

REGULAR MEETING

May 26, 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.

Council Member Byrd gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Harrisonburg Redevelopment and Housing Authority Director Michael Wong invited everyone to a Continuing Care event on June 4th at the Lucy Simms Center.

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes and the second reading amending Section 10-3-97, 10-3-46, and 10-3-48 of the Zoning Ordinance. 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

Kristin McCombe, Grants Compliance Officer, presented for Council’s consideration approval of amendments to the 2008 CDBG Action Plan. Mrs. McCombe said that the City has been notified of a designated entitlement in the amount of \$143,252 from the Community Development Block Grant Recovery Fund (CDBG-R), which is part of the Stimulus Bill funding. Housing and Urban Development (HUD) is channeling Stimulus Bill funding from the American Recovery and Reinvestment Act (ARRA) to the Community Development Block Grant (CDBG) Program. HUD has required that the City submit a substantial amendment to the 2008 Annual Action Plan. The City intends to use these funds for improvements to the Ralph Sampson Park, including the constructing a restroom facility and shelter, and making site improvements. After the 7-day public comment period (May 26 – June 3), staff will submit this amendment to HUD for approval.

At 7:16 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 Tuesday, May 19, 2009.

PUBLIC HEARING NOTICE
CITY OF HARRISONBURG

**AMENDMENT TO 2008 ACTION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

PUBLIC HEARING - The City of Harrisonburg will hold a public hearing on Tuesday, May 26, 2009 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding an Amendments to the 2008 Action Plan for the for the Community Development Block Grant (CDBG) Program. This Action Plan serves as the City's guide for addressing overall community development and housing needs that will utilize the City's annual entitlement of CDBG funding available from HUD to meet those needs. The Amendment to be considered at this Public Hearing is as follows:

- **Housing and Urban Development (HUD) is channeling Stimulus Bill funding from the American Recovery and Reinvestment Act (ARRA) to the Community Development Block Grant (CDBG) Program. The City of Harrisonburg has been notified of a designated entitlement in the amount of \$143,252 from what is being termed the "CDBG-R". Housing and Urban Development (HUD) has directed grantees to apply for these funds by submitting a substantial amendment to their Annual Action Plan, thereby providing a transparent public process to specifically identify how the funds will be utilized. The City of Harrisonburg intends to use \$143,252 of this funding for improvements to Ralph Sampson Park, including the construction of a restroom facility and shelter.**

Following the Public Hearing, there will be a 7 calendar day Public Comment Period. All citizens and organizations are invited to attend the public hearing to comment orally or in writing on funding needs and priorities. Questions regarding the grant program are also encouraged. 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 the City at least three working days in advance of the meeting.

Please contact Kristin McCombe, at Kristinm@harrisonburgva.gov or 540-432-8926 with questions. Written comments may also be mailed to Kristin McCombe, Grants Compliance Officer, Office of the City Manager, 345 South Main Street, Harrisonburg, VA 22801. All comments must be received by 9:00 a.m. on June 3, 2009.

Mayor Degner called on anyone desiring to speak for or against the amendment to the 2008 CDBG Action plan.

Bucky Berry questioned whether spending all of the Stimulus Bill funding for improvements at the Ralph Sampson Park was necessary. There being no others desiring to be heard, the public hearing was declared closed at 7:18 p.m., and the regular session reconvened. Following a lengthy discussion and comments, Council Member Byrd offered a motion to approve an amendment to the 2008 CDBG Action Plan. 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

Harrisonburg Tourism and Visitors Services Marketing Coordinator Zenaida Hall presented a request for a supplemental appropriation for the Tourism Office. These funds were received for the Heritage Marketing to develop and print a three part initiative of the Wilderness Road Heritage annual print ad, heritage brochure and group tour DVD. Council Member Byrd offered a motion to approve this request for a first reading and that:

\$4,937.78 chge. to: 1000-32458 Virginia Tourism Marketing Leverage Grant

\$4,937.78 approp. to: 1000-810821-43600 Advertising

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

City Manager Hodgen presented a request to consolidate three capital project accounts. Staff is requesting to consolidate Erickson Avenue Extension, Stone Spring Road Improvement, and Erickson Avenue projects into one single capital improvement project in order to simplify accounting and recordkeeping for the projects and reduce the amount of Finance staff time required for the projects. Council Member Byrd offered a motion to approve transferring these funds into one project, and that:

\$1,269,926.90 chge. to: 1310-910141-48636 Stone Spring Road Improvement

4,082,911.25 chge. to: 1310-910141-48637 Erickson Avenue Extension

5,148,575.74 chge. to: 1310-910141-48665 Erickson-South High to Main St.

\$10,501,413.89 approp. to: 1310-910141-48636 Erickson Ave./Stone Spring Rd

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

City Manager Hodgen presented a transfer request for the Public Works Department. These funds will be transferred into an account for the Retro-Fit Stream Plant and close out the account for the Rebuild Steam Plant. Council Member Byrd offered a motion to approve transferring these funds, and that:

\$14,016.91 chge. to: 1324-910141-48686 Rebuild Steam Plant

\$14,016.91 approp. to: 1324-910142-48682 Retro-Fit Steam Plant

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

City Manager Hodgen presented a request to eliminate a Sanitation Capital Fund project and return the money back into the General Fund since the City is delaying a project that would have expanded the existing recycling center. Council Member Byrd offered a motion to transfer the funds from the Capital Project fund recycling development to the General Fund, and that:

\$707,349.25 chge. to: 1000-34313 Transfer from Capital Project Fund
707,349.25 chge. to: 1324-910142-48685 Recycling development

\$707,349.25 approp. to: 1000-31010 Amount from fund balance
707,349.25 approp. to: 1324-910142-49210 Transfer to General Fund

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

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were received from asset seizure money and will be used to purchase four fully equipped bicycles for bicycle officers. Council Member Byrd offered a motion to approve this request for a first reading and that:

\$3,396.00 chge. to: 1000-31010 Amount from fund balance

\$3,396.00 approp. to: 1000-310631-46100 Police Supplies

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

City Manager Hodgen presented a request for a supplemental appropriation for the Fire Department. These funds were received from donations and recovery costs. Council Member Byrd offered a motion to approve this request for a first reading and that:

\$ 925.00 chge. to: 1000-31812 Donations-Fire Safety Budget

12,954.31 chge. to: 1000-31809 Donations

17,163.25 chge. to: 1000-31914 Recovered costs

\$31,042.56 approp. to: 1000-320232-44200 C.G. Parts & Labor

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 recommendation from the Planning Commission regarding the potential allowance and regulations of “backyard chickens”. Planning and Community Development Director Turner said that staff has met with the Animal Control

Officer to discuss different ways to approach this issue, and if necessary, how to enforce it. Staff also researched how other localities regulate backyard chickens. Mrs. Turner said that keeping poultry and other common agricultural animals is not a new issue for the City. Staff has been notifying property owners for years that keeping poultry is an agricultural use not permitted in residential or zoning classifications. Typically, violations of this type are brought to the City's attention by citizen complaints and pro-active zoning inspections process. When a citizen is notified of the violation, they have 30 days from the receipt of the letter to bring the property into compliance. The Community Development Department is not the only City department that deals with this issue. The Animal Control Officer has been dealing with this issue on an on-going basis and has taken several roosters to the SPCA. The Rockingham-Harrisonburg SPCA is required to take cats and dogs, but not chickens. If the SPCA begins to accept more poultry, the cooperation between the City and the SPCA may change, which could result in more costs to the City. Mrs. Turner reviewed the different concerns and issues discussed regarding animal control, zoning regulations, lot size, shelter accommodation regulations, and whether animals are "domestic" or "companion" animals. Planning Commission has recommended animal control (6-1) as the appropriate code section for the regulation of backyard laying hens. Following further discussion and comments, Council Member Wiens offered a motion to send this recommendation back to staff for a draft ordinance for further review. 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 Frank
Vice-Mayor Baugh
Mayor Degner

No - Council Member Byrd

Absent – None

Council Member Frank offered a motion to approve the resolution authorizing the issuance and sale of General Obligation Public Improvement Bonds, Series 2009A for a second reading. 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

Council Member Byrd offered a motion that John Otenasek, 1860 Buttonwood Court, be appointed to his first full term on the Community Services Board to expire on July 1, 2012. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

At 8:18 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion concerning the expansion of an existing business or industry 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 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 9:15 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 9:16 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR