

REGULAR MEETING

November 23, 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 Sergeant William W. Keller. Absent: Chief of Police Donald Harper.

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

Rhonda Copper, Laura Hedrick, and Alton Marston received a “Saved by the Belt” award as part of the “Click It or Ticket It” program. It was noted that these individuals’ lives were saved because they were wearing their seat belt prior to being involved in an accident.

James “Bucky” Berry presented an update to Council on the success of the “Brent Berry Food Drive” that started on November 19, 2010. Mr. Berry also wanted to thank Council and the City for their support.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading to consider supplemental appropriation to the Police Department in the amount of \$200,000.00 and in the amount of \$4,593.15, and to the Public Works Department in the amount of \$66,096.00, and the request from Steven E. Hostetter to rezone approximately 21,766 +/- square feet by amending proffers on three parcels zoned R-2C located at 1043, 1045 & 1047 Virginia Avenue. 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

Andrew Williams, Assistant Director of Public Works, presented a supplemental appropriation to Council to increase the Stone Spring Project budget. The expenditures will be funded by the proceeds from funds that were received from the Commonwealth and Federal Government.

At 7:14 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 Monday, November 15, 2010.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, November 23, 2010 at 7:00 p.m., or as soon as the agenda permits, in the Harrisonburg City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2010-2011 budget in the amount of \$9,411,229.00. The funds will be used to construct Erickson Avenue/Stone Spring Road. The expenditures will be funded by the proceeds from funds that were received from the Commonwealth and Federal Government.

The budget increases will be as noted below:

General Capital Project Fund:

Revenues:

Street and Highway Construction – Commonwealth	1,452,170.80
Revenue Sharing	1,460,904.00
Street and Highway Construction – Federal	<u>6,498,154.20</u>
Total Revenues	<u>9,411,229.00</u>

Expenditures:

Erickson Avenue/Stone Spring Road	<u>9,411,229.00</u>
Total expenditures	<u>9,411,229.00</u>

Any individual 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 the increase in the City's 2010-2011 budget. There being no one desiring to be heard, the public hearing was declared closed at 7:15 p.m., and the regular session reconvened.

Council Member Byrd offered a motion to approve the increase in the City's 2010-2011 budget 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

City Manager Hodgen noted to Council that agenda item #7, a presentation of the City's Comprehensive Annual Financial Report (CAFR), would be presented at the December 14, 2010 meeting.

Reggie Smith, Director of Transportation, presented to Council to consider a Certificate of Public Convenience and Necessity for Taxi Cab Services for Checkered Cab. Mr. Smith provided Council a recommendation to approve the certificate be granted to Russell Edward Presnell owner of Checkered Cab. Mr. Smith also noted that both Colonel Harper and he reviewed Mr. Presnell's application and stated that Mr. Presnell has followed the proper paper work and procedures while applying for this certificate.

Vice-Mayor Baugh offered a motion to approve Russell Edward Presnell's request and grant a Certificate of Public Convenience and Necessity for Taxi Cab Services to Checkered Cab. 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

Michael Collins, Director of Public Utilities, presented to Council an overview and update on the City's efforts with regard to the mandated local and regional water supply plan. These plans are an effort to be proactive in cases of drought or other unknown circumstances that the City of Harrisonburg would have access to other sources to get water supply at a short notice. Mr. Collins stated that the Public Utilities Department is using the Upper Shenandoah Water Supply Plan. The plan includes 11 elements and we have accomplished four of the elements. Mr. Collins stated that he wanted to bring this plan and schedule to Council because in the next few months more details will be completed, public hearings will be held, and decisions will have to be made.

Mr. Collins stated in order to proceed with the elements of the Upper Shenandoah Water Supply Plan, he is requesting amending and re-enacting Section 7-2-19 of the Harrisonburg City Code. Mr. Collins stated that this is essentially a re-write of the entire existing ordinance regarding conservation of water during emergencies or droughts. He stated the reason for the re-write of the ordinance is to provide the Public Utilities Department with the ability to act in a timely manner and/or in emergency situations.

Council Member Byrd offered a motion to approve amending and re-enacting Section 7-2-19 of the Harrisonburg City Code as presented. The 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

Michael Collins, Director of Public Utilities is requesting to write-off uncollected accounts receivable accounts that are one year or older. The total value of the accounts is \$5,080.21. This is 1% of the total billed (\$379,246.28) during the same time period. Mr. Collins stated the collection agency will still pursue the funds, but this action is for accounting purposes only.

Vice-Mayor Baugh offered a motion to approve the request of the Public Utilities Director to write-off uncollected accounts in the total of \$5,080.21. 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

City Manager Hodgen presented Council an ordinance to pay City of Harrisonburg employees a one-time bonus. City Manager Hodgen stated that no new funds will be required for this action due to unanticipated savings that have been achieved this year through bond refinancing and lower-than-expected costs for a new bond issued.

Council Member Wiens offered a motion to approve the ordinance to pay a one-time bonus to City employees. 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

The one-time bonus ordinance is as follows:

**ORDINANCE TO PAY A BONUS
TO BOTH FULL-TIME AND PART-TIME EMPLOYEES
OF THE
CITY OF HARRISONBURG**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA:**

**That all full-time and part-time employees of the City of Harrisonburg,
Virginia, who were employed on December 1, 2010, are hereby awarded a one-time bonus,
to be paid with the December 17, 2010 payroll as follows:**

Full-Time Employees	\$500.00
Part-Time Employees	\$250.00

This ordinance shall be effective on the date of its passage.

ADOPTED and APPROVED this 14th day of December, 2010.

MAYOR

ATTESTE:

Clerk of the Council

Council Member Wiens made a motion to cancel the December 28, 2010 Council meeting. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

Council Member Byrd presented to Council a follow-up to the North East Neighborhood Association about signage for a Drug-Free School Zone around the Lucy Simms Center. He stated that he has spoken with the Harrisonburg Police Department, the Commonwealth Attorney, and the Harrisonburg City School Board and they are all in favor of posting the Drug-Free School Zone and would like signs to go up, which will also increase penalty since the Lucy Simms Center is used as a Monday through Friday Day Report Center.

Council Member Byrd offered a motion that Ronnie L. Arnold, 1141 South High Street, be appointed to fill an unexpired term through June 30, 2012 to the Community Services (Chapter 10) Board. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

At 7:55 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and/or consider the disposition 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, as amended. Discussion concerning a prospective business where no previous announcement has been made the business' interest in expanding its facilities within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia and discussion concerning appointment of specific public officers, appointees or employees of the public body, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(1) 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 9:00 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.

Vice-Mayor Baugh offered a motion that Thomas J. Dawson, 1160 Decca Drive and Elroy Miller, 1604 Hillcrest Drive, be appointed to a first term on the Harrisonburg Redevelopment and Housing Authority to expire November 29, 2014. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

At 9:02 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR