

REGULAR MEETING

August 26, 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; Assistant City Manager Evan Vass; 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 Harper.

Council Member Byrd gave the invocation, and Mayor Eagle led everyone in the Pledge of Allegiance.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several outstanding encumbrances at June 30, 2008. The motion also included rezoning requests from Alan Strawderman and Be Tran and Forest Hills Manor. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was approving a State Performance Contract for the Community Services Board. City Manager Hodgen said the Code of Virginia calls for a formal vote on this contract. However, if no action is taken by September 15, 2008, it is considered approved. Vice-Mayor Pace offered a motion to approve the FY 2009 State Performance Contract for the Harrisonburg-Rockingham Community Services Board. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request to increase the Public Utilities Petty Cash Fund. City Manager Hodgen said that the Public Utilities Department is requesting an increase in their petty cash fund of \$250.00. Currently, all customer service representatives in Public Utilities

must share cash boxes. In order to fully implement the department's new safe system and accountability procedures, each individual service representative needs to have their own box. The additional funds requested will allow each service representative to have a cash box of \$100.00 and will add \$50.00 to the change fund. Vice-Mayor Pace offered a motion to approve this request 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 Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

City Manager Hodgen presented a transfer request for the Public Works Department. Mr. Hodgen said that the Public Works Department is requesting to transfer "left over" funds from the Evelyn Byrd Avenue project to a capital projects account for improvements to Linda Lane between East Market Street and County Club Road. This request will not change the current FY 08-09 budget. Council Member Chenault offered a motion to approve transferring these funds, and that:

\$52,949.75 chge. to: 1310-910141-48667 Evelyn Byrd Avenue
\$52,949.75 approp. to: 1310-910141-48696 Linda Lane Extension

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

No - Vice-Mayor Pace

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. This money was received from the U.S. Marshals Service for assisting with Operation Falcon from June 1, 2008 to June 7, 2008. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,000.00 chge. to: 1000-31901 Recoveries/rebates
\$1,000.00 approp. to: 1000-310531-41020 Salaries/wages overtime

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were received from state asset seizure money. The money will be used to purchase a filing system and additional furniture for the criminal investigative bureau. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$6,081.00 chge. to: 1000-31010 Amount from fund balance
\$6,081.00 approp. to: 1000-310331-48121 Furniture and fixtures

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

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

Absent – None

Council asked City Manager Hodgen to provide information regarding whether truck traffic could be prohibited from the downtown area because of anticipated future zoning changes encouraging outdoor dining along Main Street.

Council asked City Manager Hodgen to provide information regarding whether the traffic light sequence on Port Republic Road was logical, especially since traffic is backing up at the traffic light at the I-81 ramp and the traffic light at Forest Hills Road.

Council Member Chenault, City Manager Hodgen and City staff met with representatives of apartment complexes in the City at their request regarding the \$10.00 waste management fee, which was enacted July 1, 2008. Since the City's ordinance does allow the waste management fee to be waived for complexes offering an acceptable solid waste management and recycling program, several requests were made. 1) Upon an apartment complex presenting a legitimate recycling program, would the City waive the \$10.00 waste management fee for a two month evaluation period? 2) Would the City waive the waste management fee retroactively for the two months that participating complexes have paid? Following further discussion and comments,

Vice-Mayor Pace offered a motion to approve waiving the \$10.00 waste management fee for a two month evaluation period, once an apartment complex has submitted a recycling program plan to the Public Works Department. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council asked whether the Transportation Safety Committee had provided a public service announcement regarding the “rules of the road” concerning the increased usage of bicycles and motor scooters.

City Manager Hodgen presented a request for a transfer from the Finance Department. The auditors are requesting retroactively adjusting the fiscal year 2007-2008 General Fund budget by removing the revenues and expenditures of the Harrisonburg-Rockingham Emergency Communication Center (HRECC). Council Member Chenault offered a motion to approve transferring these funds, and that:

\$154,100.00 1116-31221 E911 Tax – Wireless Phones
16,900.00 1116-31523 Rental of ECC Tower Space
1,499,850.00 1116-31805 ECC Payments from R’ham County
160,357.00 1116-32308 State Share – Dispatchers
1,499,950.00 1116-34210 Transfer from General Fund

\$3,331,057.00 1116-321132-Various Various Codings

(\$154,101.00) 1000-31221 E911 Tax – Wireless Phones
(16,900.00) 1000-31523 Rental of ECC Tower Space
(\$1,499,850.00) 1000-31805 ECC Payments from R’ham County
(\$160,357.00) 1000-32308 State Share - Dispatchers

(\$3,331,057.00) 1000-320532-Various Various Codings
1,499,849.00 1000-990111-49218 Transfer to ECC Fund

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

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

Mayor Eagle

Absent – None

City Manager Hodgen presented a request to close Court Square on September 11, 2008, from 5:00 p.m. to 7:30 p.m. for a POW MIA Recognition Day Ceremony. Council Member Chenault offered a motion to approve the closure of the Court Square streets for the event. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

City Manager Hodgen read a letter from Michael R. Peters, Regional Plant Manager for Tenneco Automotive, thanking the Department of Public Utilities employees for participating in the repair of a recent water main break at its facility.

City Manager Hodgen presented a request from the Fire Department. The Fire Department will be constructing an addition onto the Rock Street Fire Station. This construction will require a partial closure of Community Street, which runs perpendicular to Rock Street. The closure should last approximately 120 days. 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.

At 7:50 p.m., Council Member Frank offered a motion that Council enter into a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from the 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 Chenault and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:00 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 9:01 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

