

REGULAR MEETING

August 25, 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.

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

Martin Solomon said that he rides a type of motorcycle that does not require him to wear a helmet. However, City Police Officers continue to stop him because they believe he is required to wear a helmet. He presented a summons issued by the Harrisonburg Police Department, which was voided.

Beverly McGowan said City Code Section 6-2-6d should be enforced, which does not allow keeping indoor furniture on the front porch.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department. 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 Frank
Council Member Wiens
Vice-Mayor Baugh
Mayor Degner

Absent – None

City Manager Hodgen presented for Council’s consideration an Emergency Services Billing Ordinance and Rate Resolution. Mr. Hodgen said that neither the final contractual agreement with EMS nor the final funding distribution agreement with the Rescue Squad has been reached. City staff has been working with Rockingham and Augusta Counties and consultant EMS/MC to develop a “fee-for-service” program that would allow EMS to recover some of the expenses associated with emergency calls. Mr. Hodgen also noted that if this program is implemented every effort will be made to provide public educational information. Jason Crowell and Kim Stanley representing EMS Management and Consultants, Inc. reviewed the revenue recovery program, procurement process, contractual allowance, and reimbursement services provided by the City.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,

**VIRGINIA, SETTING THE SCHEDULE OF RATES FOR
EMERGENCY MEDICAL SERVICES VEHICLES TRANSPORTING
PATIENTS WITHIN THE CITY**

WHEREAS, on August 25, 2009 at its regular meeting, the City Council of the City of Harrisonburg, Virginia held a public hearing, to establish franchise permits for emergency medical services vehicles, to make reasonable charges for emergency medical services vehicle transports and to set the fees for those transports; and

WHEREAS, the pursuant to Sections 32.1-111.14 and 38.2-3407.9 of the Code of Virginia, 1950, as amended, the City Council by ordinance intends to establish franchise permits along with rules and regulations to make reasonable changes for emergency medical services vehicles making transports within the city; and

WHEREAS, the City Council wishes to establish the rates for emergency medical services vehicle transports for the city's budget year 2009-2010;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That the City Council of the City of Harrisonburg, Virginia, hereby sets the following rates for emergency medical services vehicle transports for the city budget year 2009-2010:

BLS Non-emergency	\$255.00
BLS Emergency	\$410.00
ALS-1 Non-emergency	\$310.00
ALS-1 Emergency	\$485.00
ALS-2	\$705.00
SCT	\$835.00
GTM	\$9.00

Subsequent rate schedules shall be included within the annual budget appropriation ordinance for budget years beyond 2009-2010.

Approved: August 25, 2009

MAYOR

ATTEST:

CLERK OF THE COUNCIL

At 7:20 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, August 15, and Saturday, August 22, 2009.

**NOTICE OF PUBLIC HEARING ON ENACTING
EMERGENCY MEDICAL SERVICES ORDINANCES
FOR THE CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on August 25, 2009 at 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to solicit public comments concerning the possibility of enacting ordinances granting a franchise and billing for emergency medical services vehicles in the City of Harrisonburg.

Copies of the proposed ordinances are available on the City's web site and are available in the City Managers Office, 345 South Main Street, Harrisonburg, Virginia, Monday through Friday, 8:00 A.M. to 5:00 P. M.

All persons interested will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

**Kurt D. Hodgen,
City Manager**

Mayor Degner called on anyone desiring to speak for or against the emergency services billing ordinance and rate schedule resolution.

Bucky Berry said the Rescue Squad should receive the funds from the emergency services billing. There being no others desiring to be heard, the public hearing was declared closed at 7:22 p.m., and the regular session reconvened. Following a lengthy discussion and comments, Council Member Frank offered a motion to approve enacting Section 5-2-39 and 5-2-40 (emergency services billing ordinance) of the Harrisonburg City Code and the rate structure resolution. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council agreed to review the emergency services billing procedure in six months after implementation.

City Engineer Dan Rublee presented an overview of proposed changes to the City Design & Construction Standards Manual. These changes are necessary for compliance with outside State and Federal agencies. During the plan review, plan submission stage, and permit stage the City will have plans that can be implemented correctly in the field and contain sufficient information for construction and maintenance. An informational meeting was held on July 22 to allow the public to express any concerns they might have. The meeting was attended by several citizens from the local bicycling community and a requirement to add bicycle racks for development projects was introduced. Also, included is a revision to the City's standard bonding unit prices. The City requires a bond to be posted for all public improvements (streets and utilities), erosion control measures and stormwater management facilities prior to construction permitting. Mr. Rublee requested that the revision, developed to reflect increased construction costs, be considered for adoption in conjunction with the manual revisions and that an effective date of September 9, 2009 be established. Mr. Rublee also reviewed the significant changes in the Design & Construction Standards Manual.

At 8:08 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 10, and Monday, August 17, 2009.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, August 25, 2009, at 7:00 p.m., in the City Council Chamber, 409 South Main Street, to consider updates to the City's Design and Construction Standards Manual.

This manual sets policies and standards for installation of public City facilities such as streets, sidewalks, water, sewer, storm sewer, traffic signals, and other traffic controls, etc. as well as development requirements for private facilities such as erosion and sediment control and stormwater management. Both the currently adopted manual and draft document can be viewed on the City website at www.harrisonburgva.gov, or at the Department of Planning and Community Development, 409 South Main Street, Monday through Friday 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this hearing. Any individuals requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager**

Mayor Degner called on anyone desiring to speak for or against making changes to the City Design & Construction Standards Manual. There being no one desiring to be heard, the public hearing was declared closed at 8:09 p.m., and the regular session reconvened. Council Member Wiens offered a motion to approve these changes to the manual. 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 Frank
Council Member Wiens
Vice-Mayor Baugh
Mayor Degner

Absent – None

The next item of business was recognizing Harrisonburg's Deputy Commissioner of Revenue Deanna Sherman. Commissioner of the Revenue June W. Hosaflook said it was a pleasure to recognize Ms. Sherman for her professional achievements and contributions. The Commissioners Career Development Program was developed by the Commissioners of the Revenue Virginia to promote professionalism and excellence in the field of tax assessment. A committee of Commissioners and the Weldon Cooper Center for Public Service at the University of Virginia administers the program. Ms. Sherman has worked in the Harrisonburg Commissioner's office since 2004. Deanna thanked City Council for the chance to participate in the certification program for the Commissioner of the Revenue office.

City Manager Hodgen presented for following resolution for Council's consideration.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, AUTHORIZING THE
MAYOR TO EXECUTE ALL AGREEMENT AND DOCUMENTS NECESSARY
FOR THE TRANSFER OF THE ASSETS OF THE
UPPER VALLEY REGIONAL PARK AUTHORITY
ALONG WITH DISSOLUTION OF THE AUTHORITY**

WHEREAS, the Cities of Harrisonburg and Staunton, and the Counties of Rockingham and Augusta caused the formation of the Upper Valley Regional Park Authority; and

WHEREAS, the Authority owns and operates certain parcels of property known as Grand Caverns Park and Natural Chimneys Park; and

WHEREAS, the Authority along with the participating political subdivisions are desirous of transferring the ownership of Grand Caverns Park and Natural Chimneys Park and further dissolving the Authority; and

WHEREAS, the Authority has plans to transfer the ownership of Grand Caverns Park to the Town of Grottoes, Virginia and to transfer the ownership of Natural Chimneys Park to the County of Augusta, Virginia;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That the City Council of the City of Harrisonburg, Virginia, hereby authorizes and directs the Mayor of the City of Harrisonburg, Virginia to execute all documents necessary to convey the following assets of the Upper Valley Regional Park Authority and follows: Grand Caverns Park to the Town of Grottoes, Virginia and Natural Chimneys Park to the County of Augusta, Virginia. The Mayor is further authorized and directed to execute any and all documents necessary to dissolve the Upper Valley Regional Park Authority.

Approved: August 25, 2009.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Vice-Mayor Baugh offered a motion to execute all necessary forms or documents for the transfer of the Upper Valley Regional Park Authority assets as follows: Grand Caverns Park to the Town of Grottoes and Natural Chimneys Park to Augusta County, along with all the necessary forms to dissolve the Upper Valley Regional Park Authority. 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 Frank
Council Member Wiens
Vice-Mayor Baugh
Mayor Degner

Absent – None

Mayor Degner presented for Council's consideration amending and re-enacting Section 5-2-1 and enacting Section 5-2-16 of the Harrisonburg City Code. Deputy Fire Marshall Arthur Miller said Section 5-2-1 will bring the City's adoption of the Virginia Statewide Fire Code into compliance with the State Code. Section 5-2-16 enacts a smoke detector ordinance for certain buildings located within the City and establishes who is responsible for the maintenance of the same. Council Member Byrd offered a motion to approve these ordinances 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 Byrd
Council Member Frank
Council Member Wiens
Vice-Mayor Baugh
Mayor Degner

Absent – None

Deputy Fire Chief Ian Bennett presented a request for a supplemental appropriation for the Fire Department. This request is to recover grant funds from four (4) awarded grants to be used in the current year budget. Two of the grants are from the Department of Homeland Security with the first to be used for Hazardous Materials equipment, exercise and training. The second grant is to be used for Heavy Tactical rescue equipment, exercise and training. The third grant is from FEMA through the Assistance to Firefighters funds and is to be used for Heavy and Tactical rescue equipment. The fourth grant is also from FEMA through the Fire Prevention and Safety funds and is to be used for fire prevention supplies. The two FEMA grants require a 10% local match, which is provided for through budgeted funds. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$226,836.00 chge. to: 1000-33536 FEMA Assistance to Firefighter Grant
123,333.33 chge. to: 1000-33532 Homeland Security Grant

\$ 23,333.33 approp. to: 1000-350532-48113 Equipment
315,640.00 approp. to: 1000-320232-48113 Equipment
11,196.00 approp. to: 1000-320332-48113 Equipment

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

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

Absent – None

School Board Finance and Technology Director, Dee Dee Dawson, presented a transfer request for the School Board. Mrs. Dawson said these funds will be transferred from the school's capital project fund (E/M School Complex project) to the school's operating budget to pay for the HCPS initial share of the Massanutten Technical Center capital project. No additional City dollars are required for the school division to receive this transfer. Council Member Frank offered a motion to approve transferring these funds, and that:

\$216,560.00 chge. to: 1311-910114-48700 Amount from E/M School Complex
216,560.00 chge. to: 1111-34292 Transfer from School Capital Projects

\$216,560.00 approp. to: 1311-910114-49220 Transfer to School Fund
216,560.00 approp. to: 1111-111114-40640 Operations & Maintenance Services

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 Frank
Council Member Wiens
Vice-Mayor Baugh
Mayor Degner

Absent – None

School Superintendent Dr. Donald Ford presented a request for a supplemental appropriation for the School Board. Dr. Ford said that these funds represent unanticipated receipts from state and federal sources. No additional local dollars are required from City Council for the school division to receive these funds. Council Member Byrd offered a motion to approve these request for a first reading, and that:

\$1,052,184.50 chge. to: 1111-33301 School Revenue – Federal
24,985.00 chge. to: 1111-32442 School Revenue – State
27,155.00 chge. to: 1114-33301 School Nutrition Revenue – Federal

\$541,235.64 approp. to: 1111-111114-40610 Instruction
95,528.86 approp. to: 1111-111114-40620 Administration, Attendance, and Health
6,000.00 approp. to: 1111-111114-40630 Transportation
434,405.00 approp. to: 1111-111114-40680 Technology
27,155.00 approp. to: 1111-111414-40650 School Nutrition Services

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

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

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Public Works Department. These funds were received from a DEQ grant and were used for the community rain barrel workshop. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$3,158.92 chge. to: 1310-32527 DEQ grant

\$3,158.92 approp. to: 1310-910141-48616 Citywide Drainage Program

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 Frank
Council Member Wiens
Vice-Mayor Baugh
Mayor Degner

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Parks and Recreation Department. These funds were received as donations for the construction of Denton Park and will be used to pay for repairs at the park. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$5,130.92 chge. to: 1000-31010 Amount from fund balance

\$5,130.92 approp. to: 1000-710171-48184 Improvements

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

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

Absent – None

Council Member Byrd offered a motion naming Mayor Kai Degner as the voting delegate and Vice-Mayor Baugh as the alternate voting delegate for the Virginia Municipal League Conference scheduled for October 18-20, 2009. The motion was seconded by Council Member Frank and approved with a unanimous voice vote of Council.

Council Member Byrd offered a motion to transfer funds for the Veterans Memorial Monument, and that:

\$50,000.00 chge. to: 1000-940111-49319 Reserve for contingencies

\$50,000.00 approp. to: 1000-910411-45913 Veteran Memorial Monument

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 Frank
Council Member Wiens

Vice-Mayor Baugh
Mayor Degner

Absent – None

Council Member Byrd offered a motion to issue a proclamation and donate in-kind services to honor former U.S. President and Nobel Peace laureate Jimmy Carter and former First Lady Rosalynn Carter to receive the Gandhi Center's second Mahatma Gandhi Global Nonviolence Award at a ceremony on September 21, 2009, the International Day of Peace. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Council also requested that a representative from the Mahatma Gandhi Center appear at the September 8th Council meeting to provide more information regarding this visit and to answer any questions that Council might have.

At 9:55 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR