

REGULAR MEETING

June 23, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Major Malcolm Wilfong. Absent: Police Chief Donald Harper.

Vice-Mayor Baugh gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

George Pace who lives on Fairway Drive asked several questions regarding allowing “backyard chickens” in the City. “Will chickens attract other animals that will create problems? Will odor pollution become onerous especially during the hot summer months? What if the chickens escape their environs? How will deceased chickens be disposed of? Which government function will be responsible for enforcement regulations and how much will it cost? What will be the appeal process for citizens charged with regulation violations? Will there be a negative impact on property values?” Mr. Pace also offered this viewpoint: The greater chance citizens with laying hens who live within proximity of each other, the greater the risk of disease.

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 “Our Community Place”. The motion also included amending and re-enacting Section 4-2-16, 7-4-1 and 10-3-24 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Baugh
Council Member Wiens
Council Member Byrd
Mayor Degner

Absent – None

Kristin McCombe, Grants Compliance Officer, presented for Council’s consideration approval of amendments to the 2008 and 2009 Action Plans. Mrs. McCombe said the Housing and Urban Development (HUD) is channeling Stimulus Bill funding from the American Recovery and Reinvestment Act (ARRA) to the Community Development Block Grant (CDBG) Program. The City has been notified of a designated entitlement in the amount of \$143,252 from what is being termed the “CDBG-R”. HUD has advised all grantees that have applied for projects in parks or recreational facilities to reconsider their submissions. The City is submitting a revised proposal to use the \$143,252 in funding for sidewalks, curbs and gutter on East Gay Street. This project had formerly been approved as a part of the 2009 Action Plan. The 2009 Action plan is being amended to add funding for the restroom shelter at Ralph Sampson Park in

the amount of \$143,252. HUD is not requiring the City to hold a public comment period for either amendment. Council Member Byrd offered a motion to approve an amendment to the 2008 and 2009 Action Plans. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Baugh
Council Member Wiens
Council Member Byrd
Mayor Degner

Absent – None

The next item of business was a request from City Treasurer Jeff Shafer to advertize delinquent real estate taxes for 2006/2007 and 2007/2008. The advertisement will be published in the Daily News-Record. Council Member Frank offered a motion to approve this request. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Baugh
Council Member Wiens
Council Member Byrd
Mayor Degner

Absent – None

The next item of business was a request from City Treasurer Jeff Shafer to consider removing delinquent taxes from the current collection accounts. Mr. Shafer said the City is required to charge off uncollectible personal property taxes for the year 2003 and real estate taxes for the year 1988 as stipulated in the City Code and Code of Virginia. Mr. Shafer also announced that a new policy, which will go into effect July 1, 2009, will allow the City to block delinquent taxpayers from making transactions at the Department of Motor Vehicles (DMV) July 1, 2009. The City has also notified approximately 4200 taxpayers of delinquent personal property tax payments for the years 2004-2008. Following further discussion and comments, Council Member Byrd offered a motion to approve this request to charge off personal property taxes for 2003 and real estate taxes for 1988. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Baugh
Council Member Wiens
Council Member Byrd
Mayor Degner

Absent – None

The next item of business was a request to reserve funds for the West Market Street railroad crossing safety improvements. City Manager Hodgen said that the Economic Development Department has requested that \$75,000 be reserved from the current General Fund budget and applied toward a crossing arm project at the railroad crossing near the Rosetta Stone building on West Market Street. Local funds will be utilized for the 10% local match for the safety improvements and the balance of funds will be used for the costs of curbs, gutter, and bump outs. Council Member Byrd offered a motion to reserve the funds for the West Market Street railroad crossing safety improvements. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Baugh
Council Member Wiens
Council Member Byrd
Mayor Degner

Absent – None

City Manager Hodgen said that in February 2009, Council approved the City's participation, along with Rockingham and Augusta Counties, in implementing a "fee for service" program to help offset the increasing costs of emergency response. Seven proposals were received and interviews conducted, with the results being a recommendation to select EMS Management and Consultants (EMSMC) to implement the system for the participating localities. Each of the three localities will contract separately with EMSMC. A "fee for service" program could benefit both the City and the Harrisonburg Rescue Squad. If the program is implemented, revenues of nearly \$700,000 for the first year of the program could be realized thus reducing the level of support needed from the General Fund budget. The City is recommending that a "soft billing" approach be instituted and if the patient has no health insurance they will not have to pay the bill and will not be turned over to any type of collection service. As is currently the case, nobody will be denied service. The next steps include asking the City Attorney to prepare an ordinance authorizing the billing for service and issuance of a franchise to EMS Management and Consultants, authorizing staff to negotiate with EMSMC for a services contract, and working with the Harrisonburg Rescue Squad to establish a distribution formula for program revenues.

Brandon Peavy, Chief of the Harrisonburg Rescue Squad, said that many rescue squads in the area have gone to this type of system. Mr. Peavy said donations do not meet all the expenses and this proposal will allow the rescue squad to do a lot more. It will enhance the system in the care that is provided by the rescue squad.

Deb Van Horn, Marketing Vice-President of The Rockingham Group, said the Rockingham Group is a local insurance company that provides coverage to many people. Ms. Van Horn said that it is important that all people get billed, not just the people who have insurance. "If you increase the cost of claims, you increase the cost of insurance".

Council agreed to ask the City Attorney to prepare an ordinance and schedule a public hearing on implementing a “fee for service” program for emergency medical services.

City Manager Hodgen presented the following resolution for Council’s consideration.

HARRISONBURG AUXILIARY POLICE FORCE RESOLUTION

WHEREAS, on January 1, 2003, the City Council of the City of Harrisonburg, Virginia, passed a resolution authorizing the inclusion of all members of the Harrisonburg Auxiliary Police Force as employees of the City for purposes of the Worker’s Compensation Act of the Commonwealth of Virginia; and

WHEREAS, the members of the Harrisonburg Auxiliary Police Force wish to obtain their own Worker’s Compensation Insurance and no longer wish to be included on the City’s policy;

NOW, THEREFORE, BE IT RESOLVED, that the prior resolution of the City Council, dated January 14, 2003 is hereby rescinded and that all members of the Harrisonburg Auxiliary Police Force are no longer considered employees of the City of Harrisonburg for Worker’s Compensation Insurance purposes. Further the Harrisonburg Auxiliary Police Force shall furnish the City with evidence that they are covered with a policy under the Worker’s Compensation Act of the Commonwealth of Virginia. This resolution shall be effective July 1, 2009.

Dated: June 23, 2009.

MAYOR

Attest:

City Clerk

City Manager Hodgen said that the Harrisonburg Auxiliary Police Force has requested to be removed from the City’s Workers Compensation Insurance policy. The group has obtained similar coverage from a separate insurance policy. This change will save the City approximately \$5,300 per year. Council Member Byrd offered a motion to approve this resolution. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Baugh
Council Member Wiens
Council Member Byrd
Mayor Degner

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Harrisonburg-Rockingham Office of Comprehensive Services. Local share of costs associated with Medicaid eligible cases and clients are paid in full by the State of Virginia. The State later withholds other eligible reimbursements in the amount paid on the locality's behalf for Medicaid. This withholding creates a shortfall in state reimbursement which is made up for by local funding. The FY 2010 budget was adjusted in anticipation of future State withholding(s). Council Member Wiens offered a motion to approve this request for a first reading, and that:

\$269,241.00 chge. to: 1000-31010 Amount from fund balance

\$269,241.00 approp. to: 1000-520511-45621 CSB-Comprehensive Services Act

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

Vote: Yes - Council Member Frank
Vice-Mayor Baugh
Council Member Wiens
Council Member Byrd
Mayor Degner

Absent – None

Council Member Byrd offered a motion to approve a street closing for July 4th. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Baugh
Council Member Wiens
Council Member Byrd
Mayor Degner

Absent – None

At 7:50 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

