

REGULAR MEETING

JULY 25, 2006

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Byrd gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Vice-Mayor Pace offered a motion to approve the consent agenda as amended, including approval of the minutes and the second reading of a supplemental appropriation for Sanitation Capital projects, transferring funds for rehabilitation of the West Elizabeth Street Bridge, and enacting Section 13-1-26 of the Harrisonburg City Code. The motion also included approving a rezoning request from Robert Beck. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

At 7:02 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 17, 2006.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, July 25, 2006 at 7:00 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 2006-2007 budget in the gross amount of \$3,507,216.70, net amount of \$2,106,966.70. This amount represents funds from various funds unappropriated fund balance and police grants that will be used for various purposes as detailed below.

The budget increases will be as noted below:

**Revenues:
General Fund:**

Amount from fund balance	23,438.59
Weed and Seed	<u>1,256.40</u>
Total General Fund	<u>524,694.99</u>
School Fund:	
Amount from fund balance	<u>890,250.00</u>
General Capital Projects Fund:	
Amount from fund balance	672,613.04
Transfers from General Fund:	<u>510,000.00</u>
School Capital Projects Fund:	
Transfers from School Fund	<u>890,250.00</u>
Water Capital Projects fund:	
Amount from fund balance	<u>2,666.06</u>
Sanitation Capital Projects fund:	
Amount from fund balance	16,742.61
Total revenues	<u>3,507,216.70</u>
Expenditures:	
General Fund:	
Police operation division-bullet proof vest	10,352.58
Police operation division - training & travel	482.82
Police gang task force salaries & wages-OT	2,667.08
Police support services – machinery & equipment	1,192.51
Transfer to Capital Projects	<u>510,000.00</u>
Total General Fund	<u>524,694.99</u>
School Fund:	
Transfer to School Capital Projects	<u>890,250.00</u>
General Capital Projects Fund:	
Public Safety Facility	231,441.44
Two Way Communication System	439,405.40
Rehabilitation of parking deck	510,000.00
Municipal Building Renovation	<u>1,766.20</u>
School Capital Projects Fund:	
Elementary/Middle School Complex	<u>890,250.00</u>
Water Capital Projects Fund:	
Eastern Source Development	<u>2,666.06</u>
Sanitation Capital Projects Fund:	

Rebuild Steam Plant

16,742.61

Total expenditures

3,507,216.70

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 Eagle called on anyone desiring to speak for or against this supplemental appropriation. There being no one desiring to be heard, the public hearing was declared closed at 7:03 p.m., and the regular session reconvened.

Council Member Chenault asked if the \$510,000 in transfer funds for the parking deck was the only appropriation coming from the reserve fund?

City Manager Baker responded yes.

Vice-Mayor Pace said, "Where is the money coming from to pay for the Public Safety Facility and the two-way communication system? Are we re-directing the funds to other projects? How bad is the condition of the parking deck since it was not included in the CIP?"

Public Works Director Baker said the parking deck has been included in the Public Works budget for several years. It was removed because of unavailable funding. The condition of the parking deck is not structurally unsound; however, it has substantial problems with the surface of the deck. There is water leaking between t-beam joints onto the bottom floor, which causes freezing in the winter. This project has been delayed for several years and it is time to move forward before more problems are created.

Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$ 672,613.04 chge. to: 1310-31010 Amount from fund balance
2,666.06 chge. to: 1321-31010 Amount from fund balance
16,742.61 chge. to: 1324-31010 Amount from fund balance

\$ 231,441.44 approp. to: 1310-910141-48606 Public Safety Facility
439,405.40 approp. to: 1310-910141-48610 Two Way Communication System
1,766.20 approp. to: 1310-910141-48698 Municipal Building Renovation
2,666.06 approp. to: 1321-910161-48654 Eastern Source Development
16,742.61 approp. to: 1324-910142-48686 Rebuild Steam Plant

\$ 890,250.00 chge. to: 1111-31010 Amount from fund balance
890,250.00 chge. to: 1311-34281 Transfer from school fund

\$ 890,250.00 approp. to: 1111-111141-49225 Transfer to School Capital Projects Fund
890,250.00 approp. to: 1311-910114-48700 Elem./Middle School Complex

\$ 510,000.00 chge. to: 1000-31010 Amount from Fund Balance
510,000.00 chge. to: 1310-34210 Transfer from General Fund

\$ 510,000.00 approp. to: 1000-990111-49216 Transfer to Capital Projects
510,000.00 approp. to: 1310-910141-48653 Rehabilitation of Parking Deck

\$ 1,256.40 chge. to: 1000-32211 State weed and seed

\$ 1,256.40 approp. to: 1000-310531-41020 Salaries/wages OT

\$ 1,410.68 chge. to: 1000-31010 Amount from fund balance

\$ 1,410.68 approp. to: 1000-310531-41020 Salaries/wages OT

\$ 10,352.58 chge. to: 1000-31010 Amount from fund balance

\$ 10,352.58 approp. to: 1000-310231-48140 Bullet proof vests

\$ 1,192.51 chge. to: 1000-31010 Amount from fund balance

\$ 1,192.51 approp. to: 1000-310431-48111 Machinery and equipment

\$ 482.82 chge. to: 1000-31010 Amount from fund balance

\$ 482.82 approp. to: 1000-310231-45530 Training and travel

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

Vote: Yes - Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

At 7:10 p.m., Mayor Eagle 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 17, 2006.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, July 25, 2006 at 7:00 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 2006-2007 budget in the amount of \$1,182,436.12. This amount represents outstanding encumbrance at June 30, 2006.

The budget increases will be as noted below:

Revenues:	
General Fund:	
Amount from fund balance	587,243.10
Water Fund:	
Amount from fund balance	8,555.50
Sewer Fund:	
Amount from fund balance	165,663.78
Public Transportation Fund:	
Amount from fund balance	357,109.00
Sanitation Fund:	
Amount from fund balance	<u>63,864.74</u>
Total revenues	<u>1,182,436.12</u>
Expenditures:	
General Fund	587,243.10
Water Fund	8,555.50
Sewer Fund	165,663.78
Public Transportation Fund	357,109.00
Sanitation Fund	<u>63,864.74</u>
Total expenditures	<u>1,182,436.12</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 Eagle called on anyone desiring to speak for or against this supplemental appropriation. There being no one desiring to be heard, the public hearing was declared closed at 7:12 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

- \$ 587,243.10 chge. to: 1000-31010 Amount from fund balance
- 8,555.50 chge. to: 2011-31010 Amount from fund balance
- 165,663.78 chge. to: 2012-31010 Amount from fund balance

357,109.00 chge. to: 2013-31010 Amount from fund balance
 63,864.74 chge. to: 2014-31010 Amount from fund balance

735.00 approp. to: 1000-120111-45530 Training and travel
 63.28 approp. to: 1000-120511-45210 Postage
 2,675.08 approp. to: 1000-120511-48121 Furniture and fixtures
 16,850.00 approp. to: 1000-121011-48111 Software
 3,915.00 approp. to: 1000-121511-48111 Machinery and equipment
 1,297.00 approp. to: 1000-121511-48121 Furniture and fixtures
 4,679.00 approp. to: 1000-122011-48173 Software
 94,013.00 approp. to: 1000-310431-48251 Motor vehicle and equipment
 1,199.17 approp. to: 1000-340121-46110 Uniforms
 61.48 approp. to: 1000-410121-46110 Uniforms
 10,085.00 approp. to: 1000-410121-48191 Engineering/Mapping
 985.00 approp. to: 1000-410121-48273 Software
 5,007.25 approp. to: 1000-410121-48274 Geographic Info System
 28,401.10 approp. to: 1000-410241-43100 Professional services
 11,215.00 approp. to: 1000-410241-48181 Building and grounds
 70,050.90 approp. to: 1000-410241-48294 WIP – Annexed area – 1
 18,923.00 approp. to: 1000-410741-43100 Professional services
 176,552.70 approp. to: 1000-410741-48111 Machinery and equipment
 3,450.00 approp. to: 1000-410841-48273 Software
 30,000.00 approp. to: 1000-710171-48181 Building and grounds
 14,440.00 approp. to: 1000-710171-48184 Improvements
 20,861.83 approp. to: 1000-710271-48184 Improvements
 14,810.00 approp. to: 1000-710471-48284 Improvements
 17,650.70 approp. to: 1000-710771-48184 Improvements
 4,247.37 approp. to: 1000-710871-46132 Ed/Rec Supplies-athletics
 10,392.00 approp. to: 1000-710871-48284 Improvements
 1,206.10 approp. to: 1000-730371-48181 Building and grounds
 23,325.00 approp. to: 1000-810121-43100 Professional services
 152.14 approp. to: 1000-810221-46110 Uniforms
 1,581.00 approp. to: 2011-322061-43333 Main & repair-Scada
 1,533.00 approp. to: 2011-322061-46071 Main & repair-Pump/Scada
 3,429.00 approp. to: 2011-362061-43310 Repairs and maintenance
 2,012.50 approp. to: 2011-372061-48273 Software
 14,226.28 approp. to: 2012-452061-43382 Water loss mgt.-meter test
 150,000.00 approp. to: 2012-472061-48161 Construction vehicles and equip.
 1,437.50 approp. to: 2012-472061-48273 Software
 357,109.00 approp. to: 2013-872081-48253 Transit buses
 13,778.24 approp. to: 2014-912242-43320 Service contracts
 32,570.50 approp. to: 2014-912242-43360 Main & repairs-building & grounds
 17,516.00 approp. to: 2014-972043-48111 Software

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

Vote: Yes - Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

The next agenda item was a request to authorize the City Manager to enter into a contract with Central Shenandoah Planning District Commission (CSPDC) to do a Community Needs Assessment for the expansion of the jail. City Manager Baker said this study is necessary in order for the City to seek funding from the state. Following further discussion and comments, Council Member Chenault offered a motion to approve authorizing the City Manager to enter into a contract with CSPDC. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

Mayor Eagle announced that the agenda item to consider approval of a comprehensive agreement for a new school complex has been postponed.

The next item of business for Council’s consideration was accepting a *Department of Conservation & Recreation (DCR)* grant for a stream health improvement program. Public Works Director Jim Baker said the City has been awarded a grant from the DCR to cover the purchase of a new regenerative air street sweeper, ten new pet stations, and fifteen new signs. This grant will allow the City to purchase a street sweeper, hire an operator and provide maintenance on the streets. This grant provides funding for a two-year period; however, the operator will be a long-term commitment because the City intends to operate this program more than two years. The smaller part of the grant will allow the City to purchase ten new pet waste stations for the parks, which will help enhance the cleaning up of the stream. He said, “At this time, we are requesting Council’s permission to move forward with the grant documents”. Appropriating funds for an operator will be presented at a later time. Mr. Baker also noted that the City is under a DEQ and Department of Natural Resources permit and PDS permit, which basically means it is the City’s responsibility to monitor the stream health of Blacks Run and its tributaries in the City. This program fills a big part of permit requirement each year. It is long-term positive benefit to keeping the City in compliance for many years. Following further discussion and comments, Council Member Chenault offered a motion to approve this grant application as presented. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

No - Vice-Mayor Pace

Absent – None

Mayor Eagle presented the following resolution for Council’s consideration of approval:

RESOLUTION

WHEREAS, the City of Harrisonburg, County of Rockingham and James Madison University are recognized as existing entities belonging to the Commonwealth of Virginia; AND

WHEREAS, the City of Harrisonburg, County of Rockingham and James Madison University have entered into partnership in agreement to determine relocating rail service to the Harrisonburg-Rockingham community; AND

WHEREAS, the partnership between these entities is in agreement that relocating a portion of the Chesapeake & Western Railway would benefit the entire community, provide benefit to railroad service, the local economy, the safety of motorists, pedestrians, and ensure timely response of emergency response personnel; AND

WHEREAS, the partnership has completed a feasibility study to determine the cost to relocate the railroad to the north of the political boundary of the City of Harrisonburg in Rockingham County; AND

NOW, THEREFORE BE IT RESOLVED, that the City of Harrisonburg, County of Rockingham and James Madison University are in agreement that relocating a portion of the Chesapeake & Western Railway would have a positive benefit on regional transportation safety for the entire community.

Date

Mayor

Attest:

Clerk of City Council

Transportation Superintendent Drew Williams said Harrisonburg is in partnership with Rockingham County and James Madison University to determine the feasibility of the relocation of a section of the Chesapeake & Western Railway around the City. This will increase the

efficiency of the regional transportation network, ensure quicker respond times for rescue services and provide a potential economic development tool for the entire area. The northern most alignment was the only route considered for further discussion. All three bodies should pass a resolution supporting the relocation and which alignment is preferred. Rockingham County passed this resolution at its June 14th meeting and JMU plans administratively to pass the same resolution. This act will affirm the community's commitment to our elected officials at the federal and state level. The City should receive information from the Federal Department of Transportation in August concerning the amount of funding available for this project. Mr. Williams mentioned that Congressman Goodlatte did request that all three governing bodies come to a consensus on one alignment if funding is available for the project. Council Member Chenault pointed out that the wording in the resolution is very clear that the City is not committing to anything we are simply saying it would have a positive benefit on regional transportation safety for the community.

Public Works Director Jim Baker said a new planned distribution center north of the City would create at least a 25% increase in train traffic. This option would close approximately one-half of the City's at grade crossings. Approval of this resolution would improve efforts to get federal railway funds to pay for this project. Following further discussion and comments, Council Member Frank offered a motion to join with Rockingham County and JMU in supporting this resolution. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

Transportation Superintendent Drew Williams presented a brief report on traffic issues on Kelley Street. He said that a speed study using traffic counters was performed on Kelley Street using. The speed study results showed that an average daily traffic of 646 vehicles per day meeting the perimeters of the City's residential neighborhood streets. The average traveling speed in the study was 22 mph, which is three mph underneath the posted speed limit. The study revealed that this street does not qualify for increased fines for speeding. The Neighborhood Traffic Calming Program required that the neighborhood become more pro-active and is designed to curtail cut-through traffic. A sign "Watch for Children" has been approved by the Virginia Municipal League and could be placed in this area. There are several options to provide funding for the signs as well as regulations regarding placement, which will be presented at a future Council meeting.

Miriam Dickler, Public Information Officer, presented an overview on her activities and plans for the future. She said that during the past year the department has working on policy building and creation. A number of campaigns have been increased including public information and education. It is hoped that a dog waste campaign will be launched within the next month. A

Citizen Academy is being formed for residents in the City to learn about the functions and services of City government from people who are in City government. The 2006 Citizen Academy will begin on Thursday September 14. Sessions are conducted every Thursday evening for ten weeks, ending on November 16, 2006. All sessions will be held in City facilities. The program is open to all residents of the City of Harrisonburg who are 18 years of age or older and willing to commit the time to this informative, interesting and engaging program. The class is limited to 15 participants selected on a first-come, first-served basis.

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 2-3-23 of the Harrisonburg City Code. Amending and re-enacting this ordinance will set forth the general order of business for a regular meeting of City Council. Council Member Byrd offered a motion to approve this ordinance for a first reading. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

Bucky Berry, a resident of Harrisonburg, volunteered to donate the labor and cost of a sign for the residents of Kelley Street.

Ralph Gettes complained about the unknown future traffic on I-81.

Council Member Chenault said that the Harrisonburg Rescue Squad has requested additional funding for fuel for the upcoming year. He suggested that members of staff contact the squad and try to resolve the issues.

City Manager Baker said that the Rockingham County Sheriff is requesting two additional bailiffs because more court sessions have been added to the docket.

City Manager Baker said when the new expanded SPCA facility was constructed it ran into rock problems making it necessary to secure an additional \$350,000 loan to complete the facility. The City has agreed to provide an additional \$9,366 each year in funds to help with the loan. Council Member Chenault offered a motion to approve the additional funding. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

At 8:40 p.m., Council Member Chenault offered a motion that Council enter a closed session for 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. 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 Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

At 10:20 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read 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.

At 10:25 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

