

REGULAR MEETING

October 26, 2010

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 Anne C. Lewis; 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.

Mayor Degner presented a Proclamation recognizing Monday, November 22, 2010 as National Philanthropy Day.

Mayor Degner presented a second Proclamation declaring the month of October as Employee Ownership Month and October 29, 2010 as ComSonics, Inc. Employee-Owner Day in the City of Harrisonburg.

Fred Kniss - Provost, from Eastern Mennonite University, wanted to thank City Council and staff for their support in the Solar Power Project. Mr. Kniss spoke on behalf of Eastern Mennonite University stating that the University is nearing completion in the first phase of the solar array on the roof of their library. The array goes online in a few weeks and it will be largest solar power installation in the state of Virginia. He stated this will position the City of Harrisonburg as a leader in alternative energy. Eastern Mennonite University is currently in the planning process for an even larger project and is requesting Council’s support in the development of the necessary ordinance, to provide property tax abatement on solar facilities, for all city residents and businesses. Eastern Mennonite University would like to join hands with the City of Harrisonburg to help make renewable energy a more viable option. Mr. Kniss would also like to invite Council members to the dedication of the Solar Power Project at Eastern Mennonite’s Campus Center on November 15, 2010 at 1:30 p.m.

Tony Smith – Co-Director of MBA Program, Eastern Mennonite University, brought to Council’s attention that Community Solar owns and operates the Solar Power Project, now under construction on Eastern Mennonite University’s campus, through a twenty year Power Purchase Agreement with Eastern Mennonite University. The University is serving as the host customer for the facility and, with pre-paying ten years of the electricity, Eastern Mennonite University effectively helped to finance the first phase of the project. Mr. Smith feels that both the University and the City are unique with a financing approach to what normally would be a fifteen to twenty year payback for solar power systems. Mr. Smith also stated that Community Solar affirms Eastern Mennonite University’s request to support an ordinance for solar property tax abatement that is comprehensive and permanent.

Tom Domonoski – Resident of the City of Harrisonburg, stated he and his wife installed an affordable tank system and a hot water solar system on the roof of their home. Mr. Domonoski stated that they have two different types of panels on the roof of their home and the

systems provide his electricity, heat domestic water usage, and provide the hot water for radiant floor heating system under their home. Mr. Domonoski gave an example of his negative five dollar credit on his electric bill last month that will apply to a later month when they use more power than they make. Mr. Domonoski has spoken with several people about why they should invest and adopt this technology on their house. Mr. Domonoski feels that his conversations would be more effective if he could tell them that the City of Harrisonburg supports solar power and, if they invest in global energy by adding these improvements to their home, then their residential tax bill will not go up. Mr. Domonoski urges City Council to adopt a tax abatement of 100% that applies to solar equipment for the life of the solar equipment.

Marsha Smith – Executive Director, Central Valley Habitat for Humanity, spoke on behalf of homeowners. Central Valley Habitat for Humanity does all within its power to provide affordable housing for the work force families in the City of Harrisonburg. With volunteers and sweat equity from future homeowners, Central Valley Habitat for Humanity creates housing opportunities for families who typically wouldn't qualify for a conventional loan. Mrs. Smith stated by these families owning their home not only do families create a place of stability and well being for their immediate families, but they also promote stability for the communities on which they live and add to the tax base of the City of Harrisonburg. Making the Habitat homes work financially for partner families requires creative thinking. In an effort to make home expenditures for families more predictable and secure, Central Valley Habitat for Humanity started installing solar hot water systems in houses. Mrs. Smith also stated that by lowering utility payments, they are not only making it more feasible for families, but also making the City of Harrisonburg become a leading example of what a city can do to promote sustainability for its citizens. Mrs. Smith once again urged Council to adopt an ordinance for tax abatement on the life of the solar systems.

Mayor Degner stated that with these requests, the City will begin a deliberation.

Vice-Mayor Baugh would like staff to move forward with these requests.

City Manager Hodgen stated the staff has already started gathering information from other localities that have ordinances and will use those to prepare a draft ordinance.

Council Member Byrd suggested not only Council have a vote, but to hold a Public Hearing to give citizens a chance to speak.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of the appropriations that were received to the School Board Operating budget in the amount of \$41,656.00 and for the Police Department in the amount of \$5,000.00 and \$2,920.73. 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 Wiens
Vice-Mayor Baugh
Council Member Frank

Mayor Degner

Absent – None

James “Bucky” Berry spoke briefly to Council on the schedule and details of the upcoming food drive that will be held this November to benefit the Salvation Army and the Boys and Girls Club. Mr. Berry stated that this is the first year that the Salvation Army and the Boys and Girls Club has teamed up for this event. Mr. Berry would like Council to have a Proclamation to be read on November 19, 2010 to open the food drive at Best Buy and kick off the thirty-six hour event. Mr. Berry introduced Council to his son Brent Berry who had a prepared speech. Brent Berry introduced himself to Council as a student at Thomas Harrison Middle School and would like to take this time to show his support toward the food drive. Brent stated that the Salvation Army in Harrisonburg sells 100 family food baskets which will serve 400 people in a month. This Thanksgiving, over 997 families have signed up for food baskets. Brent also stated of those families that have signed up 65% of those are from the City of Harrisonburg. Brent stated that when food is unavailable at the Salvation Army, the families have to go purchase food from the Blue Ridge Area Food Bank which charges \$0.16 per pound of food. Brent closed with a statement asking for City Council’s support to help make the food drive a success.

Brad Reed, Transportation Planner presented a request for a traffic signal removal at the intersection of South Mason Street and East Bruce Street. The traffic signal was installed when Mason Street was part of the city’s truck route. The truck route has since shifted and the signal is no longer warranted as stated in the Federal Traffic Signal Warrant Study performed by Public Works in September and October of 2010. The Transportation Safety and Advisory Commission recommended removal of the signal at their October meeting, as did the Old Town neighborhood as part of their preliminary traffic calming plan. Benefits to removing this signal include reduction of vehicular delay, decrease in maintenance costs, and encouragement of vehicular travel on Mason Street rather than cutting through the Old Town neighborhood. This issue was presented to Council in 2008, but tabled due to concerns regarding a lack of safe pedestrian crossing locations on South Mason Street and the use of this signal by transit buses originating from the transfer station at the Hardesty-Higgins House. Pedestrian safety and visibility is being addressed through the installation of nine new east-west crosswalks on South Mason Street between East Grattan Street and East Water Street, including the addition of a fourth crosswalk leg to the South Mason Street and East Bruce Street intersection. Traffic analysis indicates the availability of acceptable gaps in traffic for pedestrian crossings without the need for signalization. The Department of Public Transportation is currently looking into a more suitable location for their bus transfer station so they may better serve their customer base. Council Member Wiens made a motion for removal of the South Mason Street and East Bruce Street traffic signal. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

City Attorney Thumma presented for Council consideration’s amending and re-enacting Section 4-2-90 (regarding meals tax) of the Harrisonburg City Code. This item is to conform to state law due to the General Assembly passing legislation that determined that in cases where a tip, gratuity, or service charged is added to the price of a meal by the seller, and required to be

paid by the purchaser, and portion of that tip, gratuity, or service charge that exceeds twenty percent (20%) is considered part of the sales price and is subject to the meals tax.

City Attorney Thumma also presented for Council consideration's amending and re-enacting Section 12-1-3.1 (BPOL Licenses) of the Harrisonburg City Code. This item is to conform to state law due to the General Assembly passing legislation that requires business license applicants to furnish evidence that all delinquent business license, personal property, meals, transient occupancy, and admissions taxes owed by the business to the City have been paid that have been properly assessed against the applicant by the City.

Vice-Mayor Baugh offered a motion to approve amending and re-enacting Section 4-2-90 (regarding meals tax) and amending and re-enacting Section 12-1-3.1 (BPOL Licenses) of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call as follows:

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

Absent – None

At 7:40 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and/or consider the acquisition of real estate used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia and 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 Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:30 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.

At 9:32 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR