

REGULAR MEETING

September 23, 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.; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Harper. Absent: Vice-Mayor George W. Pace.

Council Member Chenault 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 a supplemental appropriation for the Police Department. The motion also included amending Article B. Plats Generally, Sections 10-2-23 and 10-2-25 of the Subdivision Ordinance. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

Absent – Vice-Mayor Pace

Mayor Eagle presented the following resolution for Council’s consideration of approval:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA REGARDING THE CITY’S SUPPORT FOR RENOVATION OF PUBLIC HOUSING UNITS BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the “Authority”), in order to promote low income public housing in the City of Harrisonburg, Virginia (the “City”), either has renovated or will rehabilitate and improve some of its public housing units known as Harrison Heights, Franklin Heights and Scattered Sites located in the City (the “Project”);

WHEREAS, it is anticipated that the Authority will borrow up to \$2,000,000 for a term of no more than 1 year at an interest rate not to exceed 3.50 percent per year (the “Loan”) from one or more banks (together, the “Lender”) to provide financing for the Project and that such loan will be documented by a loan or financing agreement, note or other similar documents (together, the “Loan Documents”);

WHEREAS, to encourage the rehabilitation and improvement of the public housing units the City will enter into an agreement with the Authority (the "Support Agreement") in which the City will agree that if funds of the Authority ("Authority Funds") are not sufficient to pay the debt service and other costs due under the Loan Documents, the City has a moral, but non-binding, obligation to pay moneys to the Authority in such amounts and at such times as will allow the Authority to pay such debt service in a timely manner;

WHEREAS, all payments due from the City under the Support Agreement will be subject to and conditioned upon the City Council making appropriations to make such payments and if such appropriations are not made, such payments will not be made, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia that:

1. The City approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.

2. The City will have a moral, but non-binding, obligation to make payments under the Support Agreement in amounts sufficient to allow the Authority to make up shortfalls from Authority Funds to pay the debt service and other costs due under the Loan Documents. The Support Agreement will provide that the City Manager or other officer charged with the responsibility for preparing the City's budget shall request an amendment to the budget in an amount sufficient to cover such shortfall. Throughout the term of Support Agreement, the City Manager or other officer charged with the responsibility for preparing the City's budget will be required to deliver to the Authority within 10 days after the adoption of an amendment to the annual budget, but no later than 10 days after the effective date of the amendment, a certificate stating whether such amount has been appropriated by the City Council in such budget.

3. The Support Agreement will set forth the City's responsibilities for advancing funds to the Authority if there is a shortfall, subject to appropriation by the City Council.

4. The City Council approves the signing of the Support Agreement, and authorizes and directs the City Manager, the Mayor or the Vice-Mayor, any one of whom may act, to execute and deliver the Support Agreement in such form as they shall approve as shall be necessary to accomplish the intended purposes of the Support Agreement. The execution of the Support Agreement shall be deemed to evidence such approval.

5. The City Manager, Mayor and Vice-Mayor are also authorized to take such other actions and to execute such other documents as are necessary to achieve the purposes set forth in this Resolution.

6. The Resolutions shall take effect immediately upon its adoption.

READ AND ADOPTED: September 23, 2008

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading of a resolution titled “RESOLUTION OF THE CITY OF HARRISONBURG, VIRGINIA REGARDING THE RENOVATION OF PUBLIC HOUSING UNITS BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY,” taken at a regular meeting of the City Council held on 23rd day of September, 2008.

	AYE	NAY	ABSTAIN	ABSENT
Rodney E. Eagle, Mayor				
George W. Pace, Vice Mayor				
Charles R. Chenault				
Ted Byrd				
Carolyn Frank				

By: _____

Mayor or Vice Mayor,
City of Harrisonburg, Virginia

(SEAL)

ATTEST: _____

Clerk, City Council of the City of
Harrisonburg, Virginia

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the “City Council”) hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on the 23rd day of September, 2008, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Harrisonburg, Virginia this ____ day of September, 2008.

Clerk, City Council of the
City of Harrisonburg, Virginia

Harrisonburg Redevelopment and Housing Authority Director Michael Wong presented revisions to a resolution supporting the renovation of public housing units. Mr. Wong had presented a resolution and support agreement to Council on September 9, 2008 for the renovation project for Franklin Heights and “scattered sites” owned by the Authority. At that time, Council requested some modifications to the resolution and agreement, which have been incorporated in this resolution. Council Member Byrd offered a motion to adopt this modified resolution 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 Frank
Council Member Byrd
Mayor Eagle

Abstained - Council Member Chenault

Absent – Vice-Mayor Pace

City Manager Hodgen presented a request for a supplemental appropriation for the Public Works Department. These funds are for expenses associated with repairs for a traffic engineering vehicle that was damaged when hit by a tractor trailer. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$34,599.16 chge. to: 1000-31010 Amount from Fund Balance
23,932.84 chge. to: 1000-34011 Insurance Recovery

\$58,532.00 approp. to: 1000-410741-48111 Machinery & Equipment

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

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

Absent – Vice-Mayor Pace

City Manager Hodgen presented a request for a supplemental appropriation for the Public Utilities Department. These appropriated funds will be used for installation of new services, oversizing and extension of water mains, and construction of a low zone storage tank. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$2,000,000.00 chge. to: 2011-31010 Amount from Fund Balance
\$1,850,000.00 chge. to: 1321-34220 Transfer from Water Fund

\$1,850,000.00 approp. to: 2011-392061-49216 Transfer to Capital Projects
150,000.00 approp. to: 2011-372061-48298 Install Service Lines
100,000.00 approp. to: 1321-910161-48634 H2O Main Oversize & Extensions
1,750,000.00 approp. to: 1321-910161-48657 Low Zone Storage

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

Vote: Yes - Council Member Frank

Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

City Manager Hodgen presented a request for a supplemental appropriation for the Public Utilities Department. These funds will be used for a HRRSA enhanced nutrient removal project, the Shandshill Pump Station, and the Smithland Road Sewer project. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1,000,000.00 chge. to: 2012-31010 Amount from Fund Balance
1,000,000.00 chge. to: 1322-34230 Transfer from Sewer Fund

\$1,000,000.00 approp. to: 2012-492061-49216 Transfer to Capital Projects

850,000.00 approp. to: 1322-911161-48647 HRRSA ENR Project
50,000.00 approp. to: 1322-911161-48648 Shandshill Pump Station
100,000.00 approp. to: 1322-911161-48649 Smithland Road Sewer

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

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

Absent – Vice-Mayor Pace

City Manager Hodgen presented for Council's consideration amending the City's Sign Ordinance. Mr. Hodgen said that amending this ordinance would allow a property owner having property divided by a City right-of-way to submit a comprehensive sign plan that would allow the usage of the single sign. An amendment to the sign ordinance would modify allowances for freestanding and "off premises" signage for shopping centers. Council Member Frank offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – Vice-Mayor Pace

City Manager Hodgen reported that staff is still reviewing a complaint from Martin Solomon regarding operating a taxi/free ride service for students. Also, the City is in the process of considering changes to the taxi ordinance.

Council agreed to allow First Night to use Council Chambers for a First Night event.

At 7:32 p.m., Council Member Chenault 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 Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – Vice-Mayor Pace

At 8:20 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 Members present: 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 8:21 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR