

REGULAR MEETING

FEBRUARY 24, 1998

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; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Member John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper. Absent: Assistant City Manager Roger Baker.

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

Council Member Green offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department and Steam Plant. The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

At 7:37 p.m., Mayor Eagle 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, February 10, and Tuesday, February 17, 1998.

NOTICE OF PUBLIC HEARING
City Council Chambers
Tuesday, February 24, 1998
7:30 P.M.

The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 24, 1998, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia.

The Harrisonburg City Council will receive the views of citizens regarding the proposed use of funds paid under the Local Law Enforcement Block Grant as it relates to the Harrisonburg Police Department's entire budget. At this hearing, persons shall be given an opportunity to provide written and oral views to the City Council about the Department's budget and the relation of the Grant to the entire budget.

STEVEN E. STEWART
City Manager

Mayor Eagle called on anyone present desiring to speak for or against the local Law Enforcement Block Grant.

Colonel Don Harper stated that the United States Department of Justice issues the local Law Enforcement Block Grant to assist localities in improving public safety. A public hearing must be held to receive these funds which will be used to upgrade hardware for the record's management system. A 10% match is required from the City. There being no others desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened.

✓ Rick Chandler, Town Manager, presented a request by the Town of Dayton. He explained that the town is in the process of building a new storage facility and water treatment plant; however, it will not be finished until the end of the year. He said that occasionally during the wet weather this winter, the town has experienced problems with turbidity. Turbidity colors water, giving it a cloudy or muddy appearance. In the past, the town has shared water with Rockingham County, but Rockingham County has also had an increase in turbidity levels in the County wells during recent wet weather. He requested some assistance from Harrisonburg during an emergency until Rockingham County, who is also building a water treatment facility is on line. Vice-Mayor Lantz offered a motion to approve this request with the understanding that City Manager Stewart and Public Utilities Director Collins determine when assistance is needed and when the City cannot supply water to Dayton. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

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

RESOLUTION

WHEREAS, there exist many dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of an unknown enemy; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the City Council of the City of Harrisonburg; and

WHEREAS, the City Council desires and Commonwealth of Virginia Statutes require the adoption of appropriate planned protective measures;

THEREFORE BE IT RESOLVED that the City Council hereby adopts the City of Harrisonburg Basic Emergency Operations Plan, dated January, 1998.

ADOPTED and APPROVED this _____ day of _____, 1998.

Rodney L. Eagle, Mayor

ATTEST:

Yvonne Ryan, CMC, City Clerk

Fire Chief Shifflett explained that the Emergency Operations Plan is revised and updated in five year cycles. The State provides the basics of the plan, with each locality providing information as to the roles, responsibilities, and duties of individuals, organizations and departments of their specific locality. Council Member Rogers offered a motion to adopt this resolution. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council consideration a resolution concerning advance refunding of jail bonds. He explained that the City has been notified that the State will provide prepayment of their portion of the bonds which were issued by the Housing Authority for the City and County in 1991. The State has requested that Council consider several requests: Number one, accept the notice of the prepayment and waive the 60-day notice provision for prepayment if necessary for the State to close the bonds earlier, with the stipulation that such action will not financially harm the localities. Number two, direct Crestar, as trustee for the bonds, to receive the "prepayment" from the State and invest those funds in the U.S. Treasury - State and Local Government Securities (SLUGs). Number three, as part of the reimbursement agreement, between the City and County direct the trustee to use the proceeds to pay debt service on the 1991 Series bonds. Also, Mr. Stewart said that preliminary evaluation of the cost benefit of the City and County issuing refunding bonds is that the localities would realize between 7% and 8% net present value savings (between \$700,000 and \$800,000) to be split equally between the City and County. Further detail will be provided in March. He also pointed out that the State's action will reduce the City's outstanding debt showing on the balance sheet by approximately 3.5 million. Vice-Mayor Lantz offered a motion to approve this resolution. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds from reserve for contingencies to the City Attorney's budget. These funds will be used to pay for legal costs billed to the City by the City's Attorney. Council Member Rogers offered a motion to approve the transfer of these funds.

\$10,000 chge. to: 1000-940111-49310 Reserve for contingencies

\$10,000 approp. to: 1000-120411-43152 Other legal services

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

Public Works Director Baker presented a request for a supplemental appropriation to cover increased tipping costs at the Rockingham County Landfill. He explained that Rockingham County had increased tipping fees on July 1, 1997, and January 1, 1998 and these funds are necessary to cover the increased costs. Council Member Green offered a motion to approve this request for a first reading, and that:

\$239,000 chge. to: 2014-31632 Landfill fees

\$239,000 approp. to: 2014-932042 Service Contracts

The motion was seconded by Council Member Rogers, and approved with a unanimous recorded vote of Council.

Public Works Director Baker presented a request for a supplemental appropriation for the West Market Street project. He explained that the funds will be used to reimburse VDOT for the City's share of the work performed from January 1998 through May 1998. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$50,000 chge. to: 1000-31201 Sales tax - local share

\$50,000 approp. to: 1000-410241-48297 Work in progress - West Market Street

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

City Manager Stewart announced that the damage from Hurricane Fran which occurred in September 1996 at Rawley Springs would cost less than what they anticipated. The total cost to the City will be \$1,931.00. Council Member Rogers offered a motion to authorize City Manager Stewart to sign the number one amendment with Natural Resources Conservation Service. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

At 8:07 p.m., Council Member Byrd offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Planning Commission, recommendation for Harrisonburg Board of Zoning Appeals, and Industrial Development Authority, and the evaluation of a City department exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, namely, economic development, 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 Council Member Rogers, and approved with a unanimous vote of Council.

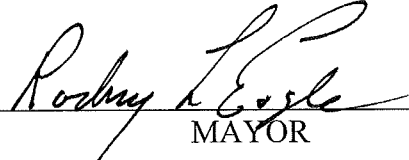
At 9:50 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of the Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt 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.

Vice-Mayor Lantz offered a motion that Jimmy E. Garber, be appointed to fill the unexpired term of John Rouse on the Industrial Development Authority to expire on April 24, 2000, and that Todd Alexander be recommended to the Circuit Court to fill the unexpired term of Thomas Edgar Sipe on the Board of Zoning Appeals to expire on March 20, 2001. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that James E. Huffman, 1214 Windsor Road, be appointed to fill the unexpired term of Thomas Edgar Sipe on the Harrisonburg Planning Commission to expire on December 31, 1998. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

At 10:00 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR