

## REGULAR MEETING

February 8, 2011

At a regular meeting held this evening at 7:00 p.m. there were present: Mayor Richard Baugh, Vice-Mayor Ted Byrd, Council Members Kai Degner, Charles Chenault and David Wiens. Also present City Manager Kurt Hodgen, Assistant City Manager Anne C. Lewis, City Attorney Earl Q. Thumma, Jr., City Clerk Erica Kann and Chief of Police Donald Harper. Absent: None.

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

Joseph Liskey stated that he recently returned from Afghanistan to a notice for past due personal property tax. Mr. Liskey stated that he came to pay and was informed he was going to be charged for the interest for the past due bill. Mr. Liskey's concern was that, under the Servicemembers Civil Relief Act, he should not be charged the interest and he came to council seeking answers.

Council thanked him for his service, apologized, and told Mr. Liskey to come to the City Manager's office the next day to get the issue resolved. Council had a brief discussion about the issue, Mayor Baugh reminded other citizens with concerns such as these that they should not hesitate to contact them before council meetings.

James "Bucky" Berry stated that his son went to the new program offered at the Boys and Girls Club this past Saturday and would like council to provide funding for the programs.

Lindsay Cockburn, member of Strong Families/Great Youth Coalition of Harrisonburg and Rockingham County, invited council to Court Square Theater on Monday, February 21, 2011 for the premier showing of "It's A No-Brainer" at 7:00 p.m.

Timothy Ruebke, Executive Director of Fairfield Center, thanked council for their continued support for the center and provided a brief update on a new service now being offered through Restorative Justice Initiatives (RJI) at the center. Mr. Ruebke also stated that the center recently submitted funding request to the city, asking for more funding for RJI which has programs that were developed in partnership with the Northeast Community Association.

Vice-Mayor Byrd offered a motion to approve the consent agenda, including approval of the minutes of the previous meeting. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh  
Vice-Mayor Byrd  
Council Member Degner

Council Member Chenault  
Council Member Wiens

No – None

City Manager Hodgen spoke on behalf of the Boys and Girls Club and provided an update of the discussion from the previous council meeting. City Manager Hodgen stated that the Saturday program will cost the club an additional \$7,640.00. The request from the previous council meeting was for council to consider additional funding, and Council requested that exact figures be provided. City Manager Hodgen stated that the funds would be transferred from the Parks and Recreation Athletics Division budget to the Boys and Girls Club line item. Council Member Degner offered a motion to approve the request for additional funding to support the new Saturday program at the club in the amount of \$7,640.00. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh  
Vice-Mayor Byrd  
Council Member Degner  
Council Member Chenault  
Council Member Wiens

No - None

City Manager Hodgen requested that council take action directing the Harrisonburg Redevelopment and Housing Authority (HRHA) to award the low bidder for the One Court Square renovation. City Manager Hodgen stated that the lowest bid was \$2,801,650.00 and the school board has some money in their capital project fund. City Manager Hodgen also stated that the HRHA has a little over \$250,000.00 to possibly contribute towards the project which would leave the city with about \$431,650.00 to appropriate to the project. City Manager Hodgen provided council with the recommendation to appropriate city funds at this time from the undesignated fund balance with the intent to monitor other expenses in existing current budget line items for the city from now until the end of the year and make up the difference to restore the amount of \$431,650.00. After short discussion, Vice-Mayor Byrd offered a motion to accept the lowest bid for the renovations of One Court Square. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh  
Vice-Mayor Byrd  
Council Member Degner  
Council Member Chenault  
Council Member Wiens

No – None

City Manager Hodgen stated that several months ago, Public Works requested transfer of capital project line items into an Elizabeth Street parking deck line item. City Manager Hodgen reminded council that this includes money that was already budgeted. City Manager Hodgen stated that bids were opened at Public Works on February 1, 2011 and came in \$9,000.00 less than the engineers estimate and recommended that the bid be awarded to Virginia Infrastructure, Inc. in the amount of \$51,699.19. Vice-Mayor Byrd offered a motion to authorize the City Manager to enter into contract with Virginia Infrastructure, Inc. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh  
Vice-Mayor Byrd  
Council Member Degner  
Council Member Chenault  
Council Member Wiens

No – None

City Manager Hodgen presented a request to transfer funds from the water fund to the general fund in the amount of \$1,191.85. These funds were unused funds by the Public Utilities Department, which needed to be reallocated to the general fund to be applied to the costs associated with the energy efficiency improvements completed at the Cecil F. Gilkerson Community Activities Center. City Manager stated that the amount is grant funds so they have to be expended on eligible project cost. Council Member Degner offered a motion to approve this transfer, and that:

\$1,191.85 chge to: 1000-31010 Amount from Fund Balance  
\$1,191.85 chge to: 1321-910161-48635 Water Main Upgrades  
  
\$1,191.85 approp. to: 1000-710471-48181 Building & Grounds  
\$1,191.85 approp. to: 1321-31010 Amount from Fund Balance

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

Yes – Mayor Baugh  
Vice-Mayor Byrd  
Council Member Degner  
Council Member Chenault  
Council Member Wiens

No – None

City Manager Hodgen presented a request to transfer funds for Cantrell Avenue improvements in the amount of \$28,421.98. These funds would be transferred from two

capital projects line items from projects that have been completed. These funds would be for changes the city is considering to improve traffic flow in the intersection of Cantrell Avenue and Main Street. Council Member Degner offered a motion to approve this transfer, and that:

\$11,175.57 chge to: 910141-48669 Retaining Wall – Noll & Gay  
\$17,246.41 chge to: 910141-48704 Betts Road Improvements

\$28,421.98 approp. to: 910141-48729 Cantrell Avenue Improvements

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

Yes – Mayor Baugh  
Vice-Mayor Byrd  
Council Member Degner  
Council Member Chenault  
Council Member Wiens

No – None

Council Member Wiens asked council where they stood on matters pertaining to the Golf Course Committee Study presentation. City Manager Hodgen stated staff is waiting for directions from council and that unless given other direction, the city would use the recommendations the committee presented. Council Member Wiens and other members of the council would like staff to present a timeline for the implementation for the golf course from what the committee presented.

Council Member Degner stated that he had been contacted by the individuals representing the Secure Future's from Eastern Mennonite University and how their solar panels would be taxed. City Manager Hodgen stated that a draft ordinance was assembled, but all parties didn't come to an agreement. Vice-Mayor Byrd suggested council use the draft ordinance already in place to work from. Mayor Baugh stated that one part of the original request was to completely tax exempt the solar panels and when the ordinance didn't provide that, Secure Future didn't know how much the ordinance would benefit them. Mayor Baugh also stated staff concerns included what incentives would be provided to or for other businesses. Council stated that they would be happy to address this concern at a future meeting.

City Manager Hodgen added another piece of information for the One Court Square building. He stated that the transition of the current building is still to be determined, but the building will be returned to the city. He also stated that the payment for the expenses of the project also would need to be determined. City Manager Hodgen stated that these pieces aren't included in the lowest bidder process, but will be issues to be determined and he would keep council posted.

City Manger Hodgen announced that the new census numbers were available and the city is fast approaching 50,000 people. He also stated that the City of Harrisonburg is now the 12th largest city in Commonwealth. City Manager Hodgen informed council that the population will possibly affect the budget due to more individuals using services the city provides.

At 7:35 p.m., Council Member Degner offered a motion that council enter into a closed session for discussion and/or consideration of the expansion of an existing business within the city where no previous announcement has been made of 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. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh  
Vice-Mayor Byrd  
Council Member Degner  
Council Member Chenault  
Council Member Wiens

No – None

At 7:58 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 8:00 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