

REGULAR MEETING

AUGUST 23, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne “Bonnie” Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Mayor Larry Rogers.

Council Member Chenault gave the invocation and Vice-Mayor Eagle led everyone in the Pledge of Allegiance.

Bucky Berry, a resident of Harrisonburg, said his son enjoyed the Boys and Girls Club summer program. He also asked Council to recognize ARC Director Dan Suggs who died earlier this month for his many accomplishments to Harrisonburg and Rockingham County.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for various departments. The motion also included amending Section 10-3-46, 10-3-25(19) and (28) of the Harrisonburg City Code. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Council Member Lantz
Vice-Mayor Eagle

Absent – Mayor Rogers

Harrisonburg-Rockingham Emergency Communication Center Operations Manager Deidra Sencindiver presented a request for a special use permit for a public safety radio communication tower to be located on the School Board property at 1575 Peach Grove Avenue in Harrisonburg. The proposed site is for a 199’ self-supporting public safety radio tower that will be located in a vacant area in the northwest corner of the property. This site provides residential and commercial in-building coverage to the Port Republic Road area, JMU and the Southern downtown area. She showed slides depicting the area where other structures are located in relation to the proposed radio site. Having growth potential for future co-locators enables the City to utilize this tower for several different things and not have to have additional towers built in the general residential area in the future. The site includes several safety features that include tower fall zone provisions, radio frequency radiation and lightning/surge protection. The safety features are especially designed for towers in resident areas. A carefully planned tower can and does co-exist in residential neighborhoods with minimal or no harm to life and property.

At 7:45 p.m., Vice-Mayor Eagle closed the regular session temporarily and called the evening's joint public hearing to order. Planning Commission Chairman Weins also called the evening's joint public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, August 9, and Tuesday, August 16, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council and Planning Commission will hold a joint public hearing on Tuesday, August 23, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Special Use Permit – 1575 Peach Grove Avenue

Public hearing to consider a request from the City of Harrisonburg, for a special use permit {per Section 10-3-34 (8)} to allow communication facilities necessary for public safety purposes, including a tower up to 200 feet in height, which may include rental of space to private communication service providers. The property is located at 1575 Peach Grove Avenue and can be found on tax map 91-A-2.

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 Planner at 432-7700 at least five days prior to the date of the meeting.

Vice-Mayor Eagle and Chairman Weins called on anyone desiring to speak for or against the request. There being no one desiring to be heard, the joint public hearing was declared closed at 7:50 p.m., and the regular joint session reconvened. Planning Commissioner Jones offered a motion to approve this proposal as presented. The motion was seconded by Planning Commissioner Snell and approved with a unanimous vote of Planning Commission. Council Member Lantz offered a motion to approve this request as presented. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Council Member Lantz
Vice-Mayor Eagle

Absent – Mayor Rogers

The next item of business was a request to change a street name. Jerry Scripture developer for the project “Liberty Square” requested that Nightingale Lane be changed to Founders Way. He said that this residential development would be a large community and feature names of the country's founding fathers. Founders Way would better fit in with the theme and the name will be used for the entire street.

At 7:55 p.m., Vice-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 Tuesday, August 16, 2005.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, August 23, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Street Name Change – Nightingale Lane to Founders Way

Public hearing to consider a request from Liberty Land Company to rename “Nightingale Lane” to “Founders Way”.

All persons interested will have an opportunity to express their views at this public hearing. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Clerk at 432-7701 at least five days prior to the date of the meeting.

Vice-Mayor Eagle called on anyone desiring to speak for or against this request.

Gary Crowder manager of an apartment building on Nightingale Lane said the tenants were not in favor of changing the name. There being no others desiring to be heard, the public hearing was declared closed at 8:00 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Pace 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 Pace
Council Member Chenault
Vice-Mayor Eagle

No - Council Member Lantz

Absent – Mayor Rogers

The next item of business was selecting voting delegates for the Virginia Municipal League Conference scheduled for October 23-25, 2005. Council Member Chenault offered a motion naming Mayor Larry Rogers as the voting delegate and City Manager Baker as the alternate voting delegate. Assistant City Manager Kurt Hodgen was selected as a staff assistant to represent the City at the conference. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council Members present.

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

**RESOLUTION OF CITY OF HARRISONBURG, VIRGINIA
EXTENDING EXISTENCE OF HARRISONBURG-ROCKINGHAM
REGIONAL SEWER AUTHORITY**

WHEREAS, the City of Harrisonburg, Virginia is one of five members of the Harrisonburg-Rockingham Regional Sewer Authority; (the “Authority”) and,

WHEREAS, the Articles of Incorporation of the Authority dated July 2, 1970 were signed by the City on July 15, 1970 and were issued by the State Corporation Commission of Virginia on the same date; and

WHEREAS, Virginia law (§ 15.2-5114, Code of Virginia, 1950, as amended) provides that an Authority may exist only for a term of 50 years, provided that its existence may be extended for further periods as provided by resolutions of the members of the authority, provided further that the term may not be extended for more than 50 years from the date of the new resolution; and,

WHEREAS, the City of Harrisonburg deems it prudent to extend the existence of the Authority for an additional period of 50 years; and

NOW, THEREFORE, BE IT RESOLVED, that the existence of the Harrisonburg-Rockingham Regional Sewer Authority be extended for a period of 50 years. Similar resolutions must be adopted by the other four members of the Authority and this Resolution shall become effective on the date on which the last of such members act, which shall be the date for commencement of the 50 year period.

Rodney Eagle, Vice-Mayor

Attest:

Yvonne Ryan, CMC, City Clerk

City Manager Baker explained that the Sewer Authority is planning to extend the life of the Harrisonburg-Rockingham Regional Sewer Authority in order to meet new state regulations. In order to finance the expansion, it may be necessary to issue bonds that would go beyond the fifteen years remaining under the current Articles of Incorporation. The sewer authority will exist for the 50-year period to assure bond buyers. Council Member Pace offered a motion to adopt this resolution. The motion was seconded by Council Member Chenault and approved, with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
 Council Member Chenault
 Council Member Lantz
 Vice-Mayor Eagle

Absent – Mayor Rogers

Council Member Lantz offered a motion to appoint James Baker, Director of Public Works, to SHENAIR. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council Members present.

The next item of business was a request to approve a petty cash advance for the Emergency Communication Center. City Manager Baker said that the petty cash money will be used by the Center to make small purchases, etc. Council Member Lantz offered a motion to approve the cash advance in the amount of \$200.00. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council Members present.

Assistant City Manager Hodgen presented a request for a supplemental appropriation for the Community Development Block Grant Fund. He said when a grant from the Federal Government was prepared a dollar was not included in the original budget. This request will correct the dollar error. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1.00 chge. to: 1117-33201 Community Development Block Grant

\$1.00 approp. to: 1117-810721-45676 CDBG Projects and Programs

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

Vote: Yes - Council Member Pace
Council Member Chenault
Council Member Lantz
Vice-Mayor Eagle

Absent – Mayor Rogers

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from state asset seizure and will be used to purchase police supplies. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$22,800.00 chge. to: 1000-31010 Amount from fund balance

\$22,800.00 approp. to: 1000-310231-46100 Police supplies

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

Vote: Yes - Council Member Pace
Council Member Chenault

Council Member Lantz
Vice-Mayor Eagle

Absent – Mayor Rogers

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received through a reimbursement grant from DMV and will be used to purchase one in-car video camera. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$6,324.51 chge. to: 1000-33524 DMV Federal grant

\$ 829.51 approp. to: 1000-310231-41020 Salaries/wages OT

5,495.00 approp. to: 1000-310231-48211 Machinery/equipment

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

Vote: Yes - Council Member Pace
Council Member Chenault
Council Member Lantz
Vice-Mayor Eagle

Absent – Mayor Rogers

Council Member Chenault congratulated the School Board and the City on the opening of the new high school. It is an impressive structure and the grand opening was very informative. He also said there have been some alarming instances of bomb threats in Rockingham County and Harrisonburg. “I understand the Police Department is exploring the possibility of attaining a bomb-sniffing dog. If there is anything Council can do to expedite the acquisition of that asset we should do it.”

Police Chief Harper said that the Police Department has purchased a vehicle and designated an existing officer to work with a bomb-sniffing dog. However, the dog needs to be purchased and trained. The cost could be \$10,000.

Council Member Pace commented that waiting for donations will only delay purchasing a bomb-sniffing dog.

Police Chief Harper will present a report at the next Council meeting regarding the current funding available to purchase a bomb-sniffing dog.

Council Member Pace said City representation at Dan Suggs memorial service was amazing. He suggested recognizing Mr. Suggs service to the City. He also said that he attended the dedication of the new high school and since he wasn't on City Council and didn't have any

input into the decision, he thanked Mayor Rogers and Council Members Lantz, Frank, Fitzgerald and Peterson for their vision for the City.

At 8:25 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, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Consultation with the City Attorney regarding specific legal matters requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace
Council Member Chenault
Council Member Lantz
Vice-Mayor Eagle

Absent – Mayor Rogers

At 9:35 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.

At 9:36 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