

## REGULAR MEETING

JULY 22, 1997

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Mayor Eagle delivered the invocation and led everyone in the Pledge of Allegiance.

Vice-Mayor Lantz offered a motion to approve the consent agenda, including approval of the minutes and the second reading for a re-appropriation of several outstanding encumbrances at June 30, 1997. The motion also included referring closing and vacating a portion of Hillside Avenue and a portion of Orchard Lane to the Planning Commission. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner introduced a recommendation from the Planning Commission to amend Sections 11-5-3 (21) & (22) of the sign ordinance. She explained that an additional sentence will be added to Section 11-5-3 (21) stating that the cost for such removal shall be charged to the owner or owners of the property where the violation occurred and shall be collected along with state and local taxes, as provided under Virginia Code Section 15.1-867. She said the City has always had the power to make a property owner remove a sign; however, it did not have a mechanism to recover the cost for removing the sign. The owner will be asked to correct the violation within 30 days. This amendment will apply to signs that are not maintained in good repair, but also to any signs erected without a permit. An additional sentence will be added to Section 11-5-3 (22) stating that Government, civic, charitable and non-profit organizations are exempt from fee requirements and it will correct the fee to \$25.00. Council Member Byrd offered a motion to approve this request for a first reading as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Walter Hancock representing Wiley & Wilson Engineering presented a brief report on alternatives which will provide remediation to navigation barriers at the Island Ford Dam on the South Fork of the Shenandoah River. Mr. Hancock explained that the existing condition at the dam is unsatisfactory and hazardous to boaters on the river. As the conditions exist, it would be very dangerous for a boater to pass through the failed and broken portion of the dam. The dam has been in this condition for over 40 years. Mr. Hancock reviewed the four alternatives that could improve the situation and allow safe passage around the dam. These alternatives include demolishing a portion of the dam still standing on the railroad side of the dam, remove approximately 20 to 40 feet of broken sections and demolish an additional two to four vertical feet of the remaining dam footing, demolish all the original concrete superstructures across the old power canal that separate the west bank from the island, and provide an opening in one sluice gate to allow boaters a safe passage

through the dam. He noted that the alternatives should provide safe portage for boaters, people fishing, be compatible with future plans, economical, and require a minimal effort to maintain in the future. By opening a sluice gate and making other repairs, it should allow boaters and canoeists to pass through the opening. It is anticipated that the construction for the fourth option would be approximately \$60,000. Following further discussion and comments, Council Member Rogers offered a motion to endorse option four as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Public Utilities Director Collins presented for Council's consideration charging off delinquent utility bills incurred between the dates of August 1994 to June 1996. Mr. Collins explained that these delinquent accounts will be written off as uncollectible; however, the collection agencies will continue to pursue these accounts as outstanding. None of these customers currently have a utility billing account in their name nor are they receiving water and sewer services. Council Member Green offered a motion to charge off these delinquent utility bills as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer School funds. These funds will be used for expenditure functions and were adopted by the Harrisonburg City School Board on June 3, 1997. Council Member Rogers offered a motion to approve the transfer of these funds.

\$ 13,067.00 chge. to: 111114-40620 Administration/Attendance/Health  
 116,935.00 chge. to: 111114-40640 Operation & Maintenance  
 3,457.00 chge. to: 111114-40650 Food Service

\$133,459.00 approp. to: 111114-40610 Instruction

The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request for a supplemental appropriation for the School Board. These funds will be used to continue the repairs to the elementary schools. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$490,000 chge. to: 1000-31010 Amount from fund balance

\$490,000 approp. to: 1000-990111-49225 Transfer to Capital Projects

\$490,000 chge. to: 1311-34210 Transfer from General Fund

\$490,000 approp. to: 1311-910114-48690 Repairs to elementary schools

The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council. Colin Owens, representing the City schools, commented that with these funds they can accomplish some repair work that needed to be done. It will also be accomplished, while hopefully completing some more anticipated work in a way that future work will not damage the work already completed. He further stated that the work underway is not a stop gap solution.

Public Utilities Director Collins presented a proposed contract from the National Resource and Conservation Services. He explained that rebuilding the emergency spillway at Switzer Dam and repairs to Dry River Dam from Hurricane Fran which occurred last September was very extensive. The rock face at the emergency spillway has been exposed and needs to be covered and protected from freezing and thawing. Draining the lake for repairs also might be necessary. The National Resource and Conservation Services estimated the total cost of the project to be about \$220,000. The proposed contract will require the City to pay at least 25% of the cost for repair at both dams. Following further discussion and comments, Mr. Collins suggested that he will advise National Resource and Conservation Services that City Attorney Thumma is reviewing the contract and an answer will be available by the next Council meeting regarding the cost assumption.

At 8:19 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Rockingham Development Corporation Board, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to a proposed contract and agreement and potential and pending litigation, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 10:45 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and 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 public business matters as were identified in the motion by which the executive or closed meeting were convened were heard, discussed or considered in the executive session by the City Council.

Council Member Green offered a motion to put \$22,409 into an escrow account in the General Fund Reserve for Contingency for the library to be held until they show a need for it. This money will match the per capita amount appropriated by Rockingham County. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Vice-Mayor Lantz offered a motion that \$9,900 from General Fund Balance be transferred to Capital Projects Fund for Multipurpose Athletic Fields for a first reading. These funds will be used for a well. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 10:59 p.m., there being no further business and on motion adopted the meeting was adjourned.

*Yvonne Ryan*  
CLERK

*Richard L. Doyle*  
MAYOR