinct to another location for the November 4th election and all elections to be held in 2004. The new polling place will be located at 281 East Market Street in Muhlenberg Lutheran Church's Activities Center. All registered voters in the precinct will be notified.

Cheryl Lyon, a resident of 2328 Silver Lake Road, said that she owns Silver Lake Mill in Dayton. She said that her property adjoins Silver Lake, which is owned by Harrisonburg. Silver Lake's spillway and dam are in a deteriorated condition. She expressed her concerns that the mill could suffer some serious damage if conditions are not improved at the dam. She described the condition of the dam and said that she had alerted the City's Water Department of the situation. She said that it was her understanding the City hired a consulting engineer and questioned when the repairs would be made. City Manager Baker will discuss the issue with Public Utilities Director Mike Collins to address the concerns of Ms. Lyon.

At 10:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR