

REGULAR MEETING

MAY 23, 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; Hugh J. Lantz, and George W. Pace; City Clerk Yvonne “Bonnie” Ryan, CMC/MMCA, and Police Major Wilfong. Absent: Chief of Police Donald Harper.

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

Karen Thomas, a resident of Harrisonburg, said that City Council approved a landowner request to close a portion of an alley at the November 8, 2005 City Council meeting. She said that the landowner hasn't complied with the request approved by Council even though letters from City staff have advised the landowner that he is not complying with the request. Following further discussion and comments, City Attorney Thumma said a summons will be issued to the landowner.

Bucky Berry, a resident of Harrisonburg, said the City should have a curfew.

Council Member Chenault 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 Park and Recreation Department. The motion also included a rezoning request by Bill Neff and amending and re-enacting Section 11-1-11 of the Harrisonburg City Code. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request to adjust the boundary for the Harrisonburg Downtown Technology Zone. Economic Development Director Brian Shull said this request will extend the southwest boundary of the City's Downtown Technology Zone to include one additional block, including West Water Street, old South High Street and West Bruce Street. Several houses in this block have been renovated into professional offices. Council Member Lantz offered a motion to adjust the boundary for the City's Downtown Technology Zone. 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
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – None

City Attorney Thumma presented for Council’s consideration 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, which become effective July 1, 2006. Council Member Chenault 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 - Council Member Chenault
Council Member Lantz
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Commissioner of Revenue June Hosaflook presented a brief report on real estate tax relief for the elderly or permanently disabled. She said last year changes were made in qualification guidelines for tax relief for the elderly or permanently disabled. She reviewed increases and decreases since 1999 regarding real estate tax relief properties in the City. The guidelines have allowed more people to qualify for tax relief.

City Attorney Thumma presented for Council’s consideration an ordinance amending Section 4-1-5 and 4-1-15 of the Harrisonburg City Code. He explained that these ordinances were approved by City Council earlier this year for annual real estate assessments and also to appoint a permanent board of equalization for the City. These ordinances will become effective January 1, 2007. Council Member Chenault offered a motion to approve these ordinances 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 - Council Member Chenault
Council Member Lantz
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance amending Section 7-1-17, 7-4-1, 7-4-9 and 7-4-22 of the Harrisonburg City Code. He explained that these ordinances increase water, sewer fees and charges for the next budget year. He also recommended that Section 7-1-7, 7-4-1 and 7-4-9 become effective July 1, 2006 and Section 7-4-22 become effective September 1, 2006. Council Member Lantz offered a motion to approve these ordinances for a first reading as presented. 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
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Council agreed to hold a public hearing on June 13th to consider James Madison University's offer to purchase city property.

City Manager Baker presented a request to increase the budget for the Judicial Complex, Sheriff, and Courts for joint expenses. He said the current billings have exceeded the originally budgeted amount. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$327,583.00 chge. to: 1000-31010 Amount from fund balance

\$327,583.00 approp. to: 1000-910511-47070 Expenses of Sheriff, Courts, etc.

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
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Public Utilities Director Collins presented a request for a supplemental appropriation for the department. He said that these funds will be used for the Eastern Raw Waterline Capital project. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$48,615.08 chge. to: 1321-31513 Investments earnings
20,000.00 chge. to: 1321-31826 Dam Removal Grant

\$68,615.08 approp. to: 1321-910161-48654 Eastern Source Development

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

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

Absent – None

Economic Development Director Shull presented a request for a supplemental appropriation for Tourism and Visitors Services. He explained that the City’s Tourism and Visitor Division received funds in corporate sponsorships for the Tour of Shenandoah 2006 bicycle race. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$2,700.00 chge. to: 1000-31809 Donations

\$2,700.00 approp. to: 1000-810821-43603 Sponsorship

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
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – None

The next item of business was approving a supplemental appropriation for animal control contributions for community and civic organization. These funds were received from the “Animal Friendly” license plate program. Council approved the distribution formula at the November 8, 2005 to distribute the funds to the SPCA and Cats Cradle. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$770.26 chge. to: 1000-32207 Animal Friendly License plates

\$385.13 approp. to: 1000-350131-45657 SPCA

385.13 approp. to: 1000-910411-45893 Cats Cradle

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
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Police Major Wilfong presented a request for supplemental appropriation for the Police Department. These funds were received from state asset seizure money and will be used for drug investigations. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$1,100.00 chge. to: 1000-31010 Amount from fund balance

\$1,100.00 approp. to: 1000-310331-45840 Drug Investigation

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
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – None

Barry Haff said he was surprised that JMU’s request to purchase City property was on tonight’s agenda. “I thought JMU only had an option to buy the property at the end of five years and not before that date. Why has this item appeared very quickly without any public input.”

Bucky Berry said if the high school is sold the City will still need another school in the future. “Council should think long and hard before selling the old high school building.”

City Manager Baker presented the following resolution for Council’s consideration.

DESIGNATION OF APPLICANTS AGENT RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF HARRISONBURG

**THAT Roger D. Baker, City Manager
Is hereby authorized to execute for and in behalf of**

The City of Harrisonburg, a public entity established under the laws of the State of Virginia, that this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the OJP, National Domestic Preparedness Office Grant Programs(s), administered by the Commonwealth of Virginia.

That, The City of Harrisonburg, a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the Office of Justice Programs (OJP) for all matters pertaining to such Federal Financial assistance any and all information pertaining to these Grants as may be requested.

Passed and approved this 23rd day of May, 2006

Roger D. Baker, City Manager

CERTIFICATION

I, Yvonne Ryan, CMC, duly appointed and City Clerk of the City of Harrisonburg, do hereby certify that the above is a true and correct copy of a Resolution passed and approved by the City Council of the City of Harrisonburg.

Resolution passed and approved by the City Council of the City of Harrisonburg

On the 23rd Day of May, 2006

Date: May 23, 2006

Official Position

Yvonne Ryan, CMC

City Manager Baker said the state requires adopting this resolution to receive the 2006 Homeland Security funds. Council Member Lantz offered a motion to adopt the resolution. 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
Council Member Pace
Vice-Mayor Eagle
Mayor Rogers

Absent – None

City Manager Baker expressed his thanks on behalf of the City to Tim Lacey for his continued willingness to allow the use of his time and helicopter to benefit public safety. Mr. Baker said that it is a great testament of Mr. Lacey's civic responsibility to offer to assist the City's police and fire departments, and rescue personnel.

Council Member Chenault offered a motion that Michael C. Henry, 2391 Breckenridge Court, be appointed to the Tree Advisory Board. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

At 8:20 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

cc: City Council
City Manager
Assistant City Manager
Public Library