

## REGULAR MEETING

June 10, 2008

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.

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

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of appropriations for the Fire Department, Parks and Recreation Department, Comprehensive Services, and Police Department. The motion also included placing a fire escape on the public right-of-way, and amending and re-enacting Sections 4-2-23, 4-2-25 and 4-2-124 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented for Council’s consideration a request to amend Article B. Plats Generally, Section 10-2-26(a) and (d) of the Subdivision Ordinance to extend the timeline to file final plats from twelve months (12) months to twenty-four (24) months after the approval of the preliminary plat. Currently, subsections (a) and (d) require an applicant to submit at least a section of a final plat within 12 months following approval of their preliminary plat. If the applicant fails to submit their final plat within the timeframe, the plat becomes null and void. Mrs. Turner said during the past several years at least six preliminary plats have exceeded the timeframe. In general, the design, plan review, and financial phases of some projects take longer than others. Some developments have needed supplementary infrastructure that has consequently required further review by City departments, which ultimately delays developers from filing their final plat. Extending the amount of time from one year to two years should help curtail some of the time constraints that many developments have been experiencing. Planning Commission recommended amending the ordinance.

At 7:06 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 Tuesday, May 27, and Monday, June 2, 2008.

## NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold a public hearing to on Tuesday, June 10, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

*Ordinance Amendment – Subdivision Ordinance Section 10-2-26 (a) & (d)*

**Public hearing to consider amending Article B. Plats Generally, Section 10-2-26 (a) and (d) of the Subdivision Ordinance to extend the timeline to file final plats from twelve months (12) months to twenty-four (24) months after the approval of the preliminary plat.**

**Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings. 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 amending this ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:07 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to amend this ordinance as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request from Founders Way, LLC, to preliminarily subdivide one, 3.02-acre parcel into 36 townhouse lots. This is the second time this preliminary plat has been reviewed. This subdivision of 36 townhouses is intended to be an extension of the Founders Way townhouse community. The development would have two entrances off of Founders Way with all internal roads designed to be private streets. The developer intends to make this development part of the Liberty Square Homeowners Association. A condition of the subdivision restricts occupancy to a family or two unrelated persons per unit. This development would be built upon private streets with travel ways that are too narrow to accommodate on-street parking; therefore, to minimize parking problems on site and to reduce the amount of vehicles associated with this development. Planning Commission has recommended approving the preliminary plat. Vice-Mayor Pace

offered a motion to approve this preliminary plat 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 Byrd  
Council Member Chenault  
Vice-Mayor Pace  
Council Member Frank  
Mayor Eagle

Absent – None

School Board Finance and Technology Director, Dee Dee Dawson, presented a transfer request for the School Board. Ms. Dawson said these funds will be transferred from the instruction function into the administration/attendance, health, and technology function. No additional City dollars are required for the school division to receive this transfer. Council Member Byrd offered a motion to approve transferring these funds, and that:

\$150,000.00 chge. to: 1111-111114-40610 Instruction  
\$100,000.00 approp. to: 1111-111114-40620 Administration/Attendance & Health  
50,000.00 approp. to: 1111-111114-40680 Technology

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

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

Absent – None

The next item of business was a request from the Interim City Treasurer Jeff Shafer to advertise delinquent real estate taxes for 2005/2006 and 2006/2007. The advertisement will be published in the Daily News-Record. Council Member Frank offered a motion to approve this request. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request from the Interim City Treasurer Jeff Shafer to charge off uncollectible personal property taxes for the year 2002 and real estate taxes for the year 1987. Following further comments and discussion, Council Member Frank offered a motion to approve this request. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

Absent – None

Vice-Mayor Pace requested that Interim City Treasurer Jeff Shafer review the last three years of uncollected tax related to real estate because the amount has doubled several times.

Mr. Shafer commented that he has noticed the large amount and will be reviewing collection measures to make the department more effective.

Planning and Community Development Director Turner presented a transfer request for the department. These monies will be transferred from Planning, Building Inspections and Engineering budgets to capital projects funds to allow for continuation of property renovation. Vice-Mayor Pace offered a motion to approve this transfer, and that:

\$81,200.00 chge. to: 1000 Salaries & Wages  
81,200.00 chge. to: 1310-1310-34210 Transfer from General Fund  
\$81,200.00 approp. to: 1000-990111-49216 Transfer to Capital Projects Fund  
50,000.00 approp. to: 1310-910141-48698 Capital Projects-Mun.Bldg.  
31,200.00 approp. to: 1310-910141-48710 Capital Project-409 S. Main Street

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

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

Absent – None

Parks and Recreation Director Lee Foerster presented a request to reserve Parks and Recreation Department funds. The Parks and Recreation Department is requesting to reserve \$13,120.00 in unexpended funds designated for the Blacks Run budget. These expenditures will

be used for stream restoration projects. Vice-Mayor Pace offered a motion to approve the reservation of these funds.

\$13,120.00 chge. to: 1000-32509 VA Dept. of Forestry Grant  
\$13,120.00 approp. to: 1000-710971-46140 Other Operating Supplies

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

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

Absent – None

City Attorney Thumma presented for Council's consideration amending and re-enacting Sections 11-1-1, 11-6-1, and 13-1-3 of the Harrisonburg City Code. Mr. Thumma explained that each year Council is asked to amend and re-enact these ordinances, which are related to changes in the state statutes. These sections adopt the state changes to the Uniform Statewide Building Code, Property Maintenance Code, and the motor vehicle and DUI laws. This will be the last year Council will have to adopt these changes. The General Assembly amended the state statute to allow localities to adopt the amendments each year by including certain language in the ordinances. Council Member Byrd offered a motion to approve these ordinances for a first reading. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

Absent – None

Public Utilities Director Mike Collins presented for Council's consideration amending and re-enacting Section 7-4-1 of the Harrisonburg City Code. Mr. Collins proposed adding a seasonal charge of 8 cents per 1,000 gallons during a five-month period beginning with July each year. This proposed change will affect all customers. Council had previously approved a 3 cent per 1,000 gallon increase in the adopted Fiscal Year 2008-2009 budget. Also, the proposal will help the City comply with a mandated Virginia water supply planning requirement and encourage water conservation measures. Following further discussion and comments, Council Member Chenault offered a motion to approve the rate structure as presented in this ordinance for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented the following resolution for Council's consideration of approval:

**A Resolution Calling on the Governor and General Assembly  
to Address Virginia's Transportation Funding Crisis**

**WHEREAS, the package of transportation taxes and fees enacted by the 2007 Session of the General Assembly to address statewide maintenance and regional transportation needs failed because the Virginia Supreme Court invalidated the Northern Virginia regional fees and because the 2008 General Assembly repealed the abusive driver fee program; and**

**WHEREAS, the Commonwealth Transportation Board is ready to approve a \$1.1 billion reduction in the official six-year forecast, forcing a 44 percent cut in primary, urban roads and secondary roads construction; and**

**WHEREAS, the Virginia Municipal League has advocated for a transportation funding model that is adequate, sustainable, and dedicated with non-general funds to support Virginia's transportation network; and**

**WHEREAS, Governor Timothy M. Kaine has called the General Assembly into special session on June 23 to address these funding matters;**

**NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Harrisonburg does hereby support efforts of the Governor and the General Assembly to act swiftly and decisively to approve legislation that will address the transportation funding crisis at the statewide, regional and local levels; and**

**BE IT FURTHER RESOLVED THAT, such legislation should recognize that it is the Commonwealth's responsibility to impose any new taxes and fees that are necessary to support regional and statewide transportation needs and that the funding purposes must be restricted to ensuring safe roads, relieving traffic congestion, maintaining and increasing transit investments, promoting economic development throughout the state, and providing multi-modal options.**

**ADOPTED THIS 10th DAY OF JUNE, 2008.**

**BY: \_\_\_\_\_**

**Rodney L. Eagle, Mayor**

**ATTEST:** \_\_\_\_\_

**Yvonne H. Ryan, MMC, City Clerk**

City Manager Hodgen said this resolution encourages the Governor and the General Assembly to adopt legislation that will address the transportation funding crisis at the statewide, regional and local levels when a special session of the General Assembly is convened on June 23. The resolution is non-partisan in nature and does not specifically endorse any programs or recommendations that have been presented to date. Vice-Mayor Pace offered a motion to approve this resolution. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:10 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to boards and commissions, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:45 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma 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 requirement 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 8:47 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

