

REGULAR MEETING

April 22, 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 Chenault gave the invocation, and Mayor Eagle led everyone in the Pledge of Allegiance.

Bobby Counsel, president of Communications Workers of American, Local 2275, (CWA) expressed his concerns regarding Verizon closing the store at 1790 East Market Street. He said it will be a great injustice to the residents of the community because it will eliminate a store that allows customers to talk face to face with a Verizon store associate. The store provides customers with a chance to view Verizon products and services that are available.

Chris Wilson, vice-president of the Local 2275 CWA, said a Verizon store is needed in Harrisonburg.

Mayor Eagle read and presented the following resolution to John Neff, President of Nielsen Builders, Inc., honoring Nielsen Builders, Inc., on their one hundredth anniversary.

A RESOLUTION HONORING NIELSEN BUILDERS, INC. ON THEIR ONE HUNDREDTH ANNIVERSARY

WHEREAS, Joseph Nielsen founded J. Nielsen and Company in Round Hill, Virginia in 1908 and relocated to Harrisonburg, Virginia in 1917; and

WHEREAS, over the one hundred years since its founding, the company has completed many projects of significance in the Harrisonburg-Rockingham County community and beyond including churches, health care facilities, educational facilities and historic renovations; and

WHEREAS, Nielsen Builders Inc. is now an employee –owned business with over 225 employees who contribute both personally and professionally to the Harrisonburg-Rockingham County community; and

WHEREAS, after one hundred years Nielsen Builders Inc., continues to provide the community with the exceptional construction and workmanship, and outstanding corporate citizenship that its founders envisioned.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Harrisonburg, Virginia wish to congratulate Nielsen Builders, Inc. on its 100th anniversary

and express their thanks for the many contributions that Nielsen has made to the community.

ADOPTED THIS 11TH DAY OF MARCH, 2008.

BY: _____

Rodney L. Eagle, Mayor

ATTEST: _____

Yvonne H. Ryan, MMC, City Clerk

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of appropriations for the Police Department, Public Utilities Department and Parks and Recreation Department. The motion also included rezoning requests for Heritage Estates, LLC, Muhlenberg Lutheran Church and Hugo A. Kohl, III. 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 Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented the proposed FY 2008-2009 budget. Mr. Hodgen presented an overview of the City's expenditures and revenues. The proposed budget is \$211,689,273. Primary emphasis is placed on **EDUCATION, PUBLIC SAFETY, TRANSPORTATION, and PUBLIC UTILITIES**. A highlight of expenses for education includes opening a new elementary and middle school this year and also includes a proposed 3% salary increase for school employees. An increase in the public safety budget is primarily due to the first full year of funding for the Fire Department enhancements and several new firefighters added during the fiscal year. Highlights in the Public Works Department include the start up of work on the Stone Spring/Erickson Avenue projects and traffic signal upgrades. This budget includes funding for the continuation of the streetscape program, adds a sidewalk program for the University Boulevard corridor, and new school and transit buses. The Public Utilities Department includes continuing the eastern raw water line extension project, upgrading a western raw water line project, and the City's share of the Regional Sewer Treatment Plant expansion. The budget does include a 3% pay adjustment. Premiums for health insurance will increase 5%. The budget also proposes adding 12.8 full-time employees, which includes 7.8 bus drivers. Mr. Hodgen also reviewed the major capital general projects. A new \$10.00 recycling fee is being proposed, which will not change the cost to any resident of the City that is currently a refuse customer.

At 7:15 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 on Monday, April 14, 2008.

**CITY OF HARRISONBURG, VIRGINIA
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 2009
For information and fiscal planning purposes only**

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 22, 2008 at 7:00 p.m., or as soon as the agenda permits, in the Harrisonburg City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia. Interested citizens are encouraged to attend and express their views.

<u>Revenue-By Funds</u>	<u>Original</u>	<u>2007-08 Amendments</u>	<u>Amended</u>	<u>2008-09 As Proposed</u>
Operating:				
General	86,064,732	3,720,830	89,785,562	91,802,441
School	53,763,220	832,896	54,596,116	60,281,222
Comm Dev Block Grant	546,881	708,252	1,255,133	527,522
Water	10,023,305	31,890	10,055,195	8,982,834
Sewer	8,982,999	3,076	8,986,075	9,229,349
Public Transportation	8,342,947	2,761,000	11,103,947	6,754,939
Sanitation	12,771,416	180,331	12,951,747	14,222,397
Central Garage	832,404	-	832,404	876,412
Central Stores	115,452	-	115,452	119,389
Total Operating	<u>181,443,356</u>	<u>8,238,275</u>	<u>189,681,631</u>	<u>192,796,505</u>
Capital Projects:				
General Capital Projects	13,041,884	25,853,260	38,895,144	14,007,000
School Capital Projects	-	25,358,060	25,358,060	-
Water Capital Projects	3,607,746	6,210,002	9,817,748	1,942,905
Sewer Capital Projects	1,962,531	2,285,953	4,248,484	1,564,627
Sanitation Capital Projects	1,680,000	5,297,560	6,977,560	1,378,236
Total Capital Proj	<u>20,292,161</u>	<u>65,004,835</u>	<u>85,296,996</u>	<u>18,892,768</u>
Total	<u>201,735,517</u>	<u>73,243,110</u>	<u>274,978,627</u>	<u>211,689,273</u>

Expenditures - By Funds

Operating:				
General	86,064,732	3,720,830	89,785,562	91,802,441
School	53,763,220	832,896	54,596,116	60,281,222
Comm Dev Block Grant	546,881	708,252	1,255,133	527,522

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Any individual requiring auxiliary aids, including signers, in connection with this public hearing must notify the City Manager at least five (5) days prior to the date of the meeting.

Copies of the proposed budget are available for public review in the City Manager's office, 345 South Main Street; the Massanutten Regional Library, 145 South Main Street and on the City's Internet web site at (<http://www.harrisonburgva.gov>)

Mayor Eagle called on anyone present desiring to speak for or against the proposed FY 2008-2009 budget.

Don Plank expressed discontent that the City is proposing a \$10.00 recycling fee to private community citizens. Private community citizens pay the same tax rate but receive fewer services from the City.

Rich Sider, Director of the Free Clinic, thanked Council for supporting the new dental clinic program being started through CDBG funding. He asked Council to consider increasing the amount of funding for the Free Clinic.

There being no others desiring to be heard, the public hearing was declared closed at 7:22 p.m., and the regular session reconvened.

The following discussion by Council Members included: Next year it will not be necessary to withdraw as much as \$4.7 million from the City's reserve to balance the budget. Money throughout the year will be received from grants and reimbursements. The schools should have a surplus at the end of the year. Cutbacks from the state will have a significant impact on the local economy. Council also questioned the proposed \$10.00 recycling fee.

Following further discussion and comments, Council Member Chenault offered a motion to approve the budget as presented 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 Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Norman Yoder, a representative from Brown, Edwards & Company, presented the 2006-2007 Comprehensive Annual Finance Report. He said his firm and the City have to comply with certain standards and guidelines set by the Government Accounting Standards Board (GASB) and the Commonwealth of Virginia Auditor of Public Accounts. He gave a brief overview of the report. Mr. Yoder expressed his appreciation to the Finance Department for all of their assistance. The City will receive an unqualified opinion, which is the highest level of assurance placed on financial statements.

City Manager Hodgen presented a request to consider appropriating General Capital Project fund monies. Mr. Hodgen said the General Capital Projects Fund receives interest from bond issues and “First Cities” funds (VDOT), reimbursements from Rockingham County for the radio project, DCR grant funds and Highway Construction funds. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$287,964.16 chge. to: 1310-31513 Investment earnings
11,232.00 chge. to: 1310-31914 Recovered cost
158,132.11 chge. to: 1310-31919 Reimb-Rockingham Co-Radio system
5,903.01 chge. to: 1310-32508 Dept. of Conservation & Recreation Grant
1,074,387.00 chge. to: 1310-33528 Street & Highway Construction

\$184,977.90 approp. to: 1310-910141-48610 2-way Communication System
5,903.01 approp. to: 1310-910141-48616 City Wide Drainage Program
50,423.75 approp. to: 1310-910141-48637 Erickson Avenue Extension
1,125,514.34 approp. to: 1310-910141-48665 Erickson – South High to Main
170,799.28 approp. to: 1310-910141-48696 Linda Lane Extension

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 Frank
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was a request from Eastern Mennonite University (EMU) to close Park Road during the Commencement exercises on April 27, 2008. EMU has requested that Park Road be closed beginning at Mt. Clinton Pike and ending at Parkwood Drive. The closure would be from 12:45 p.m. until 3:00 p.m. Council Member Chenault offered a motion to approve the request to close Park Road on April 27th. The motion was seconded by Council Member Byrd and approved with a unanimous vote of Council.

The next item of business was a request from Rockingham Rotary Club to close a portion of Washington Street for an “All American Soap Box Derby”. The club is requesting permission to close Washington Street from Route 11 to just about Northfield Court on Saturday, May 24th from 5:00 a.m. until 5:00 p.m. Council Member Byrd offered a motion to approve this request. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

The next item of business was a request to use City property for the Fundfest Concert Series. The concert series will be held on alternating Wednesday evenings beginning May 14th and ending August 20th. Council Member Chenault offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

The next item of business was an update on the Reservoir Street project. Public Works Superintendent Drew Williams reviewed public comments made at the January 9th Public Information Meeting and information presented to City Council on February 12th. Mr. Williams reviewed the widening alternatives including advantages and disadvantages for Reservoir Street from University Blvd. to Neff Avenue, and the design features being considered for this corridor. The Preliminary Design will move forward to refine the remainder of alignment and construction limits, street connections and entrances, drainage and utilities, and define right of way and easement needs. Another Design Public Information Meeting will be held in late spring or early summer.

The next item of business was an update of the 2007 Harrisonburg Police Department Annual Report. Police Chief Harper said that Sgt. Shane Brown received The Virginia Association of Chiefs of Police Award for Valor. This award recognizes a law enforcement officer who, in the line of duty, performs an act of extraordinary heroism while engaged with an adversary at imminent personal risk. Police Chief Harper also recognized Auxiliary Officer Steve Frysinger who gave over 500 voluntary service hours to the Police Department during the past year.

Vice-Mayor Pace offered a motion that Council appoint Stacy Turner to the Community & Economic Development Committee, Mike Collins to the Environmental Quality Committee, Lester Seal to the Finance Committee, Kurt Hodgen and Earl Thumma to the General Laws Committee, and Reggie Smith to the Transportation Committee. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

City Attorney Thumma presented for Council's consideration enacting Section 3-5-11 of the Harrisonburg City Code. The Human Resources Department of the City is requesting this ordinance in order that criminal background checks can be made on persons applying for certain City positions, persons applying for jobs dealing with minors, the elderly, emergency medical services personnel or any other position deemed necessary by the City Manager in the interest of public welfare or safety. State code requires the City to have its own ordinance prior to requesting the State Police to perform a search. The form of this ordinance has received preliminary approval from the State Police. Council Member Byrd offered a motion to approve this ordinance as presented 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 Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented for Council's consideration a request from former Governor Mark Warner to close two sides of Court Square for an event on May 6th to officially announce his candidacy for the U.S. Senate. Following further discussion and comments, Council Member Byrd offered a motion to give City Manager Hodgen discretion to work out the details of the street closures with the Warner campaign. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Thanh Dang be appointed to a term on the TAC Policy Board as a voting member. The motion also included that Drew Williams be appointed as an alternate on the TAC Policy Board. 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 Frank
Council Member Byrd
Mayor Eagle

Absent – None

At 8:30 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to board and commissions, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia; discussion concerning the expansion of an existing business or industry where no previous announcement has been made of the business interest in expanding its facilities within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia; discussion and consideration of the acquisition

and disposition 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 Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

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

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

CITY CLERK

MAYOR