

REGULAR MEETING

NOVEMBER 28, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne ABonnie@ Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Rogers delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Human Resource Director Whistleman introduced six new City employees; Stephen Craver, John Langhans, Christopher Ray, Police Department; Shahanna Garcia, Transportation Department; Doug Martin, Fire Department; and Randy Sprouse, Public Works Department.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading appropriating funds to purchase two (2) Dupont trolley buses, and setting December 12, 2000 as a public hearing date to recommend that the Virginia Quilt Museum be tax exempt. The motion also included referring a request to close an alley between Chicago Avenue and Stuart Street to Planning Commission. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

City Manager Baker presented the 2001-2002 through 2005-2006 Capital Improvement Program. Mr. Baker explained that the Capital Improvement Program is a budgetary tool that allows the City to plan for capital expenditures for a five-year period. These are projects that cost \$25,000 or greater. Planning Commission held a public hearing in November and recommended approval of the Capital Improvement Plan with special consideration placed on the Public Safety Building, completion of Stone Spring Road Extended to Erickson Avenue, and the radio system for the City. Mr. Baker reminded everyone that all the Department Heads were present to answer any questions regarding the Capital Improvement Program.

At 7:40 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Saturday, November 18, and Saturday, November 25, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 28, 2000, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider:

The proposed Capital Improvement Program, for fiscal years 2001-2002 through 2005-2006. The Capital Improvement Program is a multi-year projection and scheduling of capital projects of \$25,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvement needs over a subsequent five-year period. Copies of the Capital Improvement Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.

For any additional information, contact the City Manager's office, 345 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at the Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least five (5) days prior to the time of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against approving the Capital Improvement Program. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve the Capital Improvement Plan. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Director of Public Utilities Collins presented an overview of the Smithland Road Water and Sewer Phasing and Cost Study. He explained that after reviewing projected revenue for the water department for the next five years, projecting expenditures on operating cost based on a trend, projecting transfers to the general fund, and acknowledging the debt fund, he could only fund projects with available capital funds. Mr. Collins said that he has tried to include some funding for Smithland Road; however, there are some projects in the CIP that have higher priorities including the Eastern Water Line, the water treatment plant expansion and the water tank improvement program.

Ed Blackwell, consultant with Blackwell Engineering, presented a detailed cost projection of taking utilities to the entire Smithland Road area breaking it down into three sections of the area. He said that the North Smithland Road project will provide water and sewer service to the largest area consisting of 20 homes and approximately 450 acres. The South Smithland Road project will provide water and sewer service to the second largest area consisting of 13 homes and approximately 150 acres while the Old Furnace Road project will provide water and sewer service to the undeveloped land north of Reherd Acres.

Director of Public Utilities Collins said that the City has two options, funding all of the projects or borrowing the money for the projects. The entire projects could cost the City more than \$4.2 million and will probably include a rate increase of 10 percent to all City water customers. Using James Madison University as an example, Mr. Collins said that a 10 percent increase could cost the university an additional \$30,000 each year. He also discussed and reviewed all three projects including debt funding, available revenue, designing and constructing, and most of the cost for each project. Mr. Collins added that he could use current cash holdings to begin the design phase of a project, so construction could begin soon after the new City budget is adopted in July 2001. Following further discussion and comments, City Council directed Director of Public Utilities Collins to begin designing utilities for project two which includes the southern portion of the Smithland Road.

Council Member Fitzgerald presented the following resolution for Council's consideration of approval:

Resolution of The City Council

of

Harrisonburg, Virginia

Recitals

At its meeting on October 10, 2000, this Council entertained a presentation by John N. Neff, former Mayor of the City of Harrisonburg, about the grass-roots formation of a committee of community members interested in promoting culture and the arts in the greater Harrisonburg-Rockingham

County area. In essence, Mr. Neff informed Council of the committee s initial discussions and preliminary vision by remarking as follows:

As this committee began to discuss and develop a vision for increasing awareness and support for Arts and Culture in Harrisonburg, it became clear that a unified effort among the arts and cultural community might be the most beneficial approach. It would certainly make your job as City Council members easier as you seek to identify ways to accomplish your stated goal of supporting the arts and the cultural organizations in downtown Harrisonburg. It is with this in mind that we ask you to endorse this proposal to explore the establishment of an organization that would represent all arts and cultural interests, as well as an arts and cultural district in downtown Harrisonburg.

Under this proposal, a study will seek to determine if an Arts and Cultural District, similar to the technology zone recently established by City Council, is feasible. This study will also determine if there is a need for enabling legislation that might help promote the committee's mission, by the General Assembly. Pending your approval, this Committee would like to initiate a proactive approach in talking with our legislators now in order to have this legislation, if required, included during the current session. A district such as this could provide incentives for the support and creation of arts and cultural venues such as museums, galleries, studios and performance theaters in the central business district.

Of course, a key element of this effort will be to gain input and support, not only from those intimately involved in arts and cultural endeavors, but also the broader public. The Committee itself will be broad-based and representative of the arts and culture community. Anyone interested in participating in the dialogue will have opportunities to do so through public forums held throughout the process. Final recommendations will be reviewed in a public forum prior to presentation to City Council.

Upon consideration of Mr. Neff's presentation, this Council took action unanimously affirming the aspirations and work of the committee, which is now using the formative name of Arts Council of the Valley.

The Arts Council of the Valley currently involves the following individuals:

Ms. Tracey Jones WHSV-TV

Mrs. Stephanie Byrd ROCCO, Inc.

Mr. Mensel Dean McGladrey & Pullen

Mrs. Judy Strickler Civic Leader

Mr. Ed Sipe First Union Securities

Mr. Peter Yates Daily News Record

Mr. Douglas Guynn	Wharton, Aldhizer & Weaver
Mr. Bev Appleton	Blue Ridge Theatre Festival
Mr. Charles Martorana	Second Bank & Trust
Dr. Richard F. Whitman	James Madison University
Mr. John N. Neff	Nielsen Builders, Inc.
Ms. Nancy Bondurant Jones	Writer-Historian
Ms. Andi Arndt	The Playhouse
Mr. Joseph Fitzgerald	Harrisonburg City Council

**Mr. Jim Deskins
Redevelopment Housing Authority**

Harrisonburg/Rockingham

Now, after further work and discussions by the Arts Council of the Valley, it seeks Council's formal action requesting members of the General Assembly to introduce, endorse, and support, during the 2001 General Assembly session, legislation authorizing and enabling, to the fullest extent necessary and appropriate, the creation of an Arts and Cultural District/Zone within the corporate boundaries of the City of Harrisonburg. This Arts and Cultural District/Zone would provide incentivized hubs for performing arts, visual arts, museums, galleries, studios and similar enterprises. By taking this initial step, the City of Harrisonburg would further affirm and promote an emerging vision of planned, coordinated initiatives and venues to have culture and the arts contribute significantly to the quality of life and economic development in the greater Harrisonburg-Rockingham County community.

Now, Therefore,

Be it Hereby Resolved

Council is convinced that the quality of life and economic development in the City of Harrisonburg and the surrounding area would be promoted by the establishment of an Arts and Cultural District and that action should be taken now to enlist the support and gain any necessary action by the General Assembly of Virginia, and

Be it Further Resolved

The City of Harrisonburg affirms the work of the Arts Council of the Valley and requests that members of the General Assembly introduce, endorse, and support, and the General Assembly and the Governor of Virginia favorably act upon, legislation authorizing and enabling, to the fullest extent necessary and appropriate, the City of Harrisonburg to create an Arts and Cultural District within its corporate boundaries, and

Be it Further Resolved

The City Manager, City Attorney, and all other appropriate staff of the City of Harrisonburg endeavor to facilitate the efforts of the Arts Council of the Valley to pursue this legislation and the overall mission of fostering and supporting arts and cultural activities, contributing to a more vibrant community.

Passed unanimously this 28th day of November, 2000.

Mayor

Attest:

Clerk

Council Member Fitzgerald explained that the AArts Council of the Valley@ has developed a vision for increasing awareness and support for arts and culture in Harrisonburg. He explained that City Council is being encouraged to request enabling legislation from the General Assembly for the establishment of a Cultural Overlay District for Downtown Harrisonburg. Council Member Fitzgerald offered a motion to endorse and support this resolution. The motion was approved with a unanimous vote of Council.

A presentation by the Harrisonburg Redevelopment and Housing Authority was tabled.

Planning and Community Development Director Turner introduced a request by Cassco Corporation, for a minor subdivision with variances, for property on Pleasant Valley Road. She explained that Cassco Corporation is requesting to subdivide this parcel into two lots to separate the existing buildings that are on the lot. The subdivider is asking for variances to road improvements to the City of Harrisonburg Subdivision Ordinance. Preliminary discussions with the subdivider show some concern for dedicating the right-of-way because future road improvements could cause complications with the truck entrances for these buildings. Through discussions with the subdivider they have granted the 30 feet of right-of-way. This right-of-way will provide for a full 30 feet of right-of-way for the 60 feet of right-of-way needed for the planned improvements to Pleasant Valley Road. In addition, the lots are currently developed and there are no plans to construct any structures in the future. Staff is not sure at this time what improvements will be needed to this side of Pleasant Valley Road in the future. Staff recommends approval of the preliminary plat with the agreed upon dedication of right-of-way for Pleasant Valley Road future improvements. She also said that Planning Commission recommended approval of the request. Vice-Mayor Peterson offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Council Member Lantz offered a motion to recommend Earl A. Budd, Richard H. Collins, Edward P. Shank, Gary D. Buennemeyer, and Douglas B. Gardner to the Circuit Court for appointment to the Board of Equalization. In addition, the motion included recommending two alternates Monica K. Frackelton and J. Nelson Liskey to serve if necessary. The motion was approved with a unanimous vote of Council.

The presentation by David Moler was cancelled.

Council Member Fitzgerald offered a motion to approve a dance hall permit for GoodTimes Restaurant and Nightclub. The motion was approved with a unanimous vote of Council.

City Manager Baker said that a recommendation from the Parks and Recreation Commission on the specific management structure for the golf course was tabled at the November 14th City Council meeting.

Council Member Rogers commented that the golf course should remain under the Parks and Recreation Commission and the Director or Parks and Recreation Paula Gucker. He pointed out that Paula Gucker who has an MBA is doing a super job with the department. Mr. Rogers noted that Mrs. Gucker has been directly involved in every aspect of the golf course construction project from its inception and has experience working on similar projects. Mr. Rogers noted that \$6.4 million was borrowed for the golf course; however, it is not an obligation of the taxpayers. Nevertheless, the taxpayers are obligated for the School Board budget and have contributed to a jail complex located downtown costing \$23 million which our police department cannot use. The City does have debt, but is also providing a good quality of life for the citizens. He also said that we should have confidence in all of our boards and commissions.

Council Member Fitzgerald commented that one thing that separates the golf course from other recreational projects is the large revenue bond that needs to be paid off. Revenue alone becomes more of a factor for this project than any other aspects of the Parks and Recreation Department. The mission of the Parks and Recreation Department is providing fun, exercise, various activities, and recreation to the people of Harrisonburg. The Parks and Recreation Department should focus on that mission. The golf course should pay for itself. He said, "Because the missions are so different is the reason I favor a separate management structure for the golf course." There are three aspects of the golf course including providing recreation, maintaining the best top notch golf course, and paying off the bond. Mr. Fitzgerald asked four questions: 1) Do we want to create a commission to run the golf course? 2) What is the particular form of that commission? 3) What are the specifics of how would the members be appointed? 4) How would they make the membership of the committee up? He also suggested that golfers would have to come from outside the area to make it profitable and hopefully subsidize a price break for the citizens of Harrisonburg. He said an independent commission is essential to the profitability of the course.

Vice-Mayor Peterson commented that the goals of running soccer, football, and baseball programs in the parks and the goal of running a first class golf course making it profitable is different management tasks. Mr. Peterson who called the project a burden laid before him, argued that it was the Council's responsibility to ensure the course makes a profit and does not cost City taxpayers money.

Mayor Frank commented that the entire Parks and Recreation Department budget is \$2.3 million and the golf course should produce \$1.2 million annually to retire the debt. It is not another recreational event. It is a million-dollar business.

Council Member Lantz commented that, "I can guarantee you nobody wants the golf course to be a success more than Larry Rogers and myself. This is our baby." The National Golf Foundation submitted a proposal that the Parks and Recreation Department should run the golf course. He said, "I think it's ironic that the people who didn't want the course are adamant about how to run it. How can you expect the taxpayers to believe that you won't sabotage this? He also questioned when are we going to listen to our citizens that we appoint to these commissions." He said that a separate commission will only be concerned about making a profit while maybe they are

not maintaining the course as it should be. He also questioned who would appoint people to this commission.

City Attorney Miller suggested that any action be tabled until he could explore the legalities of forming the new commission. Mr. Miller commented that it is possible the bond documents may state that the City must own, manage and operate the courses and he needed to consult with the bond council to determine how much latitude the City has under that wording to establish a separate commission. Vice-Mayor Peterson offered a motion to form an independent commission to manage the golf course and directing City Attorney Miller to contact Mays and Valentine (bond council) to explore the legalities of forming the new commission. The motion was passed with a three to two vote with Council Member Lantz and Council Member Rogers voting no.

Vice-Mayor Peterson offered a motion to increase the Public Utilities Department petty cash by an additional \$150.00. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Director of Public Utilities Collins presented a request for Sewer Capital projects. The distribution of these funds will be targeted for over sizing and extending water mains to private development funded projects, sanitary sewer construction to areas of Port Republic Road, and construction of service facilities to Smithland Road. Council Member Lantz offered a motion to transfer these funds.

\$35,737.00 chge. to: 1323-911161-48640 Sewer Mains-Oversizing and Extensions

\$35,737.00 approp. to: 1323-911161-48649 Smithland Road

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds were made available from two grants received from the state and will be used for an alternative education program. Council Member Fitzgerald offered a motion to approve this request for a first reading:

\$61,356.00 chge. to: 1111-32442 School Revenue - State

\$61,356.00 approp. to: 1111-111114-40610 Instruction

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Director of Finance Seal presented a request for a supplemental appropriation. He explained that the City is in the process of planning and implementing a computer system software upgrade. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$17,000 chge. to: 1000-31010 Amount from fund balance

\$17,000 approp. to: 1000-122011-48173 Data Processing - Software upgrade

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Hank Dunton said the CARING group recommended that City Council follow the recommendation of the Parks and Recreation Commission concerning the specific management structure for the golf course. The Parks and Recreation Commission put in a lot of time, research and thought into a recommendation. He also said that the CARING group would like to request that all appointments to boards and commission be made in an open session.

Cheryl Talley, a resident living at 691 Maryland Avenue, said that as a citizen observing the democratic process it occurred to her that the discussion on the golf course has come to an either/or situation as if there isn't any other kind of possibilities or variation that they could employ making it a win-win situation. She urged City Council to compromise.

Salley Stricker thanked City Council, Director of Public Utilities Mike Collins, and Ed Blackwell for all their efforts toward getting water and sewer to the Smithland Road area.

City Manager Baker announced the Division of Motor Vehicles has an animal friendly licence plate for sell which returns money to the locality after a certain number of the license plates have been sold. This year Harrisonburg is slated to receive \$345.00 from the fund and Mr. Baker suggested the money be donated to the Harrisonburg-Rockingham SPCA. Council Member Fitzgerald offered a motion to donate the money to the SPCA. The motion approved with a unanimous vote of Council.

City Manager Baker announced that he had received a request for a matching grant fund from Suzanne Daughety, Executive Director of the Community Mediation Center. He explained that the Restorative Justice Initiatives (RJI), now a program of the Community Mediation Center, has been approved to receive a matching grant for funds up to \$2,000 from the Rockingham Memorial Hospital (RMH) Funding Committee through the Healthy Community Council. In order to receive the \$2,000 grant from RMH, Community Mediation Center needs to match the amount dollar for dollar with funds from the local government. RJI is a collaborative effort to help heal the effects of crime and build a healthier more cohesive local community. RJI uses a process known as Victim Offender Conference (VOC) that allows individuals directly affected by crime to actively participate in dealing with the consequences of the crime. Vice-Mayor Peterson offered a motion to donate \$1,000 toward the program. He also suggested that the Community Mediation Center request an additional \$1,000 from Rockingham County since this center provides service to both localities. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

City Manager Baker announced that the Virginia Municipal League newsletter contains an article mentioning that the state will have a revenue shortfall in its budget this year. This shortfall could possibly mean that the City will receive less money than anticipated from the state.

Vice-Mayor Peterson offered a motion that Lynn Driver, 545 Hartman Drive, be appointed to a first term on the Harrisonburg Parks and Recreation Commission (West) to expire on December 31, 2004. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Lantz

Mayor Frank

Harrisonburg, Virginia

Abstained - Council Member Rogers

Absent - None

Vice-Mayor Peterson offered a motion that Kenneth M. Handrich, 610 Broad Street, be appointed to a first term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2004. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

No- Council Member Rogers

Council Member Lantz

Absent - None

Vice-Mayor Peterson offered a motion that Cheryl P. Talley, 691 Maryland Avenue, be appointed to a first term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2004. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

No- Council Member Rogers

Council Member Lantz

Absent - None

At 10:05 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Harrisonburg Planning Commission. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code).

At 10:30 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 10:31 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

