

REGULAR MEETING

NOVEMBER 28, 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; Council Member Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC, and Chief of Police Donald Harper.

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

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and second reading of adjusting the budgeting for the proceeds from the recently completed bond issue and a supplemental appropriation for the Public Works Department, and amending and re-enacting Section 13-5-1 of the Harrisonburg City Code. The motion also included an ordinance closing Patterson Street and four (4) alleys located between Warsaw Avenue and Grace Street and setting a public hearing to review the Capital Improvements Program (CIP) FY 2007-2008 through FY 2011-2012. 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 Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Craig Hertzler to close a 1,296 square foot alley between 154 and 166 West Wolfe Street. She said that the applicant first applied for the alley closing in September 2005. At that time, he only owned the undeveloped lot to the east of the right-of-way. During the review process, staff learned of an encroachment issue with the dwelling unit located at 166 West Wolfe Street. His options included an access easement or dividing the right-of-way between the two adjoining properties. Mr. Hertzler now owns both sides of the undeveloped alley, and is requesting to close the entire 1,296 square feet of undeveloped right-of-way. The applicant is interested in obtaining the additional right-of-way in order to correct the encroachment issue with the home at 166 West Wolfe Street. Closing the alley would then give Mr. Hertzler enough square footage to construct a triplex or similar building on the undeveloped lot to the east. She said that staff advises two conditions be placed upon this request and if approved, Mr. Hertzler bring the parcel at 166 West Wolfe Street into conformance with side setback requirements by creating a side property line at least five feet from the structure and create a shared access easement for the two properties so access is maintained to the detached garage at 166 West Wolfe Street. The City has no plans to construct this alley nor maintain it. She said that Planning Commission recommended approving the request.

At 7:05 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Saturday, November 18, and Saturday, November 25, 2006.

**NOTICE OF INTENTION TO VACATE
A TWELVE (12) FOOT ALLEY LOCATED
LOCATED BETWEEN 154 AND 166 WEST WOLFE STREET
IN THE CITY OF HARRISONBURG**

**City Council Chambers
345 South Main Street
Harrisonburg, VA 22801
Tuesday, November 28, 2006
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, November 28, 2006, 7:00 P.M., at City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider a request by Craig Hertzler to vacate and close a twelve (12) foot wide alley, containing 1,296 square feet, all located between 154 West Wolfe Street and 166 West Wolfe Street in the City of Harrisonburg, Virginia.

A copy of the plat showing the alley to be vacated and the recommendation of the City's Planning Commission are available in the City Community Development office, 409 South Main Street, Monday through Friday.

All persons interested will have an opportunity to express their views at this public hearing.

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

Mayor Eagle called on anyone desiring to speak for or against this alley closing request. There being no one desiring to be heard, the public hearing was declared closed at 7:06 p.m., and the regular session reconvened.

City Attorney Thumma advised that it is not necessary to establish an easement since Mr. Hertzler owns both parcels. Following further discussion and comments, Council Member Chenault offered a motion to approve this alley closing 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 Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Mayor Eagle announced that a presentation of the City's CAFR, Comprehensive Annual Financial Report, will be presented at the December 12th Council meeting.

Dr. Christie Joy Brodrick and Laura Pagliarulo presented an overview on the Cool Cities Program. This program involves an effort to look at emissions and energy reduction and will start with scientific data, which will be presented to decision makers and the public in a fashion that it becomes useful to them. She reviewed various groups involved in the program. She requested that City Council endorse the SHENAIR Institute in cooperation with the ICLEI-321 class to participate in a service learning project regarding energy, waste, and air pollution of the City to determine the consumption and areas of conservation that could lead to cost savings. Harrisonburg would be joining a group of cities and localities that analyze and promote sustainability, membership in the group will cost \$600.00. Following further discussion and comments, Council Member Chenault offered a motion to participate in the ICLEI Program as presented and appropriate the \$600.00 fee for the acquisition of the tools to operate the program. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Miriam Dickler, Public Information Officer, presented an overview of the recently completed inaugural session of the Harrisonburg Citizen Academy. She said 15 people participated in the academy, which begin September 14 and ended on November 16, 2006. All sessions were held in City facilities. The program was an extraordinary success. She also reviewed activities and plans for future programs.

The next item of business was a request to close City streets for Generations Crossing 5K Run/Walk. City Manager Baker said that Generations Crossing has partnered with First Night to sponsor a fund raising run/walk on New Years Eve. He reviewed the route. Council Member Byrd offered a motion to approve this request. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

Joan Strickler, Executive Director of First Night, presented a brief overview of the First Night activities. She explained that this would be the fifteenth year of entertainment and family fun for the citizens of Harrisonburg and surrounding area. Plans for this year are similar to those of past year's requests for street closing and sanitation crews. Council Member Byrd offered a motion to approve First Night's request for its activities and fireworks display. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

Parks and Recreation Director Foerster presented a request from the Parks and Recreation Department. These donated funds were received for costs incurred with the Camp Unali program. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$10,478.45 chge. to: 1000-31010 Amount from Fund Balance

\$10,445.58 approp. to: 1000-710471-45801 Camp Unali

32.87 approp. to: 1000-710171-45210 Postage

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

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

Absent – None

Parks and Recreation Director Foerster presented a request from the Parks and Recreation Department. These funds were received from a state grant from the Virginia Division of Conservation and Recreation for expenditures incurred in purchase of pet waste stations established in various park locations. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$2,700.00 chge. to: 1000-32531 Enhancing Stream Health Grant

\$2,700.00 approp. to: 1000-710971-46140 Other Operating Supplies

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were reimbursed through a grant and will be used for a digital camera system. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$5,000.00 chge. to: 1000-3524 Federal DMV grant

\$5,000.00 approp. to: 1000-310231-46140 Other Operating Supplies

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

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

Absent – None

Vice-Mayor Pace offered a motion to approve a supplemental appropriation of \$100,000 for a first reading for the Public Works Department budget to complete the study necessary for City Council to make a better decision on what to do with Reservoir Street, and that:

\$100,000 chge. to: 1000-31010 Amount from fund balance
100,000 chge. to: 1310-34210 Transfer from General Fund

\$100,000 approp. to: 1000-990111-49216 Transfer to General Capital Projects
100,000 approp. to: 1310-910141-48658 Reservoir Street Safety Project

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 Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 8:06 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, Board of Viewers, and Harrisonburg Electric Commission, 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 Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault

Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 10:10 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 10:15 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR