

## REGULAR MEETING

July 27, 2010

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; 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 Byrd gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Vice-Mayor Baugh representing the State Transportation Safety Board presented Master Police Officer Michael R. Gangloff with a State Award in the category of Law Enforcement. Also, he stated that the area won 2 of the 15 awards went to the Harrisonburg area.

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, Tourism and Visitor Services, and Emergency Communications Center. The motion also included amending Section 10-1-135 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 - Vice-Mayor Baugh  
Council Member Frank  
Council Member Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

Vice-Mayor Baugh offered a motion to adopt the “Bicycle and Pedestrian Plan-2010” as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

**A RESOLUTION ENDORSING THE SUBMISSION OF A TIGER II GRANT  
APPLICATION  
FOR THE ERICKSON AVE-STONE SPRING RD/SOUTHEAST CONNECTOR**

**WHEREAS, the TIGER II (Transportation Investment Generating Economic Recovery) program 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 II 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**

**WHEREAS, TIGER II Discretionary Grants may be used for up to 80 percent of the costs of a project, but priority must be given to projects for which Federal funding is required to complete an overall financing package; and**

**WHEREAS, an active partnership between the City of Harrisonburg, County of Rockingham, Virginia Department of Transportation, Federal Highway Administration and the Stone Spring Consortium which have contributed a total of \$47.9 million constituting 42.2% of the total project cost thereby meeting the 20% match requirement;**

**NOW, THEREFORE BE IT RESOLVED that the *Harrisonburg City Council* hereby endorses the TIGER II Grant application and request of \$51.5 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.**

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2010

BY: \_\_\_\_\_

**Kai Degner, Mayor**

ATTEST: \_\_\_\_\_

**Yvonne H. Ryan, MMC, City Clerk**

Council Member Byrd offered a motion to adopt the “Resolution TIGER GRANT II”. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

City Manager Hodgen presented a request to authorize the re-appropriation of several encumbrances that were outstanding at June 30, 2010. Mr. Hodgen said the purchase orders were for goods and services which were contracted for but not received prior to June 30, 2010. These funds are predominantly for paving projects and transit bus purchases that were not completed at fiscal year-end. The 2010-2011 budget will increase by \$2,942,682.73. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,234,865.88 chge. to: 1000-31010 Amount from fund balance  
150,534.90 chge. to: 1111-31010 Amount from fund balance  
22,505.95 chge. to: 2011-31010 Amount from fund balance  
27,099.00 chge. to: 2012-31010 Amount from fund balance  
54,375.00 chge. to: 2013-31010 Amount from fund balance  
1,439,612.00 chge. to: 2013-33305 Transit-Capital grant for buses  
13,690.00 chge. to: 2013-33306 Transit – Operational

\$ 825.00 approp. to: 1000-121313-45530 Training and travel  
1,529.58 approp. to: 1000-121313-46010 Office supplies  
1,954.80 approp. to: 1000-121313-46152 Tags decals stamps – resale  
4,725.00 approp. to: 1000-121313-48121 Furniture and fixtures  
3,712.12 approp. to: 1000-122011-43320 Service contract  
4,765.00 approp. to: 1000-310231-48111 Machinery and equipment  
7,900.12 approp. to: 1000-310431-48171 Hardware  
90,236.01 approp. to: 1000-310431-48272 Hardware  
83,310.99 approp. to: 1000-310431-48273 Software  
6,516.42 approp. to: 1000-310631-46100 Police supplies  
9,098.00 approp. to: 1000-320232-48113 Equipment  
8,536.33 approp. to: 1000-350532-48113 Equipment  
1,000,737.32 approp. to: 1000-410241-43372 Main & repairs-allowable  
1,685.40 approp. to: 1000-710271-48184 Improvements  
3,413.60 approp. to: 1000-710671-43320 Service contracts

5,920.19 approp. to: 1000-710671-43700 Contracted services  
99,845.55 approp. to: 1111-111114-40610 Instruction  
6,990.00 approp. to: 1111-111114-40620 Admin-Attend-Health ser.  
39,693.75 approp. to: 1111-111114-40640 Operations & maintenance  
4,005.60 approp. to: 1111-111114-40680 Technology  
5,005.95 approp. to: 2011-332061-43100 Professional services  
17,500.00 approp. to: 2011-372061-48181 Buildings and grounds  
7,500.00 approp. to: 2012-432061-43100 Professional services  
12,175.00 approp. to: 2012-472061-48181 Buildings and grounds  
7,424.00 approp. to: 2012-472061-48225 Radio meters  
13,690.00 approp. to: 2013-872081-48156 Automotive equipment  
1,493,987.00 approp. to: 2013-872081-48253 Transit buses

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

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

Absent – None

City Manager Hodgen presented for Council consideration's enacting Section 16-4-19 of the Harrisonburg City Code. This ordinance was recommended to the City by the Commonwealth Attorney's office and will provide a mechanism for the Police Department and private property owners to use in dealing with trespassing and bad behavior. Mr. Hodgen also said that Staff continues to work with appropriate agencies and other entities to develop additional tools to address issues that could limit and/or reduce the likelihood of a recurrence of the events of April 10. Council Member Byrd offered a motion to approve this ordinance for a first reading as presented. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Chief of Police Donald Harper presented a supplemental request for the Police Department. These funds are a reimbursement for members of the SWAT team who attended a SWAT competition. The Harrisonburg team finished the competition in second place. Council Member Byrd offered a motion to approve this request for the first reading, and that:

\$1,380.68 chge. to: 1000-31901 Recoveries

\$1,380.68 approp. to: 1000-310631-45530 Training/Travel

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

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

Absent – None

Council Member Byrd offered a motion that Bonnie Keppel, H.R.D. Manager RMH, and David Holsinger, Vice-President Valley Blox, be appointed to a second term on the Shenandoah Valley Workforce Investment Board to expire June 30, 2014. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

At 7:33 p.m., Vice-Mayor Baugh offered a motion that Council enter into a closed session for consultation with legal counsel requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:00 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.

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, RATIFYING THE ACTIONS OF THE  
MAYOR AND CITY ATTORNEY IN FILING AN ANSWER TO THE  
GENERAL EXCAVATION SERVICES, INC. PROTEST OF JULY 16, 2010**

**WHEREAS, on July 16, 2010 General Excavation Services, Inc. (GEI) filed a protest to the awarding of a contract for the Erickson Ave/Stone Spring Road Phase II project; and**

**WHEREAS, the City of Harrisonburg had ten days to file an answer to the GEI protest; and**

**WHEREAS, the answer to the protest needed to be filed prior to the city council's next meeting on July 27, 2010; and**

**WHEREAS, the Mayor and the City Attorney prepared and filed an answer to the GEI protest on July 23, 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, does hereby ratify and confirm the actions of the Mayor and City Attorney in promptly filing an answer to the GEI protest and further agrees that the response to the GEI protest was proper and correct.**

**Approved: July 27, 2010.**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Vice-Mayor Baugh offered a motion to adopt the resolution. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:05 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR