

SPECIAL MEETING

REGULAR MEETING

NOVEMBER 25, 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; Carolyn W. Frank; Council Member Dorn W. Peterson; Council Member 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. The motion also included the second reading adopting Section 2-3-4 and 2-4-1 of the Harrisonburg City Code. 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

John Aldridge, a representative from Brown, Edwards & Company, presented the 2003-2003 Comprehensive Annual Financial Report. He said that his firm and the City have to comply with certain standards and guidelines set by the Governmental Accounting Standards Board (GASB) and the Commonwealth of Virginia Auditor of Public Accounts. Mr. Aldridge expressed his appreciation to the Finance Department for all of their assistance. The City will receive an unqualified opinion, which is the

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highest level of assurance placed on financial statements. He reviewed some changes in the financial report that occurred because of state law changes.

The next item of business was a brief presentation by Kevin Leigh, President of the Rockingham-Harrisonburg SPCA. He said that for four years with the hard work of the SPCA Board, staff and many volunteers along with the support of the community the dream of a new shelter is a wonderful reality. Lantz Construction has begun working on the new facility. The community's new home for lost or unwanted pets should be completed by August 2004. The new animal care facility will enhance the well being of animals in the community by having better housing conditions and longer holding periods, all in the hope of finding our four legged friends new homes and families. This is the number one mission of the SPCA. He thanked City Council and the City Manager for supporting the SPCA's new community animal shelter.

Council Member Frank offered a motion to award a contract for renovation to the Rockingham-Harrisonburg District Courts Buildings to Nielson Builders Inc. 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

The next item of business was a resolution approving the issuance and sale of general obligation bonds for the HRHA. Harrisonburg Redevelopment and Housing Authority Michael Wong said that this resolution authorizes selling the general obligation bonds for the Lucy F. Simms Continuing Education Center. This resolution finalizes the action taken at the November 11, 2003 Council meeting. Council Member Peterson offered a motion to adopt the resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

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Council Member Frank

Council Member Lantz

Mayor Fitzgerald

Absent None

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance, presented a brief summary of HDR's progress and accomplishments during the last three months. A lot of ideas and opportunities have been shared with the group. Plans and visions for the future were shared at a recent Organizational Committee meeting, including starting a membership drive. He reviewed activities of the Promotion Committee. The group wants to re-establish Court Days on June 12 and he said a request would be made at a later date to close certain streets for the event. The group is working with Citizens for Downtown for many activities. He also briefly reviewed Jamestown 2007, which is hoping that every community in the state will plan something to capture the heritage of the area. The Design Committee hopes to display banners and provide flowering pots in the downtown area. Council Member Peterson offered a motion to approve a street closing for June 12th subject to normal approval process by the City Manager and other Department Heads involved. The motion was approved with a unanimous vote of Council.

The next item of business was a discussion of adding public comment time after the Consent Agenda.

The following discussion by Council Members included: Questioned speakers appearing before Council not being residents of the City; opening the floor to any suggestion; and providing as much openness as possible. Council requested that City Attorney Miller provide language in a modification of the ordinance to include a comment period for public input. The language should reflect that this period is reserved for public comments of items not on the agenda.

The next item of business was adopting Section 2-3-3 (Certain procedures concerning the development of the agenda for Council meetings and the conduct of the meetings) and repealing Section 2-3-10 of the Harrisonburg City Code. Council Member Peterson reviewed the suggested changes made at the November 11th Council meeting. Council Member Peterson offered a motion to amend Section 2-3-3 of the Harrisonburg City Code for a first reading and repealing Section 2-3-10 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

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Council Member Frank

Council Member Lantz

No - Mayor Fitzgerald

Absent None

The next item of business was adopting Memoranda of Council Administrative procedures . These memorandums adopt procedures for communications between Council Members and City staff, speakers appearing before Council during public hearings, and travel and expenses incurred by Council Members. Following further discussion and comments, Council Member Lantz offered a motion to adopt these procedures. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

Council Member Peterson

Council Member Frank

Council Member Lantz

No - Mayor Fitzgerald

Absent None

The next item of business was authorizing the City Manager to send a letter of intent to the Department of Criminal Justice Services. City Manager Baker said that the City and County are eligible to receive grant funds for substance abuse treatment for juveniles in our jurisdiction. The total amount of grant last year was \$12,578 with no local match; however, a local match is required the second year in the amount of \$1,247 or 10% of the grant awarded the City share would be \$573.50. Council Member Frank offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Rogers

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Council Member Peterson

Council Member Frank

Council Member Lantz

No - Mayor Fitzgerald

Absent None

The next item of business was authorization of additional services for the City/County radio system. Assistant City Manager Hodgen said that the radio project has been moving in between phases; however, the consultants were only authorized to go phase by phase. Phase 1 (Needs Assessment) and Phase 2 (Preparation of Specifications) has been completed. It is now necessary to proceed with Phase 3 (Procurement) of the project. The total additional fee to be authorized under this request is \$231,896, of which the City's share will be \$115,948. Council Member Peterson said that the Rockingham Board of Supervisors approved the fees at their November 12, 2003, meeting subject to the City's approval of the same and the following conditions: 1) Fees for review of the additional proposals will only be incurred if additional proposals are received; and 2) No County liability will be incurred by the City or County on phases 4 and 5 until the City and County approve a bid to construct the system. Council Member Peterson offered a motion to approve these additional services with the two conditions requested by Rockingham County. 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 offered a motion to approve the cancellation of the December 23, 2003 Council meeting. The motion was approved with a unanimous vote of Council.

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The next item of business was considering a request from the Parks and Recreation Department, Rockingham County Recreation Department and the Downtown Merchants Association to hold the annual Christmas parade. City Manager Baker explained that these groups are sponsoring the annual Christmas parade to be held on Friday, December 5th at 7:00 p.m. The parade will begin at the monument at the intersection of South Main Street and Liberty Street and will end at the corner of Gay Street and North Main Street at the Rockingham County Administrative Complex. Vice-Mayor Rogers offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Council Member Frank offered a motion that James A. McKee, 270 Campbell Street, be appointed to a second term on the Harrisonburg Electric Commission to expire on December 31, 2006. The motion was approved with a unanimous vote of Council.

Council Member Frank offered a motion to appoint Stacy Turner to the Central Shenandoah Planning District Commission. The motion was approved with a unanimous vote of Council.

Council Member Peterson offered a motion that Betty Ann Fordney, 1126 Chestnut Drive, be appointed to a first term on the Harrisonburg Parks and Recreation Commission to expire on December 31, 2007. The motion was approved with a unanimous vote of Council.

At 8:30 p.m., Council Member Peterson offered a motion that Council enter a closed session for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation, where such consultation or briefing in an open meeting would adversely affect the negotiating or litigating posture of the City. 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). Discussion or consideration of the acquisition of real property for a public purpose, or the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City. 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). 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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At 9:35 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 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, discussed in the closed session by the City Council.

At 9:36 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR