

REGULAR MEETING

September 8, 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 Chief of Police Donald Harper.

Council Member Frank gave the invocation, and Mayor Degner 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 supplemental appropriations for the Fire Department, School Board, Public Works Department, and Parks and Recreation Department. The motion also included making revisions to the City Design & Construction Standards Manual and amending and re-enacting Section 5-2-1 and enacting Section 5-2-16, 5-2-39 and 5-2-40 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
Council Member Wiens
Vice-Mayor Baugh
Council Member Byrd
Mayor Degner

Absent – None

David Koffa asked Council to check into the irregularity of the City’s bus schedule. Also, he suggested that the City could use more bus shelters.

Bucky Berry said the City should offer a two year vehicle decal. He also suggested that college students should be paying their personal property taxes and purchasing vehicle decals in Harrisonburg.

Kim Sandum, Executive Director of the Community Alliance for Preservation, presented a letter of support for the Transportation Investment Generating Economic Recovery (TIGER) grant application, submitted by the City of Harrisonburg for the Erickson Avenue/Stone Spring Road/Southeast Connector project.

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,

**VIRGINIA, SETTING THE PERCENTAGE OF PERSONAL PROPERTY
TAX RELIEF FOR THE YEAR 2009**

WHEREAS, pursuant to Article J of Title 4, Chapter 2 of the Harrisonburg City Code, the City Council shall by resolution set the percentage of personal property tax relief that is anticipated to fully exhaust the Personal Property Tax Relief Act of 1998 (PPTRA) funds provided to the city by the Commonwealth of Virginia; and

WHEREAS, the percentage of personal property tax relief for the year 2009 has been determined to be forty-two percent (42.0%);

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, sets the percentage of personal property tax relief for the tax year of 2009 to be forty-two percent (42.0%), which percentage is anticipated to fully exhaust the PPTRA relief funds provided to the city by the Commonwealth of Virginia.

Approved: September 8, 2009

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Commissioner of the Revenue June Hosaflook said this resolution will set the percentage of tax relief commonly known as the car tax for 2009. The car tax is a fixed amount of money set by the state. Mrs. Hosaflook said the amount will be (42.0%) and although assessment has decreased vehicle tax relief for the elderly has increased. Following further discussion and comments, Vice-Mayor Baugh offered a motion to adopt the resolution setting the percentage of personal property tax relief for the year 2009 at 42.0%. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request for funds for a RUSH Drug Task Force position. City Manager Hodgen said the City has an existing Intelligence Analyst position that is shared-financially on a 50-50 basis with the Sheriff's Department. The position is essentially a "money

making” one in that it does the necessary research and tracking that results in the City receiving asset forfeiture money. Mr. Hodgen recommended that funding for the position be transferred from the “Reserve from Contingencies” fund. Council Member Byrd offered a motion to approve transferring these funds, and that:

\$18,000.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$18,000.00 approp. to: 1000-910511-47070 Expenses of sheriff, courts, etc.

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 Wiens
Vice-Mayor Baugh
Council Member Byrd
Mayor Degner

Absent – None

Mayor Kai Degner read the following resolution.

**A Resolution Honoring Former President Jimmy Carter
and Former First Lady Rosalynn Carter**

WHEREAS, former United States President and Nobel Peace Laureate Jimmy Carter and former first lady Rosalynn Carter will be visiting Harrisonburg and James Madison University on September 21, 2009; and

WHEREAS, President and Mrs. Carter are known for their lifetime commitment to improving the human condition through humanitarian efforts around the world; and

WHEREAS, the City of Harrisonburg and the Shenandoah Valley are home to a rich tradition of cultures, people, and organizations committed to peace and democracy; and

WHEREAS, President and Mrs. Carter’s contributions to peace, encouragement of a non-violent approach to human relations and world affairs, and efforts to promote reconciliation will be recognized by their being awarded the Mahatma Ghandi Global Nonviolence Award from the James Madison University Mahatma Ghandi Center for Global Nonviolence on September 21, 2009, the International Day of Peace

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and City Council of Harrisonburg, Virginia, hereby welcomes President and Mrs. Carter to the City and extends its congratulations to them for this prestigious award.

ADOPTED THIS 8TH DAY OF SEPTEMBER, 2009.

BY: _____

Kai Degner, Mayor

ATTEST: _____

Yvonne H. Ryan, MMC, City Clerk

Council Member Wiens offered a motion to approve this resolution as presented. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

RESOLUTION ENDORSING THE SUBMISSION OF A TIGER (TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY) GRANT FOR THE ERICKSON AVE-STONE SPRING RD/SOUTHEAST CONNECTOR

WHEREAS, the TIGER (Transportation Investment Generating Economic Recovery) was created to (1) preserve and create jobs and promote economic recovery, (2) invest in transportation infrastructure that will provide long-term economic benefits, and (3) assist those most affected by the current economic downturn; and

WHEREAS, the Erickson Ave-Stone Spring Road/Southeast Connector will provide a 6-mile long multimodal east-west corridor through the City of Harrisonburg and Rockingham County, address deficient capacity and critical safety concerns; and

WHEREAS, the project is a number one priority for secondary roads for the Harrisonburg Metropolitan Area as outlined in the Constrained Long-Range Transportation Plan; and

WHEREAS, the project is included in the City of Harrisonburg's Comprehensive Plan and Rockingham County's Comprehensive Plan; and

WHEREAS, the project is included in the State Transportation Improvement Program (STIP) and the Six-Year Improvement Plan (SYIP) and meets all federal, state, and local requirements for construction; and

WHEREAS, the project passes through existing fully developed commercial areas and areas receiving extreme interest for future residential and commercial development; and

WHEREAS, the award of the TIGER grant would provide funding to allow for the completion of the 6-mile long project and allow the project to proceed in partnership with the City of Harrisonburg, Rockingham County, and the Stone Spring Consortium, a private entity of property owners along the portions of the proposed alignment; and NOW, THEREFORE BE IT RESOLVED that the *Harrisonburg City Council* hereby endorses the TIGER Grant application and request of \$70.1 million by the City of Harrisonburg, Rockingham County and the Stone Spring Consortium for the construction of Erickson Avenue-Stone Spring Road/Southeast Connector, extending between west city limits and Route 33.

Signed this 8^h day of September, 2009.

Mayor, Kai Degner

ATTEST, Yvonne Ryan, MMC City Clerk

City Manager Hodgen said that City staff has been working with Rockingham County and the Stone Spring Consortium on a grant application seeking funds from the TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grants for transportation projects. The funds will be used for the construction of the Erickson Avenue-Stone Spring/Southeast Connector project. Council Member Frank offered a motion to approve the resolution endorsing the submission of a TIGER Grant application. 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 Wiens
Vice-Mayor Baugh
Council Member Byrd
Mayor Degner

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation from the Finance Department. The City received various capital project revenues during FY 08-09 that were not appropriated into the applicable line items. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,252,598.16 chge. to: 1310-31010 Amount from fund balance

\$ 381,722.98 approp. to: 1310-910141-48610 Two way Communication System
851,703.47 approp. to: 1310-910141-48636 Erickson Avenue/Stone Spring Road
12,178.28 approp. to: 1310-910141-48696 Linda Lane Extension
188.43 approp. to: 1310-910141-48713 Farmers Market Pavillion
6,805.00 approp. to: 1310-910141-48718 South Main Street Improvement

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

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

Absent – None

City Attorney Thumma presented for Council's consideration repealing Section 16-10-6 of the Harrisonburg City Code. This change is necessary to bring the City's noise ordinance up to date. Council Member Byrd offered a motion to approve this ordinance for a first reading. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 7:28 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of personnel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. 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 Wiens
Vice-Mayor Baugh
Council Member Byrd
Mayor Degner

Absent – None

At 8:30 p.m., the closed session ended and the regular session reconvened. City Manager Hodgen 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 8:31 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR