

REGULAR MEETING

JANUARY 27, 2004

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, Public Works Department, and Public Utilities Department. The motion also included the second reading rezoning 22 lots located at 1126 and 1204-1218 North Main Street. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Council Member Frank
Mayor Fitzgerald

Absent – None

Harrisonburg Redevelopment and Housing Authority Michael Wong presented a request to increase the City's budgeted revenues and expenditures. The City has issued bonds to fund the renovation of the Simms School Building. It is requested that City Council increase the budget so that these funds can be expended for the renovation.

At 7:39 p.m., Mayor Fitzgerald closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, January 20, 2004.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, January 27, 2004 at 7:30 p.m., in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2003-2004 budget in the amount of \$6,036,867. These funds are the proceeds from the recently completed \$5,905,000 bond issue and funds from the General Fund balance. The funds will be used to renovate the

Simms School Building and make the first debt payment on the Simms School Renovation debt.

The budget increases will be as noted below:

Revenue	
General Fund:	\$101,097
Amount from fund balance	
General Capital Projects Fund:	
Bond proceeds	<u>\$5,935,770</u>
Total revenues	<u>\$6,036,867</u>
Expenditures:	
General Fund:	
Simms School Building debt	\$101,097
General Capital Projects Fund:	
Simms School Building Renovation	<u>\$5,935,770</u>
Total expenditures	<u>\$5,935,770</u>

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Fitzgerald called on anyone desiring to speak for or against increasing the City's budgeted revenues and expenditures. There being no one desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Council Member Frank
Mayor Fitzgerald

Absent – None

Mayor Fitzgerald announced that a request by Nelson Swartz had been withdrawn.

The next item of business was considering amending and re-enacting Title 11 (Building Code Regulations), of the Harrisonburg City Code. Building Official Baldwin said these changes are proposed to delete obsolete language of the City Code and to bring the City's building regulations into agreement with the State Law and the Virginia Uniform Statewide Building Code. It is also being requested that the Building Code Board of Appeals be increased to nine members allowing mechanical, plumbing, electrical, and fire trades to be represented on the board. Council Member Peterson offered a motion to approve amending and re-enacting Title 11 the Harrisonburg City Code for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Council Member Frank
Mayor Fitzgerald

Absent – None

Elly Swecker, Executive Director Harrisonburg-Rockingham Free Clinic, presented an update of the clinic's programs. She said that the clinic provides outpatient health services to the uninsured in the community. She said many volunteers supporting the clinic allow it to keep funding where it is most needed. Volunteers are the foundation of any free clinic. She reviewed the eligibility criteria and noted that 52% of the caseload comes from Harrisonburg and the remainder of the caseload from Rockingham County. Patients are encouraged to take responsibility for their own health. The clinic provides some prevention services, pharmaceutical supplies, medical counseling, social work coordination program, diet counseling, and a dental clinic. She reviewed other services provided by the clinic and thanked City Council for their support.

Council Members agreed by unanimous consent to discuss an issue introduced by Council Member Frank.

Council Member Frank said that Marcia DuBois, Executive Director of Valley Associates for Independent Living (VAIL), has requested an exemption from Harrisonburg's admissions tax. VAIL is paying an admissions tax for a fund-raising event. Harrisonburg's Commissioner Hosaflook sent a letter to Marcia DuBois stating the City's admissions tax ordinance does not allow an exemption from the tax unless a non-profit's fund-raising event is wholly charitable. Commissioner Hosaflook suggested that perhaps City Council would be willing to consider an ordinance amendment allowing one or more exemptions per year on events held for charitable purposes. Following further discussion and comments, Council Members directed City Attorney Miller to prepare the proper language for an ordinance amendment.

The next item of business was considering authorizing the City Manager to proceed with a preliminary engineering study of a new railroad location. Mr. Baker said that Congressman Goodlatte convened a meeting of Norfolk Southern, JMU, County and City representatives to discuss the possibility of relocating the railroad out of JMU's campus. A preliminary

engineering study is necessary for the railroad to make a determination of the feasibility of moving the tracks. The estimated cost of the study is \$250,000. JMU has agreed to provide \$150,000 toward the cost and Rockingham County has agreed to provide \$25,000 toward the cost of the engineering study. The remainder would come from the City. Following further discussion and comments, Council agreed by consensus to authorize City Manager Baker to advertise for proposals for the engineering study with the assumption being that the cost of the engineering study will be approximately \$250,000.

The next item of business was considering adopting the State Holiday Schedule. City Manager Baker said that Council's approval is being sought to change the City's holiday observance schedule to match that of the State. The change is being sought for standardization purposes relative to the City's service to the public. Current state law requires constitutional offices (Treasurer, Commissioner of the Revenue, etc.) as well as the courts, social services and health departments to follow the state holiday schedule. When the state recognizes a holiday that the City does not or vice versa, it creates issue of confusion and sometimes irritation with the public who come to City offices to transact business and find some offices that they need access to open and others closed. It should be noted that Rockingham County follows the state holiday schedule. The number of City-recognized holidays would be 13 rather than the current 12 because Lee-Jackson Day will be added and Christmas Eve will be exchanged for Columbus Day. If approved the effective date of the change will be July 1, 2004. Council Member Peterson offered a motion to approve the change in the Personnel Policy Manual. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration an ordinance amending Section 9-1-1 of the Harrisonburg City Code. He said that the Parks and Recreation Commission has recommended that the City Code be amended to allow the composition of the commission to be changed to include two (2) members from the west, two (2) members from the east and two (2) at large members. Council Member Peterson offered a motion to amend Section 9-1-1 of the Harrisonburg City Code for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Council Member Frank
Mayor Fitzgerald

Absent – None

City Manager Baker presented for Council's consideration an ordinance amending and re-enacting Section 13-1-60.01 of the Harrisonburg Code. He said that this ordinance amendment adds residents of "Stone Spring Village" into the blue zone permit parking area and also designates the area as a tow-away zone. Council Member Peterson offered a motion to approve amending this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Vice-Mayor Rogers
Council Member Peterson
Council Member Frank
Mayor Fitzgerald

Absent – None

Mayor Fitzgerald presented for Council’s consideration an ordinance amending and re-enacting Section 2-2-23 of the Harrisonburg Code. City Attorney Miller said that he had been directed at the January 13th Council meeting to prepare the language for this ordinance change. Section 2-3-23 “General order of business” will be amended by adding a new subsection (4) inserting comments from the public, limited to five minutes, on matters, which are not on the regular agenda before the consent agenda. The remainder of the agenda will be renumbered. Council Member Peterson offered a motion to approve amending this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Council Member Frank
Mayor Fitzgerald

Absent – None

The next item of business was considering construction bids for the Emergency Communications Center and the new Harrisonburg Police Department, both to be located at Harrison Plaza. Assistant City Manager Hodgen said that the low bid received for the ECC project was approximately \$1,650,000 or \$800,000 higher than the architect estimate. Because the bid was not acceptable to the City and County for the communication center portion of the project, he recommended that it be rejected, but recommended proceeding with the Police Department renovations. The bid for that portion of the project was \$890,992. The number could increase or decrease by approximately \$15,000-\$20,000 as a result of the ECC project being separated from the project. The architect’s estimate was about two years old and was based on square footage of the building. Specialized equipment and grounding requirements were not accounted for. He said that the City has the funding in a public safety capital projects account. Following further discussion and comments, Council Member Peterson offered a motion to approve awarding the contract for the Police Department renovations. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Council Member Frank
Mayor Fitzgerald

Absent – None

George Rontopoulos, a resident of the City, said caution should be used before passing regulations and amending ordinances designating buildings or areas as a historical district. He presented newspaper articles from the City of Tampa, Florida regarding historical designation and what can happen to residents and business owners. He said there are other ways to make the Harrisonburg downtown area more attractive to visitors rather than designating the area as historical.

Bill Whalen, a resident of the City, said that he was not in favor of using taxpayer's money to stimulate the downtown revitalization program.

Council Member Frank offered a motion to appoint Susie Dinsmore, 1136 Sharpes Drive, to a term on the Golf Course Advisory Committee. The motion was approved with a unanimous vote of Council.

At 8:45 p.m., Council Member Peterson offered a motion that Council enter a closed session for the purpose of discussion, interviews or consideration of candidates for appointment to board and commissions. 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 closed session will also be for the purpose of the 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 Council. 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). The closed session will also be for the purpose of discussion of a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business or industry's interest in locating or expanding its facilities in the City. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.5 of the Code of Virginia (1950), as amended (the Code). The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Vice-Mayor Rogers
Council Member Peterson
Council Member Frank
Mayor Fitzgerald

Absent – None

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.

Council Member Peterson offered a motion that Eldon Kurtz, 555 East Wolfe Street, be appointed to a first term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2006. The motion was approved with a unanimous vote of Council.

Council Member Peterson offered a motion that Richard A. Baugh, 79 Hope Street, be appointed to a first term on the Harrisonburg Planning Commission to expire on December 31, 2007. The motion was approved with a unanimous vote of Council.

At 9:37 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR