

MINUTES - REGULAR MEETING OF CITY COUNCIL - JUNE 11, 2002

REGULAR MEETING

JUNE 11, 2002

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.

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

Council Member Fitzgerald offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Fire Department, and increasing the Golf Course Capital Projects Fund budget for a second reading. The motion also included the second reading of a rezoning request by John and Annette Holloran and Lee & Associates. The recorded roll call vote was taken as follows:

Vote:           Yes - Council Member Lantz  
                  Council Member Rogers  
                  Vice-Mayor Peterson  
                  Council Member Fitzgerald  
                  Mayor Frank

Absent - None

City Manager Baker presented a request for a supplemental appropriation for a \$42,010,000 bond. He explained that these funds were received from a May 22, 2002 bond sale and will be used to reimburse the City for purchasing Harrison Plaza Building, renovating the building and rebuilding the steam plant. The water portion of the bond will be used to put a cover on a reservoir, expand the water treatment plant and fund a portion of the Eastern Water Source Development.

At 7:37 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 Tuesday, June 4, 2002.

**NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, June 11, 2002 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2001-2002 budget in the amount of \$22,770,000. These funds are the proceeds from the recently completed \$42,010,000 bond issue. The funds will be used to reimburse the General Fund, renovate Harrison Plaza, rebuild the steam plant and do several water projects.**

**The budget increases will be as noted below:**

**Revenues:**

<b>General Fund:</b>	
<b>Transfer from capital projects</b>	<b>\$3,760,000</b>

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<b>General Capital Projects Fund:</b>	
Bond proceeds	<b>6,080,000</b>
<b>Water Capital Projects Fund:</b>	
Bond proceeds	<b>10,620,000</b>
<b>Sanitation Capital Projects Fund:</b>	
Bond proceeds	<b><u>2,310,000</u></b>
Total revenues	<b><u>22,770,000</u></b>

**Expenditures:**

<b>General Fund:</b>	
Amount from fund balance	<b>\$3,760,000</b>
<b>General Capital Projects Fund:</b>	
Public Safety Building	<b>6,080,000</b>
<b>Water Capital Projects Fund:</b>	
Reservoir covers	<b>3,000,000</b>
Water Treatment Plant expansion	<b>5,000,000</b>
Eastern Water Source Development	<b>2,620,000</b>
<b>Sanitation Capital Projects Fund:</b>	
Rebuild Steam Plant	<b><u>2,310,000</u></b>
Total expenditures	<b><u>22,770,000</u></b>

**Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.**

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

Mayor Frank called on anyone desiring to speak for or against this bond. There being no one desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve this bond for a first reading, and that:

\$3,760,000 chge. to: 1000-34291 Transfer from Capital Projects  
6,080,000 chge. to: 1310-34110 Bond proceeds

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10,620,000 chge. to: 1321-34110 Bond proceeds  
2,310,000 chge. to: 1324-34110 Bond proceeds  
\$3,760,000 chge. to: 1000-31010 Amount from fund balance  
2,320,000 chge. to: 1310-910141-48608 Public Safety Facility  
3,760,000 chge. to: 1310-910141-49212 Transfer to General Fund  
3,000,000 chge. to: 1321-910161-48623 Reservoir Covers  
5,000,000 chge. to: 1321-910161-48628 WTP Expansion Project  
2,620,000 chge. to: 1321-910161-48654 Eastern Source Development  
2,310,000 chge. to: 1324-910142-48686 Rebuild Steam Plant

The recorded roll call vote was taken as follows:

Vote:           Yes - Council Member Lantz  
                  Council Member Rogers  
                  Vice-Mayor Peterson  
                  Council Member Fitzgerald  
                  Mayor Frank

Absent - None

Economic Development Director Shull presented a request to temporarily close one block of Bruce Street next to Massanutten Regional Library for three (3) hours on June 20 and June 22. He explained that the Harrisonburg Children's Museum will be holding the first exhibit of its Summer Program at Massanutten Regional Library and in the lot behind the adjacent Hardesty-Higgins House. Over 800 children have registered for the Summer Program so far. For the safety of this group crossing Bruce Street, the Harrisonburg Children Museum requests permission to close off one block of Bruce Street from the Main Street/Bruce Street intersection from 9:00 a.m. 12:00 p.m. on Thursday, June 20 and also from 2:00 p.m. 5:00 p.m. on Saturday, June 22. Council Member Rogers offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Emily Hoole, executive director of the United Way, presented a request from the Harrisonburg and Rockingham County United Way. She explained that the Harrisonburg and Rockingham County United Way is seeking a designation from local governments to apply for an Early Learning Opportunities Act Discretionary Grant. The ELO grants will be available to local councils that have been designated by a local government entity, Indian tribe, regional corporation, or native Hawaiian entity. The Early Learning Opportunities Act Grant focuses on early childhood literacy, helping parents, caregivers, child care providers, educators, promote effective parenting, developing effective linkages, increase access, improve quality of care, and remove barriers to early learning. Vice-Mayor Peterson offered a motion to designate the United Way as Harrisonburg's local council. The motion was approved with a unanimous vote of Council.

City Manager Baker presented an application for fireworks display at Spotswood Country Club on July 4, 2002. He explained that Skyfire Fireworks display has completed the appropriate application and they have met all Fire Department requirements. Council Member Fitzgerald offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Police Chief Harper introduced a request from the residents of the Woodland Community for permit parking and to consider the implementation of a tow away zone on Woodland Drive, Scarlet Oak Court, and White Oak Circle. He explained that residents of the Woodland community have submitted a petition requesting that the area be changed to permit parking and implement a tow away zone. The parking from students living at Sun Chase Apartment Complex has caused parking problems, loud noise from weekend parties, litter and trash problems, urinating in public, vandalism to property and some larcenies. He said the

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residents are requesting that their streets which currently has no parking restriction be changed to a blue zone with a 24 hour, seven day a week restriction of parking and establish a tow away zone. The Police Department supports the request. Council Member Fitzgerald offered a motion to approve this request from the Woodland Community residents. The motion was approved with a unanimous vote of Council.

Bill Voige, a resident of 657 White Oak Circle, thanked City Council and the Police Department for their support.

City Manager Baker presented a request to increase the Westover Swimming Pool Cash Fund from \$40.00 to \$200.00. He explained that the increase is necessary to alleviate shortage of change and small bills on the weekends. Vice-Mayor Peterson offered a motion to approve this request. The motion also included giving City Manager Baker authority to approve petty cash requests under \$1,000. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Rogers  
Vice-Mayor Peterson  
Council Member Fitzgerald  
Mayor Frank

Absent - None

City Manager Baker presented a request to transfer funds. He explained that the Cantrell Avenue Bridge project didn't use all of the available funding and these funds are needed for Phase II of the Port Republic Road project. These funds will be used for street improvements, sidewalks, and bicycle lanes. Council Member Lantz offered a motion to approve this transfer, and that:

\$66,444.78 chge. to: 1310-910141-48612 Cantrell Avenue Bridge  
\$66,444.78 approp. to: 1310-910141-48617 Port Republic Road Street Improvements

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Rogers  
Vice-Mayor Peterson  
Council Member Fitzgerald  
Mayor Frank

Absent - None

City Manager Baker presented a request to transfer funds. He explained that some budgeted funds included in the Public Works Department for sidewalks, furniture, and fixtures are not needed; however, the funds are needed to complete the North Main Street Bridge project and make improvements to Cantrell Avenue. Council Member Lantz offered a motion to transfer these funds.

\$83,000.00 chge. to: 1000-410241-48106 Sidewalks  
30,000.00 chge. to: 1000-410241-48121 Furniture & Fixtures  
60,000.00 chge. to: 1000-410241-48293 Work in Progress  
\$173,000.00 approp. to: 1000-990111-49216 Transfer to Capital Projects  
\$173,000.00 chge. to: 1310-34210 Transfer from General Fund  
\$86,500.00 approp. to: 1310-910141-48618 North Main Street Bridge at Johnson

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86,500.00 approp. to: 1310-910141-48638 Cantrell Avenue Road Improvements

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Rogers  
Vice-Mayor Peterson  
Council Member Fitzgerald  
Mayor Frank

Absent - None

City Manager Baker presented a request to transfer funds from the Public Safety Building to the Rescue Squad Building construction project. He said that the bids received to construct a new rescue building were higher than expected. Mr. Baker reviewed the primary changes in the bid, which had not been anticipated by the architect. Vice-Mayor Peterson offered a motion to transfer these funds.

\$300,000 chge. to: 1310-910141-48606 Public Safety Building  
\$300,000 approp. to: 1310-910141-48694 Rescue Squad Building Construction

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Rogers  
Vice-Mayor Peterson  
Council Member Fitzgerald  
Mayor Frank

Absent - None

City Manager Baker City Manager Baker presented a request to transfer funds for Harrison Plaza. He explained that when the budget was prepared these expenses were not anticipated because the City did not own the building. However, these expenses are necessary to pay many bills and provide insurance coverage. The City is collecting rent from tenants occupying the building. Council Member Fitzgerald offered a motion to transfer these funds.

\$47,503.00 chge. to: 1000-940111-49310  
\$8,200.00 approp. to: 1000-430121-41010 Salaries & Wages Reg  
1,100.00 approp. to: 1000-430121-41020 Salaries & Wages OT  
3,400.00 approp. to: 1000-430121-41030 PT Salaries & Wages  
976.00 approp. to: 1000-430121-42010 FICA  
560.00 approp. to: 1000-430121-42020 Retirement-VRS  
1,245.00 approp. to: 1000-430121-42050 Hospital Insurance  
100.00 approp. to: 1000-430121-43020 Service Contracts  
8,155.00 approp. to: 1000-430121-43360 Maint. & Rep.-Bldgs. & Grounds  
20,000.00 approp. to: 1000-320121-45110 Electricity  
895.00 approp. to: 1000-430121-45120 Heating  
475.00 approp. to: 1000-430121-45131 Water  
675.00 approp. to: 1000-430121-45132 Sewer  
462.00 approp. to: 1000-430121-45230 Telecommunications  
810.00 approp. to: 1000-430121-45320 Fire Insurance

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400.00 approp. to: 1000-430121-46070 Repair & Maint. Supplies  
50.00 approp. to: 1000-320121-46140 Other Operating Supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Rogers  
Vice-Mayor Peterson  
Council Member Fitzgerald  
Mayor Frank

Absent - None

City School Business and Finance Director Triplett presented a request to transfer school funds. He explained that at the conclusion of some school years, it is necessary to make funds available where they are needed. These funds will be used in technology because of a coding change in the Department of and will not cost the City any additional local dollars. Vice-Mayor Peterson offered a motion to transfer these funds.

\$963,603.53 chge. to: 1111-111114-40610 Instruction  
30,000.00 chge. to: 1111-111114-40620 Administration, Attendance, & Health  
263,770.99 chge. to: 1111-111114-40640 Operation & Maintenance  
30,000.00 approp. to: 1111-111114-40650 Food Service  
1,227,374.52 approp. to: 1111-111114-40680 Technology

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Rogers  
Vice-Mayor Peterson  
Council Member Fitzgerald  
Mayor Frank

Absent - None

City Attorney Miller presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. He explained that each year Council is asked to amend this ordinance to adopt the state motor vehicle laws. Vice-Mayor Peterson offered a motion to approve this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Rogers  
Vice-Mayor Peterson  
Council Member Fitzgerald  
Mayor Frank

Absent - None

Public Utilities Director Collins presented a request to amend Section 7-4-9 of the Harrisonburg City Code. He explained that several years ago the City amended a no fault adjustment for utility bills of excessively high consumption. Prior to that the only way adjustments could be made to a water bill was there if certain circumstances were met. He said that he was proposing an amendment that would be more

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acceptable to the customer. Mr. Collins proposed keeping the qualification requirements the same, but billing customers at 50% of the difference between the water consumed and the peak of the previous 12 months. The change would alleviate customers penalty. City Attorney Miller suggested changing the wording in (c) *Adjustment limitations*: to (1) For circumstances other than an error **in procedure** or **an inaccurate meter**, the director **may** authorize an adjustment. Council Member Lantz offered a motion to approve this ordinance for a first reading and change the words that the director **may** authorize the adjustment, change the words to **in procedure** and **an inaccurate** meter. The recorded roll call vote was taken as follows:

Vote:           Yes - Council Member Lantz  
                  Council Member Rogers  
                  Vice-Mayor Peterson  
                  Council Member Fitzgerald  
                  Mayor Frank

Absent - None

Public Utilities Director Collins presented a request to amend Section 7-4-22 of the Harrisonburg City Code. He explained that this proposal pertains to availability and connection fees and would only affect new customers to the City's water system. Flat fees do not cover the City's costs and he said the fees have not been modified since 1993 and is based on service size. Mr. Collins proposed that fees for new customers connecting a 1-inch pipe to the City's system should increase from \$700 to \$1,000 and customers connecting a 5/8-inch pipe would pay \$600. The changes would become effective in September. The purpose of the connection fees is to cover the direct cost to the Water Department to tap the main, run the service, and set the meter. Costs were compared for the past five years of expenses associated with pipe costs. Labor costs material costs, and the costs of equipment continues to go up each year. Following further discussion and comments, Council agreed to table the request until the next meeting and asked Mr. Collins to contact the Builders Association about the proposal of increasing the fees to cover the costs.

City Manager Baker presented a request to amend the City Procurement Manual. He said the proposed changes were recommended by Ron King (Procurement Review Specialist) from the Department of General Services, Division of Purchases and Supply from the State of Virginia. The proposals are slightly more conservative than what state agencies requirements are. Mr. Baker reviewed the proposed changes. Vice-Mayor Peterson offered a motion to approve this request as presented. The motion was approved with a unanimous vote of Council.

City Treasurer Neal presented a request to charge off 1996 personal property taxes and 1981 real estate taxes. City Treasurer Neal explained that her office has tried to collect these severely delinquent taxes. The 1981 real estate tax being written off is \$153.26. The 1996 personal property taxes amount is \$72,982.55. Council Member Fitzgerald offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote:           Yes - Council Member Lantz  
                  Council Member Rogers  
                  Vice-Mayor Peterson  
                  Council Member Fitzgerald  
                  Mayor Frank

Absent - None

Bucky Berry, a resident of 877 North Main Street, complained about his deteriorating sidewalks and the weeds growing in the sidewalks.

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Brian Moore, a resident of 75 Wilson Avenue, thanked City Council for their continuous support and the additional funding for the rescue squad.

City Manager Baker announced that officially City Council can make motions rather than making motions by resolving.

City Manager Baker announced that Ray Goodwin with the Virginia Foster Care Program will be meeting with the Rockingham County Board of Supervisors on July 24<sup>th</sup> at 1:30 p.m., at the county office complex. City Council has been invited to attend this meeting.

Council Member Rogers offered a motion that Debra Stevens, 93 Middlebrook Street, be appointed to fill the unexpired term of Todd Alexander on the Harrisonburg Planning Commission to expire on December 31, 2003. The motion was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that Roger D. Baker, Henry C. Clark, A. Mike Collins, and John R. Gordon be appointed to a term on the Harrisonburg-Rockingham Regional Sewer Authority to expire on July 14, 2006. The motion also included that Elon W. Rhodes be appointed as an alternate on the Harrisonburg-Rockingham Sewer Authority. The motion was approved with a unanimous vote of Council.

At 8:46 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing a specific public officer or appointee of the Council. A closed session is permissible for this purpose pursuant to Section 2.2-3711.A.1 of the Code of Virginia (1950), as amended (the Code). The motion was approved with a unanimous vote of Council.

At 10:30 p.m., the closed session ended and the regular session reconvened. The following statement 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 requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such matters as were identified in the motion by which the closed session were convened, were heard, discussed or considered in the closed session by City Council.

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

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CITY CLERK

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MAYOR