

REGULAR MEETING

July 13, 2010

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Captain Dan Claytor. Absent: Police Chief Donald Harper.

Vice-Mayor Baugh gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Tom Mofflett thanked Council for continuing to pay the 5% employee share of the retirement costs.

Bucky Berry encouraged everyone to support upcoming City food drives in November and December. He also requested that Council consider eliminating the City decal.

Eugene Wenger said traveling through the intersection of Mount Clinton Pike and Chicago Avenue is becoming a safety hazard because there are many tractor trailers turning left from Mount Clinton Pike onto Chicago Avenue. Chicago Avenue was not designed for tractor trailer trying to take a shortcut to 33 West. He asked Council to consider taking action and eliminate trucks from Chicago Avenue.

Quiet T. Please said process is the key. He spoke against the design of bike lanes on City streets and indicated there are existing transportation problems in the City. He also suggested that it would helpful if Council held two meetings each month.

John Rugmin said that a traffic signal on Water Street and Liberty Street is confusing to motorists. The traffic signal should have a right turn arrow rather than a solid green light because the only choice is to turn right.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department and a rezoning request from Bill Neff. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Wiens
Vice-Mayor Baugh
Council Member Frank
Council Member Byrd
Mayor Degner

Absent – None

The next item of business was considering adopting the Bicycle & Pedestrian Plan 2010. Public Works Planner Thanh Dang reviewed some of the significant changes with this plan from the previously adopted 2005 plan. Mrs. Dang said that public input meetings have been held to review the new bicycle and pedestrian plan, which is significant because the plan has the use of Shared Lane Markings or “Sharrows.” Members of the committee, citizens, and staff worked together to establish a list of two and five year goals, and a long-term vision. The plan was recommended for approval by both Planning Commission and the Transportation Safety and Advisory Commission.

City Manager Hodgen said that financing and funding of different recommendations and projects would become part of the Capital Improvement Plan (CIP), which does have some existing bike and pedestrian walkway projects in it. Council will prioritize projects in the CIP.

At 7:27 p.m., Mayor Degner closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record Monday, June 28, and Monday, July 5, 2010.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearing on Tuesday, July 13, 2010, at 7:00 p.m. in City Council Chambers, 409 South Main Street, to consider the following:

Bicycle and Pedestrian Plan

Public hearing to consider adopting the City of Harrisonburg’s Bicycle and Pedestrian Plan. The purpose of the document is to provide a framework to develop and implement bicycle and pedestrian transportation in the City.

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 (5) five days prior to the date of the meeting.

**CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager**

Mayor Degner called on anyone desiring to speak for or against adopting the Bicycle & Pedestrian Plan 2010.

Bucky Berry said lights at cross walks needed better enforcement.

Thomas Jenkins thanked City staff and citizens for the support and involvement throughout the process of improving the bicycle and pedestrian plan. The plan focuses more on connecting

neighborhoods to schools, homes to places of employment, shopping, and recreation. It will take a financial commitment to make the plan a reality.

Leonard VanWyk encouraged Council to vote for this plan and fund projects. The two and five year windows are a nice way to allow some flexibility on certain projects.

Ben Wyse said there are many families who are scared to walk and bike around town with their children because they feel unsafe doing so. We need to adopt this plan for the next generation. It will make our community healthy, friendly, and give us a better environment.

Dane Cline said the City needs bike lanes.

Nichols McLoss said that as a child the bicycle was his only transportation to many school events and activities since his Mother was working and couldn't provide transportation.

John Rugmin said our society has pumped too much money into building roads.

Dale Diaz said a bicycle plan would benefit the residents of Harrisonburg and could be a draw for tourism and people retiring. The town of Grottoes has a bike trail why can't Harrisonburg have one.

Kim Robinson said that she grew up in Davis, CA and rode her bike to school every day. There being no others desiring to be heard, the public hearing was declared closed at 7:58 p.m., and the regular session reconvened.

Council Members agreed to table taking action on adopting the Bicycle and Pedestrian Plan 2010 until July 27, 2010.

Planning and Community Development Director Turner presented for Council's consideration amending Section 10-3-136(1) of the Zoning Ordinance. Mrs. Turner reviewed the changes in this section, which specifically deals with the provisions regulated by the variances portion that the Board of Zoning Appeals (BZA) governs and under what conditions the BZA can grant variances. The language the City uses in this part of the Zoning Ordinance is very similar to the language used in the Code of Virginia (Section 15.2-2309) that grants the City permission to regulate such actions. Planning Commission has recommended approval of the change to the zoning ordinance.

At 7:57 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record Monday, June 28, and Monday, July 5, 2010.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearing on Tuesday, July 13, 2010, at 7:00 p.m. in City Council Chambers, 409 South Main Street, to consider the following:

Ordinance Amendment – Zoning Ordinance Section 10-3-136

Public hearing to consider a request to amend Section 10-3-136 of the Zoning Ordinance for consistency with the Code of Virginia.

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 (5) five days prior to the date of the meeting.

**CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager**

Mayor Degner called on anyone desiring to speak for or against amending the Zoning Ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:58 p.m. Vice-Mayor Baugh offered a motion to approve amending this ordinance as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Wiens
Vice-Mayor Baugh
Council Member Frank
Council Member Byrd
Mayor Degner

Absent – None

City Treasurer Jeff Shafer presented Master Governmental Deputy Treasurer certificates to Jennifer Click and Melody McConnell. Jennifer Click and Melody McConnell have achieved Master Governmental Deputy Treasurer status as awarded by the Weldon Cooper Center for Public Service of the University of Virginia. This program involved numerous classes and a lot of commitment to continuing education. Council congratulated Jennifer and Melody for their achievements.

The next item of business was a request from City Treasurer Jeff Shafer to advertise delinquent real estate taxes for the years 2007/2008 and 2008/2009. The advertisement will be published in the Daily News Record. Council Member Frank offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

City Manager Hodgen presented a request for a supplemental appropriation for the Emergency Communications Center Fund Balance. These funds were received from a Virginia Information Technology Agency Grant, along with a match amount from the ECC fund balance and will be utilized to replace the E-911 system. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$ 89,552.91 chge. to: 1116-31010 Amount from fund balance
325,000.00 chge. to: 1116-32548 Va. Information Technology Agency Grant

\$414,512.91 approp. to: 1116-321132-48126 E-911 Replacement

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

Vote: Yes - Council Member Wiens
Vice-Mayor Baugh
Council Member Frank
Council Member Byrd
Mayor Degner

Absent – None

Tourism Marketing Coordinator Hall presented a request for a supplemental appropriation for Tourism and Visitor Services. These funds were received from a grant from the Virginia Tourism Corporation Marketing Leverage Program. The funds will be used to develop a media piece to market Harrisonburg to the website, D.C. metro market. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,599.39 chge. to: 1000-32456 Virginia Tourism Market Leverage Grant

\$1,599.39 approp. to: 1000-810821-43100 Professional Services

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

Vote: Yes - Council Member Wiens
Vice-Mayor Baugh
Council Member Frank
Council Member Byrd
Mayor Degner

Absent – None

City Manager Hodgen presented a supplemental request for the Parks and Recreation Department. These funds are a reimbursement to the department budget for expenses incurred for repair of a City vehicle that was involved in an accident. The City driver was not at fault and the funds in question are proceeds from the “at fault” driver’s insurance. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$3,629.91 chge. to: 1000-31010 Amount from Fund Balance

\$3,629.91 approp. to: 1000-710171-43330 Maint. & Repair/Machinery & Equipment

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

Vote: Yes - Council Member Wiens
Vice-Mayor Baugh
Council Member Frank
Council Member Byrd
Mayor Degner

Absent – None

City Manager Hodgen presented a request to transfer funds from one Parks and Recreation capital projects fund to another fund. The money will be transferred from the Ralph Sampson Park Improvements Capital Projects Fund to the First Tee Building Capital Projects Fund. Council Member Wiens offered a motion to approve transferring these funds, and that:

\$19.24 chge. to: 1310-910141-48719 Ralph Sampson Park Improvement

\$19.24 approp. to: 1310-910141-48720 First Tee Building

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

Vote: Yes - Council Member Wiens
Vice-Mayor Baugh
Council Member Frank
Council Member Byrd
Mayor Degner

Absent – None

At 8:29 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration personnel, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Wiens
Vice-Mayor Baugh
Council Member Frank
Council Member Byrd
Mayor Degner

Absent – None

At 9:15 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 9:16 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR