REGULAR MEETING
July 26, 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 Captain Dan Claytor. Absent: None.

Mayor Baugh gave the invocation and also led everyone in the Pledge of Allegiance.

Michael Clune stated that Council disappointed the bulk of those in attendance at the previous Council meeting by signing the agreement with SPCA. Mr. Clune stated he felt Council failed to discuss attachments of performance standards to the agreement with SPCA. Mr. Clune provided statistics of areas with fewer resources and lower euthanization rates. Mr. Clune suggested that he would like to see a member from Council and the Board of Supervisors get involved with citizens and work toward an action plan.

Council Member Chenault 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 request from Virginia Mennonite Home, Inc. to amend an approximate 6.39 +/- acre portion of the VMRC master planned complex.

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

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

No – None

City Manager Hodgen stated that the encumbrances that were outstanding at June 30, 2011 totaled the amount of $4,663,376.91. City Manager Hodgen stated that amount is based on purchase orders that were carried forward to the 2011-2012 fiscal year. The purchase orders were for goods and/or services which were contracted for but not received prior to June 30, 2011. City Manager Hodgen stated it is recommended by staff to reappropriate these funds to the current fiscal year. City Manager Hodgen also noted that the bulk of the amount was for the purchase of new transit buses, summer paving project, and IT Strategic Plan.

At 7:10 p.m. Mayor Baugh closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, June 18, 2011.

Notice of Public Hearing

A public hearing will be held by the Harrisonburg City Council on Tuesday, July 26, 2011 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 2011-2012 budget in the amount of $4,663,376.91. This amount represents outstanding encumbrance at June 30, 2011. The budget increases will be as noted below:

Revenues:

General Fund:	
Amount from fund balance	**1,561,675.19**
School Fund:	
Amount from fund balance	**88,746.06**
Emergency Communications Center:	
Amount from fund balance	**35,656.25**
Water Fund:	
Amount from fund balance	**95,280.76**
Sewer Fund:	
Amount from fund balance	**51,288.65**
Public Transportation Fund:	
Amount from fund balance	**2,830,730.00**
Total revenues	**4,663,376.91**

Expenditures:

General Fund	**1,561,675.19**
School Fund	**88,746.06**
Emergency Communications Center Fund	**35,656.25**
Water Fund	**95,280.76**
Sewer Fund	**51,288.65**
Public Transportation Fund	**2,830,730.00**
Total expenditures	**4,663,376.91**

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 Baugh called on anyone desiring to speak for or against the encumbrances as presented. There being no one desiring to be heard, the public hearing was declared closed at 7:11 p.m., and the regular session reconvened.

Council Member Wiens offered a motion to approve this request for the first reading, and that:

$1,561,675.19 chge. to: 1000-31010 Amount from fund balance
88,746.06 chge. to: 1111-31010 Amount from fund balance
35,656.25 chge. to: 1116-31010 Amount from fund balance
95,280.76 chge to: 2011-31010 Amount from fund balance
51,288.65 chge. to: 2012-31010 Amount from fund balance
131,492.52 chge. to: 2013-31010 Transit – Amt from fund balance
171,619.00 chge. to: 2013-32518 Transit – Capital grant – State – Buses
2,554,431.00 chge. to: 2013-33305 Transit – Capital grant – Fed – Buses
27,187.50 chge. to: 2013-33306 Transit – Operational – Federal

$2,999.94 approp. to: 1000-110111-48171 EDP equipment
4,725.00 approp. to: 1000-121313-48121 Furniture and fixtures
3,798.67 approp. to: 1000-12511-48171 EDP equipment
104,857.00 approp. to: 1000-122011-43100 Professional services
5,397.61 approp. to: 1000-122011-43320 Service contracts
8,573.04 approp. to: 1000-122011-48272 Hardware
16,160.00 approp. to: 1000-130114-48110 Machinery and equipment
400.00 approp. to: 1000-310131-45210 Postage
26,048.00 approp. to: 1000-310431-4811 Machinery and equipment
11,552.00 approp. to: 1000-310431-48151 Motor vehicle and equipment
120.00 approp. to: 1000-310431-48211 Machinery and equipment
3,613.00 approp. to: 1000-320431-48211 Hardware
13,700.00 approp. to: 1000-320232-43360 Main & repairs – Bldg & grounds
8,380.00 approp. to: 1000-410121-48191 Engineering/Mapping
6,844.00 approp. to: 1000-430221-48121 Furniture and fixtures
11,816.00 approp. to: 1000-430221-48237 Rawley Springs Property Imp.
4,976.80 approp. to: 1000-810121-43100 Professional services
1,092,540.31 approp. to: 1000-410241-43374 Maintenance & repair – Allowable
127,320.00 approp. to: 1000-410241-43372 Maintenance & repair – Bridges
13,875.00 approp. to: 1000-710171-43100 Professional services
3,000.67 approp. to: 1000-710171-46130 Recreational supplies
13,654.33 approp. to: 1000-710171-46131 Ed/Rec supplies – Playgrounds
5,000.00 approp. to: 1000-710171-43140 Engineering, architecture & mapping
518.29 approp. to: 1000-710171-48184 Improvements
43,601.71 approp. to: 1000-710171-48284 Improvements
4,555.00 approp. to: 1000-710771-48181 Buildings and grounds
1,734.00 approp. to: 1000-710971-46140 Other operating supplies
2,179.00 approp. to: 1000-730371-48281 Building and grounds

5,000.00 approp. to: 1000-810521-43100 Professional services
5,000.00 approp. to: 1000-810521-48228 Incentive Grant
9,735.82 approp. to: 1000-810521-48281 Buildings and grounds
58,911.14 approp. to: 1111-111114-40610 Instruction
5,186.00 approp. to: 1111-111114-40620 Admin-Attend-Health serv.
350.00 approp. to: 1111-111114-40630 Pupil Transportation
24,298.92 approp. to: 1111-111114-40630 Operations & maintenance
5,000.00 approp. to: 1116-321132-45230 Telecommunications
30,656.25 approp. to: 1116-321132-48231 Radio Equipment
32,216.46 approp. to: 2011-322061-43891 Federal Fees
1,045.95 approp. to: 2011-332061-43100 Professional services
55,718.35 approp. to: 2011-372061-48161 Const vehicle and equipment
6,300.00 approp. to: 2011-372061-48298 Install ser. Lines (City)
5,520.00 approp. to: 2012-432061-43100 Professional services
45,768.65 approp. to: 2012-472061-48161 Const vehicle and equipment
212,915.00 approp. to: 2013-872081-48153 Transit buses
2,617,815.00 approp. to: 2013-872081-48253 Transit buses

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

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

No – None

City Manager Hodgen stated that the next item on the agenda, consider approval of State Performance Contract for Community Services Board, happens annually. City Manager Hodgen stated both an executive summary of the contract and a comparative budget overview for FY 2011 – 2012 were included in the agenda packet. The contract is between the Harrisonburg Rockingham Community Services Board and the Virginia Department of Behavioral Health and Developmental Services. City Manager Hodgen stated the Code of Virginia calls for a formal vote on this contract. However, if no action is taken by Council by September 30, 2011, it is considered approved. City Manager Hodgen stated staff recommended approving the State Performance Contract for Community Services Board at the local level. Council Member Degner offered a motion to approve the State Performance Contract for Community Services Board as presented. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

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

Council Member Wiens
Mayor Baugh

No – None

Jason Kidd, Harrisonburg Police Department (HPD) Sergeant, provided an overview of the 2011 Edward Byrne Memorial Justice Assistance Grant Program Proposal. Sergeant Kidd stated that the guidelines changed from previous years, being that a 30 day public comment period is to be held along with a governing body review of the proposal. Sergeant Kidd stated that all comments could be directed to him and more information could be found on the HPD's website. On August 23, 2011, Sergeant Kidd will return to Council to report any public comments received and request approval. Sergeant Kidd stated the HPD is applying for $21,838 in federal funding through the grant. HPD established several equipment goals that focus primarily on officer safety-related equipment which included the following: one ballistic shield, one broad-area lighting system, five audio transmitter kits, two audio/video recording system upgrades, nine rifle vehicle mounts, 10 X26 taser holsters, and one A-Frame police checkpoint sign. Sergeant Kidd stated that the equipment listed wasn't requested or included in the FY 11-12 budget.

Reggie Smith, Director of Public Transportation, stated the Department of Rail and Public Transportation requires that each transit system have a short range Transportation Development Plan (TDP). Mr. Smith stated that the Department of Rail and Transportation provided funds for the TDP study that was completed. Mr. Smith stated that KFH Group was chosen to complete the study that began in October 2010, with Elizabeth Feding as the leader.

Elizabeth Feding, KFH Group, stated the TDP is a six-year plan that looks at what is going to be needed in the community, what resources would likely be available, and develop projects to fit. Ms. Feding stated the Department of Rail and Transportation provided a scope of work, which they followed to complete the study. Ms. Feding stated the TDP process included the following tasks: system overview, goals, objective and service standards, service and system evaluation and transit needs analysis, development of alternatives for consideration, operations plan, capital improvement plan, and financial plan. Ms. Feding stated the process included a customer survey and over 1500 surveys were received. Ms. Feding reviewed the Operations Plan, based on what the Steering Committee recommended, which was broken down into the following four sections: recommendations for the year-round city oriented routes, recommendations for the seasonal routes, recommendations focused on the region, and infrastructure improvements. Ms. Feding also reviewed organizational recommendations which included staffing suggestions and regional issues. Ms. Feding stated that approving the plan as presented would only suggest that the plan is something the City of Harrisonburg wishes to implement. Ms. Feding stated that there are a lot of unknowns due to unaware of what Federal and/or Commonwealth transit funding would be available to use towards this plan.

Vice-Mayor Byrd asked Ms. Feding how the City of Harrisonburg's levels compared to others around the nation. Ms. Feding stated that most towns with colleges or universities are healthy not only because of ridership, but also as a financial partner.

Council Member Degner offered a motion to implement the TDP as presented. The motion was seconded by Council Member Chanault and approved with a recorded roll call vote taken as follows:

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

No – None

Reggie Smith stated that in spring of 2010 the Transportation Department started looking into real-time transit. Mr. Smith stated in August 2010, an RFP for proposals became available. Mr. Smith stated after all proposals were submitted, reviewed, and interviewed, NextBus was selected. Mr. Smith stated that the program wouldn't be fully implemented until after the start of the school year when all of the data had been collected.

Thomas Noyes, Director of Business Development for NextBus, stated that hardware had been installed in all of HDPT's buses to start tracking and obtaining history for bus routes within the City. Mr. Noyes stated the new buses that just arrived were going to have a tracking system, automatic passenger counters, and the automated NextBus system. Mr. Noyes provided an informational presentation of the NextBus system which included the following: real-time passenger information (RTPI), automatic vehicle location (AVL) and mobile data terminal (MDT) hardware, arrival/departure predictions, and real-time management features and reports. Mr. Noyes stated NextBus will also provide automatic voice annunciation systems (NextStop). Mr. Noyes also stated that the system will greatly enhance the City's customer service capabilities. Mr. Noyes mentioned that following two to three weeks of solid data collection after the school year began, NextBus would be in place for the appropriate routes.

Reggie Smith stated that earlier in the summer meetings were held with all the taxi companies around the City to talk about Title 14, Chapter 1 of the Harrisonburg City Code. Mr. Smith stated after those meetings, he met with City Attorney Thumma to make changes to ordinances pertaining to taxi cabs. Mr. Smith mentioned the major change dealt with taxi licensing process. Mr. Smith stated one item the City could not change, but recommended all taxi companies consider was to ban smoking in their taxi cabs.

Vice-Mayor Byrd asked Mr. Smith if the violations mentioned in the ordinance match with DMV's moving violations. Mr. Smith stated DMV refers to points. Mr.

Smith also mentioned driver's will be issued a license for a specific company and will not be able to switch to other companies without paying a fee.

Mr. Smith presented the following ordinances for Council's consideration:

ORDINANCE AMENDING AND RE-ENACTING 14-1-12, 14-1-13, 14-1-61, 14-1-62, 14-1-66 AND 14-1-69
OF THE
HARRISONBURG CITY CODE

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

That the following sections of Title 14 be amended and re-enacted as follows:

Section 14-1-12. <u>Report of accidents</u>.

Every accident in which any taxicab is involved shall be immediately reported to the police department and HDPT, however slight the accident may be.

Section 14-1-13. <u>Inspection of vehicles; correction of defects</u>.

Each taxicab within the city shall be inspected by HDPT before it is put into revenue service, annually and at random. If any such vehicle shall be found to be unsafe, unfit or in an unclean condition, the owner thereof shall be notified at once that such vehicle shall not be operated thereafter until such defective or unclean condition has been remedied. Inspection shall include the certification of the taximeter as stated in Section 14-1-102 of this Ordinance.

Upon compliance with the inspection each taxicab will be issued an inspection decal to be placed on the back windshield. The inspection decal shall have displayed upon it the license number assigned to the particular taxicab, the name of the city, and the year for which issued. A taxicab may not operate without the inspection decal. It shall be unlawful for any person to knowingly use any such inspection decal on any motor vehicle other than the taxicab for which it was issued.

The fee to be paid for the inspection and certification of each taxicab is fifteen dollars ($15.00). An additional charge of fifteen ($15.00) may be added for any taxicab failing the initial or annual inspection by the City of Harrisonburg. The fee shall be collected by HDPT and shall promptly be paid over to the city treasurer to be placed in the central garage fund.

Section 14-1-61. <u>Required generally</u>.

No person shall drive a taxicab within the city unless he shall have obtained a special license to be known as the "taxicab driver's license," which shall be in

addition to any other licenses required of such persons. It shall be unlawful for any person to drive a taxicab without the license required by this section.

Section 14-1-62. <u>Application generally; fingerprints and photographs of applicant</u>.

(a) Application for taxicab driver's license shall be made in writing under oath to HDPT.
(b) HDPT shall conduct a national background check on each applicant.
(c) Each applicant must file with his application two (2) recent photographs of himself of a size designated by HDPT, one of which shall be attached to and become a part of the application, the other to be attached to the license, if issued, in such manner that no other photograph may be substituted therefor without probability of detection.
(d) Applicant to obtain Harrisonburg city business license and file with application.
(e) HDPT shall obtain a current Department of Motor Vehicle (DMV) driving record and file with application and if the applicant is an out-of-state driver, they shall obtain a current DMV report from their home state at their expense.
(f) Applicant to provide a completed general health questionnaire completed by a physician or health department official.
(g) Each applicant must take and pass a drug screen annually unless the applicant is in a random testing pool, as stated below. The pre-employment drug screen, shall be filed with HDPT prior to the issuance of the license.
(h) A taxi company with a DOT approved random drug and alcohol testing program shall not require drivers to pass a drug screen annually.
(i) If a drug screen result is positive, the driver's taxicab license shall be revoked for one year.

Section 14-1-66. <u>Fees</u>.

(a) Applicants will be charged a fee for the following items:
(1) Application fee …..$50.00
This fee includes National Background Check; Virginia DMV
record and Permanent License
(2) For each renewal of license . . . $20.00
(3) For replacement of any lost or damaged licenses . . . $15.00
(4) Fee to change taxi companies…….$20.00
(b) Fees shall be collected by HDPT, and shall promptly be paid over to the city treasurer to be placed in the central garage fund. All fees [are] nonrefundable.

Section 14-1-69. <u>Revocation and suspension</u>.

HDPT shall have the authority to revoke or suspend the taxicab driver's license of any person licensed under this article for the following causes:

(1) Four or more violations of traffic and safety laws and ordinances within a two (2) year period;
(2) Failure to report any accident in which such driver is involved, however slight;
(3) Operation of any taxicab known to the driver not to be in good order and repair;
(4) Conviction of reckless driving more than twice in any year;
(5) Violation of any substantial provision of this chapter; and
(6) Violation of the laws of any state or the ordinances of any municipality:
(7) Positive drug screen.

The director of public transportation shall hear an appeal from anyone whose license is revoked or suspended under this provision within forty-eight (48) hours of a request for an appeal, so long as such appeal is filed in writing with the office of the director of public transportation within five (5) days of the suspension or revocation. The decision of the director of public transportation may be appealed to the General District Court of Rockingham County, Virginia, for a final decision, if such appeal is filed with the court within ten (10) days of the decision of the director of public transportation.

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

ADOPTED AND APPROVED this _____ day of _____, 2011.

_____
MAYOR

ATTEST:

_____
CLERK OF THE COUNCIL

ORDINANCE REPEALING SECTION 14-1-107
OF THE
HARRISONBURG CITY CODE

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

That Section 14-1-107 of the Harrisonburg City Code is hereby repealed.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

_____
MAYOR

ATTESTE:

_____
CLERK OF THE COUNCIL

Vice-Mayor Byrd offered a motion to approve changes made to Title 14, Chapter 1 of the Harrisonburg City Code as presented. Council Member Wiens seconded the motion and approved with a recorded roll call vote taken as follows:

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

No – None

Brian Shull, Economic Development Director, stated an application that had been submitted to the USDA for a Rural Business Enterprise Grant (RBEG) in the amount of $99,500 was successful with 25% local match. Mr. Shull stated that the City of Harrisonburg qualified for rural area, because it was based on US Census numbers of cities/towns less than 50,000 population. Mr. Shull reviewed a following: primary mission, proposal, the revolving loan fund, eligible applicants, and eligible activities. Mr. Shull reviewed the schedule that would begin in August with the selection of a committee, development of marketing materials and, by September, open the public launch and application process. Mr. Shull stated $25,000 would be the maximum loan amount for one business. Criteria to approve the applications received will be complied once the Selection Committee is selected. Mr. Shull stated that is would be a service that would be provided to the community, but he would be using it as a tool to get small businesses to the area. Mr. Shull presented the following resolution for Council's consideration:

RESOLUTION OF GOVERNING BODY OF
CITY OF HARRISONBURG

The governing body of City of Harrisonburg, consisting of five (5) members, in a duly called meeting held on the 26 day of July, 2011 at which a quorum was present, RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance through a Rural Business Enterprise Grant from the USDA, Rural Development in order to provide financing to small and emerging businesses in Harrisonburg (county or town), and surrounding areas, the governing body does hereby adopt and abide by the covenants contained in the following agreements:
1. "Letter of Conditions", dated July 14, 2011
2. Scope of Work
3. Form RD 1942-46, "Letter of Intent To Meet Conditions"
4. Form RD 1940-1, "Request For Obligation of Funds"
5. Form RD 400-1, "Equal Opportunity Agreement"
6. Form RD 400-4, "Assurance Agreement"
7. Form AD-1047, "Certification Regarding Debarment, Suspension, and other responsibility Matters-Primary Covered Transactions"
8. Form AD-1049, "Certification Regarding Drug-Free Workplace Requirements (Grants)"
9. RD Instruction 1940-Q, Exhibit A-1, "Certification for Contracts, Grants, and Loans Regarding Lobbying"
10. SF-LLL, "Disclosure Form to Report Lobbying"

BE IT FURTHER RESOLVED that the Economic Development Director, of City of Harrisonburg, be authorized to execute, on behalf of the governing board, the above agreements and to execute such other documents including, but not limited to, debt or grant instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-named documents, is hereby entered into the permanent minutes of the meeting of this Committee.

CITY OF HARRISONBURG

Attest:
_____ By: _____
CERTIFICATION

I hereby certify that the above resolution was duly adopted by the City Council of Harrisonburg, in a duly assembled meeting on the 26 day of July, 2011.

_____
Secretary/Clerk

After brief discussion, Council offered a motion to approve the resolution as presented and directed the Finance Department to set up the appropriate accounts. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

Yes – Council Member Chenault
Vice-Mayor Byrd

Council Member Degner
Council Member Wiens
Mayor Baugh

No – None

City Attorney Thumma stated the ordinance presented was closing 7,000 square foot portion of Dealton Avenue and a Deed of Easement for an additional 15 feet of access right-of-way for Valley Blox, Inc. City Attorney Thumma stated in acquiring the right-of-way for the Stone Spring Erickson Avenue Project, the City and Valley Blox were unable to reach agreement. The City condemned the property and suit had been filed in the Circuit Court to establish a value. City Attorney Thumma stated that suit had been settled and as part of the settlement offer, the City is to convey a 7,000 square foot undeveloped portion of Dealton Avenue that adjoins Valley Blox. In addition, the City is to give them an additional 15 feet of a private access easement across City property that lies in between two parcels owned by Valley Blox and Americast, Inc., which already had an existing 15 foot access easement across the City property. City Attorney Thumma stated that these conveyances are part of the existing final order of the Circuit Court. City Attorney Thumma stated another ordinance, involving Valley Blox and Americast, Inc., would come after road completion. City Attorney Thumma stated it was recommended that Council approve the first reading and grant permission for the signing of the deed easement by the City Manager. City Attorney Thumma presented the following ordinance:

**ORDINANCE CLOSING AN UNDEVELOPED PORTION OF DEALTON AVENUE
CONTAINING APPROXIMATELY 7,000 SQUARE FEET
LOCATED IN THE SOUTHEAST PORTION
OF THE
CITY OF HARRISONBURG**

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

That an undeveloped portion of Dealton Avenue, containing approximately 7,000 square feet, more or less, located in the southeastern section of the CITY OF HARRISONBURG, to be indexed as Grantor, be closed and vacated. A plat showing the undeveloped portion of the street to be closed, prepared by Charles E. Wingard, L.S., City Surveyor dated June 14,2011, is attached hereto and made a part hereof. The street being closed and vacated is shown on City Block Map number 5.

That upon passage of this ordinance, the title to the 7,000 square foot parcel shall be vested in VALLEY BLOX. INC., a Virginia corporation, owner of the adjoining parcel to the south, to be indexed as Grantee.

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

ADOPTED and APPROVED this __ day of _____ , 2011.

_____

MAYOR

ATTESTE:

_____

Clerk of the Council

Vice-Mayor Byrd offered a motion to approve the closing of the 7,000 square foot portion of Dealton Avenue and allow the City Manager to sign the Deed of Easement. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated the new transfer center at Roses' is almost ready for service.

City Manager Hodgen provided an update of bid results for the I-81 Bore Eastern Raw Waterline which was $316,126.00. The contractor has done previous work for the City, Snyder Engeering Environmental Services. The City is preparing notice of award.

City Manager Hodgen stated Spc. Levi E. Nuncio will be memorialized on the War Memorial at James Madison University (JMU). The cost, maximum of $1,500, of adding the memorialized to the monument is funded by the locality of which the individual was from. JMU has tentatively set a date of September 10, 2011 to honor families whom have lost loved ones in service.

At 8:06 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 Chenault and approved with a recorded roll call vote taken as follows:

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

Mayor Baugh

No – None

At 9:10 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 9:11 p.m., there being no further business and on motion adopted, the meeting was adjourned.

_____ _____

CITY CLERK MAYOR