

## REGULAR MEETING

JULY 27, 2004

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry M. Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr., Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz; George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Police Captain Wilfong. Absent: Chief of Police Donald Harper.

Council Member Chenault gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Bucky Berry a resident of Harrisonburg complained about businesses from the County operating in the City without first obtaining a City business license.

Council Member Lantz 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 amending Section 1-1-13 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

The Harrisonburg City Council congratulated The Harrisonburg HEAT Girls 14s for winning the 2004 AAU Division II National Championship. Mayor Rogers read the following resolution:

### RESOLUTION

**WHEREAS, The Harrisonburg HEAT Girls 14s is an outstanding organization that enhances basketball skills, social development, education, and promotes community service; and**

**WHEREAS this team benefits the development of local Shenandoah Valley fourteen year old girls; and**

**WHEREAS this team maintained an incredible full-season record of 40-9; and**

**WHEREAS, The Harrisonburg HEAT Girls 14s won the 2004 AAU Division II National Championship,**

**NOW, THEREFORE, BE IT RESOLVED, that the City of Harrisonburg salutes and commends the team and its' coaches for a great season and wishes them the best of luck next year.**

***Players:***

**#4 Natalie Holsinger**

**#10 Cassie Thompson**

**#11 Kristina Jameson**

**#14 Heather Morris**

**# 23 Natasha Pupic**

**# 24 Jordan Burkholder**

**#30 Kallie Hovatter**

**# 34 Cassidy Kramer**

**# 42 Elizabeth Brandt**

**# 43 Devon Brown**

**# 45 Elisa Troyer**

***Coaches:***

**George Toliver, Head Coach**

**Johnna Sowell, Assistant Coach**

**Bill Stein, Assistant Coach**

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**Date**

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**Larry M. Rogers, Mayor**

**Attest:**

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**Yvonne Ryan, CMC, City Clerk**

George Toliver, Coach of the Harrisonburg Heat Team, expressed his appreciation to the Harrisonburg City Council for recognizing the team's outstanding accomplishments. He said, "We started the league so the kids could develop their skills and learn the game, but also with the goals of developing social skills and enhancing their academic performance. The players are national champions and good people. This is not a Cinderella story. This is a story of hard work, effort, and of understanding the values that it takes to be part of a team." Mr. Toliver reviewed many programs involved in enhancing basketball skills. Certificates were presented to the coaches and players of the Harrisonburg HEAT Team.

City Manager Baker presented for Council's consideration amending the Fiscal Year 2004-2005 budget. He explained that a public hearing is required when the budget is increased by more than \$500,000. At June 30, 2004, there were outstanding encumbrances for purchase orders, which were issued prior to June 30, 2004.

At 7:46 p.m., Mayor Rogers 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 19, 2004.

**NOTICE OF PUBLIC HEARING  
City Council Chambers  
Tuesday, July 27, 2004  
7:30 p.m.**

A public hearing will be held by the Harrisonburg City Council on Tuesday, July 27, 2004 at 7:30 p.m., in the Harrisonburg Municipal Building, 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 2004-2005 budget in the amount of \$2,363,677.27. This amount represents outstanding encumbrance at June 30, 2004.

The budget increases will be as noted below:

**Revenues:**

<b>General Fund:</b>		
Amount from fund balance		319,956.27
<b>Water Fund:</b>		
Amount from fund balance		52,878.00
<b>Sewer Fund:</b>		
Amount from fund balance		221,157.00
<b>Public Transportation Fund:</b>		
Amount from fund balance	312,769.00	
Capital Grant-Bus-State	161,288.00	
Capital Grant-Bus-Federal	<u>1,290,307.00</u>	1,764,364.00
<b>Sanitation Fund:</b>		
Amount from fund balance		<u>5,322.00</u>
<b>Total revenues</b>		<u><b>2,363,677.27</b></u>

**Expenditures:**

<b>General Fund</b>	319,956.27
<b>Water Fund</b>	52,878.00
<b>Sewer Fund</b>	221,157.00
<b>Public Transportation Fund</b>	1,764,364.00
<b>Sanitation Fund</b>	<u>5,322.00</u>
<b>Total expenditures</b>	
	<u><b>2,363,677.27</b></u>

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 Rogers called on anyone desiring to speak for or against amending Fiscal Year 2004-2005 budget. There being no one desiring to be heard, the public hearing was declared closed at 7:47 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve amending the budget for a first reading, and that:

\$319,956.27 chge. to: 1000-31010 Amount from fund balance  
52,878.00 chge. to: 2011-31010 Amount from fund balance  
221,157.00 chge. to: 2012-31010 Amount from fund balance  
213,769.00 chge. to: 2013-31010 Amount from fund balance  
161,288.00 chge. to: 2013-32518 Transit-Cap-Grant-Bus-State  
1,290,307.00 chge. to: 2013-33305 Transit-Cap-Bus-Fed  
5,322.00 chge. to: 2014-31010 Amount from fund balance

2,363,677.27

Grand Total

626.00 approp. to: 1000-120111-43320 Service contacts  
1,250.00 approp. to: 1000-120511-45540 Education  
88.60 approp. to: 1000-120511-46010 Office supplies  
4,602.95 approp. to: 1000-121511-48121 Furniture and fixtures  
3,291.00 approp. to: 1000-122011-48172 Hardware  
22,100.00 approp. to: 1000-122011-48273 Software  
1,502.45 approp. to: 1000-122211-48121 Furniture and fixtures  
2,865.00 approp. to: 1000-310431-48172 Hardware  
28,270.00 approp. to: 1000-410121-48191 Engineering/Mapping  
79,066.31 approp. to: 1000-410241-48293 WIP-Annexed area  
67,340.00 approp. to: 1000-410741-48111 Machinery and equipment  
1,000.00 approp. to: 1000-430221-43320 Service contracts  
14,214.00 approp. to: 1000-710171-46131 Ed/Rec. Supplies-Playgrounds  
10,003.00 approp. to: 1000-71071-48284 Improvements  
5,162.00 approp. to: 1000-710471-43310 Repairs and maintenance  
987.96 approp. to: 1000-710471-46130 Recreational supplies  
586.85 approp. to: 1000-710471-48122 Furniture  
1,775.19 approp. to: 1000-710471-48184 Improvements  
7,623.00 approp. to: 1000-710771-48184 Improvements  
3,900.00 approp. to: 1000-710871-43360 Maint & Repair-Bldg & grounds  
19,050.00 approp. to: 1000-710871-48284 Improvements  
37,420.00 approp. to: 1000-810121-43100 Professional services  
3,631.96 approp. to: 1000-810121-48171 EDP Equipment  
3,600.00 approp. to: 1000-910411-45660 Other non departmental  
  
4,750.00 approp. to: 2011-322061-43333 Maint & Repair-SCADA  
46,941.00 approp. to: 2011-372061-48181 Buildings and grounds  
1,187.00 approp. to: 2011-372061-48273 Software  
  
20,000.00 approp. to: 2012-452061-43382 H2O loss mgt-Master test  
125,094.00 approp. to: 2012-472061-48151 Motor vehicles & equipment  
74,000.00 approp. to: 2012-472061-48273 Buildings and grounds  
2,063.00 approp. to: 2012-472061-48273 Software  
  
1,480.00 approp. to: 2013-842081-45530 Training and travel

150,000.00 approp. to: 2013-872081-48181 Building and grounds  
1,612,884.00 approp. to: 2013-872081-48253 Transit buses

5,322.00 approp. to: 2014-912242-43330 Maint and repair-mach & equip

\$2,363,677.27 Grand Total

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

Vote: Yes - Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request by Jared Scripture to subdivide a one-acre lot into 12 townhouse lots and two duplex lots zoned R-3, Multiple Dwelling Residential District with a variance to Section 10-2-42. The property is located along Merlins Way within the Avalon Woods Subdivision. The plan calls for the removal of the existing home and accessory buildings, construction of townhouses and duplexes connecting the adjacent development through two access points assisting in traffic flow throughout the development. The Comprehensive Plan designates this area as Medium-Density Residential. This proposed design requires a variance to Section 10-2-42 of the City Code, requiring that all lots front on a public street. Mrs. Turner then reviewed the surrounding uses in the area. The City will not provide trash pickup or snow removal. Mailboxes will be placed in-group locations for the development. She said that Planning Commission has recommended approval of the rezoning request. Council Member Pace offered a motion to approve the request. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

The next item was a request to exempt water, sewer and refuse collection fees for those people who are members of the National Guard or Reservists while they are on active duty.

Ray MacLennan, a resident of the City, requested that the City of Harrisonburg exempt water, sewer and refuse collection fees for those people who are members of the National Guard or Reserves, being activated and deployed who qualify as heads of household. Council Member Chenault offered a motion to approve exempting water, sewer and refuse collection fees for National Guard and Reservists members who are deployed. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle

Council Member Chenault  
Mayor Rogers

Absent – None

City Manager Baker presented a request from Rockingham County Public Schools. He explained that the schools have requested permission to hold a special event “Celebrating Character Counts” on Court Square on Thursday, September 9<sup>th</sup> from 5:15 p.m. until 8:00 p.m. Council Member Chenault offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

City Manager Baker presented the following resolutions for Council’s consideration of approval:

**Property Conveyance Resolution**

**WHEREAS, the Virginia Department of Transportation acquired in the name of the Commonwealth of Virginia as a part of the State Highway System and/or Secondary System of State Highways the necessary right of way for the following routes, streets and projects:**

<b>Old Route, Name</b>	<b>Project Number</b>	<b>From</b>	<b>To</b>
<b>Linda Lane</b>	<b>N/A</b>	<b>East Market St.</b>	<b>Country Club Rd</b>

**Property deeded to Commonwealth of Virginia by Bill V. Neff recorded 23<sup>rd</sup> day of September 1969. Deed Book 373 Page 575**

**WHEREAS, the areas of the county in which the said projects were originally constructed have been annexed and are now within the City Limits of the City of Harrisonburg; and**

**WHEREAS, the said route and streets are in the said City’s street system and are maintained in accordance with the standards and policies of Virginia Department of Transportation Urban Street system; and**

**THEREFORE BE IT RESOLVED that in accordance with Sections 33.1-149 and 33.1-154 of the Code of Virginia (1950), as amended, the City of Harrisonburg, Virginia requests the Commonwealth Transportation Board to convey title of the project right of way acquired for the said projects located within the present city limits of said City to the City of Harrisonburg:**

**Adopted and approved this 27th day of July, 2004.**

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**Mayor**

**Attest:**

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Clerk

**Property Conveyance Resolution**

**WHEREAS, the Virginia Department of Transportation acquired in the name of the Commonwealth of Virginia as a part of the State Highway System and/or Secondary System of State Highways the necessary right of way for the following routes, streets and projects:**

<b>Old Route, Name</b>	<b>Project Number</b>	<b>From</b>	<b>To</b>
<b>(726) Erickson Avenue</b>	<b>0726-082-157, C-501</b>	<b>Pear St.</b>	<b>New C/L W</b>
<b>(974) Country Club Rd.</b>	<b>1081D (Old Rte. 33/4)</b>	<b>Old C/L East</b>	<b>E. Market St.</b>
<b>(718) Old Furnace Road</b>	<b>0718-082-122, C-501</b>	<b>Old C/L East</b>	<b>New C/L East</b>
<b>(726) Stone Spring Road</b>	<b>0726-082-121, C501</b>	<b>Huffman Street</b>	<b>New C/L East</b>
<b>(679) Pleasant Valley Rd.</b>	<b>0679-082-105, B-6</b>	<b>S. Main St.</b>	<b>New C/L East</b>
<b>(659) Port Republic Rd</b>	<b>0659-082-116, C501</b>	<b>Old City Limits</b>	<b>New C/L East</b>
<b>(763) Mt. Clinton Pike</b>	<b>0763-082-146, R-501</b>	<b>Virginia Avenue</b>	<b>New C/L W</b>

**WHEREAS, the areas of the county in which the said projects were originally constructed have been annexed and are now within the City Limits of the City of Harrisonburg; and**

**WHEREAS, the said route and streets are in the said City's street system and are maintained in accordance with the standards and policies of Virginia Department of Transportation Urban Street system; and**

**THEREFORE BE IT RESOLVED that in accordance with Sections 33.1-149 and 33.1-154 of the Code of Virginia (1950), as amended, the City of Harrisonburg, Virginia requests the Commonwealth Transportation Board to convey title of the project right of way acquired for the said projects located within the present city limits of said City to the City of Harrisonburg:**

**Adopted and approved this 27th day of July, 2004.**

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**Mayor**

**Attest:**

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**Clerk**

**Property Conveyance Resolution**

**WHEREAS, the Virginia Department of Transportation acquired in the name of the Commonwealth of Virginia as a part of the State Highway System and/or Secondary System of State Highways the necessary right of way for the following routes, streets and projects:**

	<b>Old Route, Name</b>	<b>Project Number</b>	<b>From</b>	<b>To</b>
(33)	W. Market St.	612-C	Old C/L	New C/L West
(33)	E. Market St.	0033-082-008, RW-1	Old C/L	New C/L East
(42)	S. High St.	0042-082-105	Old C/L	New C/L South
(11)	S. Main St.	0011-082-103, RW201 (1982) & 600 (Old 33 now 11)	Old C/L	New C/L South
(42)	Rt. 42 North	2482 – 01	Old C/L	New C/L North

**WHEREAS, the areas of the county in which the said projects were originally constructed have been annexed and are now within the City Limits of the City of Harrisonburg; and**

**WHEREAS, the said route and streets are in the said City's street system and are maintained in accordance with the standards and policies of Virginia Department of Transportation Urban Street system; and**

**THEREFORE BE IT RESOLVED that in accordance with Sections 33.1-149 and 33.1-154 of the Code of Virginia (1950), as amended, the City of Harrisonburg, Virginia requests the Commonwealth Transportation Board to convey title of the project right of way acquired for the said projects located within the present city limits of said City to the City of Harrisonburg:**

**Adopted and approved this 27th day of July, 2004.**

\_\_\_\_\_  
**Mayor**

**Attest:**

\_\_\_\_\_  
**Clerk**

City Manager Baker said adopting these resolutions establishes ownership of the right-of-way (property) on roadways located in the City. Council Member Lantz offered a motion to approve these resolutions. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

Bucky Berry a resident of Harrisonburg expressed his appreciation to the Harrisonburg Police Department for their many services to the City.

City Manager Baker said that on July 1, 2004, four Council Members were appointed as City representatives to the MPO, when actually only three members needed to be appointed. Transportation Director Reggie Smith and City Manager Roger Baker were serving as the other two City representatives. Vice-Mayor Eagle offered a motion to remove Mayor Larry Rogers name from the July 1<sup>st</sup> appointment keeping the same five City representatives (three Council Members, City Manager and Transportation Director) to the MPO. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

Council Member Chenault offered a motion to amend the City's ordinance reflecting that City Council motions require a second to the motion. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council. City Attorney Thumma was asked to prepare the ordinance for adoption.

Council Member Pace thanked the parents of the AAU Division II National Champions for their dedication and support.

At 8:05 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Disability Services Board, Social Services Advisory Board, and Harrisonburg Parks and Recreation Commission, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. The motion also included discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

At 9:38 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 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 closed session was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Lantz offered a motion that Michael L. Ellis, 84 Middlebrook Street, be appointed to an unexpired term on the Parks and Recreation Commission to expire on December 31, 2004. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

At 9:40 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