

REGULAR MEETING

APRIL 25, 2006

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; and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Council Member Lantz

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

Council Member Chenault requested that, Item #5d, regarding a rezoning request from Avra Beth Kaslow-Leigh, on the consent agenda, be removed and considered at the May 9th Council meeting. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

Council Member Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Fire and Police Departments and rezoning requests from Jose & Marissa Cortes and Gary Turner. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

City Manager Baker presented the proposed 2006-2007 budget. Pursuant to Section 60 of the City's Charter, a balanced budget is presented for the fiscal year ending June 30, 2007. In accordance with Section 15.2-2506 of the Code of Virginia, a public hearing is required to be held at least seven (7) days prior to the adoption of the budget. He said primary emphasis is placed on **EDUCATION, PUBLIC SAFETY, ROAD AND PUBLIC UTILITIES**. The City has the second lowest real estate rate at 62 cents among all independent cities. Mr. Baker proposed increasing the personal property tax rate from \$2.00 to \$3.00 of assessed value and

increasing the cost of a vehicle decal from \$20.00 to \$29.50. The total budget proposed represents an 18.8% decrease in net expenditures.

The Legislative budget remains at level funding for fiscal year 2007. In the General and Financial Administration Fund the operating expenditures in most of the departments show level funding and modest increases in several others. The Assessor's department budget has increased 15.7% due to the hiring of additional staff going from biannual to annual real estate assessment. The Information Technology budget has increased 34.3% and the Electoral Board remains essentially unchanged compared to the current year. The total Police Department budget has increased 8.4% when compared to the amended fiscal year 2006 budget. The Special Operations division is a new budget and includes employees that had been included in other police department division budgets in previous years. The total Fire Department operating budget for 2007 remains essentially unchanged compared to the amended fiscal year 2006 budget. The Public Safety Building budget will increase 54.7% compared to the amended fiscal year 2006 budget because of increased utility expenses. The City/County Jail budget will remain at level funding. The Animal Control budget has increased by \$19,492 compared to the amended fiscal year 2006 budget due to an increase in operational funding for the SPCA. The City is able to save considerable money by not having to operate its own shelter. The Health Department budget increased by 3.6% and the Community Services Board has increased 21.8% compared to current year levels.

The overall Public Works operating budget shows level funding for fiscal year 2007 when compared to the amended 2006 budget. This budget includes funds for resurfacing 7.47 miles of streets, sidewalk replacement, dump truck replacement and several pick-up truck replacements. Capital outlay includes traffic engineering, traffic analysis software, traffic signal upgrades and a new traffic signal at the intersection of Country Club Road and Blue Ridge Drive.

The overall Parks and Recreation budget will decrease 2.7% compared to the current fiscal year mainly due to a decrease in capital outlay. The Administration budget capital outlay includes funding for continued Smithland Road development, stream bank restoration at Purcell Park, a replacement vehicle, expanding the exercise room at the recreation center, and chemical and filtration equipment at Westover Pool. The Golf Course Grounds Management budget includes funding for irrigation pump repairs, equipment replacement, acquisition of land for the driving range, and practice range equipment under clubhouse management.

Building Inspections shows level funding compared to the fiscal year 2006 amended budget. The General Engineering budget will increase 12.2% compared to the current budget. Capital outlay includes funding to continue implementation of the GIS system. The Planning Department budget reflects a 13.6% decrease compared to fiscal year 2006. This decrease is primarily due to the City having completed the final phases of the Comprehensive Plan update.

Excluding the appropriation for the purchase of the Port Republic Road land in the fiscal year 2006 budget, the General Properties budget reflects an increase in funding. This increase is mainly due to utility and other expenditures associated with the opening of the Hardesty-Higgins House.

The Economic Development funding will decrease 6.3% compared to the current year budget. Expenditures include funding for a reimbursement to Walker Manufacturing for site work related to its 2006 expansion and expenditures associated with the 1 Court Square facility. Marketing expenditures remain level in order to aggressively recruit businesses for the remaining parcel within the Harrisonburg Technology Park and for other economic development opportunities within the City. Funds are also included to offer incentive grants to assist with the location or expansion or targeted businesses into the City. Funds are also included to continue the City's involvement with the Shenandoah Valley Partnership. Tourism and Visitor Services is a new division in this year's budget. Downtown Parking Services is also a new division in this year's budget.

In the Non-Departmental Contributions most contributions that have been funded in previous years are proposed to remain at current year levels. It is also proposed that Central Garage continue to provide labor for the Harrisonburg Rescue Squad's vehicle maintenance, if they pay for parts and supplies; and that each Rescue Squad volunteer that is a City resident receive one free auto decal. Also, any volunteer firefighter that is a City resident will receive one free auto decal. There is an increase in the Joint Operations, which covers the City's share of judicial and jail expenditures. Joint Operations for the Harrisonburg Rockingham Social Services District will increase by 7.4%.

The City's debt service has increased 8% compared to the current amended budget. This increase is mainly due to the payment of an EDGE note to the Housing Authority for the Lucy Simms Building and a \$7.25 million bond issue.

Schools represent the largest single expenditure in the City budget. The debt payment will gradually decline over the next ten years, but there will be new debt service for the proposed new school complex. Compared to the amended 2006 budget, the School Fund has increased by approximately 9.4%. The City and the County will split all expenditures equally for the Emergency Communication Center Fund. The Community Development Block Grant Fund accounts for the administration of the Community Development Block Grant funding that the City receives from the Federal Government. The General Capital Projects Fund includes funding for sidewalk/trail plan, Reservoir Street safety improvements, Garbers Church Road improvements, East Market Street safety improvement, Country Club Road improvements, and the West Elizabeth Street Bridge.

The Water Fund budget has decreased 4.9% from the current amended budget. A rate increase of \$0.06/ 1,000 gallons (approximately 2%) is being proposed to assist in funding the debt service payments on the bonds issued in 2002 and to support a future bond issue for the eastern raw water system. The Sewer Fund budget has increased 3.5% from the current budget, primarily due to an increase in operating contributions to the Harrisonburg-Rockingham Regional Sewer Authority. A \$0.15/1000 gallons rate increase in authority revenue is being proposed because of major upgrades at the sewer treatment plant being mandated by the state and Federal government.

The overall Public Transportation Fund overall budget has increased 28.3% from the fiscal year 2006 budget as amended primarily due to a large increase in capital outlay expenditures.

The Sanitation Fund budget has increased 12.7% from the current year amended budget. Residential trash collection will increase from \$16 to \$18 per month. The proposed budget also increases the tipping fee at the Rockingham County landfill for City residents by \$3 to \$59.

The Central Garage Fund has increased by 5.0% to allow for operations of the City's central garage.

The Central Stores Fund has increased because of personal services and miscellaneous expenses related to the operations of the City's central stores.

Mr. Baker said that a 3% pay adjustment is recommended for all City employees. Premiums for health insurance will remain at their current levels.

Council Member Chenault requested that a budget work session be scheduled for May 3, 2006 at 6:30 p.m.

At 8:10 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, April 17, 2006.

**CITY OF HARRISONBURG, VIRGINIA
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 2007
For information and fiscal planning purposes only**

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 26, 2006 at 7:30 p.m. in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. Interested citizens are encouraged to attend and express their views.

<u>Revenue-By Funds</u>	<u>Original</u>	<u>2005-06 Amendments</u>	<u>Amended</u>	<u>2006-07 As Proposed</u>
Operating:				
General	66,620,319	6,295,818	72,916,137	72,867,213
School	46,295,761	267,616	46,563,377	50,953,393
Emerg Comm Center	2,016,498	-	2,016,498	2,319,724
Comm Dev Block Grant	613,397	118,646	732,043	550,442
Water	6,779,606	15,653	6,795,259	7,128,698
Sewer	6,539,143	98,544	6,637,687	6,866,891
Public Transportation	5,072,688	101,972	5,174,660	6,638,936
Sanitation	10,188,397	11,029	10,199,426	11,495,593

Parking Authority	255,280	-	255,280	-
Central Garage	695,318	-	695,318	730,050
Central Stores	111,240	-	111,240	185,246

Total Operating 145,187,647 6,909,278 152,096,925 159,736,186

Capital Projects:

General Capital Projects	125,000	18,602,701	18,727,701	1,290,000
School Capital Projects	-	1,662,359	1,662,359	-
Water Capital Projects	1,245,357	9,902,477	11,147,834	1,218,690
Sewer Capital Projects	300,000	2,671,877	2,971,877	300,000
Sanitation Capital Projects	897,050	4,287,075	5,184,125	1,270,927
Park Auth Cap Projects	-	274,023	274,023	-

Total Capital Proj 2,567,407 37,400,512 39,967,919 4,079,617

Total 147,755,054 44,309,790 192,064,844 163,815,803

Expenditures - By Funds

Operating:

General	66,620,319	6,295,818	72,916,137	72,867,213
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Copies of the proposed budget are available for public review in the City Manager's office, 345 South Main Street; the Massanutten Regional Library, 145 South Main Street and on the City's internet web site at (<http://www.ci.harrisonburg.va.us>).

Mayor Rogers called on anyone present desiring to speak for or against the proposed 2006-2007 budget,

Bucky Berry, a resident of the City, complained about the proposed increase in the cost of the vehicle decal.

Ralph Geddis, a resident of the City, said in the past the City had always paid off the school debt. "What will the debt be in the next five years on taxpayers?"

Dorn Peterson, a resident of the City, questioned the 2005-2006 amended budget in comparison to the 2006-2007 proposed budget. "Which funds and items increased? Do you have a firmer number?" Mr. Peterson recommended that the City increase the connection fees for new buildings in the City to help with funding debt service for water and sewer and the sewer treatment plant.

Elly Swecker, Executive Director of the Harrisonburg-Rockingham Free Clinic, thanked City Council for supporting the free clinic. She said the new Free Clinic facility should be open in September 2006.

Jay Veenis representing the owners of IntraPac said that a proposed \$1.00 increase in personal property tax rate would mean a \$150,000 increase in the bill for the company. IntraPac is the largest customer for HEC, the utility commission, and the City current assessment is \$15 million in property. He expressed his concern over the property tax increase. He also said that when the company makes decision where to locate new products and spend new capital, the taxes influence decisions.

Pete Poirot, a resident of the City, complained about the increase in personal property tax. "What is next?" We finally got rid of the car tax, which is a stupid tax. "I will have to pay an extra \$9.50 for a decal and an extra \$1.00 per \$100 on personal property. When will it end? When will Council stop raising our taxes." To gain increased revenue in the past Council increased the cigarette tax, meals tax, cell phone tax, and a tax on movie tickets. "When will it stop? Do we have to balance the budget on the backs of the taxpayers? I urge you to look at the personal property tax increase and say no."

City Manager Baker said that the City's total projected fiscal year 2007 revenue from all property taxes, including the state reimbursement for personal property tax relief, is \$24,713,613. The proposed appropriation and school debt service is \$26,685,818. In addition, another \$340,000 is proposed in the Public Transportation budget for the purchase of three new school buses. All of the property taxes are not enough to fund the schools.

Council Member Chenault said, "Harrisonburg does not have an inner City for school population purposes. Our school population is a peripheral population. It populates around the downtown area. It is hard for me to contemplate how anybody could believe we don't have neighborhood schools. We have a school in every portion of the community on the elementary level. We are getting ready to have two middle schools to cover both sides of town and the elementary school that will be going in the Northeast section is projected to be the fastest growing section of the community over the next five years. We could wait five years and build that school and be five

years behind and probably pay 30% to 40% more for that school. I really have a hard time understanding why those comments have any validity.”

There being no others desiring to be heard, the public hearing was declared closed at 8:30 p.m., and the regular session reconvened.

Council Member Chenault offered a motion to approve the budget for a first reading subject to amendment. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

The next item of business was a review of items to be included in the City’s final bicycle plan. Public Works Transportation Superintendent Williams said that in October 2005, Council adopted the Bicycle Plan, which highlighted the bicycle route concepts and also prioritized the routes throughout the City. He said it was realized that as the new high school opened a significant alternative transportation route should be considered throughout the western end of the City. Sidewalk construction along Garber’s Church Road occurred last fall. At the September 25, 2005 Council meeting, Mr. Rublee, City Engineer, proposed numerous concepts including a combination of trail facilities, sidewalks, and multi-purpose trails. At the following Council meeting the bicycle plan was adopted, but it was requested that staff review the concepts discussed at the September 25th meeting and reconvene with the Bicycle Committee for further study. Staff met with the Bicycle Committee and developed recommendations being presented this evening. The ultimate goal of this entire project is to link residential communities with public facilities and other points of interest. Mr. Williams reviewed the proposed walking trails, which includes Garbers Church Road, Erickson Avenue, and West Market Street. The northern connector connects Thomas Harrison Middle School with areas of the Park Lawn subdivision. He also reviewed the slight re-configuration of the trail. Total construction costs for the project is approximately \$1.6 million. Some funding sources do include the bicycle plan funds, which have been allocated and pedestrian plan funds. Funding has been established in the CIP. Use of local funds allows us little oversight to expedite the planning process, which help with the time frame. However, it would take many years to actually complete the entire project.

The following discussion by Council Members included: Series of trails is important; but City still has other needs throughout the community; perhaps need to consider portions of the project as a one time Capital Improvement Plan project; and are people using existing bicycle plan?

Council Member Chenault offered a motion to incorporate the bicycle trail pedestrian route concept as presented and shown on the plat attached to agenda item #7 into the City’s

bicycle plan as initially adopted in 2005. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council Members present.

Scott Coverstone, a resident of the City, pointed to the map and reviewed a line of property and using an easement line. He said that students from THMS are trying to get to the high school by crossing portions of the golf course and private property to get to their designation. If the students are not utilizing the existing sidewalks why should the City offset sidewalks 200 feet and spend a lot of money to bisect people's property.

Paul Johnson, a resident of the City said, "Although this bicycle plan doesn't impact my neighborhood, I hope it will connect downtown and Dogwood Drive. In order for this plan to be successful residents of neighborhoods should embrace the plan. As a member of the bicycle committee I will be happy to set up a meeting and address any concerns with Drew concerning safety or property values."

Ben Wise, a resident of the City, said there are more and more people turning to their bikes as a mode of transportation. Citizens and students are looking at fuel costs and realizing for shorter commutes around town a bicycle is a reasonable way to find affordable transportation.

Leonard VanWyk, a resident of the City, thanks Council for supporting the concept.

The next item of business was approval of a VDOT Urban System Construction Program Administration Agreement. Public Works Director Baker said that the City of Harrisonburg would become the direct administrator of the complete urban program. This refers to the dollars the City receives through state funds and Federal funds for new construction of transportation systems in our area. He said we are requesting that Council give the City Manager permission to enter into an agreement with VDOT so that we become administrators of the total funds. It will allow the City to receive direct quarterly state funding and not have to wait until to we actually have a designated project. Council Member Chenault offered a motion to authorize the City Manager to enter into agreement for the administrative responsibilities of the State Urban Construction Program. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

The next item of business was approval of a VDOT Project Agreement Transition. Public Works Director Baker said that the City's current three agreements regarding the Stone Spring Road/Erickson Avenue project will go into affect July 1, 2006. Effective July 1, 2006, that agreement needs to be rescinded and replaced with the new Urban Construction Program Administration Agreement. Council Member Chenault offered a motion to approve this VDOT Project Agreement Transition. The motion was seconded by Council Member Pace, and approved with unanimous vote of Council Members present.

Mayor Rogers presented the following resolution for Council's consideration of approval:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,

**VIRGINIA, RESCINDING A PROJECT PROGRAMMING RESOLUTION
ADOPTED ON JUNE 10, 2003**

WHEREAS, on June 10, 2003, the City Council adopted a Project Programming Resolution Rail/Highway Grade Crossing Projects for Kratzer Road, .06 of a mile east of Liberty Street, DOT ID number 859968F, for the installation of flashing lights and arm gates; and

WHEREAS, the City's Department of Public Works has determined that it is not feasible to proceed with the project at this time and requests the City Council to rescind the previously adopted resolution;

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

That the City Council of the City of Harrisonburg, Virginia, hereby rescinds and vacates the resolution adopted on June 10, 2003, for the Kratzer Road rail/highway crossing improvement project, DOT ID number 859968F, and directs that this rail/highway crossing improvement project be removed from the rail/highway crossing improvement project list.

Approved: April 25, 2006

MAYOR

ATTEST:

CLERK OF THE COUNCIL

City Attorney Thumma said this resolution will rescind a rail/highway crossing improvement project resolution adopted on June 10, 2003. The Department of Public Works has determined that it is not feasible to proceed with the project at this time because of the cost involved and requests a resolution rescinding the previous resolution so that the project can be removed from the list of rail/highway crossing improvement projects. Vice-Mayor Eagle offered a motion to approve the resolution and rescind the resolution adopted on June 10, 2003. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received through a grant reimbursement from Rockingham County and will be used for gang task force overtime and supplies. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$4,970.19 chge. to: 1000-32211 State weed and seed

\$ 59.28 approp. to: 1000-310531-46010 office supplies

4,622.97 approp. to: 1000-310531-41020 salaries/wages overtime

287.94 approp. to: 1000-310231-41020 salaries/wages overtime

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

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

Absent – Council Member Lantz

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received as a donation from the estate of Irene Burke and will be used to purchase police supplies. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1,000.00 chge. to: 1000-31809 Donations

\$1,000.00 approp. to: 1000-310231-46100 Police supplies

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

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

Absent – Council Member Lantz

City School Business and Finance Director Jim Triplett presented a request for a supplemental appropriation for the School Board. He said that these funds were received from additional federal food subsidy funds. These amounts are necessary because more meals are being served, and funds are needed for food and supplies to finish the fiscal year. No additional local dollars are required from the City. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$ 35,000.00 chge. to: 1111-33301 School Revenue-Federal
115,000.00 chge. to: 1111-31691 School Revenue-Other

\$150,000.00 approp. to: 1111-111114-40650 Food Service

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

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

Absent – Council Member Lantz

Council Member Pace announced that the Denton Pocket Park is now under construction and he thanked the citizens of Harrisonburg for their contributions.

Council Member Chenault noted that he hoped most of the citizens in the community received the recent handout provided by the Parks and Recreation Department listing all the programs that are available for the upcoming spring/summer session. He said that the City has an awarding winning tennis program conducted by John Raver who is a local tennis professional.

Vice-Mayor Eagle reminded everyone that this is the week to participate in the “Stepping Out Program”. He encouraged everyone to walk, walk, and walk. He also said that the Tour of Shenandoah was very exciting and he thanked everyone who participated.

Mayor Rogers suggested that the City should honor Kristi Toliver, a Harrisonburg High School graduate, who plays basketball for the University of Maryland, which won the 2006 NCAA Division I Women’s Basketball National Championship.

At 9:38 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel, a city department and prospective candidates to be appointed to the Harrisonburg Parking Authority and Industrial Development Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Consultation with legal counsel regarding a proposed contract requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, 1950, as amended. 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 Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Vice-Mayor Eagle

Council Member Chenault
Mayor Rogers

Absent – Council Member Lantz

At 10:15 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 Jack D, Reich, 210 The Green, be appointed to a second term on the Industrial Development Authority to expire on April 24, 2010. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

Council Member Chenault offered a motion that N. William Walker, JMU MSC 6702, and Daphyne Thomas, 1112 Sharpes Drive, be appointed to unexpired terms on the Community Services (Chapter 10) Board to expire on July 1, 2007. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

At 10:20 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR