

REGULAR MEETING

October 12, 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. Absent: Assistant City Manager Anne C. Lewis.

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

Quiet T. Please felt that the City should give a portion of Third Street to Red Front Supermarket to alleviate traffic off the road, make less congestion, and be safer for ones shopping at the grocery store. Mr. Please also heard that the City was eligible for Federal Funds for dual purpose bicycle/walkway paths.

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 Police Department in the amounts of \$4,522.75 and \$12,887.00 and for General Fund, Water Fund and Transportation Fund in the amount of \$4,000.00. 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 Byrd
Council Member Wiens
Vice-Mayor Baugh
Mayor Degner

Absent – None

School Board Finance and Technology Director, Dee Dee Dawson, presented a request for supplemental appropriations for the School Board Operating budget in the amount of \$41,656.00. Mrs. Dawson said that these funds represent reimbursable grant receipts from state and federal sources. No additional local dollars are required from the City Council for the school division to receive these funds. Council Member Byrd offered a motion to approve this request for the first reading, and that:

\$13,112.00 chge. to: 1111-33301 School Revenue - Federal
\$28,544.00 chge. to: 1111-32442 School Revenue - State

\$24,734.00 approp. to: 1111-111114-40610 Instruction
\$7,214.00 approp. to: 1111-111114-40630 Transportation
\$9,708.00 approp. to: 1111-111114-40680 Technology

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 Byrd
Council Member Wiens
Vice-Mayor Baugh
Mayor Degner

Absent – None

Colonel Donald Harper presented a request for supplemental appropriations to the Police Department. Council Member Byrd offered a motion to approve the supplemental appropriations as presented to Council in agenda items seven and eight for the first reading, and that:

These funds were received through a grant from the VA Department of Alcoholic Beverage Control and will be used for officers' overtime for underage drinking issues.

\$5,000.00 chge. to: 1000-33562 ABC Grant

\$5,000.00 approp. to: 1000-310231-41020 Salaries & Wages – O/T

These funds were received as reimbursement from Rockingham Memorial Hospital for drug/alcohol violation overtime for officers.

\$2,920.73 chge. to: 1000-31901 Recoveries/rebates

\$2,920.73 approp. to: 1000-310231-41020 Salaries & Wages – O/T

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 Byrd
Council Member Wiens
Vice-Mayor Baugh
Mayor Degner

Absent – None

Council Member Byrd reported a successful first meeting of the Golf Course Study Committee that was held on Monday, October 11, 2010. The Committee is requesting more information and that City Staff from Parks and Recreation come to the next meeting that will be held on Tuesday, October 19, 2010 at 7:00 p.m. Council Member Byrd also stated there is a lot of work ahead for this Committee, but hopes to have a recommendation in January for Council.

Council Member Byrd requested City Manager Hodgen get a timeline of when the temporary stop light at the intersection of Pear Street and Route 42 is going to be removed.

Mayor Degner gave a brief report about the trip to Virginia Municipal League (VML) Annual Conference that was made by Council Members and some City staff. Mayor Degner stated that they attended multiple workshops that covered many different issues that provided them with information and practices from other localities in the Commonwealth.

Vice-Mayor Baugh brought information to Council's attention about a solar project that is going on at Eastern Mennonite University (EMU). EMU has some concerns that, with the changes, they will be subject to personal property tax. In research of this issue, it seems that EMU might not be charged. EMU has asked that, if in the coming weeks, the City finds that they are subject to personal property tax, then they would like to be put on the next City Council agenda.

Vice-Mayor Baugh offered a motion that Steven Hottle, 267 Campbell Street, Carl Wassum, 1169 Westmoreland Drive, and Craig Miller, 2821 Osceola Springs Road, be appointed to a fourth term on the Building Code Board of Appeals. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

Council Member Byrd offered a motion that Russell Presnell, 93 Shenandoah Avenue, be appointed to the Harrisonburg Transportation Safety and Advisory Commission. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

At 7:22 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and/or consider 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 9:00 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.

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

CITY CLERK

MAYOR