REGULAR MEETING
June 28, 2011

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

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

Gayl Brunk, Executive Director of Valley Associates for Independent Living (VAIL), advised Council that, in the following week, VAIL would be moving to People's Drive and will continue to serve all of those with disabilities within Planning District 6. Ms. Brunk recognized the Harrisonburg Fire Department as one of the many volunteer organizations who will be helping with the move. Ms. Brunk also thanked Council and the City of Harrisonburg for all the support and funds they have provided over the years and VAIL looks forward to many more years of a great working relationship.

Vice-Mayor Byrd offered a motion to approve the following items on the consent agenda:

a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
b. Consider a request from Geraldine Howdyshell and Brandon Howdyshell for a special use permit per Section 10-3-34 (9) to allow fences greater than the height otherwise permitted within the R-1, Single Family Residential District. The 10,512 +/- sq. ft. property is located at 231 Sunrise Avenue and can be found on tax maps 23-B-47 & 48. Second Reading.
c. Consider ordinance for amending and re-enacting Chapter 4 of Title 10 (Erosion and Sedimentation Control) of the Harrisonburg City Code-Second Reading.
d. Consider amending and re-enacting Section 7-4-1 "Schedule of rates and charges generally" of the City Code. Second Reading.
e. Consider multiple changes to Chapter 13, Section 1, "Traffic and Parking Regulations", of the City Code. Second Reading.
f. Consider a supplemental appropriation for the Transportation Department in the amount of $70,000.00. Second Reading.
g. Consider request for a supplemental appropriation in the amount of $48,917.03. Second Reading.
h. Consider request for a supplemental appropriation in the amount of $23,400.00. Second Reading.

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

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

No – None

City Manager Hodgen stated the First Tee Foundation has requested that Council consider transferring the First Tee Charter to the Foundation. City Manager Hodgen stated that in doing this, the responsibility for meeting all First Tee Program requirements would be on the Foundation, it would allow the Foundation to expand the program to a greater extent than the City would have otherwise planned in the near future, and will also allow the Foundation to access various private grant funding sources that are not available to the City. City Manager Hodgen also stated the agreement is subject to the approval of the World Golf Foundation, Inc. Council Member Chenault offered a motion to approve the transfer of the First Tee Charter to the First Tee Foundation as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

John Bucci, recent graduate James Madison University (JMU), presented a request from JMU and the Virginia Center for Wind Energy to install a wind turbine at Thomas Harrison Middle School (THMS). Mr. Bucci provided an overview of Wind for Schools which included the following: Department of Energy funded program through Wind Powering America, active in 11 states, install a Skystream 3.7, 2.4kW wind turbine at a K-12 school, teacher training along with hands-on curriculum, university undergraduates act as energy consultants to the host school, and K-12 students are provided an overview of the entire process with guidance of undergraduates. Mr. Bucci stated the purpose of the wind turbine is to educate students and reinforce multiple science benchmarks. Mr. Bucci stated two possible locations have been chosen both of which would be visible from Route 33. Mr. Bucci provided the benefits to the site which included: easy access to THMS students and teachers, within 1.5 of Harrisonburg High School, close to electrical hook ups, facing westerly winds, and minimum obstructions. Mr. Bucci stated he had been in contact with many different departments at the City of Harrisonburg and some questions and concerns were brought to his attention. Mr. Bucci addressed the concerns of the fall zone, noise, interference with RF system and solid red light on top of the tower. Mr. Bucci stated the total cost for the project will be

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$22,500.00. However, THMS was awarded $14,500.00 through a Merck Foundation Grant. The remainder amount will continue to seek support from the citizens and businesses. Council Member Degner offered a motion to approve the request for installation of a wind turbine at THMS. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Dave Miller, Owner of Dave's Taverna, provided an update to Council regarding the amphitheater/park. Mr. Miller stated that he is excited and really wants an amphitheater/park downtown, but during his first presentation at the June 14, 2011 council meeting he got ahead of himself and he apologized. Mr. Miller stated that the timeline and details he presented was the way he runs his business and he realized that it isn't his business; it's the entire community's business. However, the response from the last meeting was overwhelming, both gratifying and challenging. Mr. Miller stated that the dialogue that had been ignited has proven to us that it is a great project and is very proud of that. Mr. Miller requested Council to grant permission to explore the amphitheater/park project with no expense to the City of Harrisonburg by doing the following: engaging stakeholders in dialogue about what we all want in the amphitheater/park, seek out other cities with similar amphitheater/park projects, study various impacts of this park project on our community, and report back to the Council with preliminary findings. After brief discussion, Council didn't have any concerns with Mr. Miller to explore and study a possible amphitheater/park in the downtown area.

Michael Wong, Executive Director of the Harrisonburg Rockingham Redevelopment and Housing Authority and Chairperson of the Ten-Year Steering Committee, requested Council's approval of the Blueprint for Implementation to End Homelessness in Harrisonburg-Rockingham. Mr. Wong stated that the implementation present goals and objectives are for July 1, 2011 to June 30, 2013. Mr. Wong stated the blueprints represented work that was configured over several meetings with many of the community's stakeholders which were led by members of the Ten-Year Steering Committee. Mr. Wong stated that stable housing is the foundation for community members to be successful and active participants. Adoption and implementation of the plan supports the community in many ways including access to additional resources and also improves collaboration and partnership. Mr. Wong stated through the activities of last years' efforts of establishing the Ten-Year Steering Committee improved homelessness in 2010 from 163 people to 115 people. Mr. Wong stated that the challenges to end homelessness are still great. Mr. Wong stated 83% of children in both City of Harrisonburg and Rockingham County Schools grades K-3 qualify for free or reduced lunch; higher level grades reduced to 63%. Mr. Wong presented an overview of

the eight major adjectives for the first two years of the implementation. Council Member Degner offered a motion to approve the Blueprint for Implementation as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated at the beginning of the year, the City refunded some existing Sanitation Fund debt and achieved savings during the process. Since the Sanitation Fund received a transfer from the General Fund to operate, the General Fund transfer to the Sanitation Fund has been reduced. The request is from the Finance Director for end-of-year budget purposes and allocating the savings to the General Fund's reserve for contingencies for example, the 27th pay period that will occur. Vice-Mayor Byrd offered a motion approve the following transfer:

$175,600.00 chge. to: 1000-990111-49280 Transfer to Sanitation Fund
175,600.00 chge. to: 2014-982042-49121 42.010 M Bond Issue

$175,600.00 approp. to: 1000-940111-49310 Reserve for contingencies
175,600.00 approp. to: 2014-34210 Transfer from General Fund

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

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

No – None

Police Chief Harper requested Council to appropriate funds that were received through a grant from the VA Department of Alcoholic Beverage Control. The grant was used for overtime for underage drinking issues.

$3,2005.85 chge. to: 1000-31914 Recovered Costs

3,205.85 approp. to: 1000-310231-41020 Salaries/Wages OT

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Police Chief Harper requested Council to appropriate funds that were reimbursed by the US Marshals Service for overtime payment services rendered by the Gang Task Force from October 2010 through March 2011.

$3,203.25 chge. to: 1000-33546 US Marshals Service Overtime Reimbursement

3,203.25 approp. to: 1000-310531-41020 Salaries/Wages OT

Police Chief Harper requested Council to appropriate funds that were received from JMU as reimbursement for services rendered at events on various dates from January 12, 2011 through May 7, 2011.

$9,728.20 chge. to: 1000-31677 JMU Overtime Reimbursement

9,728.20 approp. to: 1000-310231-41020 Salaries/Wages OT

Police Chief Harper requested Council to appropriate funds that were received through Federal DMV Selective Enforcement Grant to reimburse for overtime, training and travel.

$5,400.59 chge. to: 1000-33524 Federal DMV Grant

118.90 approp. to: 1000-310631-45530 Training and Travel
5,281.69 approp. to: 1000-310231-41020 Salaries/Wages OT

Vice-Mayor Byrd offered a motion to approve the four supplemental appropriations presented from the Police Department that totals $21,537.89. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated at the previous meeting Council requested to wait to see if any comments were received about holding a public hearing regarding the renewal of the lease for the Department of Correction Parole and Probation office, located at 30A West Water Street. With Council receiving no concerns, it was agreed for City Manager Hodgen to advise the Department of Corrections that a public hearing will not be necessary for renewal of their contract.

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City Manager Hodgen provided an overview of an item for the July 12, 2011 Council meeting. The Central Shenandoah Planning Commission Board has approved some adjustments to membership allocation. City Manager Hodgen stated there are approximately a dozen member localities. Recent census numbers changed some locality's membership on the board because the board is based on population of the locality. City Manager Hodgen stated the board is proposing the number of members of the board be reduced from 23 to 21. City Manager Hodgen stated the City of Harrisonburg will remain at three members. City Manager Hodgen stated he doesn't have any concerns supporting the change, but it will require a resolution.

Council Member Degner invited all citizens to participate in the Valley 4th events that will happen Monday, July 4, 2011.

Vice-Mayor Byrd offered a motion to re-appoint Brian Shull to the Shenandoah Valley Partnership Board of Directors for a term to expire June 30, 2015 and it was approved with a unanimous voice vote.

Council Member Chenault offered a motion to appoint David L. Smith, 942 Northfield Court, to the Social Services Advisory Board for a first term to expire July 1, 2015 and it was approved with a unanimous voice vote.

At 7:50 p.m., Vice-Mayor Byrd offered a motion that Council enter into closed session for discussion and consideration of 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 Degner and approved with a recorded roll call vote taken as follows:

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

No – None

At 8:28 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 8:30 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK	MAYOR

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