

REGULAR MEETING

AUGUST 12, 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., and Walter F. Green, III; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper. Absent: Council Member Larry M. Rogers.

Council Member Byrd delivered the invocation and Jonathan DeFabio from Troop 145 of the Harrisonburg Church of Jesus Christ of Latter-Day Saints led everyone in the Pledge of Allegiance.

Human Resource Director McBride introduced seven new City employees: Matt Curry, Michael Rogers, Greg Coffman, Raymond Aigner, Fire Department; Michael Morse, Christopher Terrell, Police Department; and Ronald Foley, Public Works Department.

Council Member Green offered a motion to approve the consent agenda, including approval of the minutes and the second reading for a supplemental appropriation for the School Board and to transfer funds from the General Fund's reserve to General Capital Projects Fund. The motion also included the second reading of an ordinance amending and re-enacting Section 11-5-3 (21) and 11-5-3 (22) of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council Members present.

At 7:35 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 Monday, July 28, and Monday, August 4, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday August 12, 1997 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Amendments and Changes:

Amendment of Article R. M-1 General Industrial District, Section 10-3-96 of the Ordinances of the City of Harrisonburg to include the following as a use permitted by right:

(18) Public and privately owned parking lots and parking garages.

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 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
Steven E. Stewart
City Manager**

Planning and Community Development Director Turner introduced a recommendation from the Planning Commission to amend the text of Section 10-3-96 of the City Zoning Ordinances (permitting private and public parking lots and parking garages). She explained that Mr. Henry Clark of Clark & Bradshaw attributes the necessity for the amendment to the law firm's need for additional parking close to their office at 92 North Liberty Street. They have agreed to purchase a vacant lot on the north side of Elizabeth Street west of the railroad and desire to use the lot for employee parking. A study of neighboring jurisdictions revealed that many localities permit this type of use in industrially zoned areas. Rockingham County, Winchester, Charlottesville, Lexington, and Roanoke all allow public/private parking areas in their industrial zone classifications. Mrs. Turner said that Planning Commission has recommended approval. Mayor Eagle called on anyone present desiring to speak either for or against this request. There being no one present desiring to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened. Council Member Green offered a motion for a first reading to approve this request. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council Members present.

Clifford Davis presented a request for a financial contribution for Hogpen Run, a disabled access road. He explained that approximately 16,000 disabled sportsmen (hunters) are in the State of Virginia according to the Virginia Department of Game and Inland Fisheries. The Dry River Ranger District of the George Washington National Forest is the only district in the national forest that has a disabled hunter access program. The 2.6 mile road known as Hogpen Road has been in a state of disrepair due to neglect and misuse. A grant program funded by the Federal Highway Administration has provided 50% of the funding for repairs. Other funding has been provided through in-kind services or other contributions from individuals, local agencies, businesses, and non-profit organizations for the disabled access road; however, the project still has a \$4,000 shortfall. Mr. Davis stated that Rockingham County was willing to provide \$2,000 of the \$4,000 shortfall if the City would contribute the other \$2,000. Following further discussion and comments, Council Member Green offered a motion to spend \$2,000 for the project from the General Fund Reserve for Contingencies as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council Members present.

Jim Deskins, Executive Director of the Harrisonburg Redevelopment and Housing Authority, introduced a request for a loan and management agreement. Mr. Deskins explained that this is the same agreement which was presented to City Council in April. He reviewed the changes in the

agreement including changing of the date to August, language regarding money borrowed, security deposit language, and interest commencement. Mr. Deskins reported that the theater is 60% completed and is expected to open during the fall. Vice-Mayor Lantz offered a motion to approve this request for a first reading. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council Members present.

Public Utilities Director Collins presented a proposed cooperative agreement with the Natural Resource Conservation Service to repair dam site 22B (Dry Run Dam), dam site 81C (Switzer Dam) and channel shaping in Dry River at the Riven Rock water intake structure. Mr. Collins explained that this fund will be used for rebuilding the emergency spillway at Switzer Dam, making repairs to Dry Run Dam, and re-channeling of Dry River at the City's Riven Rock water intake structure. Mr. Collins also stated that although plans are available, bids cannot be submitted until a contract is signed. He also noted that this request does include a supplemental appropriation to cover the City's share of the cost and that the City Attorney has revised the contract. City Attorney Thumma commented that he added several paragraphs in the revised contracts to state that if the final bids exceed 25% of the original estimate then the agreement would be void and a new contract would be presented. Mr. Collins noted that this supplemental appropriation for \$58,750.00 was for the exact original estimate of the agreement; however, it does not include the additional 25% if the bids should exceed the original estimated amount. City Manager Stewart stated that the supplemental appropriation for the second reading should reflect the new figure of \$73,437.50 which would include the additional 25% and a report will be presented regarding the actual bids. Council Member Green offered a motion to approve this agreement for a first reading. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council Members present.

City Manager Stewart presented a request for a supplemental appropriation of funds encumbered at June 30, 1997. He said these funds are for goods and services that were committed out of last year's budget but for a variety of reasons the goods and/or services were not delivered by June 30th. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$16,542.00 chge. to: 2013-31010 Amount from fund balance

\$13,572.00 approp. to: 2013-812081-43350 Maint. and Repair - Auto equipment
2,970.00 approp. to: 2013-872081-48181 Buildings and grounds

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

City Manager Stewart presented a request for approval of several appropriations for the Police Department. These grant funds will be used for a School Resource Officer, equipment and overtime for drug interdiction, and office supplies, miscellaneous equipment for community crime prevention services. Vice-Mayor Lantz offered a motion to approve these grant funds for a first reading, and that:

\$47,577.00 chge. to: 1000-33501 Enhancing Drug Enforcement Drug Interdiction

\$ 1,211.25 approp. to: 1000-310131-42010 FICA

15,888.75 approp. to: 1000-310131-41020 Salaries/Wages OT
 18,630.50 approp. to: 1000-310131-48151 Motor Vehicles/Equipment
 7,410.00 approp. to: 1000-310131-48131 Radio Equipment
 2,061.50 approp. to: 1000-310131-46100 Police Supplies
 2,375.00 approp. to: 1000-310131-48111 Machinery & Equipment

\$26,436.00 chge. to: 1000-33505 School Resource Office

17,811.00 approp. to: 1000-310131-41010 Salaries/Wages REG.
 1,875.00 approp. to: 1000-310131-41020 Salaries/Wages OT
 1,232.25 approp. to: 1000-310131-42010 FICA
 1,871.25 approp. to: 1000-310131-42020 Retirement
 3,162.75 approp. to: 1000-310131-42050 Hospital Ins.
 137.25 approp. to: 1000-310131-42060 Life Ins.
 346.50 approp. to: 1000-310131-42110 Worker's Comp.

\$ 1,125.00 chge. to: 1000-33503 Community Crime Prevention Services

\$ 375.00 approp. to: 1000-310131-46010 Office Supplies
 750.00 approp. to: 1000-310131-46140 Other Operating Supplies

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

City Manager Stewart advised that the Public Works Department has already changed the west bound Route 33 truck route from Wolfe Street to Gay Street between Mason and High Street because of the improvements to the Gay Street bridge. The Transportation Safety Commission has reviewed and endorsed this change.

Parks and Recreation Director Logan noted that because of a cooperative effort between several City departments work had begun on proposed soccer fields on the Smithland Road property. A water witch has recommended two possible general sites for a well. An application has been filed for a permit with the Health Department and the Public Works Department has finished the entrance road for the well drilling equipment. The Engineering office will submit a site plan to Rockingham County and information has been provided to HEC in determining how to get power to the site.

At 8:10 p.m., Council Member Green 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, and evaluation of two City departments, exempt from 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, 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 9:17 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.

At 9:20 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR