

REGULAR MEETING

July 24, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; 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, MMC, and Chief of Police Donald Harper.

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

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and a second reading of a supplemental appropriation for the Police Department. 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 Chenault  
Vice-Mayor Pace  
Council Member Byrd  
Mayor Eagle

Absent – None

The next item of business was holding a public hearing to authorize the re-appropriation of several encumbrances that were outstanding at June 30, 2007. City Manager Hodgen explained that these outstanding encumbrances were issued for purchase orders prior to June 30, 2007. The 2007-2008 budget will be increased by \$1,098,814.40.

At 7:04 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 Monday, July 16, 2007.

**NOTICE OF PUBLIC HEARING**

**A public hearing will be held by the Harrisonburg City Council on Tuesday, July 24, 2007 at 7:00 p.m., or as soon as the agenda permits, in the Harrisonburg City Council Chambers located at 409 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 2007-2008 budget in the amount of \$1,098,814.40. This amount represents outstanding encumbrance at June 30, 2007.**

**The budget increases will be as noted below:**

**Revenues:**

**General Fund:**

**Amount from fund balance**

**814,134.28**

<b>School Fund:</b>	
Amount from fund balance	69,383.26
<b>Water Fund:</b>	
Amount from fund balance	31,890.00
<b>Sewer Fund:</b>	
Amount from fund balance	3,076.13
<b>Sanitation Fund:</b>	
Amount from fund balance	<u>180,330.73</u>
<b>Total revenues</b>	<b><u>1,098,814.40</u></b>
<b>Expenditures:</b>	
General Fund	814,134.28
School Fund	69,383.26
Water Fund	31,890.00
Sewer Fund	3,076.13
Sanitation Fund	<u>180,330.73</u>
<b>Total expenditures</b>	<b><u>1,098,814.40</u></b>

**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  
Kurt D. Hodgen  
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 7:05 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$814,134.28 chge. to: 1000-31010 Amount from fund balance  
69,383.26 chge. to: 1111-31010 Amount from fund balance  
31,890.00 chge. to: 2011-31010 Amount from fund balance  
3,076.13 chge. to: 2012-31010 Amount from fund balance  
180,330.73 chge. to: 2014-31010 Amount from fund balance

57.79 approp. to: 1000-120511-45210 Postage  
135.27 approp. to: 1000-120511-45530 Training and Travel  
180.00 approp. to: 1000-120511-45810 Dues & Memberships  
412.00 approp. to: 1000-120511-46120 Books & Subscriptions  
1,538.85 approp. to: 1000-120511-46140 Other operating supplies

430.94 approp. to: 1000-120912-48171 EDP equipment  
4,400.00 approp. to: 1000-120912-48272 Hardware  
16,850.00 approp. to: 1000-121012-48273 Software  
1,215.00 approp. to: 1000-130114-43330 Maintenance & repair – M & E  
499.59 approp. to: 1000-310131-45410 Lease/rent of equipment  
37,267.00 approp. to: 1000-320132-48113 Equipment  
44,200.00 approp. to: 1000-320232-43360 Maintenance & repair – Bldg & Gnds  
19,830.45 approp. to: 1000-410121-48151 Motor vehicle and equip  
4,019.00 approp. to: 1000-410121-48171 EDP equipment  
1,608.20 approp. to: 1000-410121-48173 Software  
12,581.00 approp. to: 1000-410121-48191 Engineering/mapping  
11,001.39 approp. to: 1000-410121-48274 Geographic Info System  
28,401.10 approp. to: 1000-410121-43100 Professional services  
69,612.63 approp. to: 1000-410121-48294 Professional services  
3,950.00 approp. to: 1000-410741-43374 Maintenance & repair – allowable  
106,179.00 approp. to: 1000-410741-48111 Machinery & equipment  
65,847.21 approp. to: 1000-420241-48151 Motor vehicles & equipment  
100,000.00 approp. to: 1000-430221-48282 Land  
22,837.00 approp. to: 1000-710171-46130 Recreational supplies  
4,429.80 approp. to: 1000-710171-46131 Ed/Rec Supplies- Playgrounds  
564.00 approp. to: 1000-710171-46140 Other operating supplies  
7,165.00 approp. to: 1000-710171-48284 Improvements  
10,800.00 approp. to: 1000-710471-48111 Machinery & equipment  
2,402.04 approp. to: 1000-710471-48122 Furniture  
3,000.00 approp. to: 1000-710771-43310 Repairs and Maintenance  
2,775.00 approp. to: 1000-710771-46070 Repair and Maintenance Supplies  
360.00 approp. to: 1000-710871-46132 Ed/Rec Supplies – Athletics  
8,898.35 approp. to: 1000-710871-48284 Improvements  
14,582.00 approp. to: 1000-730271-48111 Machinery & equipment  
76,079.67 approp. to: 1000-730371-46151 Merchandise for resale  
5,025.00 approp. to: 1000-810521-43600 Advertising  
50,000.00 approp. to: 1000-810521-45746 Incentive grants  
75,000.00 approp. to: 1000-810521-48228 Development cost Reimb.  
48,618.27 approp. to: 1111-111114-40610 Instruction  
118.43 approp. to: 1111-111114-40620 Admin-Attend-Health ser.  
19,646.56 approp. to: 1111-111114-40640 Operations & Maintenance  
1,000.00 approp. to: 1111-111114-40680 Technology  
6,000.00 approp. to: 2011-322061-43333 Main & repair-Scada  
3,090.00 approp. to: 2011-322061-43379 Main & repair-Tanks  
22,800.00 approp. to: 2011-372061-48188 Tanks and pumps  
3,076.13 approp. to: 2012-452061-43382 Water loss mgt – Meter test  
30,263.30 approp. to: 2014-912242-43320 Service contracts  
15,059.16 approp. to: 2014-912242-43890 State fees and permits  
121,018.87 approp. to: 2014-912242-45119 Natural gas  
13,989.40 approp. to: 2014-972043-48111 Machinery & equipment

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 Chenault  
Vice-Mayor Pace  
Council Member Byrd  
Mayor Eagle

Absent - None

The next item of business was adopting the proposed R-3 Zoning Ordinance Amendments. Planning and Community Development Director Stacy Turner reviewed maps showing the R-3 areas within the city boundaries as of 1983 and in the “new” areas of the city after 1983. She also reviewed the total acreage and parcel information.

The following discussion by Council Members included: How many people can live in a dwelling in the R-3 zoning? Will single-family homeowners be protected? Expressed concern that proposed R-3 property owners will have to apply for a special-use permit to build apartments. The Comprehensive Plan was adopted in 2004 to protect neighborhoods. The R-3 zoning is not broken and this proposal is down zoning. Adopting the proposed R-3 amendments will allow the City to have a real opportunity to plan wisely and develop some smart growth ideas while protecting neighborhoods. This change should apply to all R-3 parcels in the entire City. The change should take effect in three years to give developers a chance to complete projects.

Council Member Frank offered a motion to adopt the R-3 Zoning Ordinance Amendments as recommended by Planning Commission. The motion was amended to include a three year time frame for implementation to allow developers to make changes to existing projects. The effective date will be August 14, 2010. 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 Chenault  
Vice-Mayor Pace  
Council Member Byrd

No - Mayor Eagle

Absent - None

The next item of business was considering installation of railroad preemptive equipment at South High Street and Maryland Avenue. City Manager Hodgen said this equipment would trigger the traffic light when a train reaches the crossing signal in the track. It will help to improve some traffic issues on these streets especially in the mornings when trains are across the tracks and traffic gets back up from Maryland Avenue onto South High Street. The estimated

cost of this equipment is \$7,500 - \$10,000 depending on the distance between the traffic signal and the train track. The City will need to get final approval from the railroad to implement this request. Council Member Chenault offered a motion to approve this request as presented. 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 Chenault  
Vice-Mayor Pace  
Council Member Byrd  
Mayor Eagle

Absent – None

The next item of business was a request by Council Member Chenault to enact Section 13-2-10 of the Harrisonburg City Code. He said enacting this ordinance will require persons 14 years of age or younger to wear a helmet when riding a bicycle, an electric personal assistive mobility device, a toy vehicle or an electric power-assisted bicycle as set forth in Section 46.2-906.1 of the Code of Virginia. State law specifies the age limit and currently restricts it to 14. Many children in the community are riding bicycles without a helmet. Violators would get a warning before getting summoned to Harrisonburg-Rockingham Juvenile and Domestic Relations Court.

Marty Solomon said the parents and grandparents should determine whether children should wear helmets.

Wanda Willis thanked City Council for addressing this issue. Parents and grandparents should take the responsibility because keeping kids safe is everyone's goal.

Cindy Reeves said she collects data on bicycle safety. Children up to the ages of six and seven will listen to their parents and wear helmets. Older children don't think it is cool to wear helmets.

Eddie Bumbaugh said he has been involved in two accidents while riding his bicycle. "My life has been saved by wearing a helmet."

Dianne Fulk said she is a member of the Pilot Club, a civic organization, which promotes understanding education and focusing on preventing head injuries. The Pilot Club received a grant and has free helmets available for children.

Lowell Fulk said a severe brain injury to a child requires more than just family members to help.

Police Chief Donald Harper said this ordinance will be enforceable. Officers will contact parents if there is a question regarding the age of the child.

Following further discussion and comments, Council Member Chenault offered a motion to approve this ordinance for a first reading requiring persons 14 years or younger to wear a helmet. 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 Chenault

Vice-Mayor Pace  
Council Member Byrd  
Mayor Eagle

Absent – None

Council Member Byrd offered a motion to support a grant application from Rockingham Memorial Hospital and Community Foundation for a proposed downtown walking loop and asked City Manager Hodgen to draft a letter regarding the support. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

City Manager Hodgen reported that it will cost \$4,018 to place a large decal on the water tower on Washington Street to recognize the Harrisonburg High School AA Track Team. Council agreed to pay for the decal and have it placed on the water tower.

City Manager Hodgen said that a commercial customer's typical water bill during the last several years was seldom in excess of 2,000 gallons per month. This customer received a water bill recently for 269,000 gallons. The Water Department has gone through a normal process to identify any leaks and cannot provide an explanation. The Director of Public Utilities is allowed by ordinance to make an adjustment, but the methodology does address severe cases like this. The customer is requesting reducing the bill to \$40.00. Vice-Mayor Pace offered a motion to make an adjustment in the customer water bill to \$40.00. The motion was seconded by Council Member Chenault and approved with a vote of four to one with Council Member Byrd abstaining.

Council Member Chenault offered a motion that Wayne Lilly, 105 Sunbright Drive, Bridgewater, VA, 22812 be appointed to an unexpired term of Edward J. Baldwin, Jr., on the Blue Ridge Disability Services Board to expire on February 1, 2009. 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 Chenault  
Vice-Mayor Pace  
Council Member Byrd  
Mayor Eagle

Absent – None

At 8:30 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR