

REGULAR MEETING

JUNE 26, 2001

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; Assistant City Manager Kurt Hodgen; 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 Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Girl Scout Troop #24 from Harrisonburg including Briana Watts, Jessica Mahon, and Logan Hand delivered the invocation and led everyone in the Pledge of Allegiance. The group also included troop leaders Renee Mahon and Mia Watts.

Assistant City Manager Kurt Hodgen introduced nine new City Employees: Rick Castaneda, David Dellinger, Brian Moore, William Edmonds, Robert Lambert, Brian Dixon, Stuart Scott, David Michael Welsh, Parks and Recreation Department; and Keith Markel, Community Development Department.

Council Member Fitzgerald offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Court Square Theater Complex and Fire Department. The motion also included authorizing the City Manager to vacate certain interests in real estate and adopting guidelines for natural gas storage facilities. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None



Planning and Community Development Director Turner introduced a request to vacate lot lines and easements on a portion of the Beacon Hill Subdivision. She explained that the Beacon Hill Subdivision was platted in 1999 allowing duplexes, triplexes, and quadraplexes within the development. Beacon Hill of Harrisonburg, LLC would like to change its plan of development and build townhouses in the neighborhood. The property upon which this subdivision is located is zoned R-4. The purpose of this vacation is to change the lot of configuration, in conformity with recent changes and requests made by the developer, and a change in the Master Plan. She said that Planning Commission has approved the Master Plan. All of the old lot lines and easements which existed from the previously platted lots will need to be vacated to create the plat for the townhouse units. No streets or street right-of-ways are to be vacated. She said that City staff reviewed the submitted plat and requested that some minor changes be made. The changes have been made and will be reflected in the documents presented for the City Manager's signature.

At 7:36 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 Monday, June 11, and Monday, June 18, 2001.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, June 26, 2001 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following vacation of plat of Beacon Hill Subdivision.**

#### **VACATION OF PLAT**

**Public hearing to consider a request by Beacon Hill of Harrisonburg, LLC, a Virginia limited liability company to vacate certain lots, together with the appurtenant easements there, at Beacon Hill Subdivision, Section I, located on Emerson Lane and Wordsworth Court in the City of Harrisonburg, Virginia. This request is to vacate a portion of Beacon Hill subdivision Section I, which is recorded in the Clerk's Office of the Circuit Court of Rockingham County in Deed Book 1731, at Page 560 and following. The lots that are requested to be vacated are as follows: Lots 52, 53, 22-29, inclusive, 37-49, inclusive, and 30-32, inclusive. Not included within the vacation request are Lots 50, 51, 54, 55 and 33 through 36, inclusive. It is further requested that with the vacation of said lots, all storm drainage, water line, sewer line easements, related appurtenances and facilities, and all common areas, open space, and maintenance easements, including specifically Common Area B, be vacated, including all easements granted to the City of Harrisonburg by Deed of Easement dated August 8, 1999, and recorded in the aforesaid Clerk's Office in Deed Book 1731, at page 597. The property upon which this subdivision is located is zoned R-4. The purpose of this vacation is to change the lot of configuration. In conformity with recent changes and requests made by the developer, and a change in the Master Plan. No streets or streets right-of-way are to be vacated.**

**Maps and other information are available for review in the Community Development Department, 409 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 this public hearing. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the Planner at 432-7700 at least five days prior to the date of the meeting.**

Mayor Frank called on anyone desiring to speak for or against this request.

Steve Weaver, attorney for the applicant, said this plan is consistent with the revised approved Master Plan. There being no others desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote:        Yes -        Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

Council Member Lantz expressed concerns that some members of Council are being left out of the process even though open communication was a major topic at the Council retreat following the last election. He referred to several recent events as examples of all council members not being kept informed and suggested that these events may have been appropriate executive session discussion items. He stated that while in the past one or two council members may have participated in certain meetings or discussions, those members were selected by the Council as a whole, usually based on their areas of expertise. He would just like to see Council avoid micro-management and improve communications among members.

Mayor Frank expressed her opinion relative to Mr. Lantz's comments, saying she did not believe that anything had taken place which would constitute a secret meeting.

Council Member Lantz responded that he felt there were more back room politics going on with the current council than in years past.

Mayor Frank then addressed two specific incidents, one involving the Rescue Squad and one involving prospective commercial developer AIG Baker. The Rescue Squad meeting was a community meeting at Spotswood Elementary that she was asked to facilitate as one of the possible locations for a new facility was in her neighborhood. The utilization of that site would have involved certain proffers due to zoning issues, so she invited Dr. Peterson to this meeting since he is the Council's representative on the Planning Commission.

Relative to the AIG Baker meeting, she was contacted directly by their representative and asked to set up a meeting with appropriate City departments. She in turn asked Economic Development Director Brian Shull to set up the meeting and include the appropriate people.

Council Member Rogers then questioned whether or not the Mayor had meetings with other Council Members or rescue squad people in her home to discuss the issue of location of the new squad facility.

Mayor Frank responded that there was an occasion where Council Member Fitzgerald had stopped by her house to discuss some issues and that while he was there Brian Moore of the Rescue Squad came by as well. Their visits overlapped by a few minutes and Council Member Fitzgerald may have heard some of Mr. Moore's ideas relative to the squad facility, but this was not a planned or secret meeting. The meeting with Dr. Peterson was the community meeting at Spotswood Elementary School.

Council Member Fitzgerald commented that his meeting with the Mayor was relative to the budget and that at that time he had spoken individually with all Council Members. He commented that it was no more a policy meeting than was his lunch meeting of several months ago with Council Member Rogers.

Vice-Mayor Peterson stated that he thought the discussions were very peculiar and that he didn't think any of the Council Members want to have veto power over any of the others meeting with people in the community.

Council Member Lantz agreed that it was totally permissible for council members to participate in community meetings.

Council Member Rogers spoke again relative to the community meeting at Spotswood Elementary noting that it was on a Thursday night following a Tuesday night Council meeting and that the other three members weren't advised of it, even though the issue affects the whole community.

Mayor Frank stated that it was a neighborhood meeting, she is a part of that neighborhood and she invited Dr. Peterson because he is on the Planning Commission.

Council Member Lantz stated that the meeting was not a planning commission matter and that if it was, the chairman of the planning commission should have been invited as well.

Mayor Frank stated she believed she had the right to invite Dr. Peterson to the meeting if she wanted to and that he had invited her to meetings as well. They have a good working relationship and he asks a lot of good questions.

Vice-Mayor Peterson stated that one of the things addressed at the Council retreat was that if something was bothering a Council Member, the way to handle it initially was to call the others and talk about it, rather than assuming the worst. He was surprised to see this discussion as an agenda item and had planned on calling Council Members prior to the meeting. He first heard about these concerns from a reporter. He also stated that he agreed that details relative to the AIG Baker meeting should have been provided to all members.

Mayor Frank stated that relative to the AIG Baker proposed project, she did not think we were at a point where executive session discussion was needed, that is why she did not suggest that their presentation be made to the full council. However, she had spoken with their representative today and advised him that

further contacts should be made to Brian Shull and that he would provide details to the entire Council as they become available.

Council Member Lantz stated that in those situations, calls should be referred to the City Manager and he should decide who needs to be involved, whether it be staff or Council Members.

Mayor Frank stated that she didn't know where to draw the line. She is invited to a lot of different events and never knows when a citizen will call or come by her house or e-mail her. She did not want to get too nit-picky.

Council Member Lantz replied that he was referring to things that will affect the City and that Council decisions will have to be made on. All members need to receive all the information.

Mayor Frank stated that the meeting with AIG Baker was not a policy-related issue, it was more of a planning and timetable discussion.

Council Member Fitzgerald noted that this wasn't the first time something along these lines has come up. The problem is that there are two factions on Council and whenever one faction goes to a meeting and the other is left out there will be a problem. His suggestion was that whenever there is going to be a meeting involving City staff or involving something that is going to come before Council, one member from each faction should be included. If it happens that three members of Council are going to be showing up at a community meeting, let the media know. He also suggested that all members go back and reread the things they agreed to at the retreat. He stated that it was very important since there are two factions on Council that we keep communication to an absolute maximum. The discussion boils down to two things, one is keeping communication at a maximum and the other is openly acknowledging that there are two factions on Council and consider inviting one member from each side whenever there is a meeting or topic that will come before the Council.

Mayor Frank stated that she would look to the City Manager to make sure everyone knows about meetings and that two people can't make a decision anyway.

Council Member Lantz stated that the bottom line is that everyone needs to be included. In the instances cited, maybe council members with more expertise in those areas should have been included, but they just didn't know about it. If Council is going to talk about open government, they need to be open with each other.

Council Member Fitzgerald, Parks and Recreation Director Gucker, and Eastern Mennonite University Professor Jost presented an overview of the Blacks Run Greenway Partnership. The group started meeting in January and developed a goal to create a linear park throughout the City. Its vision is to have pedestrian and bicycle trails running through a dedicated greenway along the banks of Blacks Run. Mr. Jost explained that greenways are open corridors through a community for walking and biking that link parks, businesses, and culture to important sites. Any linear feature in a community can be transformed into a greenway. A Blacks Run Greenway will benefit the people of Harrisonburg by providing a recreational outlet for hiking, walking, jogging, and biking and all the opportunity provided by parks by connecting neighborhoods, downtown housing and businesses, and City parks. The Blacks Run Greenway will enhance safety by providing a safe off road means for children and pedestrians to travel between sites by improving access to our downtown businesses and providing an enhanced tourist profile. It will provide resources for learning about our culture and natural heritage through interpretative signage. Bob Bersson presented slides of the downtown area including the many improvements that have been made along Blacks Run. He said that downtown revitalization often uses water as its main attraction and has been successful all throughout the country. Mr. Jost said that the project should assist with the City's stated goals and vision to create attractions that all citizens should want to use in terms of quality of life and community facilities. It will encourage joint public-private involvement for citizen's requested projects and to acquire additional recreational facilities. It will provide safe convenient movement for bikes and pedestrians through the City. The Blacks Run Greenway received \$11,500 from the Virginia Department of Forestry through its urban community and forestry assistance program to conduct a more thorough corridor analysis and develop a conceptual plan. Mr. Jost requested Council's support of the Blacks Run Greenway project by providing some City staff time, availability of the City's liability policies, some maintenance assistance, City's willingness to hold easements, and would like for the project to become an extension of the Parks and Recreation Department. In terms of overall funding for the project, the partnership has received its first grant and has applied for a second grant. Mr. Jost said the greatest hope for the project is that a greenway will be created in Harrisonburg providing a primary source of community pride and a place for friends and neighbors to meet. It will also pass a jewel onto our children. Following further discussion and comments, Council Member Fitzgerald offered a motion that Council endorse the concept to encourage the continuation of this project acknowledging and supporting the participation of City staff in getting this project going and keeping it going. The motion also included that before any major expenditures go into the project they will come back to City Council and get it formally handled. The motion was approved with a unanimous vote of Council.

Mike Layman, Chairman of the Harrisonburg Parks and Recreation Golf Advisory Committee, presented an overview of a recommended fee schedule. He explained that City Council had directed the committee to make the golf course self-supporting not only from an operational standpoint, but also from a debt service standpoint. The committee also understands that this is a municipal course to benefit the citizens of the community by providing family oriented affordable golf. He also said that a limited number of season passes will be sold. The City is also committed to a First Tee program which will enable the youth of the community to learn the game of golf. The advisory committee is looking for sponsors to provide scholarships for kids who can't afford the program. Mr. Layman said that the City has a beautiful course. There are four sets of tees to accommodate every type of golfer. It will be an easy course to walk and the practice range will have 18 tee boxes. Tee times should be in 10 minute intervals so that the speed of play for 18 holes will be in the three-four hour range. It might not maximize the revenue, but it will make the game of golf more enjoyable. The City's golf course is scheduled to open in September. The committee has spent a lot of time analyzing fee structure in Virginia and other states. Mr. Layman reviewed the recommended fee schedule, offering lower fees for City residents, City businesses benefitting from City rates, season passes, tourists' fee, rounds of golf, maximize food operations, maximize driving range, and making the City's course competitive.



Parks and Recreation Director Gucker said that a marketing class at James Madison University has produced four or five marketing presentations. The group also produced radio spots, TV spots, flyers, and TV-3 will also be making a presentation for the advisory committee. She also said that City staff and Turf Drain has worked together to bring the golf course in under budget. A lot of people have volunteered their services and large construction companies have worked on the course and club house. Mrs. Gucker said that the golf course is finished and in the grow in stage. Water, fertilizer, and mowing are the three major priorities needed now.

Some discussion by Council Members relative to the proposed golf course fees included discounts for City residents, senior citizens, junior golfers and for play in off-peak hours, limiting number of season passes, reducing fees for the initial couple of months of play following the course's opening and increasing the rates for non-resident golfers. City Council suggested that the Golf Course Advisory Committee consider other options for lowering the rates and present a report to Council at a later meeting.

Tony Long a resident of the City said that he has played many municipal and private golf courses in Virginia, North Carolina, Maryland, and Florida and he has never been asked for identification. He suggested that the tourist should not be singled out to obtain higher fees.

Council Member Fitzgerald presented an overview of a proposal to appoint a committee to study pedestrian safety City-wide. He suggested forming an ad hoc committee consisting of five to seven members to study pedestrian safety issues throughout the City. He said that he hoped the committee could meet a half dozen times for perhaps three months. He proposed four questions for the committee to answer. 1) What are the most heavier used pedestrian areas of the City? 2) What safety enhancements could be made to the most heavier used pedestrian intersections? 3) Are there any areas that might be heavier used by pedestrians and bikes if changes were made. 4) What can the City do to educate individuals and make everyone more aware of pedestrians safety issues. Council Member Fitzgerald offered a motion that Leonard VanWyk, Bill Blessing and himself should be on the committee along with three to five other City residents to prepare a report to be presented at a future Council meeting. The motion was approved with a unanimous vote of Council.

Police Chief Harper presented for Council's consideration an application from Martin Solomon applying for a Certificate of Public Convenience and Necessity to operate a College Limousine Service. He explained that the Police Department has conducted an investigation in accordance to City Code Section 14-1-1 because Mr. Solomon would like to operate a limousine service in the City. It was noted that Mr. Solomon lists on his application as having office space at 162 East Mosby Road which is not a true statement. Police Officer Deeds spoke with the owner of the Valley Kawasaki and was advised that Mr. Solomon was a salesman for Valley Kawasaki, but was not running his taxicab service out of that location.

Marty Solomon said that he has arranged to rent unused office space at Valley Kawasaki. He also said that he would be allowed to use the repair shop.

Following further discussion and comments, Vice-Mayor Peterson offered a motion to approve a Certificate of Public Convenience & Necessity. The motion was approved with a unanimous vote of Council.

City Manager Baker said that he would be presenting a number of proposed projects to be considered for funding at the Virginia Department of Transportation annual pre-allocation hearing on July 16<sup>th</sup> in Verona. Projects for inclusion in the six-year plan include four-laning portions of Cantrell Avenue, Port Republic Road, Stone Spring Road, Linda Lane, widening portions of East Market Street, South Main Street, Country Club Road, Mt. Clinton Pike, Pleasant Hill Road, and upgrading Pleasant Valley Road. In addition, the City supports widening of Interstate 81 and the associated interchange improvements in their present location. All of these projects are in the HATS study, which the City has endorsed in its entirety. The City will also request funding for our transit system at the meeting. Vice-Mayor Peterson offered a motion to support these proposed projects at the VDOT meeting in Verona. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request to modify portions of Section Five of the City's Personnel Policy Manual. He explained that these recommended changes will clarify language in the leave policy which includes holiday, compensatory time, vacation, maximum accumulation, sick leave, payment of separation, shared leave, workers' compensation, FMLA, emergency and inclement weather, absence without leave, and funeral leave. Council Member Fitzgerald offered a motion to modify these changes in the City's Personnel Manual. The motion was approved with a unanimous vote of Council.

City Treasurer Neal presented a request to charge off 1995 personal property taxes and 1980 real estate taxes. City Treasurer Neal explained that her office has tried to collect these severely delinquent taxes. The 1980 real estate tax being written off is \$38.19. The 1995 personal property taxes amount is \$79,497.58. The office has had marginal success participating in the debt set off program through the Commonwealth of Virginia. Council Member Fitzgerald offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request for transferring funds for the Social Services District. He explained that incorrect figures were received from the county when the 2000-01 budget was prepared. Approval of this request will allow the City to pay the remaining amount due from the County. Vice-Mayor Peterson offered a motion to transfer these funds.

\$1,140.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$1,140.00 approp. to: 1000-910511-47071 Expenditure of social services district

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

School Director of Business and Finance Triplett presented a request for transferring funds for the School Board. He explained these funds will be used for administration, attendance and health functions. No new additional dollars are required from City Council to make this transfer. Council Member Fitzgerald offered a motion to transfer these funds.

\$30,000 chge. to: 111114-40610 Instruction

\$30,000 approp. to: 111114-40620 Administration, Attendance & Health

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

City Manager Baker announced that the United Way would like to hold a kick-off day on September 19<sup>th</sup> on the lawn behind the Community Development Department.

City Manager Baker announced that he had received a memo from Representative Frank Wolf requesting funding for a Community Gun Violence Prosecution Program. The Commonwealth Attorney's office has applied for a \$40,000 grant to hire a full-time prosecutor dedicated to the prosecution of firearm-related violent crimes. The grant may be used to cover up to 80 percent of the salary with the local localities providing the additional 20 percent. Harrisonburg is expected to provide 10% or \$4,000 to the program for the next three years. Vice-Mayor Peterson offered a motion to approve the transfer of these funds:

\$4,000 chge. to: 1000-31010 Amount from fund balance

\$4,000 approp. to: 1000-910511-47070 Expenses of Sheriff, Courts, etc.

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent - None

City Manager Baker explained that a Rockingham County resident has requested receiving City water. The individual lives on Silver Lake Road or Route 701. He said that there are Rockingham County residents living on Silver Lake Road receiving City water. Because this property already has an existing house that is served by City water, the property in question was divided off of that existing parcel the assumption was that City water was available. The property would qualify to receive City water under the moratorium condition. Council Member Lantz offered a motion to approve this request.

Pat Spaulding, a resident of 277 Franklin Street, invited everyone to the Town Hall meeting Thursday at 6:30 p.m. in Johnson Hall in the Blessed Sacrament Catholic Church.

At 9:50 p.m., Council Member Fitzgerald offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the Harrisonburg Redevelopment and Housing Authority, Community Services (Chapter 10) Board, and the Commission on Children and Youth. 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). IN ADDITION, the purpose of the closed session is for the discussion of matters related to parcels of real property. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.3 of the Code. IN ADDITION, the purpose of the closed session is for the discussion of matters related to location of a new business in the City. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.6 of the Code.

At 10:45 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 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 closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

Vice-Mayor Peterson offered a motion that Emily Bollman, 1112 Blue Ridge Drive, be appointed to a term on the Children and Youth Commission. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Ricardo Castaneda, 1651 B. Park Road, be appointed to a term on the Children and Youth Commission. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Tonya Taylor, 608 Franklin Street, be appointed to a term on the Children and Youth Commission. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Whitney Erwin, 510 Myers Avenue, be appointed to a term on the Children and Youth Commission. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Richard Travis, 1171 Nelson Drive, be appointed to a second term on the Community Services (Chapter 10) Board to expire on July 1, 2004. The motion was approved with a unanimous vote of Council.

At 11:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CLERK

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MAYOR

