

REGULAR MEETING

March 23, 2010

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 Frank gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Bruce Richardson representing the Shenandoah Tea Party requested closing the South side of Court Square for an event being held on the Court House lawn on April 15th.

Bucky Berry requested that some of the CDBG funds be used to replace deteriorating sidewalks on West Washington Street.

Daniel Chavez spoke in support of the Spay/Neuter Clinic proposal for a new animal shelter. He thanked City Council for supporting the mediation process.

Mayor Degner said that the City of Harrisonburg, the SPCA, the Spay/Neuter Clinic and the Citizens for Animal Welfare have agreed to participate in a mediation meeting, which is a completely voluntary process. The participating groups will be sharing the cost. Rockingham County will discuss the issue at their March 24th meeting.

Asimo Ricardo said that Chicago Avenue has a terrible water drainage problem and questioned whether the City had any funding to make improvements.

Council Member Byrd 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, amending Section 10-3-92 and 10-3-98 of the Zoning Ordinance, and amending Section 6-2-32(b) of the City Code. The motion also included a rezoning request from Karen Flagle. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Ande Banks, Director of Special Projects and Grants Management, presented an overview of the 2010-2011 Community Development Block Grant (CDBG) Review/Selection

Committee recommendations. The 2011 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 \$546,091 entitlement of CDBG funding available to the City for 2010. The City received \$914,509.00 in requests. Mr. Banks said that each locality in the entitlement program for HUD is allowed to structure its CDBG program. Funding recommended for various City projects include HRHA Harrison Heights renovations (\$140,000), VAIL–Home Accessibility Modifications (\$10,000.00), Mercy House – Safe-T-Element (\$4,500.00), City East Wolfe Street sanitary sewer rehabilitation (\$59,513.00), Pleasant Hill Road shoulder reconstruction/construction (\$120,000.00), West Bruce Street sidewalk (\$27,000.00), Westover Park parking lot security camera system (\$16,000.00), Gilkerson Activity Center/Westover Pool Security Camera System (\$9,132.00), Camp Still Meadows – bathroom and office (\$8,000.00), The ARC door replacement (\$10,000.00), and administration cost (\$110,000.00). Public Services include Big Brothers/Big Sisters (\$7,200.00), Valley Program for Aging Services (\$10,000.00), New Bridges: Immigrant’s Academy (\$8,655.00), and IIHHS, JMU: Open doors to Health and Hope for the Homeless (\$10,000.00). Staff will prepare formal documents for HUD and after a 30-day public comment period, staff will request final approval from City Council.

At 7:29 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, March 16, 2010.

**CITY OF HARRISONBURG
2010-2011 ACTION PLAN AND
AMENDMENTS TO THE 2008-2009 ACTION PLAN
PUBLIC HEARINGS/COMMENT NOTICE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

The City of Harrisonburg will hold public hearings on Tuesday, March 23, 2010, at 7:00 PM in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding the 2010-2011 Action Plan and Amendments to the 2008-2009 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 \$546,091 entitlement of CDBG funding available to the City for 2010-2011. Projects selected to receive this funding will be included in the Action Plan. The Amendments to also be considered at the Public Hearings are as follows:

- **\$18,973 that remains in funding from the 2008-2009 Public Utilities Green and Gay Street Sanitary Sewer Rehabilitation Project will be moved to the NEW 2008-2009 Parks and Recreation Cecil F. Gilkerson Handicapped Accessible Entryway project.**
- **\$12,075 that remains in funding from the 2008-2009 Public Utilities Green and Gay Street Sanitary Sewer Rehab project will be moved to the NEW 2008-2009 Public Utilities Green St. Sanitary Sewer Rehabilitation Project: Phase 2.**

All citizens and organizations are invited to attend the public hearing to comment orally or in writing regarding funding priorities for the 2010-2011 Action Plan and 2008-2009 amendment. 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 Ande Banks at (540) 432-8923 at least three working days in advance of the meeting.

Copies of the Action Plan and the Amendment 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 Massanutten Regional Library for a 30 day public comment and review period which begins March 23, 2010. The Action Plan and Amendment Document will also be posted on the City website at 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. Comments are welcomed prior to the start of the review period, but all comments should be received no later than 5:00pm on April 23, 2010, to be considered.

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

Kathy Galvin representing Valley Program for Aging Services thanked City Council and staff for the CDBG support of the "Meals on Wheels" program.

Bucky Berry said the Child Safety Seat Program and the Salvation Army should have been included in the proposed CDBG funding.

John Schrag representing Our Community Place questioned why their project didn't receive any funding. Were there too many projects competing for limited funding or was it because HUD has determined that our project did not meet the guidelines? There being no others desiring to be heard, the public hearing was declared closed at 7:34 p.m., and the regular session reconvened.

Ande Banks, Director of Special Projects and Grants Management, presented an overview of the 2008/2009 CDBG Amendments. Staff proposes that unused funds in the amount of \$31,048 be moved from 2008/2009 Public Utilities Green/Gay Street Sewer Rehabilitation Project to two new projects. These projects include \$18,973 for the installation of handicapped accessible doors at the Cecil F. Gilkerson Activities Center and \$12,075 for the Green Street Sanitary Sewer Rehabilitation Project (Phase two). This is also the beginning of the 30 day public comments period. Although amendments are submitted to HUD following Council approval, formal HUD approval is not required.

At 7:38 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, March 16, 2010.

CITY OF HARRISONBURG

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- \$18,973 that remains in funding from the 2008-2009 Public Utilities Green and Gay Street Sanitary Sewer Rehabilitation Project will be moved to the NEW 2008-2009 Parks and Recreation Cecil F. Gilkerson Handicapped Accessible Entryway project.
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All citizens and organizations are invited to attend the public hearing to comment orally or in writing regarding funding priorities for the 2010-2011 Action Plan and 2008-2009 amendment. 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 Ande Banks at (540) 432-8923 at least three working days in advance of the meeting.

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Mayor Degner called on anyone desiring to speak for or against these recommendations for the 2008/2009 CDBG amendments. There being no one desiring to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened.

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 2010-2011 budget. State revenues are based on the General Assembly's adopted budget (with some adjustments and estimations). The budget is based on projected daily membership of 4,317 in 2010-2011. For two years there has been a substantial reduction in the school's operating budget. FY 2011 will include a reduction in health insurance premium costs to HCPS and employees, but no reduction in health insurance benefits. There is no salary or step adjustment increase for staff. The proposed budget will not eliminate positions or programs other than a proposal to eliminate the 2011 elementary summer school program. Dr. Ford reviewed expenditures, expenditure reductions, expenditures increases, and revenues. Dr. Ford noted a reduction of \$396,000 in utility costs attributed to various conservation measures. Dr. Ford also reviewed the 2010-2011 school nutrition budget and said food service workers will receive a 2% salary increase because they are the lowest paid employees in the school system.

The next item of business was a presentation on the Davis, California trip made by Mayor Kai Degner, Planning Commissioner Muawai Da'Mes, Public Works Planner Thanh Dang, Shenandoah Valley Bicycle Coalition Thomas Jenkins, New Community Project Tom Benevento, New Community Project Lara Mack, and Documentary Film Maker/Eastern Mennonite University Paulette Moore on March 3 through March 8 to study their bicycle infrastructure and culture. The delegation also traveled to San Francisco and Sacramento, California. The trip was completely funded by donations. No taxpayer's money was used to fund the trip.

Thanh Dang said that each person would be doing a quick reflection on the trip. The group was hosted by Davis, CA, which has a population of 64,000 people, 10 square miles, a prominent University on the border of the City, one interstate, and one freeway. Davis has been planning for bicycles since 1960. The neighborhoods are planned around green belts, which are networks of shared used paths running behind neighborhoods in a park like area.

Thomas Jenkins said there is an connectivity of neighborhoods to green spaces. Hopefully some of these ideas can be brought to Harrisonburg by utilizing paper streets and our green spaces. Streets have safe spots whether walking or biking and concrete structures, which is a good example of traffic calming. The majority of children in Davis ride bicycles to school. Davis has a variety of underpasses, tunnels, bridges, etc., that accommodate bicycles and pedestrians with and without vehicular traffic.

Muawai Da'Mes said the trip to Davis was a quite an experience especially since he is not a biker. The university campus is closed to vehicular traffic because the school is actually a no motor vehicle university. There are 10,000 students who ride their bicycles to and from classes in 15 minutes. The school system is similar to Harrisonburg; however, there are no yellow buses. Crime rates on bike routes do not exist.

Tom Benevento said bicycles can build communities and provide a higher quality of life. Bicyclists are cost effective and pay their share of the road. Many people believe that walking and cycling have a inferior right to use public roads compared with motor vehicles. This reflects the belief that motor vehicles are more important to society than non-motorized transportation.

Road are funded by motorists. Many people assume that pedestrians and cyclists contribute less than their fair share toward roadway costs because they do pay vehicle users fees.

Lara Mack said the bicycle has been a resource and positive instrument of transport for many years in Davis, CA. The group met with professors, teachers, parents, college students, children, police officers, small business owners, and City staff to learn more about how the bicycle is a unique resource in Davis.

Mayor Kai Degner thanked the Davis community for their hospitality and the many ideas that were shared. Upon arriving in Davis, the group took a 15 mile tour traveling through most neighborhoods, past every school, past the police department, downtown restaurants, and industrial areas. There is a certain value of having bicycles infrastructure that can only be reached with a significant amount of interconnectivity between different types of places, people, and things going on in the community.

Mayor Degner presented the following resolution for Council's consideration of approval:

**RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY
BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY**

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the "Authority") has decided to purchase certain real property improved by a single family dwelling from Lewis G. Bagwell and George E. Shifflett, which property is located at 715 North Main Street in the City of Harrisonburg (hereinafter "the Property"); and,

WHEREAS, the Authority intends to hold the Property pursuant to its mission of providing safe and sanitary dwellings to persons of low income, as set forth in the Housing Authorities Law, Chapter 1, Title 36 of the Virginia Code; and,

WHEREAS, Code of Virginia Section 36-19.2 requires that the Authority obtain the approval of the City of Harrisonburg (the "City") prior to purchasing the Property as it is the current intention of the Authority to use such Property for housing purposes; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that:

- 1. The City approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.**
- 2. The City authorizes and approves the purchase of the Property by the Authority and the Authority's utilization of such Property as a housing project or for such other uses as the Authority shall deem appropriate and which is permitted by law.**
- 3. This authorization and approval applies only to the Authority's obligation to obtain City approval pursuant to Code of Virginia Section 36-19.2 and does not constitute a**

waiver of any City ordinance with respect to the Property, including but not limited to compliance with City zoning and building codes.

This resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: March 23, 2010

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY" taken at a regular meeting of the City Council held on March 23, 2010:

	AYE	NAY	ABSTAIN	ABSENT
Kai Degner, Mayor	X			
Richard Baugh, Vice-Mayor	X			
David Wiens	X			
Ted Byrd	X			
Carolyn W. Frank	X			

Dated: March 23, 2010

(SEAL)

Mayor, City of Harrisonburg, Virginia

ATTEST:

*Clerk, City Council of the City of
Harrisonburg, Virginia*

Michael Wong, Executive Director of the Harrisonburg Redevelopment and Housing Authority, said the Harrisonburg Redevelopment and Housing Authority (HRHA) have decided to purchase property located at 715 North Main Street. HRHA will partner with Our Community Place in developing the facility to providing safe and sanitary dwellings to persons of low income. Council Member Wiens offered a motion to approve the resolution authorizing the purchase of 715 North Main Street. The motion also included the second reading of a rezoning request at 715 North Main Street from R-2 to M-1C, and special use permits for reduced parking, charitable and benevolent, and boarding and rooming house at 715 North Main Street. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Mayor Degner

Absent – None

Alexis Morehouse, Promotions Manager of HDR, reviewed a new tourism guide and slogan, promotional programs, and downtown events. Also, the “Taste of Downtown” event was an amazing success because it was expanded from a three to seven day event this year.

Kris Ludwig, Special Events Manager of HDR, reviewed upcoming events including MACRock on April 3rd, Museum and Galley Walk on April 2nd, Spring Loft Tour on April 11th, Renaissance Night on May 15th, Fridays on the Square starting on June 4th, Court and Market Days on June 5th, Bike Virginia concert event on June 28th, and Valley 4th on July 3rd.

Council Member Byrd offered a motion to close Park Road from Mount Clinton Pike to Parkwood Drive from 12:45 p.m. until 3:00 p.m., on May 2nd for commencement exercises at Eastern Mennonite University. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

Mayor Degner presented the following resolution for Council’s consideration of approval:

**A RESOLUTION ENDING THE LOCAL EMERGENCY DECLARATION
IN THE CITY OF HARRISONBURG**

WHEREAS, on February 9, 2010, the City Council of the City of Harrisonburg declared a local emergency due to the occurrence of significant snowfalls and other dangerous conditions that had the potential to adversely affect the lives, property and safety of the residents of Harrisonburg; and

WHEREAS, in accordance with the provisions of Section 44-146.21 of the Code of Virginia, the City Council is required to take action to end the declared emergency;

NOW, THEREFORE, BE IT RESOLVED by the Harrisonburg City Council that the “Declaration of a Local Emergency” is hereby ended, affective immediately.

Adopted this 23rd day of March, 2010.

**BY: _____
Kai Degner, Mayor**

**ATTEST: _____
Yvonne H. Ryan, MMC, City Clerk**

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

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

Absent – None

City Manager Hodgen presented a transfer request for the Public Works Department. These funds will be used to establish a new capital project account “West Market Street Railroad Crossing Upgrade” and to reallocate the current funds remaining in the old “Water Street Pedestrian Bridge” to the railroad crossing project. Council Member Byrd offered a motion to approve transferring these funds, and that:

\$192,614.88 chge. to: 1000-910141-48715 Water Street Pedestrian Bridge

\$192,614.88 approp. to: 1000-910141-48725 W. Water St. Railroad Crossing upgrade

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

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

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Public Works Department. This request is to provide funds for the required 10% match to the railroad crossing upgrade at West Market Street. Additionally, funding is provided for pedestrian facilities and lighting in the crossing area. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$75,000.00 chge. to: 1000-31010 Amount from Fund Balance

75,000.00 chge. to: 1310-34210 Transfer from General Fund

\$75,000.00 approp. to: 1000-990111-49216 Transfer to Capital Projects Fund

75,000.00 approp. to: 1310-910141-48725 W. Market Street Rail Crossing Upgrade

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

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

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Public Works Department. This request is to cover expenses related to snow and ice removal that were incurred during the current fiscal year. Vice-Mayor Baugh offered a motion to approve this request for a first reading, and that:

\$269,000.00 chge. to: 1000-31010 Amount from fund balance
61,000.00 chge. to: 1000-34280 Transfer from CDGB Fund

\$ 12,426.00 approp. to: 1117-33201 Community Development Block Grant
48,574.00 approp. to: 1117-810721-45676 CDBG Projects & programs

\$ 2,000.00 approp. to: 1000-410541-41010 Salaries and wages-regular
120,000.00 approp. to: 1000-410541-41020 Salaries and wages-overtime
9,000.00 approp. to: 1000-410541-42010 FICA
42,000.00 approp. to: 1000-410541-43320 Service contracts
5,000.00 approp. to: 1000-410541-43330 Maintenance & repairs-machinery & equip
20,000.00 approp. to: 1000-410541-44302 CS-Power Equipment supplies
6,000.00 approp. to: 1000-410541-44310 CG-Fuel
116,000.00 approp. to: 1000-410541-46070 Repair and maintenance supplies
10,000.00 approp. to: 1000-410541-46140 Other operating supplies
61,000.00 approp. to: 1117-810721-49210 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 - Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Council Member Byrd
Mayor Degner

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Parks and Recreation Department. This request is to reimburse the Blacks Run Greenway budget for expenses incurred from the planting of 22 trees around the pond at Purcell Park to improve the water quality of the pond and provide improved habitat for pond aquatic life. The cost of the tree

planting has been reimbursed to the City from a Conservation/Natural Resources Grant through the Virginia Department of Conservation and Recreation. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$2,200.00 chge. to: 1000-32508 Conservation/Natural Resources Grant

\$2,200.00 approp. to: 1000-710971-46140 Other Operating Supplies

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

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

Absent – None

Council agreed to sign a letter to Governor Robert F. McDonnell supporting Rockingham County's request to amend the state budget to fulfill the Commonwealth's commitment to a SRI Shenandoah Valley project. The General Assembly has removed \$2 million from the introduced budget and indicated that the remaining payment would not be made until 2013.

At 9:14 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR