

REGULAR MEETING

AUGUST 24, 1999

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 Member John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan, CMC, and Chief of Police Donald Harper.

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

Human Resource Director Whistleman introduced five new City employees: Nina Gibson, Police Department; James (Mike) Higgs, Public Utilities Department; Pat Hilliard, Finance Department; Joe Miller, and Marion Spain, Transportation Department.

Council Member Rogers 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 increasing the 1999-00 budget for construction of the Charles McNulty Child Care Center. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers  
Council Member Byrd  
Vice-Mayor Lantz  
Council Member Green  
Mayor Eagle

Absent: None

Public Works Director Baker presented a brief report concerning the Erickson Avenue connection. He pointed to the map and explained that after meeting with the Virginia Department of Transportation officials, they confirmed that the red- blue line on the map would be the preferred route based on the topography and very preliminary costs. VDOT also suggested that when the City got nearer to construction or planning of this route, the plans should include more detailed cost estimates. VDOT requested that this project be made a priority project in the six-year plan, Council would have to adopt a resolution and prioritize this project against other projects already in the six-year plan. Mr. Baker said that VDOT officials said that the street could be built in six to ten years if the City made the project a priority in the state's six-year plan for transportation projects. VDOT also noted that if they were asked to develop a project as outlined on the map as the black line, (current alignment on Major Street Plan) then they would have questions about the feasibility and the cost of this black line and would probably ask the City to reconsider an alternate route. Mr. Baker said that City staff met with officials from Norfolk Southern Railroad. The railroad officials

acknowledged the difficulty of negotiating the existing underpass because of the increased traffic in the area. The railroad expressed a willingness to cooperate with the development of an at grade crossing although the railroad did note it was their preference to eliminate crossings. They acknowledged that the track could be lowered or even possibly horizontally realigned to assist with the tie in of South High Street with a new road. Mr. Baker again noted the railroad willingness to work with the City in developing an at grade crossing. He also said that the Department of Historic Resources had been contacted. The preliminary indication was that since the roadway construction did not encroach upon the historical property, screening the property by trees or shrubbery might be required, but probably nothing else. Mr. Baker also noted the development which has already occurred around the historical home probably has made an impact on the historical value. Council Member Rogers offered a motion to table the Major Street Plan for 14 days. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers  
 Council Member Byrd  
 Vice-Mayor Lantz  
 Council Member Green  
 Mayor Eagle

Absent: None

✓ City Manager Stewart presented for Council's consideration sale of real estate. He explained that Council had authorized advertising by sealed bids selling the property located on the south side of Cantrell Avenue between Ott and Paul Streets. The City received a bid of \$100.00 from Gary L. Beatty August 23rd for the 2,065 square foot parcel of land as part of the consideration for the conveyance of the subject parcel. Mr. Beatty has agreed to remove the wall on the parcel along Cantrell Avenue as a part of the proposed construction on the adjoining property within seven years. Council must hold a public hearing on the sale of the property prior to the second reading of an ordinance to dispose of the real estate. Council Member Rogers offered a motion to accept the bid for a first reading. The motion was seconded by Council Member Green and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers  
 Council Member Byrd  
 Vice-Mayor Lantz  
 Council Member Green  
 Mayor Eagle

Absent: None

City Manager Stewart presented a request for a supplemental appropriation for the Public Utilities Department. He explained that these transferred funds are for an emergency generator for the water treatment system and sewer collection system. Council Member Green offered a motion to approve this request for a first reading, and that:

\$150,000.00 chge. to: 1321-34220 Transfer from Water Fund  
 \$150,000.00 approp. to: 1321-910161-48632 Emergency Power Supply

\$150,000.00 chge. to: 2011-31010 Amount from fund balance  
 \$150,000.00 approp. to: 2011-392061-49216 Transfer to Capital Projects

\$25,000.00 chge. to: 2012-31010 Amount from fund balance  
 \$25,000.00 approp. to: 2012-492061-49216 Transfer to Capital Projects

\$25,000.00 chge. to: 1322-34230 Transfer from Sewer Fund  
 \$25,000.00 approp. to: 1322-911161-48648 Shandshill Pump Station

The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers  
 Council Member Byrd  
 Vice-Mayor Lantz  
 Council Member Green  
 Mayor Eagle

Absent: None

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these grant funds will cover expenses for purchasing new equipment for the Police Department. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$1,325.17 chge. to: 1000-31010 Amount from Fund Balance  
 \$1,325.17 approp. to: 1000-310131-48211 Machinery and equip. (addition)

The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers  
 Council Member Byrd  
 Vice-Mayor Lantz  
 Council Member Green  
 Mayor Eagle

Absent: None

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these grant funds will cover expenses for purchasing new equipment for the Police Department. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$4,905.55 chge. to: 1000-31010 Amount from Fund Balance  
 \$4,905.55 approp. to: 1000-310131-48211 Machinery and Equipment (addition)

The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers  
 Council Member Byrd  
 Vice-Mayor Lantz  
 Council Member Green  
 Mayor Eagle

Absent: None

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these grant funds will cover expenses for RUSH task force investigations for Federal drug cases. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$283.50 chge. to: 1000-31901 Recoveries & Rebates  
 \$283.50 approp. to: 1000-310131-41020 Salaries/Wages OT

The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers  
 Council Member Byrd  
 Vice-Mayor Lantz  
 Council Member Green  
 Mayor Eagle

Absent: None

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

### RESOLUTION

#### AUTHORIZATION TO PICK UP THE EMPLOYEE'S CONTRIBUTION TO VRS FOR PAST SERVICE CREDIT UNDER SECTION 414(h) FOR THE INTERNAL REVENUE CODE

**WHEREAS, the City of Harrisonburg, Virginia desires to provide its employees with tax deferral pursuant to section 414(h) if the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System, the State Police Officers Retirement System and the Judicial Retirement System (collectively referred to as VRS) for the**

**RESOLVED** that notwithstanding any contractual or other provisions, the wages of each member of VRS who is an employee of the City of Harrisonburg, Virginia shall be reduced by the amount of member contributions picked up by the City of Harrisonburg, Virginia on behalf of such employee pursuant to the foregoing resolutions.

Adopted in Harrisonburg, Virginia this 24<sup>th</sup> day of August, 1999.

---

**Rodney L. Eagle, Mayor**

Attest:

---

**Yvonne Ryan, CMC, City Clerk**

Mr. Stewart explained that the General Assembly has enacted legislation that will allow employees under certain conditions to purchase prior service credit either military or from another retirement system. This resolution will allow a salary reduction mechanism allowing the employee to purchase the back time with pre-tax dollars. It will be a tax savings to the employee and a nice benefit for some employees who have the opportunity to purchase prior credit. There will be no cost to the City. Council Member Rogers offered a motion to approve this resolution. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers  
 Council Member Byrd  
 Vice-Mayor Lantz  
 Council Member Green  
 Mayor Eagle

Absent: None

City Manager Stewart announced that School Superintendent Ford has invited Council to attend a brief preconstruction meeting at 9:00 a.m. at Keister Elementary School.

✓ Ben Fordney said that he had received a newspaper article from the City of Wilkes-Barre, Pennsylvania indicating that the City is trying to sell its Municipal Golf Course. He reviewed several comments in the article. He questioned the map which appeared in today's Daily News-Record whether adding four additional ponds and expanding an existing one would add a flood plain to the component of the golf course. He noted that occasionally the park will flood under heavy rain. He said that if golf course holes nine, eighteen and fifteen were constructed many trees would be lost. He also questioned where the financing of the golf course would come from.

Mayor Eagle said that it would be premature to discuss the financing of the golf course.

City Manager Stewart clarified that adding ponds on the golf course increase the wetlands and will enhance the environmental sensitivity of the project.

Reg Foucar-Szocki thanked staff for their thoughtfulness in talking to the railroad, VDOT and Council's willingness to listen and gather additional data.

Carolyn Frank questioned the purchase of City land for the golf course which started in May, 1997 and why the City has spent \$500,000 for this land.

Mayor Eagle said that as a builder and developer, he is always looking for opportunities to purchase property for development and when this land adjoining Hillandale Park became available he brought it to City Council's attention.

✓ Katherine Bennett said that she has lived on Country Club Road for more than 20 years. She said because of the traffic on the road she believed making Country Club Road two lanes with a center turn lane from Linda Lane to Vine Street is inappropriate. She said according to the proposed improvements on the road, there would be no parking on Country Club Road which would be a hardship to her family and several other families living on the 900 block of Country Club Road. She said that they depend on parking on the streets when they have guests or are making some improvements to their homes. It is a very busy street. She also said that the most dangerous section is at Country Club Road and Blue Ridge Drive which needs a stoplight.

Discussion and comments included Country Club Road development and improvements.

At 8:15 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Community Services (Chapter 10) Board, and Social Services Advisory Board, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, as amended. Discussion concerning a prospective industry locating within the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation, exempt from public meeting requirements, pursuant to Section 2.1-344(A)(3) of the Code of Virginia, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:15 p.m., the closed session was declared closed and the regular session reconvened. The following statement 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 matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

At 10:36 p.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan, CMC  
CLERK

Robey L. Eagle  
MAYOR