

REGULAR MEETING

NOVEMBER 22, 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; 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 Chief of Police Donald Harper. Absent: City Attorney Earl Q. Thumma, Jr.

Vice-Mayor Eagle 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 School Board, and Personal Property Tax Relief Act. The motion also included rezoning requests by William D. Yount, Jr., Roger and Patricia Simmons and Christophel Properties. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent - None

City Manager Baker presented the following resolution for Council's consideration of approval:

RESOLUTION

Approval of the Central Shenandoah Valley Bicycle Plan

WHEREAS, federal regulations implemented as a result of the Transportation Equity Act for the 21st Century encourage local communities to include bikeway planning as a part of their intermodal planning activities, and

WHEREAS, the Virginia Commonwealth Transportation Board adopted a policy for integrating bicycle and pedestrian accommodations into roadway projects on March 18th, 2004, and

WHEREAS, the Central Shenandoah Planning District received funding from the Virginia Department of Transportation through its Rural Transportation Planning Assistance Program and matched with local funds to develop a regional bicycle facilities plan, and

WHEREAS, the local jurisdictions of the Central Shenandoah Planning District established a regional Bicycle Advisory Committee and appointed representatives to serve on the Central Shenandoah Bicycle Advisory Committee to oversee the development of the regional bicycle facilities plan, and

WHEREAS, the Bicycle Advisory Committee recognizes the potential transportation, health, recreation, tourism and economic benefits of bicycling, and accordingly advocate to make roads in the Central Shenandoah Valley safer for persons who bicycle, including children, families and commuters as well as for motorists, and

WHEREAS, the Bicycle Advisory Committee was provided staff support by the Central Shenandoah Planning District Commission and provided transportation planning services by Toole Design Group, and

WHEREAS, the efforts of the Bicycle Advisory Committee, the staff of the Central Shenandoah Planning District Commission and Toole Design Group as well as members of the public, private and nonprofit sectors, have resulted in the development of the Central Shenandoah Valley Bicycle Plan, and

WHEREAS, the Bicycle Advisory Committee thoroughly reviewed and approved the recommendations included in the Central Shenandoah Valley Bicycle Plan.

NOW, THEREFORE BE IT RESOLVED, that the City Council of Harrisonburg does hereby approve the Central Shenandoah Valley Bicycle Plan.

Mayor

Attest

Date

City Manager Baker said the Central Shenandoah Valley Bicycle Advisory Committee has been working on this plan for a year. Although this is a regional plan, each community and locality is asked to adopt the plan.

Council Member Pace said, "I am concerned with the recommendations mentioned in the plan regarding bikes on Route 33 West and Route 11 through Harrisonburg. Both situations recommend consideration be given to narrowing the width of the highway lanes. Since many large trucks travel on those roads it is not realistic to narrow the lanes as a means to gain space for a bicycle. It puts the bicyclist in danger as well as the trucks."

Vice-Mayor Eagle offered a motion to adopt the resolution as presented with Council Member Pace's concerns being conveyed to the Advisory Committee. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent - None

City Manager Baker presented for Council's consideration amending and re-enacting Section 3-2-3 of the Harrisonburg City Code. He said since the City Attorney's position is no longer part-time and has become a full time position it was necessary to amend this section to delete the additional compensation provisions for court cases and real estate work. Council Member Pace offered a motion to adopt this ordinance for a first reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent - None

City Manager Baker presented for Council's consideration amending and re-enacting Section 5-2-1 of the Harrisonburg City Code. He said the City adopts the International Statewide fire codes. It is necessary to amend and re-adopt our ordinance to incorporate the new editions and amendments. Council Member Lantz offered a motion to adopt this ordinance for a first reading. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent - None

Council Member Chenault offered a motion to approve the cancellation of the December 27, 2005 Council meeting. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

The next item of business was a discussion on vehicle decal issuance. City Manager Baker said that some Virginia localities have discontinued the issuance of the decals and have replaced them with a flat "registration fee" that is included on personal property tax bills.

Vice-Mayor Eagle said he needed more information before making a decision and suggested waiting to see how other localities handle eliminating the decal before taking any action.

Council Member Pace said the City still needs the revenue. Issuing the decal is a means to enforce people who are delinquent to pay the tax before a decal will be issued. We could save the decal cost at \$11,274.00, but will have to hire a person to collect the delinquent property taxes. He also suggested waiting to see how other localities handle eliminating the decal especially Charlottesville who just implemented the program.

Council Member Chenault pointed out that the City is collecting \$237,784.00 in additional revenue of personal property tax. Perhaps other localities that have eliminated the decal are asking DMV to deny vehicle registration. It's probably the locality's prime mode of catching the unpaid taxes. "That's a 12-month-a-year collection procedure and Harrisonburg will need another employee in the Treasurer office." He also suggested that if the City kept the decal trying to find a smaller and easier one to peel off the windshield.

City Treasurer Neal said eliminating the decals would also eliminate a very solid revenue base, which is a very effective tax collection method. Other methods such as seizure of vehicles, DMV stops or bank liens will be equally as unpopular as the decal. "I do not see the need for eliminating it because it is a procedure that collects a lot of delinquent tax."

Council Member Lantz said he would prefer to eliminate the decals; however, since the program is new he suggested monitoring other localities before making a decision.

Following further discussion and comments, Council Member Pace offered a motion to table eliminating the vehicle decal until June 2006. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

Bucky Berry, a resident of Harrisonburg, requested that once the parking meter heads are removed vehicle tires should not be chalked.

Council Member Chenault said that the proposed enforcement method GIS movement system would be used rather than tire chalking.

City Manager Baker presented the following resolution for Council's consideration of approval:

**RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA**

WHEREAS, Rockingham Memorial Hospital, a not-for-profit Virginia nonstick corporation (the "Corporation"), has requested the Industrial Development Authority of the City of Harrisonburg, Virginia (the "Authority"), to issue its revenue bonds (the "Bonds"), pursuant to the Industrial Development and Revenue Bond Act, Chapter 49,

Title 15.2 Code of Virginia of 1950, as amended (the "Act"), in an amount not to exceed \$50,000,000; and

WHEREAS, the Corporation owns and operates an acute care hospital facility currently located at 235 Cantrell Avenue, in Harrisonburg, Virginia (the "Existing Hospital"); and

WHEREAS, the proceeds of the Bonds will be used to (1) pay the costs of ongoing capital improvements, replacement and renovations, including equipment, for the Existing Hospital (the "Capital Improvement Projects"); (2) pay preliminary and initial costs, including planning, architectural, consulting and legal fees and site preparation, for a replacement hospital facility for the Corporation to be located in Rockingham County (the "Replacement Hospital") (with such costs being the "Replacement Project" and with the Capital Improvement Projects and the Replacement Project being referred to collectively as the "Project"); (3) pay the costs of the issuance of the Bonds; and (4) pay in its entirety outstanding indebtedness of the Corporation, the proceeds of which were used in 2005 to redeem all outstanding Hospital Revenue Bonds (Rockingham Memorial Hospital), Series 1993 (the "1993 Bonds"), issued by the Authority, to finance or refinance improvements, additions and equipment for the Existing Hospital; and

WHEREAS, the Authority, on November 14, 2005, held a public hearing on the issuance of the Bonds; and

WHEREAS, Section 147(f) of the Internal Revenue Code, as amended (the "Code"), and Section 15.2-4906 of the Act require that the government unit on behalf of which the Authority will issue the Bonds and the government unit having jurisdiction over the area in which any facility financed with the proceeds of the Bonds is located approve the issuance of such bonds; and

WHEREAS, the Corporation has requested the City Council of the City of Harrisonburg, Virginia (the "Council"), to approve the issuance of the Bonds to comply with Section 15.2-4906 of the Act and Section 147(f) of the Code; and

WHEREAS, a copy of the Authority's resolution of November 14, 2005, approving issuance of the Bonds, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Council; and

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

1. The Council hereby approves the issuance of the Bonds by the Harrisonburg Authority for the benefit of the Corporation, as required by Section 147(f) of the Code and Section 15.2-4906 of the Act.

Appeals, Harrisonburg Electric Commission, and Tree Advisory Board 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 requirements 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 Chenault, and approved with a recorded roll call vote taken as follows:

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

At 9:15 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 Gary A. Minnick, 1209-D Old Windmill Circle, be appointed to a first term on the Parks and Recreation Commission to expire on December 31, 2009. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Alex Banks, 25 East Fairview Avenue, be appointed to a second term on the Parks and Recreation Commission. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that John N. Neff, 456 Myers Avenue, John C. Sease, 560 Neff Avenue, and Ray Landes, 5604 Battlefield Road, be appointed to a second term on the Building Code Board of Appeals to expire on November 30, 2008. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

At 9:30 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR