

REGULAR MEETING

JANUARY 24, 2006

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; 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.

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

Members from the cast of “Seussical” presented a brief performance of a musical to be held at the Harrisonburg High School Auditorium February 16-19, 2006.

Bucky Berry, a resident of Harrisonburg, complained about the downtown parking meters.

Vice-Mayor Eagle 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 amending and re-enacting Chapter 1 of Title 14 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
Mayor Rogers

Absent – None

City Attorney Thumma presented the following resolution for Council’s consideration of approval:

RESOLUTION

WHEREAS, that due to construction, reconstruction, or elimination of certain streets within the City limits of Harrisonburg, there are deletions and additions of street mileage, which are eligible for maintenance payments.

- 1. Collector/local streets to be deleted, totaling 2.46 centerline miles (4.92 lane miles).**
- 2. Collector/local streets to be added, which meet the requirements of Section 33.1-41.1 of the Code of Virginia as of February 22, 1985, there are eligible for**

maintenance payment totaling 4.99 centerline (10.92 lane miles). Said street being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.

- 3. Principal/Minor Arterial streets to be deleted, totaling 0.00 centerline miles (0.00 lane miles).**
- 4. Principal/Minor Arterial streets to be added, which meet the requirements of Section 33.1-41.1 of the Code of Virginia as of February 22, 1985, that are eligible for maintenance payments totaling 0.00 centerline miles (0.00 lane miles). Said streets being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.**

NOW, THEREFORE, BE IT RESOLVED THAT, The City of Harrisonburg respectfully requests the Virginia Department of Transportation to make maintenance payments effective July 1, 2006.

Adopted by the Harrisonburg City Council the 24th day of January 2006.

Mayor

Attest:

Clerk of City Council

Public Works Director Jim Baker said that periodically the City has to update the listing of streets for which maintenance payments are received from VDOT. This resolution adds 4.99 new centerline miles and eliminates 2.46 centerline miles. Council Member Pace offered a motion to approve this resolution as presented. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

The next item of business was a request to issue a dance hall permit for Guzman's Restaurant. Kevin Rose, attorney representing the applicants, said Mr. Guzman has agreed to limit the dance floor space to an area not exceeding 10 percent of the total floor area of the establishment.

City Attorney Thumma noted that this dance hall permit is non-transferable and may be revoked at any time for any reason by the Harrisonburg City Council.

Following further discussion and comments, Vice-Mayor Eagle offered a motion to approve the dance hall permit for Guzman's Restaurant. 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

Mayor Rogers

Absent – None

The next item of business was an ordinance awarding a wireless franchise for the City. City Attorney Thumma said this revised ordinance is being presented for the second reading. He said this franchise will be reviewed every five (5) years and shall expire twenty-five (25) years from the date of passage unless the Grantee is not staying current with technology and providing the open wireless broadband network as proposed by this ordinance. Council Member Pace offered a motion to approve this wireless broadband franchise as presented for a second reading. 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
Mayor Rogers

Absent – None

City Attorney Thumma presented the following resolution for Council's consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, DESIGNATING THE WEEK OF APRIL 24-30, 2006 AS THE
2ND ANNUAL MEDICAL FITNESS WEEK – “*STEPPIN’ OUT*”**

WHEREAS, Rockingham Memorial Hospital Wellness Center is sponsoring a “Stepping Out Program” in conjunction with the 2nd Annual Medical Fitness Week of April 24-30, 2006; and

WHEREAS, the “Stepping Out Program” is a challenge to all citizens of the Harrisonburg community to get out and get active by striving to walk a minimum of 70,000 steps in 7 days; and

WHEREAS, Rockingham Memorial Hospital Wellness Center on January 10, 2006 requested the City Council to designate the week of April 24-30, 2006 as the 2nd Annual Medical Fitness Week – “*Steppin’ Out*” and further challenged all members of the Harrisonburg City Council to join the community by striving to walk a minimum of 70,000 steps in 7 days; and

WHEREAS, the City Council wishes to challenge the Rockingham County Board of Supervisors and the Town Councils of all of the Towns located in Rockingham County, to join in the “Stepping Out Program” and attempt to walk more steps in 7 days than the members of the Harrisonburg City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

1. That the week of April 24-30, 2006 is hereby designated as the 2nd Annual Medical Fitness Week – “Steppin’ Out”.

2. The City Council hereby challenges all citizens of the Harrisonburg community to get out and get active by striving to walk a minimum of 70,000 steps in 7 days.

3. The City Council further challenges the Rockingham County Board of Supervisors and the Town Councils of all Towns located in Rockingham County to join in the “Stepping Out Program” and attempt to walk more steps in 7 days than the members of the Harrisonburg City Council. The City Manager is hereby directed to send a copy of this resolution to the Chairman of the Rockingham County Board of Supervisors and to each Mayor of the Towns located in Rockingham County.

Approved: January 24, 2006

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Dianne Breeden from Rockingham Memorial Hospital Wellness Center said “Steppin’ Out” is a community walking challenge, which will be held in conjunction with the 2nd annual Medical Fitness Week of April 24-30, 2006. The program encourages communities to get out and get active, by striving to walk a minimum of 70,000 steps in 7 days. Council Members were issued pedometers at the January 10th meeting and issued a challenge to other elected officials in Rockingham County. Council Member Chenault offered a motion to approve this resolution as presented. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from asset seizure funds and will be used to purchase a replacement vehicle and a used motorcycle. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$29,000.00 chge. to: 1000-31010 State asset seizure

\$29,000.00 approp. to: 1000-310431-48151 Motor vehicles/equipment replacement

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
Mayor Rogers

Absent – None

Council Members agreed to have a joint work session with the Planning Commission on February 14, 2006 at 6:00 p.m.

Vice-Mayor Eagle requested that an updated report on downtown parking meters be presented at a future Council meeting.

City Manager Baker said proposed plans for downtown parking will be presented at the February 14th Council meeting.

In responding to Council Members questions Public Works Director Baker announced that an environmental impact process has been very challenging for the City. He said that the second revision is being reviewed by the VDOT reviewing agencies. Once the revision is completed a study will be forwarded to a Federal Highway Administration, which has 30 days to review the plan.

City Manager Baker said that Jeff Weatherall of South Main Motors has purchased a vehicle to be used for a raffle. He wants to donate the proceeds from the raffle to the Fire Department. Council agreed to allow the raffle to take place.

Assistant City Manager Hodgen provided some information regarding snow removal. He said other localities are in a similar situation as Harrisonburg, but most do not issue citations although there are regulations on the books. He said the City could do a better job of informing the public regarding these ordinances. He suggested that Council might want to review whether removing snow three hours after the snow has ceased to fall is realistic.

Council Member Pace commented that removing snow three hours after the snow ceased to fall was not realistic. The City's ordinance does state that if the snow ceases to fall in the night it shall be cleared away by 10:00 a.m. the following morning, which is more realistic. However, the City's current ordinance does address the problem with ice. Perhaps occupant or owners of certain premises located in shaded/shadowed areas of the City should be reminded that it's their responsibility to make sidewalks safe for travel.

At 8:20 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, Harrisonburg Planning Commission, Harrisonburg

Transportation Safety Commission and Tree Advisory Board exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Consultation with legal counsel regarding a proposed contract and probable litigation requiring the provision of legal advice of such legal counsel, 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 requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. 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
Mayor Rogers

Absent – None

At 10:00 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.

Council Member Chenault offered a motion that Alan P. Finks, 1133 Bluebird Court, be appointed to the unexpired term of Jackie Thomas-Suggs on the Planning Commission to expire on December 31, 2008. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Barbara McKee, 1213 Windsor Road and Howard E. Beierle, 1104 Ridge Wood Road, be appointed to the Tree Advisory Committee. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Joseph Lynch, Marsha Garst, and Elsie Ziegenfus be appointed to the Rockingham/Harrisonburg ASAP Commission to expire on December 31, 2010. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

At 10:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

