

REGULAR MEETING

JULY 26, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry 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 and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Police Major Malcolm Wilfong. Absent: Chief of Police Donald Harper.

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

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department and an ordinance closing a one hundred forty-five foot section of a ten-foot wide alley on 3rd street. The motion also included rezoning requests by the City of Harrisonburg, Steve Gerome, Merlin Schlabach, and W. Paul Thomson. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent - None

Harrisonburg-Rockingham Emergency Communications Center Captain Jim Junkins presented a request for a special use permit for a public safety radio communication tower. The Tower Street site is located on the southwest corner of the property near the existing public safety radio towers. The site compound includes one 199' self-supporting tower and up to six radio shelter buildings. The compound will be bounded with an 8-10 tall security fence with visibility screening. The site includes several safety features that include tower fall zones provisions, radio frequency radiation reduction and lightning/surge protection. The safety features are especially designed for towers in residential areas. Visual impact issues are addressed in the site design by the selection of tower type and compound landscaping. The combination of public safety radio coverage needed to protect citizens, site provisions and visual impact minimization afford viable radio sites in a residential neighborhood. He said that the City's consultant performed an exhaustive study noting that a radio tower needed to be placed in the northern section of the City. The Tower Street site provides coverage to the north and northeastern sections of Harrisonburg with in-building penetration to residential, commercial and industrial structures. The proximity of the Tower Street site to the East Market Street business area is a key to successful in-building coverage for that thriving area. With towers located in residential areas, life safety of citizens in their proximity is of primary concern. The design and

placement of 199' towers on the properties are designed to maximize safety, including well-defined and secured fall zone boundaries, radio-frequency radiation limits and physical site security. The proposed tower has no guide wires and is designed to collapse within approximately 30% or 60 feet of the tower height. The manufacturer M/A-Com has reported they have never had a tower of this type collapse. The radio frequency radiation is always a concern to citizens when towers are located in neighborhoods. Mr. Junkins said that we believe these concerns have been addressed by the placement of the antennas on the tower. We don't start using the tower until 75 feet, which is well above the height of any structures in the area. The height of tower is below the Federal Communications Commission limit for any type of radiation or lighted aerial identification. No lights will be installed on the tower. A carefully planned tower can and does co-exist in residential neighborhoods with minimal or no harm to life and property.

At 7:55 p.m., Mayor Rogers closed the regular session temporarily and called the evening's joint public hearing to order. Planning Commission Chairman Weins also called the evening's joint public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 11, and July 18, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council and Planning Commission will hold joint public hearings on Tuesday, July 26, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Special Use Permit – 670 Vine Street

Public hearing to consider a request from the City of Harrisonburg, for a special use permit {per Section 10-3-40 (9)} to allow communication facilities necessary for public safety purposes, including towers up to 200 feet in height, which may include rental of space to private communication service providers. The property is located at 670 Vine Street and can be found on tax map 32-D-1.

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 these public hearings. 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.

Chairman Weins said that when the proposal was presented to the Planning Commissioners they were asked to review a proposal of two towers, which was essential for the systems. This proposal is only for a special use permit for Tower Street project. "I am uncomfortable approving one tower without approving the other tower knowing that in the near future we will have to approve another tower to make this system work."

Captain Junkins said that the application was for two towers; however, the City continues to be in negotiations with the School Board for the Stone Spring site. He reiterated that the plans have not changed to have a site in the Stone Spring area.

City Manager Baker clarified that a request was made at the last school board meeting; however, they did not want to act upon it that night.

Mayor Rogers and Chairman Weins called on anyone desiring to speak for or against the request. The public hearing was declared closed at 8:03 p.m., and the regular joint session reconvened. Following further discussion and comments, Planning Commissioner Chair David Weins requested that Planning Commission adjourn to another room for a caucus on this issue and return with a recommendation for City Council. Planning Commissioner Snell offered a motion that Planning Commission adjourn to another room to discuss the issues. Planning Commissioner Jones seconded the motion

Council Member Chenault offered a motion to approve the special use permit as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent - None

A public hearing to consider a request from the City of Harrisonburg to allow a communication facility at 1575 Peach Grove Avenue was withdrawn.

City Manager Baker presented for Council's consideration amending the Fiscal Year 2005-2006 budget. He explained that at June 30, 2005 there were outstanding encumbrances for purchase orders, which were issued prior to June 30, 2005.

At 8:03 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 18, 2005.

NOTICE OF PUBLIC HEARING

City Council Chambers

Tuesday, July 26, 2005

7:30 p.m.

A Public Hearing will be held by the Harrisonburg City Council on Tuesday, July 26, 2005 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 2005-2006 budget in the amount of \$5,900,263.04. This amount represents outstanding encumbrance at June 30, 2005.

The budget changes will be as noted below:

Revenue:

General Fund:	
Amount from fund balance	5,554,420.07
Community Development Block Grant Fund:	
Amount from fund balance	118,644.78
Water Fund:	
Amount from fund balance	15,653.34
Sewer Fund:	
Amount from fund balance	98,544.49
Public Transportation Fund:	
Amount from fund balance	101,971.53
Sanitation Fund:	
Amount from fund balance	<u>11,028.83</u>
Total Revenues	<u>5,900,263.04</u>

Expenditures:

General Fund	5,554,420.07
Community Development Block Grant Fund	118,644.78
Water Fund	15,653.34
Sewer Fund	98,544.49
Public Transportation Fund	101,973.53
Sanitation Fund	<u>11,028.83</u>
Total expenditures	<u>5,900,263.04</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 these supplemental appropriations. There being no one desiring to be heard, the public hearing was declared closed at 8:05 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this appropriation for a first reading, and that:

5,554,420.07 chge. to: 1000-31010 Amount from fund balance
118,644.78 chge. to: 1117-31010 Amount from fund balance
15,653.34 chge. to: 2011-31010 Amount from fund balance
98,544.49 chge. to: 2012-31010 Amount from fund balance
101,971.53 chge. to: 2013-31010 Amount from fund balance

11,028.83 chge. to: 2014-31010 Amount from fund balance

16,850.00 approp. to: 1000-121012-48273 Software
9,770.54 approp. to: 1000-122011-48273 Software
1,000.00 approp. to: 1000-122211-46010 Office supplies
1,176.94 approp. to: 1000-122211-48121 Furniture and fixtures
5,489.35 approp. to: 1000-130114-48111 Machinery and equipment
30,443.05 approp. to: 1000-320232-46111 Turn Out Gear
3,077.00 approp. to: 1000-350532-48213 Equipment
5,370.00 approp. to: 1000-410121-48191 Engineering/Mapping
2,066.00 approp. to: 1000-430221-43320 Service contracts
11,627.50 approp. to: 1000-430221-48181 Building and grounds
4,275,000.00 approp. to: 1000-430221-48282 Land
35,370.00 approp. to: 1000-810121-43100 Professional services
70,050.00 approp. to: 1000-410241-48294 WIP – Annexed area
102,754.27 approp. to: 1000-410241-43100 Professional services
432,896.19 approp. to: 1000-410241-43374 Maintenance and repair-allowable
290.75 approp. to: 1000-710171-46131 Ed/rec supplies-playgrounds
1,250.00 approp. to: 1000-710171-46132 Ed/rec supplies-athletics
31.95 approp. to: 1000-710971-42120 Clothing allowance
25,278.00 approp. to: 1000-710171-48184 Improvements
19,235.60 approp. to: 1000-710171-48284 Improvements
64,400.00 approp. to: 1000-710271-48181 Buildings and grounds
114,009.74 approp. to: 1000-710271-48184 Improvements
115,679.33 approp. to: 1000-710471-48184 Improvements
163,660.00 approp. to: 1000-710771-48184 Improvements
11,430.24 approp. to: 1000-710871-48184 Improvements
15,931.72 approp. to: 1000-710871-48284 Improvements
12,830.00 approp. to: 1000-732071-48284 Improvements
7,451.00 approp. to: 1000-810521-43100 Professional services
118,644.78 approp. to: 1117-810721-45676 CDBG projects and programs
3,160.00 approp. to: 2011-322061-45530 Training and travel
3,160.00 approp. to: 2011-332061-45530 Training and travel
428.00 approp. to: 2011-372061-48181 Buildings and grounds
3,481.64 approp. to: 2011-372061-48188 Main & repair-pump/scada
5,423.70 approp. to: 2011-372061-48271 Building and grounds
5,534.19 approp. to: 2012-452061-43382 Water loss mgt-meter testing
5,448.00 approp. to: 2012-462061-46071 Main & repair-pump-scada
87,562.30 approp. to: 2012-472061-48181 Building and grounds
7,835.53 approp. to: 2013-872081-48181 Building and grounds
94,136.00 approp. to: 2013-872081-48253 Transit buses
11,028.83 approp. to: 2014-912242-43320 Service contracts

The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Pace offered a motion to approve FY 2006 State Performance Contract for the Harrisonburg-Rockingham Community Services Board. The motion was seconded by Council Member Cheault and approved with a unanimous vote of Council.

Miriam Dickler, Public Information Officer, presented an overview on her activities during the last six months and plans for the future. She said that the mission of the City of Harrisonburg's Public Information Office is to deliver timely and accurate information to the public, elected and appointed officials, City departments and the media, as well as to encourage open communication between those same parties. The purpose of the office is in no way to serve as the only source of information for the public or press. The City of Harrisonburg has a very basic philosophy toward communication. The City of Harrisonburg strives to communicate and respond to the media and public in an accurate, honest, timely and open manner. "All information that we can, we will share. We will answer questions that we have the answers to. We will find the answers to the questions if we do not have the answers and the only time that we will not give out that information is when we are legally unable to. We take FOIA very seriously." The City will address all concerns and queries to the best of the City's abilities. The City does not assume that information is widespread knowledge. The focus of the main objectives include improving the communication of information both within and outside of the government system, addressing increasing cultural and linguistic diversity, improving access to information via digital and printed media. She reviewed the internal and external goals. The City's web team is in the process of finalizing some changes that will hopefully make the website more user friendly for both web editors in the City and users, citizens, and visitors to get the information they want. A Citizen Academy is a multi-week program for residents in the City to learn about the functions and services of City government from people who are in City government. The Public Information Officer strongly supports every City department. While a PIO is a generalist, knowing about many things as a function of the job, the office recognizes that the best resources for citizen information are the people who are specialists. While the Public Information Officer can serve as the spokesperson for the City when necessary, it is preferable that the people most qualified to speak on a subject do speak on that subject. The Public Information Office will take over the publication and distribution of the employee newsletter from Human Resources. As the newsletters focus becomes slightly more news and information oriented, it is hoped that employees will start to see it as a conduit of information. The bulletin boards on the first floor of the Municipal Building have a similar function. One of the boards now features a different City of Harrisonburg department every month. The Information Technology staff has been working on developing a citywide intranet. The improved website will help with the communication gap closure. The Public Information Office strives to have a presence at all events held in the City of Harrisonburg including ribbon cuttings, ground breakings, receptions, and provide support for public meetings. She said that excellence

media coverage was provided for the Smith House move. In September, the City will sponsor a Youth Art Contest. The contest will be open to kids ages 5-18 with three age groups. It will open to any child who lives in the City or attends a City school. The grand prize winning art will be chosen as the City's youth logo and used on the website. She briefly reviewed the communication audit both internal and external. The reception and openness of City Staff, elected and appointed officials and the citizens of Harrisonburg to the new position has been overwhelmingly positive. While there are challenges ahead, the willingness of everyone involved to welcome new ideas, methods and strategies has been extraordinary. She said that Fairfield Language Technology has been generous and donated a number of Spanish language programs. This is a pilot program trying to increase the number of City employees who are multi-lingual.

The next item of business was a request by the Dayton American Legion Post 27 to hold a Veteran's Day Parade on Friday, November 11, 2005. City Manager Baker said the proper application forms have been submitted including the Certificate of Insurance. Council Member Lantz offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

City Attorney Thumma presented for Council's consideration an ordinance re-enacting Section 16-6-41 of the Harrisonburg City Code. He said this ordinance is being amended to bring it into compliance with Section 15.2-1113 of the Code of Virginia. This is the enabling statute, which has been amended, and that amendment needs to be included within our ordinance. Council Member Lantz offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance enacting Article E, Chapter 4 of Title 16 of the Harrisonburg City Code. He said that the purpose of this article is to provide penalties for willful and malicious damage to or the defacement of public or private facilities. Council Member Chenault offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented a request to transfer in the General Capital Projects Funds. These funds are being transferred from the Municipal Building Renovation and Repairs account to the Public Safety account. Council Member Pace offered a motion to approve this request, and that:

\$125,368.00 chge. to: 1310-910141-48698 Municipal Building repairs & renovation

\$125,368.00 approp. to: 1310-910141-48606 Public Safety Building

The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker announced that Rockingham County is raising its tipping fees effective September 1, 2005. The City will need to adjust its fees as well. This request will be presented at the August 9th meeting.

City Manager Baker reminded everyone of “National Night Out”, which will be held on August 2nd.

Council Member Pace proposed that the City’s Public Information Officer work with veterans groups to establish a wall of honor at the Hardesty-Higgins House for all Harrisonburg residents who died in military service.

At 8:45 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 Community College Board of Trustees and Harrisonburg Parking Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion concerning a prospective business where no previous announcement has been made of the business’ interest in locating within the City, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(5) 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 2.2-3711(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 – Vice-Mayor Eagle
Council Member Lantz
Council Member Pace
Council Member Chenault
Mayor Rogers

Absent – None

At 10:30 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 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 Chenault offered a motion that Denise Dawson, 1160 Decca Drive, be appointed to a first term on the Blue Ridge Community College Board of Trustees to expire on June 30, 2009. The motion was seconded by Council Member Pace and approved with a four to one vote with Vice-Mayor Eagle abstaining.

At 10:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

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