

## REGULAR MEETING

March 24, 2009

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 Evan Vass; 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.

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

Mayor Kai Degner read the following resolution.

### **A RESOLUTION HONORING PATRICK TURNER ON ACHIEVING THE RANK OF EAGLE SCOUT**

**WHEREAS, the Boy Scouts of America (BSA) provides a program for young people that builds character, and trains them in the obligations and responsibilities of participating citizenship; and**

**WHEREAS, the BSA believes that helping youth is a key to building a more conscientious, responsible, and productive society; and**

**WHEREAS, the Eagle Scout award is scouting's highest, most prominent rank; and**

**WHEREAS, Harrisonburg resident Patrick Turner, a member of Troup 40 of the Stonewall Jackson Area Council, has achieved the rank of Eagle Scout and will be recognized at his Court of Honor this month.**

**NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council of Harrisonburg, Virginia, wish to congratulate Patrick Turner on this significant achievement.**

**BY:** \_\_\_\_\_

**Kai Degner, Mayor**

**ATTEST:** \_\_\_\_\_

**Yvonne H. Ryan, MMC, City Clerk**

Vice-Mayor Baugh offered a motion to adopt this resolution as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

**Vote: Yes - Council Member Wiens  
Council Member Byrd**

Council Member Frank  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Bucky Berry thanked everyone who helped remove the graffiti from the Roses Department store building.

Kent Givens said that he and his roommates who live in a house on West View Street received a letter from the City stating that the furniture on the front porch was a code violation and needed to be removed. The letter also stated that if the furniture was not removed and the City had to remove it, they would be billed. They received a bill for \$102.50 from Public Works for removing the furniture and they believe that the letter should have been more explicit regarding what furniture needed to be moved. Staff will follow up on this complaint.

Council Member Wiens offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department and rezoning requests from Rosetta Stone, Inc. and WRockStreet, LLC. The motion also included amending and re-enacting Section 10-3.55.3, 10-3-38, 10-3-42(c), and 10-3-182(c) of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Wiens  
Council Member Byrd  
Council Member Frank  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

The next item of business was a public hearing and consideration of a Resolution to allow the use of condemnation in acquiring property interests for the Lucy Drive Extended Improvement project. City Attorney Thumma said that staff is requesting that the public hearing be cancelled and that the resolution be withdrawn. Staff has determined that the cost involved to the City based on budget constraints to acquire this property is greater than the City can pay.

Kim Alexander, Assistant to the City Manager, presented an overview of the 2009-2010 Community Development Block Grant (CDBG) Review/Selection Committee recommendations. The 2010 Annual Action Plan for the CDBG program serves as the planning document for addressing overall community development and housing needs that will utilize the estimated \$527,522 entitlement of CDBG funding available to the City for 2010. The City received \$903,269.83 in requests. Ms. Alexander said that each locality in the entitlement program for HUD is allowed to structure its CDBG program. In future years, the Review/Selection Committee is recommending that applications from outside agencies not be accepted. Funding recommended for various City projects include HRHA Harrison Heights renovations (\$140,000),

Mercy House - Fire Protection (\$15,000.00), VAIL - Home Accessibility Modifications (\$10,000.00), City sidewalks (\$184,518.00), and administration costs (\$105,504.00). Public Services include City Project – (Fire) Child Passenger Safety Seat Program (\$20,000.00), Big Brothers/Big Sisters (\$6,000.00), The ARC (\$5,000.00), Valley Program for Aging Services (\$8,500.00), Harrisonburg-Rockingham Dental Clinic (\$25,000.00), and Way to Go – Transportation Services (\$8,000.00). Staff will prepare formal documents for HUD and after a 30-day public comment period, staff will request final approval from City Council.

At 7:31 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 on March 14, 2009.

**CITY OF HARRISONBURG  
2009-2010 ACTION PLAN  
PUBLIC HEARING/COMMENT NOTICE  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**The City of Harrisonburg will hold a public hearing on Tuesday, March 24, 2009, at 7:00 PM in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding the 2009-2010 Action Plan for the Community Development Block Grant (CDBG) Program. Citizen participation is essential to the City's involvement in the Federal Department of Housing & Urban Development's (HUD) CDBG Program. The Action Plan serves as the planning document for addressing overall community development and housing needs that will utilize the estimated \$527,522 entitlement of CDBG funding available to the City for 2009-2010. Projects selected to receive this funding will be included in the Action Plan.**

All citizens and organizations are invited to attend the public hearing to comment orally or in writing on the FY 2010 Action Plan. The City of Harrisonburg will make reasonable accommodations and services necessary for sensory-impaired and disabled citizens at the public meeting. Additionally, translation services may be offered upon request and availability. Persons requiring such accommodations/services should contact Kim Alexander at (540) 432-8923 at least three working days in advance of the meeting.

Copies of the Action Plan are available at the City Manager's Office, 345 South Main Street, Harrisonburg between 8:00 AM and 5:00 PM, Monday through Friday, and at the reference desk at the Massanutton Regional Library for a 30 day public comment and review period which begins March 24, 2009. The Action Plan will also be posted on the City website at [www.ci.harrisonburg.va.us](http://www.ci.harrisonburg.va.us) on this date. Written comments may be mailed to Kristin E. McCombe, grants Compliance Officer, Office of City Manager, 345 South Main Street, Harrisonburg, VA 22801. Comments may also be submitted by calling (540) 432-8926 or emailing [CDBG@ci.harrisonburg.va.us](mailto:CDBG@ci.harrisonburg.va.us). Comments are welcomed prior to the start of the review period, but all comments should be received no later than 10:00am on Friday, April 24, 2009, to be considered.

Mayor Degner called on anyone desiring to speak for or against these recommendations for the CDBG program.

Bucky Berry said the ARC does a lot of good work for the community. He also spoke in favor or the Fire Department Program.

Lt. Wanda Willis representing the Harrisonburg Fire Department said the car seat program will benefit a lot of young children.

Cathy Stewart representing the Harrisonburg Fire Department said that national statistics show that eight out of ten car seats are incorrectly installed.

Fire Chief Larry Shifflett said that other firefighters do not have time to do car seat installation.

Muawia Da'Mes said that he supports the child safety seat program because his family was involved in a terrible accident.

Karen Thomas representing the Northeast Neighborhood Association asked that the association's requested funding be included in the CDBG program. The group is committed to making the neighborhood a good place to live.

Bruce Dellinger representing Valley Associates for Independent Living (VAIL) discussed their program and thanked City Council for the CDBG funding.

Mary Ellen Chewning representing The ARC said these funds will help fund various programs.

Ron Copeland representing Our Community Place said that the organization provides a loving environment to help people struggling with addiction and homeless.

Alicia Horst representing Big Brothers/Big Sisters thanked Council for being included in the CDGB funding.

Jonathan Schrag representing Our Community Place said the project can use any funding available. There being no others desiring to be heard, the public hearing was declared closed at 8:06 p.m., and the regular session reconvened.

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 2009-2010 budget. He reviewed projected revenues from state funding, Federal funding, and local budget. The budget is based on projected daily membership of 4,265 in 2009-2010. There will be a 10% health insurance rate increase. The proposed budget includes no salary nor step increases and state revenues will be based on the General Assembly's adopted budget. Dr Ford reviewed the state sales tax and Federal stimulus estimates included in the state budget. The overall budget is \$53,492,698. The budget reflects 16 full time employee's personnel reduction, reduction in utility costs, addition of two contingency positions, and a reduction in the summer school program. Dr. Ford reviewed the 2009-2010 proposed expenditures and revenues. Beginning with fiscal year 2010, the school nutrition (cafeteria) revenues and expenditures will be presented and approved in a separate budget fund.

The next item of business was a presentation by Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance (HDR), who gave an update of the progress and accomplishments of HDR. Mr. Bumbaugh said that on January 26<sup>th</sup> approximately 15 people from the Town of Martinsville visited the City. Comments from the visitors included seeing very few vacant buildings in the downtown area, a lot of restaurants, a number of housing projects, a great Farmers Market Pavilion, and a really nice Court Square Theatre and Children's' Museum. Mr. Bumbaugh announced that Harrisonburg and the HDR Board of Directors were honored in Richmond recently with two awards. These awards honored the \$15M in private investment to rehab property since 2004 and the 45,000 hours of volunteer time.

Harrisonburg's courthouse is featured on the cover of the Virginia Downtown Driving Tours brochure. Priorities for HDR in the upcoming year include developing strategies to retain, strengthen, and attract new businesses, advocate for streetscape improvement, and increase awareness and enhance perceptions of downtown. HDR is working very hard to keep the tax base strong. Blacks Run Downtown Clean-up Day is April 11, 2009.

Kris Ludwig, Special Events Manager of HDR, reviewed information regarding events that occurred during the last several months. Upcoming events include Mid-Atlantic College Radio Conference (MACRock) on April 3<sup>rd</sup> and 4<sup>th</sup>, Court and Market Days Festival on June 6<sup>th</sup>, Fridays on the Square starting on June 5<sup>th</sup>, the Valley 4<sup>th</sup> Parade, and the "Battle of the Bands" at the Block Party on September 25<sup>th</sup>.

Jessica Chase, Program Manager/Downtown Parking Services of HDR, reviewed information regarding events that occurred during the last several months. Upcoming events include Renaissance Night on May 16<sup>th</sup> and selling chocolate lollipops and coins in the gift shop at the Hardesty Higgins House. The Downtown Parking Advisory Committee is considering erecting a wall kiosk in the Water Street Parking Deck. Three one-hour parking spaces will be added to the Water Street Deck due to downtown merchant requests. The Water Street Deck is at 90% capacity. The hang tags spaces on the roof of the Water Street Deck are 100% leased. The Elizabeth Street Deck is rented at 80% capacity, and the lower level is full.

The next item of business was a report on the Farmers Market Pavilion-Park Rental Policies and Fee Schedule. Andy Perrine, President of the Board of Harrisonburg Downtown Renaissance, presented a proposal to coordinate rental(s) of both the Farmers Market Pavilion and the unnamed grassy area behind the Community Development building. The HDR board has adopted a resolution recommending that the park be named Renaissance Park.

Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance (HDR), said that HDR has formed a committee of professionals, City representatives, Farmers Market participants, and members of HDR to review possibilities for the park area. It has been proposed that a permanent covered stage be built to face the Farmers Market Pavilion to accommodate larger groups or events. Long term plans include on site restrooms, landscaping and park and pavilion facilities fees. Mr. Bumbaugh said that since the inception of the Pavilion project, it has been assumed that HDR would manage/schedule the use of the facilities on the City's behalf.

Following further discussion and comments, Council Member Byrd offered a motion to refer this proposal to coordinate pavilion-park rental policies, establish a fee schedule, park management, and potential names for the park to the City Manager for a report at a future Council meeting. The fee scale will not apply to the City, HDR, FundFest or the Farmers Market events. The motion was seconded by Council Member Frank who was present when the motion was made, but was absent when the voice vote was taken. The motion carried with a four to zero voice vote of Council Members present.

Council agreed to allow the March of Dimes to hold an event in April.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds will be used to purchase software for crime reporting. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,188.00 chge. to: 1000-31010 Amount from fund balance

\$1,188.00 approp. to: 1000-310431-48273 Software

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

Vote: Yes - Council Member Wiens  
Council Member Byrd  
Council Member Frank  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Vice-Mayor Baugh agreed to serve on the Harrisonburg Downtown Renaissance Parking Advisory Committee.

Council agreed to have a joint meeting with the Planning Commission on April 15, 2009, at 7:00 p.m., to discuss the process of the Comprehensive Plan.

Council Member Byrd offered a motion that Chuck Farthing, 1015 Blaze Court, be appointed to a second term on the Industrial Development Authority to expire on April 24, 2013. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

At 9:55 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of the acquisition and 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, 1950, as amended. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Wiens  
Council Member Byrd  
Council Member Frank  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

At 11:14 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 11:15 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