

REGULAR MEETING

AUGUST 22, 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 Chenault gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Bob Privott appearing in the re-enactor role of Harrisonburg’s First Mayor, Isaac Hardesty expressed his appreciation to the City for its assistance in the 2006 Court Days Festival celebration. He said next year the Court Days Festival event is planned for June 2, 2007. Karen Lee, Director of the Court Days Festival for 2007, asked Council to take action tonight and close the South and West side of Court Square for the festival. Two young re-enactors Rebecca & Evan gave a miniature gavel to Council Members.

Glenda Rooney. Co-chair of the Jamestown 2007 celebration, gave Council Members a CD ROM driving tour of Route 11 and 42. She also thanked Council for its financial support. She said many local people devoted approximately 1500 hours to work on this project.

Ken Smith a resident of the City for 10 years said several homeless men died in recent years because of exposure during the cold winter weather. “I don’t know whether it is the City or the Salvation Army responsibility, but I think it is the responsibility of government or non-government to try to prevent these unnecessary and tragic period of pain and in some cases death for homeless people.”

Quiet T. Please a resident of the City said an informational bicycle meeting being held next week should include more discussion and plans for bicycle routes and sidewalks in the Park View area.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and referring an alley-closing request by Craig Hertzler to the Planning Commission. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented for Council's consideration issuing general obligation bonds in the principal amount not to exceed \$50,000,000. He said that proceeds of the bonds will be used to finance a portion of the costs of the acquisition of land for constructing and equipping an elementary and a middle school complex, financing roads and water and sewer infrastructure and a loan to the Harrisonburg Redevelopment and Housing Authority to renovate public housing units.

Ted Cole of Davenport and Company, the City's financial advisor, said Council adopted a preliminary resolution on June 13, 2006 to move forward with issuance of these bonds. He reviewed a timetable regarding issuing the bonds.

The following discussion by Council Members included: Can the bonds be structured to allow for call provisions? Can it have a shorter call date? Would the Series B bonds carry a higher interest rate? What is the rate of grade A or above?

At 7:30 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 Tuesday, August 8th, and August 15, 2006.

**NOTICE OF PUBLIC HEARING ON PROPOSED
ISSUANCE OF BONDS BY THE CITY OF HARRISONBURG, VIRGINIA**

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia (the "Council") will hold a public hearing on the proposed issuance by the City of Harrisonburg, Virginia (the "City"), without a referendum and subject to final approval, of general obligation bonds in a principal amount not to exceed \$50,000,000 (the "Bonds") for capital improvement projects. The Bonds may be issued from time to time and in one or more series.

The proceeds of the Bonds will be used to (i) finance a portion of the costs of the acquisition of land for, and the construction and equipping of, an elementary and a middle school complex and finance roads and water and sewer infrastructure related thereto, (ii) make a loan to the Harrisonburg Redevelopment and Housing Authority to pay a portion of the costs of the renovation of certain of its public housing units and (iii) pay the costs of issuance of the Bonds.

The public hearing, which may be continued or adjourned, will be held at 7:00 p.m. on Tuesday, August 22, 2006, before the Council at a regularly scheduled meeting in the Council Chambers on the first floor of the Municipal Building at 345 South Main Street in Harrisonburg, Virginia 22801. Any person interested in the issuance of the Bonds and the purposes for which the Bonds are being issued may appear at the hearing and present his or her views.

**CITY OF HARRISONBURG, VIRGINIA
Roger D. Baker, City Manager**

Mayor Eagle called on anyone desiring to speak for or against this issue.

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, said, “There is no better indicator of a City’s viability than its commitment to education and our City Council has done a remarkable job over the past 15 or 20 years of investing in education in our community.” The schools are overcrowded and additional school facilities are needed in order to continue the quality of programs that exist in the City. “I don’t want anyone to lose sight of the fact that the reason for investing, the reason for the indebtedness in the City is specifically because of the need on behalf of the kids in our City.” There being no others desiring to be heard, the public hearing was declared closed at 7:31 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the issuance of general obligation bonds in the principal amount not to exceed \$50,000,000. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented for Council’s consideration approving a General Fund transfer to the School Capital Projects fund. This money will be used to complete the purchase of the Blackrock property. This amount and the previous amount of \$1,003,200 that was deposited with the Circuit court will amount to \$2,700,000, which is the agreed upon price for the aforementioned property.

At 7:33 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, August 14, 2006.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, August 22, 2006 at 7:00 p.m., or as soon as the agenda permits, 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 net amount of \$1,696,800. This represents School Capital Projects Fund expenditures for the purpose of the land for the new elementary/middle school which will be funded by a transfer from the General Fund unappropriated fund balance.

The budget increase will be as noted below:

Revenues:

General Fund:

Amount from fund balance

1,696,800.00

School Capital Projects Fund:

Transfer from General Fund	<u>1,696,800.00</u>
Total	<u>3,393,600.00</u>

Expenditures:

General fund:	
Transfer to School Capital Projects Fund	1,696,800.00
School Capital Projects Fund:	
Elementary/Middle School	1,696,800.00
Total	<u>3,393,600.00</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 transferring these funds. There being no one desiring to be heard, the public hearing was declared closed at 7:34 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the General Fund transfer of the Capital Projects Fund for the stated amount for a first reading, and that:

\$1,696,800.00 chge. to: 1000-31010 Amount from fund balance
1,696,800.00 chge. to: 1311-34210 Transfer from General Fund

\$1,696,800.00 approp. to: 1000-990111-49225 Transfer to School Capital Project Fund
1,696,800.00 approp. to: 1000-910114-48700 Elementary/Middle School

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

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

Absent – None

Mayor Eagle announced that the agenda item to consider a request from M. Belmont VerStandig, Inc., had been withdrawn.

Transportation Superintendent Drew Williams presented an overview of draft language of “Watch for Children” sign policy.

DRAFT

“Watch for Children” Sign Policy

This policy is in compliance with the VDOT policy on the installation of said signs. In general, “Watch for Children” signs will not be permitted to be installed on collector or arterial streets, or any street with a speed limit greater than 25 mph.

The City will permit installation of a “Watch for Children” sign upon completion of the following:

- A. The City will approve all locations of proposed locations for sign placement.**
- B. In a subdivision with a Homeowners Association (HOA):**
 - 1. A written request must be received from the Board of Directors indicating the number of signs and their location, accompanied with official record that such action was approved at a bona fide meeting of the association, and**
 - 2. A \$150.00 per sign donation is made to the City from the Homeowners Association to cover cost of sign installation and materials.**
- C. In a subdivision without a Homeowners Association (HOA):**
 - 1. A written request must be received from a resident or residents in the subdivision or on a subdivision street indicating the number of signs and their location, and accompanied by a petition of at least 51% of the residences in the subdivision or on the subdivision street stating that they support installation of the signs in the specific locations, and**
 - 2. A \$150.00 per sign donation is made to the City from the resident(s) of the subdivision to cover cost of sign installation and materials.**

Mr. Williams said as a result of a Kelley Street traffic issue draft language for procedures has been developed to allow neighborhoods to submit a request for the signs. By requiring residents in neighborhoods to petition the City, it will allow all the residents to be aware of the request and provide input regarding the signage. The City will also approve the placement of these signs. The signs will cost \$150.00 per sign to cover the cost of sign installation and materials. Council Member Byrd offered a motion to adopt the policy. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Mayor Eagle

Absent – None

Public Works Director Jim Baker presented an updated overview on the status of Stone Spring Road-Erickson Avenue project. He said a public hearing will be held on the Erickson Avenue/Stone Spring Road Connection project at Keister Elementary School on August 31st. The public hearing is an open forum walk-in meeting. City staff and VDOT representatives will be present to conduct open discussions. It is an east-west transportation facility in the City. It will enhance the transportation network and provide a key link to a lot of destinations and provide a boost for some economic development in the southern sections of the City. Plans are approximately 75% complete. The public hearing is required for the City to be eligible for all federal and state funding that may be available. The project is part of Harrisonburg Area 2015 Transportation Plan and is a minor arterial roadway designed to improve safety and pedestrian movement. In 2004, Erickson Avenue served approximately 7,600 vehicles per day and Stone Spring Road served approximately 9,700 vehicles per day. The projected traffic volume in the year 2027 for the completed facility will be approximately 13,200 vehicles per day. The City of Harrisonburg and VDOT are working together to improve approximately 2.1 miles of Erickson Avenue and Stone Spring Road and provide a 1.0 mile connector roadway between South High Street and Stone Spring Road. He reviewed the design timeline, which began in 1990. Currently, 66 parcels of land will be affected in part or in whole by the acquisition of right-of-way and/or easements for these projects. A total of two residential structures and three businesses will be displaced. A environmental impact study has been completed, which has been reviewed by numerous state agencies. This project will not significantly impact any streams or wetlands and will not involve significant air or noise impacts. No historic sites are located within the project's area. The total estimated cost of the project is \$54,800,000.00, which includes \$4,500,000.00 for preliminary engineering; \$16,600,000.00 for right of way, utility adjustments, relocation and relocation assistance; and \$33,700,000.00 for construction. The projects will be funded with federal, state, and local monies. He reviewed the remaining action required and proposed tentative schedule.

Vice-Mayor Pace offered a motion to approve closing the South and West side of Court Square from 7:00 a.m. until 6:00 p.m. for the Court Days Festival to be held on June 2, 2007. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Vice-Mayor Pace said that a special meeting was held by Planning Commission on August 16th to address draft language of R-3 & R-5. Following a number of comments received from the community Planning Commission decided to table taking any action on R-3 or R-5. It was also decided to schedule a work session on September 20th to address specify comments.

Council Member Frank asked whether the City could do anything about the concerns expressed tonight by Mr. Ken Smith regarding homeless people in the City.

Mayor Eagle said that he intended to discuss this matter with Mr. Smith.

Council Member Byrd suggested holding a work session with the School Board on October 31st. City Manager Baker and Superintendent Ford will coordinate a time for the meeting.

Council Member Chenault said the Parks and Recreation Commission met on August 21st. A group of mountain cyclists proposed constructing three levels of trails on the Bridgewater College property not just for mountain biking, but for pedestrians and cross country enthusiasts. The group would provide a specific plan, timetable, and manpower. The Parks and Recreation Commission adopted the proposal unanimously. The total estimate for the project is approximately \$7,000 and some grant money is available. The presentation was impressive and preliminary contacts with the residents of the neighborhood have been positive. Council Members agreed to proceed with the proposal.

At 8:30 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 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. 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 Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:30 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.

Vice-Mayor Pace offered a motion that Roger D. vonSeldeneck, 867 Sandtrap Lane, be appointed to the unexpired term of Ted Byrd on the Industrial Development Authority to expire on April 24, 2007. The motion was seconded by Council Member Chenault, 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

cc: City Council
City Manager
Assistant City Manager
Public Library