

REGULAR MEETING

August 14, 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.

Council Member Frank 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 several outstanding encumbrances at June 30, 2007. The motion also included an ordinance enacting Section 13-2-10 and Chapter 3. Zoning Ordinance Amendments of the Harrisonburg City Code. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent - None

The next item of business was holding a public hearing to submit an application for the Edward Byrne Memorial Assistance Grant Fund. Police Chief Harper said these funds in the amount of \$18,845.00 will allow the department’s Crime Scene Technicians to gather and analyze evidence. A public hearing must be held prior to the Police Department receiving the funds.

At 7:10 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s public hearing to order. He called on anyone desiring to speak for or against the grant application. There being no one desiring to be heard, the public hearing was declared closed at 7:11 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the request for the Edward Byrne Memorial Assistance Grant Fund application. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request from William P. Shomo and Phillip Constable to subdivide one parcel, totaling 1.14 acres located at 1256 North Main Street. The applicants are now requesting to preliminarily plat the 49,658 +/- square foot parcel into 15 townhouse lots. Four of the lots will be accessed from a private street. The property, zoned R-4, Planned Unit Residential District, is found on tax map 42-D-20. Mrs. Turner reviewed the surrounding uses in the area and noted that in March 2007, the entire parcel was rezoned R-4. The preliminary plat shows the entrance to the development coming off Emerson Lane with eleven of the fifteen lots fronting on the street. The development has frontage along North Main Street as well; however, no entrances will be allowed from Main Street into the site. Within this section of Emerson Lane is a center-landscaped island that is maintained by the Beacon Hill Townhomes Homeowners Association. The crossover opening within the center island will be enlarged to create an 80-foot opening. She said that Planning Commission has recommended that the request be approved. Council Member Chenault offered a motion to approve the 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 Chenault
Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

The next item of business was an update on Streetscape Projects. City Manager Emeritus Roger Baker and Harrisonburg Downtown Renaissance Executive Director Eddie Bumbaugh reviewed the plans and cost estimates for various planned Streetscape Improvement Projects to achieve the biggest impact in the downtown area. Mr. Bumbaugh said that funding has been appropriated for the Wayfinding gateway sign system and the “*Preserve America*” grant. Gateway signs are being proposed at nine entrances into the City as well as wayfinding signs at key attractions and parking signs. The highest priority will be directions to the downtown area from I-81. Two projects being recommended include refurbishing the concrete base of the World War I Memorial, adding new landscaping and two additional flagpoles, improving sidewalks with brick pavers, and replacing water and storm drainage utilities from Massanutten Regional Library to Elizabeth Street. Council Members agreed to move forward with the directions and priorities provided by Mr. Baker and Mr. Bumbaugh.

Fire Chief Larry Shifflett presented for Council consideration accepting a “Staffing for Adequate Fire and Emergency Response Firefighters Act (SAFER)” grant. He said the Fire Department has received notification that it has been approved for a SAFER Act grant. This five-year program will provide more firefighters on duty in the fire stations ready to respond to emergency calls. It also will allow the City to comply with National Fire Protection Association (NFPA) Standard #1710. He reviewed the level of grant support over the five-year period. Following further discussion and comments, Vice-Mayor Pace offered a motion to accept this

grant 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 Chenault
Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

Kim Alexander, Director of Special Projects and Grants Management, presented for Council's consideration approval of the Community Development Block Grant (CDBG) Consolidated Plan consisting of the FY 2008-FY 2012 Strategic Plan and the FY 2008 Annual Action Plan. She said that the City held two required public hearings for adoption of this plan. With the exception of comments made at the public hearings, the City has not received any other comments during the last 30 day public comment period. Council Member Chenault offered a motion to approve the CDBG Consolidated Plan 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 Chenault
Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

Martin Solomon said that he drives a motorcycle with wheels of eight inches or less in diameter and is not required to wear a helmet according to City Code. However, City Police Officers continue to stop him because they believe he is riding a moped, which does require wearing a helmet. He pointed out that all motorcycles require a license plate; however, a moped does not require a license plate.

Vice-Mayor Pace suggested that police officers be reminded that people riding motorcycles are required to have license plates and mopeds aren't. Also, people riding a moped are required to wear a helmet and people riding motorcycles are not required to wear a helmet.

The next item of business was a presentation concerning the City's Post Retirement Health Care Benefits liability. Finance Director Lester Seal said the City must implement Government Accounting Standards Board (GASB) Statement # 45 for the year ended June 30, 2009. GASB # 45 requires that the City recognize its potential liability for post employment health care benefits that are accruing to employees. Wachovia Retirement services was hired to perform the actuarial calculations, etc. that were necessary to determine the liability and the annual contribution that is required by this standard.

Daniel “Dan” L. Homan, senior consultant with Wachovia, gave an overview of GASB, including current method, new rules, impact, and valuation results of GASB 45.

City Manager Hodgen presented a request for a supplemental appropriation to the General and Water Capital Projects fund. The City has received interest on bond funds and reimbursement for the new radio system. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$413,718.95 chge. to: 1310-31010 Amount from fund balance
3,234.36 chge. to: 1321-31010 Amount from fund balance

\$312,166.86 approp. to: 1310-9101410485610 Two Way Communication System
80,673.43 approp. to: 1310-910141-48637 Erickson Avenue Extended
20,878.66 approp. to: 1310-910111141-48696 Linda Lane Extension
3,234.36 approp. to: 1321-910161-48657 Water Storage Tanks

The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Economic Development Director Brian Shull presented a request for a supplemental appropriation for the Economic Development Department. He said the Virginia Economic Development Partnership has awarded the City of Harrisonburg a \$50,000 “Governor’s Opportunity Fund” grant which is committed to Ariake U.S.A., Inc., for their \$18 million expansion in Harrisonburg. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$50,000 chge. to: 1000-32541 Governors’ Opportunity Fund Grant

\$50,000 approp. to: 1000-810521-45746 Incentive grants

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds were received from the Virginia Department of Alcoholic Beverage Control, Bureau of Law Enforcement, for a grant of overtime for officers for efforts with JMU alcohol coalition and holiday DUI enforcement. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$5,000.00 chge. to: 1000-33551 VA ABC enforcement grant

\$3,000.00 approp. to: 1000-310231-41020 salaries/wages OT

2,000.00 approp. to: 1000-310631-41020 salaries/wages OT

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds were received from a DMV grant for “Click It or Ticket”. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$3,424.59 chge. to: 1000-31010 Amount from fund balance

\$3,424.59 approp. to: 1000-310631-41020 salaries/wages OT

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds will replace money spent on bullet proof vests for the vest program.

\$4,331.78 chge. to: 1000-31010 Amount from fund balance

\$4,331.78 approp. to: 1000-31023148140 Bullet Proof vests

The next item of business was selecting voting delegates for the Virginia Municipal League Conference scheduled for October 14-16, 2007. Council Member Chenault offered a motion naming Mayor Rodney Eagle as the voting delegate and Council Member Frank as the alternate voting delegate. City Manager Hodgen was selected as a staff assistant to represent the City at the conference. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

City Manager Hodgen recommended that Council establish a two person Liaison Committee between the City and JMU.

At 8:47 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 Social Services Advisory Board, 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 Chenault
Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

At 9:30 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.

9:31 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR