

REGULAR MEETING
March 22, 2011

At a regular meeting held this evening at 7:00 p.m. there were present: Mayor Richard Baugh, Vice-Mayor Ted Byrd, Council Members Kai Degner, Charles Chenault and David Wiens. Also present City Manager Kurt Hodgen, City Attorney Earl Q. Thumma, Jr., City Clerk Erica Kann and Chief of Police Donald Harper. Absent: Assistant City Manager Anne C. Lewis.

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

Susan Barnes, representative for Valley Association for Early Childhood Education and the Blue Ribbon Coalition, invited council to celebrate April as Child Abuse Prevention Month and April 10-16, 2011 as National Week of the Young Child. Ms. Barnes invited council and community members to a free concert featuring internationally famous entertainer, John Ferrell, which will be held at Eastern Mennonite High School at 11:00 a.m. on April 9, 2011.

Mayor Baugh thanked Ms. Barnes and presented the following proclamation:

**PROCLAMATION BY MAYOR OF HARRISONBURG
THE WEEK OF THE YOUNG CHILD AND CHILD ABUSE PREVENTION MONTH**

WHEREAS, Harrisonburg's young children are among our most valuable, precious and vulnerable citizens; and

WHEREAS, the Valley Association for Early Childhood Education and the Blue Ribbon Coalition, in conjunction with other local and national organizations are observing Child Abuse Prevention Month and Week of the Young Child April 10-16, 2011; and

WHEREAS, these organizations are working to improve early learning opportunities and safe environments, which are crucial to the growth and development of young children, and to building better futures for everyone in Harrisonburg; and

WHEREAS, all young children and their families across the country and in Virginia deserve access to high-quality early education, care and protection; and

WHEREAS, in recognizing and supporting the people, programs and policies that are committed to high-quality early childhood education and safe environments as the right choice for kids;

NOW, THEREFORE, I, Richard Baugh, Mayor of the city of Harrisonburg, do hereby proclaim April as Child Abuse Prevention Month and April 10-16, 2011, as Week of the Young Child in Harrisonburg and encourage all citizens to work to make a good investment in our children.

**BY: _____
Richard Baugh, Mayor**

**Attest: _____
Erica S. Kann, City Clerk**

Mayor Baugh also declared April 9, 2011 as Arbor Day in the City of Harrisonburg with the following proclamation:

ARBOR DAY PROCLAMATION

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

Whereas, this holiday, called Arbor Day was first observed with the planting of more than a million trees in Nebraska; and

Whereas, Arbor Day is now observed throughout the nation and the world; and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beauty in our community; and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal; and

Now, Therefore, I, Richard Baugh, Mayor of the City of Harrisonburg, Virginia, do hereby proclaim April 9, 2011 as Arbor Day in the City of Harrisonburg, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands; and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

BY: _____

Richard A. Baugh, Mayor

ATTEST: _____

Erica S. Kann

James “Bucky” Berry stated the removal of the gang graffiti from Roses is still on schedule and he is looking forward to giving back to the community. Mr. Berry also stated that the Boys and Girls Club will be holding a telethon on March 25, 2011.

Council Member Wiens 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 amending Section 10-3-48.6 (b) and (c) of the Zoning Ordinance to modify specifics related to parking lots/garages and also to amend how façades of units can be positioned.
- c. Consider a request from Doug Kline, with representative Velocity Property Group, for a special use permit to allow multiple family dwellings in the R-3,

Medium Density Residential District. The property is located at 746 and 752 Foley Road.

- d. Consider an ordinance to permit Solar Tax Exemption as permitted under Virginia State Code § 58.1-3661: Certified solar energy equipment, facilities or devices and certified recycling equipment, facilities or devices.

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

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

No – None

Ande Banks, Director of Special Projects & Grant Management, presented to council the 2011-2012 Community Development Block Grant (CDBG) Action Plan. Mr. Banks stated that there was no action was needed from council on the Action Plan as presented. Mr. Banks stated the annual Action Plan serves as a blue print to the Department of Housing and Urban Development (HUD) to show how the City plans to spend the funds that will be received. Mr. Banks also stated that one of the requirements for this Action Plan is to hold a public hearing. Mr. Banks stated that when compiling this year's Action Plan, he used a 6% decrease from last year. Mr. Banks also stated that the debate in Congress will have some effect on the outcome of funding for CDBG.

At 7:09 p.m., Mayor Baugh closed the regular session and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record Monday, March 7, 2011.

**CITY OF HARRISONBURG
2011-2012 ACTION PLAN AND
AMENDMENTS TO THE 2010-2011 ACTION PLAN
PUBLIC HEARINGS/COMMENT NOTICE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

The City of Harrisonburg will hold two public hearings on Tuesday, March 22, 2011, at 7:00 PM in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding the 2011-2012 Action Plan and Amendments to the 2010-2011 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 \$548,000 entitlement of CDBG funding available to the City for 2011-2012. Projects selected to receive this funding will be included in the Action Plan. Should the City receive more CDBG funding than anticipated, it will be put towards the Hill Street Sewer project, another City project, and towards fully funding the Public Services project with the next highest score. Should the City receive less CDBG funding

than anticipated, funding will be reduced for the Public Services projects with the lowest scores, as well as the Hill Street Sewer project.

The Amendments to also be considered at the Public Hearings are as follows:

- \$10,000 that remains in funding from the VAIL 2010-2011 project will be reallocated to the VAIL 2010-2011 project. This amendment is being made to change the use of language to clarify the original intent of the application.

All citizens and organizations are invited to attend the public hearing to comment orally or in writing regarding funding priorities for the 2011-2012 Action Plan and 2010-2011 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 22, 2011. 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 9:00am on April 22, 2010, to be considered.

Mayor Baugh called on anyone desiring to speak for or against the proposed 2011-2012 Action Plan. There being no one desiring to be heard, the public hearing was declared closed at 7:10 p.m., and the regular session reconvened.

Ande Banks stated that the following item needed no action from council at the current time, but HUD requires a public hearing when making an amendment to an Action Plan. Mr. Banks stated that the \$10,000 remaining balance of funding for the Valley Associates for Independent Living (VAIL) 2010-2011 project will be reallocated to the VAIL 2010-2011 project. Mr. Banks informed council that the project name would remain the same; the amendment is being made as a necessary change in certain language to clarify the original intent of the application. Due to HUD regulations, a small clarification in the language will allow VAIL to use CDBG funds to make necessary modifications to homes in order to keep individuals with disabilities in them. Mr. Banks stated that the amendment seeks to expand the use of CDBG funds to also include projects that are not strictly accessibility modifications.

At 7:12 p.m., Mayor Baugh closed the regular session and called the evening's second public hearing to order. The public hearing notice is the same as stated above that appeared in the Daily News-Record Monday, March 7, 2011.

Mayor Baugh called on anyone desiring to speak for or against the proposed amendment to the Action Plan. There being no one desiring to be heard, the public hearing was declared closed at 7:13 p.m., and the regular session reconvened.

D.D. Dawson, Harrisonburg Public Schools' Director of Finance and Technology, presented the proposed 2011-2012 expenditure and revenue school budget. She reviewed

projected revenues from state funding, federal funding, and local budget. Mrs. Dawson stated the budget is based on projected daily membership of 4,417 in 2011-2012. The overall Operating Budget is \$54,545,889.00. The budget reflects an 11.33% increase in VRS contribution rate, no personnel reductions, a net full-time employee (FTE) increase by 11.25 positions, and an increase reflected in after-school programming. The overall School Nutrition Budget is \$2,520,370.00. The budget reflects no meal price increase. However, an increase in revenues will reflect from federal sources due to increased number of students receiving free or reduced meals.

D.D. Dawson presented a request for a supplemental appropriation for the school board operating budget and the school nutrition budget in the amount of \$580,496.00. Mrs. Dawson stated that no additional funds are required from the city, but these funds represent additional federal revenues the school board received. Mrs. Dawson also stated \$24,750.00 of the funds would go toward the school nutrition budget to offset the bonuses that will be given to employees in December. Vice-Mayor Byrd offered a motion to approve this request for a first reading, and that:

\$555,746.00 chge. to: 1111-33301 School Revenue – Federal
24,750.00 chge. to: 1114-33301 School Nutrition Revenue – Federal

\$503,171.00 approp. to: 1111-111114-40610 Instruction
16,250.00 approp. to: 1111-111114-40620 Admin., Attendance, and Health
21,500.00 approp. to: 1111-111114-40640 Operation and Maintenance
14,825.00 approp. to: 1111-111114-40680 Technology
24,750.00 approp. to: 1114-111414-40650 School Nutrition Services

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

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

No – None

D.D. Dawson presented to council a request to transfer funds for the School Capital Projects Fund in the amount of \$528,813.62. Mrs. Dawson stated that these funds were from the remaining balance of the completed new high school and elementary/middle school complex, and would like approval to transfer funds into the renovation of One Court Square for the school division's central office. Council Member Wiens offered a motion to approve this transfer, and that:

\$189,045.73 chge. to: 1311-910114-48693 New High School Construction
339,777.89 chge. to: 1311-910114-48700 Elementary/Middle School

\$528,823.62 approp. to: 1311-910114-48709 School Board Adm Offices

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

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

No – None

Kris Hensley, Special Events Manager for Harrisonburg Downtown Renaissance (HDR), presented council with upcoming events such as: MACRoCk, Blacks Run/Downtown Clean-Up Day, Rocktown Beer & Music Festival, Renaissance Night, and Court and Market Days Festival. Ms. Hensley also presented council with other upcoming events later in the year such as: Great Race, Valley 4th, First Night, and Block Party in the 'Burg. Ms. Hensley stated that the Board of First Night and HDR have been working together about future First Nights, and there will be a community input meeting at Massanutten Regional Library at 5:30 p.m. on Thursday, April 7, 2011. Ms. Hensley also stated that this year's Block Party in the 'Burg will be a mandatory event for incoming freshman at James Madison University, so it will be much bigger than previous years. She stated that this is a great way to get the students introduced to downtown and provide a safe atmosphere, while also providing education to them.

Kris Hensley presented two road closures to council. The first one was for the Rocktown Beer & Music Festival Street Closure for the alley between the Farmer's Market and the green space on April 23, 2011. The second closure being from the Rockingham Rotary Club to close Washington Street for the All American Soap Box Derby on May 28, 2011. Vice-Mayor Byrd offered a motion to approve the street closures as presented. The motion was seconded by Council Member Degner and approved with a unanimous voice vote.

Hugo Kohl, III presented to council a proposal for a commemorative coin for the City of Harrisonburg. The purpose of the coin would be funding for HDR and different local charities. Mr. Kohl requested permission from council to use the City Seal on the back of the commemorative coin. Mr. Kohl stated that these coins would be sold at the Hardesty Higgins Visitors Center. Council Member Degner offered a motion to grant the use of the City Seal on the back of the commemorative coin. The motion was seconded by Council Member Chenault and approved with a unanimous voice vote.

Alexis Morehouse, Special Projects Coordinator for HDR, presented to council projects HDR had completed such as: Google Map & SketchUp Seminar, Taste of Downtown, Harrisonburg Visitor Brochure, and Virginia Main Street Grant (printing and distributing coupon booklets). Ms. Morehouse also expressed her thanks to council and the city for all of their support over the years. Ms. Morehouse stated that this was the last time she would be presenting to council because she had accepted a job in the Town of Ashland, Virginia.

Mike Collins, Director of Public Utilities, presented a request to transfer Capital Project funds in the amount of \$50,000.00. Mr. Collins stated these funds were originally used for Phase I and Phase II studies in locating potential groundwater sources as an option for additional raw water supply for the city. The city is not currently in need of Phase III, but is ready and in need of funding for an upgrade of the current Supervisory Control and Data Acquisition (SCADA)

system. Mr. Collins stated that SCADA is a system that allows a central computer to monitor and control water processes that are located in various remote sites. Mr. Collins stated that in April 2010, staff conducted a self evaluation of the current SCADA system and it rated 29% of its full potential. Vice-Mayor Byrd offered a motion to approve the transfer, and that:

\$50,000.00 chge. to: 1321-910161-48629 Groundwater Development Project

\$50,000.00 approp. to: 1321-910161-48668 Security and SCADA

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

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

No – None

City Manager Hodgen, presented to council to consider amending and re-enacting Section 13-1-15 of the City Code and repealing Section 13-1-16 of the City Code (City "decal" ordinance) of the City Code. City Manager Hodgen stated that the ordinance would eliminate the decal, but not the charge for the motor vehicle license tax. City Attorney Thumma stated the first billing would be included in the December 2011 personal property tax for the 2012 vehicle license tax. City Attorney Thumma explained the repealing ordinance presented is for antique car license decals, since decals will not be used the ordinance is no longer necessary. City Manager Hodgen presented the following two ordinances for council's consideration:

**ORDINANCE AMENDING AND RE-ENACTING SECTION 13-1-15
OF THE
HARRISONBURG CITY CODE**

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

That Section 13-1-15 be amended and re-enacted as follows:

Section 13-1-15. City motor vehicle license.

There is hereby assessed and charged a license fee, to be paid by the owner, on each motor vehicle, trailer and semi-trailer for which a state license plate is required and which is normally garaged, stored or parked in the City of Harrisonburg, pursuant to Section 46.2-752 of the Code of Virginia, 1950, as amended. If it cannot be determined where a motor vehicle, trailer or semi-trailer is normally garaged, stored or parked, the situs shall be the domicile of the owner. In the event the owner of a motor vehicle is a full-time student attending an institution of higher education, the situs shall be the domicile of such student, provided the student has presented sufficient evidence that they have paid a personal property tax on the motor vehicle

in their domicile. As used in this section, all terms such as *motor vehicle*, *trailer* and *semi-trailer* are as defined in Title 46.2 of the Code of Virginia, 1950, as amended.

(1) Amount of license fee assessed.

(a) *Passenger vehicle and motor home license fee.*

The motor vehicle license fee shall be thirty dollars (\$30.00) per passenger vehicle for all classes of passenger vehicles, except motorcycles and motor driven bicycles.

(b) *Truck license fee.*

(1) The motor vehicle license fee for all vehicles not designed or used for transportation of passengers shall be determined by the gross weight of the vehicles or combination of vehicles of which it is a part, when loaded to maximum capacity for which it is registered or licensed, according to the schedule of fees hereinafter set forth. For each one thousand pounds of gross weight, or fraction thereof for which any such vehicle is licensed, there shall be paid to the city the fee indicated in the following schedule immediately opposite the weight group into which such vehicle or combination of vehicles of which it is registered or licensed.

<i>Gross weight (pounds)</i>	<i>Rate</i>	<i>Fee</i>
0-11,000	\$2.60	\$ 28.60
11,001-12,000	3.00	36.00
12,001-13,000	3.00	39.00
13,001-14,000	3.00	42.00
14,001-15,000	3.00	45.00
15,001-16,000	3.00	48.00
16,001-17,000	3.00	51.00
17,001-18,000	3.00	54.00
18,001-19,000	3.00	57.00
19,001-20,000	3.00	60.00
20,001-21,000	3.00	63.00
21,001-22,000	3.00	66.00
22,001-23,000	3.00	69.00
23,001-24,000	3.00	72.00
24,001-25,000	3.00	75.00
25,001-26,000	3.00	78.00
26,001-27,000	3.00	81.00
27,001-28,000	3.00	84.00
28,001-29,000	3.00	87.00
29,001-30,000	3.00	90.00
30,001 and over	3.00	93.00

(c) *Trailer license fee.*

The vehicle license fee for trailers shall be as follows:

<i>Gross Weight When Loaded To Maximum Capacity</i>	<i>Fee</i>
0-1,500 lbs	\$10.00
1,501-4,000 lbs	\$15.00
4,001 lbs or more	\$25.00

(d) *Bus license fee.*

The vehicle license fee for buses shall be thirty dollars (\$30.00) per bus.

(e) *Motorcycle license fee.*

The vehicle license fee for motorcycles and motor driven bicycles shall be ten dollars (\$10.00) per motorcycle or motor driven bicycle.

(2) Exemptions.

The license fees assessed by this section shall not apply when:

(a) A similar tax or fee is imposed by the county, city or town wherein the vehicle is normally garaged, stored or parked;

(b) The vehicle is owned by a nonresident of the City of Harrisonburg and is used exclusively for pleasure or personal transportation and not for hire or for the conduct of any business or occupation other than that set forth in subparagraph (c) of this subsection (2);

(c) The vehicle is (i) owned by a nonresident and (ii) used for transporting into and within the locality, for sale in person or by his employees, wood, meats, poultry, fruits, flowers, vegetables, milk, butter, cream or eggs produced or grown by him, and not purchased by him for sale

(d) The motor vehicle, trailer or semi-trailer is owned by an officer or employee of the Commonwealth who is a nonresident of the City of Harrisonburg and who uses the vehicle in the performance of his duties for the Commonwealth under an agreement for such use;

(e) The motor vehicle, trailer or semi-trailer is kept by a dealer or manufacturer for sale or for sales demonstration;

(f) The motor vehicle, trailer or semi-trailer is operated by a common carrier of persons or property operating between cities and towns in the Commonwealth and not in intra-city transportation or between cities or towns on the one hand and points and places outside cities and towns on the other and not in intra-city transportation;

(g) The motor vehicle, trailer, or semi-trailer is inoperable and unlicensed pursuant to Section 46.2-734 of the Code of Virginia, 1950, as amended;

(h) Applicable to only one (1) motor vehicle per veteran, when the motor vehicle is owned and used personally by any veteran who holds a current state motor vehicle registration card establishing that he has received a disabled veteran's exemption from the Department of Motor Vehicles and has been issued a disabled veteran's motor vehicle license plate as prescribed in Section 46.2-739 of the Code of Virginia, 1950, as amended;

(i) The vehicle is a daily rental vehicle, as defined in Section 58.1-2401 of the Code of Virginia, 1950, as amended, the rental of which is subject

to the tax imposed by Section 58.1-2402.A.2 of the Code of Virginia, 1950, as amended; or

(j) Applicable to only one (1) motor vehicle per volunteer fire company or volunteer rescue squad member, when the motor vehicle is owned and used personally by an active volunteer fire company member or an active volunteer rescue squad member. To obtain this exemption the chief line officer of the applicant's organization must submit a certified list of those active members in the organization who live in the city and are eligible for this exemption to the treasurer not later than September 1 of each year. An application, completed and signed by each member seeking this exemption, shall accompany the certified list. Applications shall be as approved by the treasurer.

(3) License fee year; billing and collection.

The license fee assessed by this section is assessed for one (1) year without apportionment. The license fee shall be the calendar year. The license fee shall be paid no later than the preceding December 5 or the billing date established for any supplemental personal property tax assessment for personal property that is subject to this license fee. The license fees assessed by this section shall be billed with the personal property taxes assessed on motor vehicles, trailers and semi-trailers and shall be collected by the treasurer.

(4) Members of the armed services; grace period.

Owners or lessees of motor vehicles, trailers and semi-trailers who have served outside of the United States in the armed services of the United States shall have a ninety (90) day grace period, beginning on the date they are no longer serving outside the United States, in which to comply with the requirements of this section. For purposes of this section, the armed services of the United States includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

This ordinance shall be effective on the 1st day of July, 2011.

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

**ORDINANCE REPEALING SECTION 13-1-16
OF THE
HARRISONBURG CITY CODE**

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

That Section 13-1-16 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

Council Member Chenault offered a motion to approve the ordinance amending and re-enacting Section 13-1-15 of the Harrisonburg City Code and repealing Section 13-1-16 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

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

No – None

Harsit Patel, Public Works Sanitation Superintendent, presented to council to consider approval of amending and re-enacting Sections 6-2-34 and 6-2-37(a) of the Harrisonburg City Code. Mr. Patel informed council that the current program runs from April through November of weekly Wednesday collection of yard debris and covers approximately 135 center lane miles. Mr. Patel stated that with the rise in diesel fuel and vehicle maintenance costs, implementing a more efficient bulk refuse collection program would at least keep operating costs level, if not reduce costs. Mr. Patel also noted that the proposed collection process would involve utilizing the existing service area quadrants that are set up for regular trash pick-up. Bulk and yard debris pickup for city residents in the Northeast and Northwest quadrants would occur on the 1st and 3rd Wednesdays and the 2nd and 4th Wednesday of each month for the Southeast and Southwest quadrants. Mr. Patel also stated that unit pickup per week would remain the same for bulk, while yard debris, the more heavily utilized of the two services, will be increased to 10 unit pickups. Mr. Patel presented the following two ordinances to council for consideration:

**ORDINANCE AMENDING AND RE-ENACTING SECTION 6-2-34
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

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

That Section 6-2-34 be amended and re-enacted as follows:

Sec. 6-2-34. Tree trimmings, tree limbs, vegetative matter, etc. from residential and

commercial locations allowed per subsection 6-2-27(a).

Tree trimmings, tree limbs not exceeding two (2) inches in diameter, and yard and garden trimmings in bulk not exceeding four (4) feet in length shall be bound in bundles not exceeding seventy-five (75) pounds each in weight. The string, rope or used for binding shall be of sufficient strength to permit the bundle to be picked up by it. Collection schedule will coincide with Bulk Refuse Collection as identified in subsection 6-2-37(a). A single pickup shall not exceed ten (10) bundles. The city will not collect waste generated as a result of services provided to a resident by for hire/licensed contractor services.

Bio-degradable bags are required for vegetative matter and plastic bags shall not be used.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION 6-2-37 (a)
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

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

That Section 6-2-37 (a) be amended and re-enacted as follows:

Sec. 6-2-37(a). Bulk refuse collection.

(a) Bulk refuse for collection and removal from residential areas shall be placed at the back of the curb and picked up by a special collection on designated Wednesdays. Schedule to be determined by director of sanitation. Two (2) collections per month, with a limit of five (5) units per collection, shall be provided for items which cannot be composted. Refer to Sec. 6-2-34 for collection regulations for compostable items. Leaves shall be collected by special collection each fall.

The remainder of Section 6-2-37 is reaffirmed and reenacted in its entirety, except as hereby modified.

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 amending and re-enacting section 6-2-34 and 6-2-37(a) of the Harrisonburg City Code. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen presented a request to transfer funds in the amount of \$178,730.86 for the Public Works Department. City Manager Hodgen stated that the transfer would allow funds for additional engineering work on Phase II of the Reservoir Street project. City Manager Hodgen also noted that Phase 2 engineering work involves moving forward with the plan and design of necessary utility adjustments and relocations. Council Member Degner offered a motion to approve the reallocation, and that:

\$178,730.86 chge. to: 1310-910141-48658 Reservoir St. Safety Improvements

\$178,730.86 approp. to: 1310-910141-48659 Reservoir Street Project

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

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

No – None

City Manager Hodgen presented to council to consider a supplemental appropriation in the amount of \$1,000.00 for the Parks and Recreation Department. City Manager Hodgen stated this request is from a donation received from The Community Foundation/Zane Showker Harrisonburg Greenway Fund to help with costs associated with the annual Blacks Run Clean-Up Day, and that:

\$1,000.00 chge to: 1000-31823 Donations-Blacks Run Greenway Fund

\$1,000.00 approp. to: 1000-710971-46140 Other Operating Supplies

City Manager Hodgen presented to council to consider transferring funds in the amount of \$187,360.00 to the Parks and Recreation Department. City Manger Hodgen stated that this request is to transfer funds from the Parks and Recreation Athletics Fund division to a capital projects account for the Smithland Road Capital Projects Fund. Funds will be utilized for the

development and construction of additional playing fields on the east side of the railroad track at Smithland, in accordance with the Smithland Road Property Master Plan, and that:

\$187,360.00 chge to: 1000-710871-48181 Building and Grounds
\$187,360.00 chge to: 1310-34210 Transfer from General Fund

\$187,360.00 approp. to: 1310-910141-48613 Smithland Road Athletic Complex
\$187,360.00 approp. to: 1000-990111-49216 Transfer to Capital Projects

City Manager Hodgen presented to council to consider a supplemental appropriation in the amount of \$4,628.72 for the Parks and Recreation Department. City Manager Hodgen stated that this request would reimburse Parks and Recreation for expenditures associated with children's mountain bike classes. With the reimbursement from the RMH Foundation and additional funds from recoveries and rebates, children who do not have mountain bikes are able to participate in the classes without their parents purchasing bikes, and that:

\$3,106.00 chge to: 1000-31809 Donations
\$1,522.72 chge to: 1000-31901 Recoveries and Rebates

\$4,628.72 approp. to: 1000-710471-46130 Recreational Supplies

Council Member Degner offered a motion to approve both supplemental appropriations totaling the amount of \$5,628.72 and the transfer in the amount of \$187,360.00 stated above. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

Council Member Degner reported to council that he received a letter stating that the City of Harrisonburg is now officially an Appalachian Trail Community.

Council Member Chenault stated that he had been contacted by several citizens of the Sunset Heights Neighborhood with the complaint of dog waste on private property. Council Member Chenault stated that additional concerns were about dogs in general. Council Member Chenault also stated that some property owners want to fence their front yards, but the issue is the property has three to four feet of public right-of-way. City Manager Hodgen stated enforcement would be an issue, due to the fact that unless the officer would see the dog in the act, the police could not enforce. City Manager Hodgen also mentioned under the current ordinance the property owner has the right to swear out a warrant, if the property owner can identify the pet owner. Council Member Chenault asked City Attorney Thumma to review the current ordinance Section 15-2-4 of the Harrisonburg City Code pertaining to animal control.

Council Member Chenault stated that another item citizens were wondering about was the status of the potential dog park. Council Member Chenault stated that he knew plans had been made with cost estimates, but was unsure of the progress. Council Member Chenault suggested for parks and recreation to put it on an upcoming meeting agenda, and have the public be able to speak about their concerns and views. Council Member Chenault also noted that most are willing to contribute and to raise funds for the dog park.

Mayor Baugh made note that the dog park is in the CIP; however it is a lower priority. City Manager Hodgen stated there is a higher need for ball fields and facilities for children right now. City Manager Hodgen stated that the land is not the issue, funding, at the current time, is lacking.

Vice-Mayor Byrd reminded council and community members of the “It’s our Doodie” campaign that the city introduced a few years ago. Council Member Degner stated that he thought it might be good to introduce the campaign again.

Council Member Chenault also brought to council and staff’s attention that private Saturday trash removal is still causing a problem to the downtown merchants and restaurants. Council Member Chenault also mentioned that it is not only the downtown area, but also the area around the mall.

Mayor Baugh provided a reminder to citizens about the following three upcoming events: Open House for the City’s Comprehensive Plan that will be held on Wednesday, March 23 at Lucy Simms Center from 7:00 p.m. to 9:00 p.m.; Blacks Run Downtown Clean-Up Day that will be held on Saturday, April 9 from 8:30 a.m. to 11:30 a.m.; and an ongoing public input meeting for redesigning of the city’s website. Sign up is available at harrisonburgva.gov/websitediscussion.

At 8:35 p.m. Council Member Wiens offered a motion that council enter into a closed session for discussion and/or consideration of consultation with legal counsel regarding a contract 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, and discussion concerning the expansion of an existing business within the city 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, and discussion and consideration of the acquisition of city owned real estate, 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 Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

At 9:30 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 9:31 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR