

APRIL 12, 2011
REGULAR MEETING

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Richard A. Baugh, Vice-Mayor Ted Byrd, Council Members Kai Degner, Charles Chenault and David Wiens. Also present City Manager Kurt D. Hodgen, Assistant City Manager Anne C. Lewis, City Attorney Earl Q. Thumma, Jr., City Clerk Erica S. Kann and Chief of Police Donald Harper. Absent: None.

Council Member Chenault gave the invocation and Mayor Baugh led everyone in the Pledge of Allegiance.

James “Bucky” Berry thanked everyone who participated in the removal of the graffiti on Roses. Mr. Berry also stated that he would like to see the graffiti removed off of the Cassco Ice building that was recently tagged.

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 supplemental appropriation to the school operating budget and the school nutrition budget. Second Reading.
- c. Consider an Ordinance 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). – Second Reading.
- d. Consider request to amend Secs. 6-2-34 and 6-2-37(a) from Public Works to permanently adopt winter (January-March) Bulk & Yard Debris collection program. – Second Reading.
- e. Consider supplemental appropriation in the amount of \$1,000.00 for Parks and Recreation Department. – Second Reading.
- f. Consider supplemental appropriation request in the amount of \$4,628.72 to the Parks & Recreation Department. – Second Reading.

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

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

No – None

Stacy Turner, Community Development Director, presented to council an ordinance amendment that would add a special use permit to residential districts allowing

walls and fences to exceed height regulations. Mrs. Turner stated that an application that was submitted by William and Susan Cale to amend zoning ordinances to add a use to the list of special uses available in the R-1, Single Family Residential District. Mrs. Turner stated that the use would permit fences to exceed height regulations, which in residential districts is generally restricted to six feet. Mrs. Turner also stated after staff reviewed the application and discussed the impact it could have on neighborhoods within the R-1 district, staff believed that if such a use should be added to the classification, in particular circumstances, it could be appropriate in other residential districts. Thus, staff is proposing to further modify the Zoning Ordinance by adding the same use to each residential district (R-1, R-2, R-3, R-4, R-5, R-6, and R-7) special use permit list. Mrs. Turner stated that the Cales proposed the amendment to be able to erect a fence taller than six feet in height to help control deer movement on the property. Concurrently with the ordinance amendment, the Cales are applying for a special use permit to install an eight-foot fence. There are situations that may arise where it could be appropriate for a fence to be taller than what is permitted by right, thus staff believes this amendment is justifiable. Mrs. Turner stated that adding this as a special use requires public hearings, notifications to adjoining property owners and provides the opportunity to add conditions that City Council may deem appropriate. Mrs. Turner stated that Planning Commission recommended approval on amendments as presented:

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-34
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-34 be amended as follows:

Section 10-3-34. Uses Permitted Only By Special Use Permit.

Add Subsection (9) as shown:

(9) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the City Council.

The remainder of Section 10-3-34 is reaffirmed and reenacted in its entirety, except as hereby modified.

**This ordinance shall be effective from the ____ day of _____, 2011.
Adopted and approved this ____ day of _____, 2011.**

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-40
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-40 be amended as follows:

Section 10-3-40. Uses Permitted Only By Special Use Permit.

Add Subsection (10) as shown:

(10) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the City Council.

The remainder of Section 10-3-40 is reaffirmed and reenacted in its entirety, except as hereby modified.

**This ordinance shall be effective from the _____ day of _____, 2011.
Adopted and approved this _____ day of _____, 2011.**

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-46
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-46 be amended as follows:

Section 10-3-46. Uses Permitted Only By Special Use Permit.

Add Subsection (7) as shown:

(7) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the City Council.

The remainder of Section 10-3-46 is reaffirmed and reenacted in its entirety, except as hereby modified.

**This ordinance shall be effective from the _____ day of _____, 2011.
Adopted and approved this _____ day of _____, 2011.**

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-48.4
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-48.4 be amended as follows:

Section 10-3-48.4. Uses Permitted Only By Special Use Permit.

Add Subsection (8) as shown:

(8) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the City Council.

The remainder of Section 10-3-48.4 is reaffirmed and reenacted in its entirety, except as hereby modified.

**This ordinance shall be effective from the _____ day of _____, 2011.
Adopted and approved this _____ day of _____, 2011.**

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-52
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-52 be amended as follows:

Section 10-3-52. Uses Permitted Only By Special Use Permit.

Add Subsection (5) as shown:

(5) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the City Council.

The remainder of Section 10-3-52 is reaffirmed and reenacted in its entirety, except as hereby modified.

**This ordinance shall be effective from the _____ day of _____, 2011.
Adopted and approved this _____ day of _____, 2011.**

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-55.4
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-55.4 be amended as follows:

Section 10-3-55.4. Uses Permitted Only By Special Use Permit.

Add Subsection (5) as shown:

(5) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the City Council.

The remainder of Section 10-3-55.4 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2011.
Adopted and approved this _____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-56.4
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-56.4 be amended as follows:

Section 10-3-56.4. Uses Permitted Only By Special Use Permit.

Add Subsection (e) as shown:

(e) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the City Council.

The remainder of Section 10-3-56.4 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the ____ day of _____, 2011.
Adopted and approved this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-57.4
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-57.4 be amended as follows:

Section 10-3-57.4. Uses Permitted Only By Special Use Permit.

Add Subsection (e) as shown:

(e) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the City Council.

The remainder of Section 10-3-57.4 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the ____ day of _____, 2011.
Adopted and approved this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Mrs. Turner presented a request from William and Susan Cale for a special use permit per Section 10-3-34 (9) of the Zoning Ordinance to allow a wall or fence to exceed the 6-foot height regulation. The property is zoned R-1, Single Family

Residential District and is located along Grove Street and can be found on tax map 23-W-2. Mrs. Turner stated that the Comprehensive Plan designates this area as Low-Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low-density sections are found mainly in well-established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership. Mrs. Turner stated the applicants would like to install a deer blocker deer fence. Mrs. Turner stated that staff does not foresee negative side effects in approving this application due to the location of the property. Mrs. Turner stated Planning Commission recommended approval with the following conditions: the special use shall only be applicable to the proposed fence in this application, there shall be no advertising on the fence, and if the fence becomes a nuisance, the permit could be recalled for further review.

At 7:10 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 28, 2011 and Monday, April 4, 2011.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, April 12, 2011 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the following:

Ordinance Amendment – S.U.P. for Walls and Fences to Exceed Height Regulations
Public hearing to consider an ordinance amendment that would add a special use permit to residential districts allowing walls and fences to exceed height regulations. The amendment would occur within the Zoning Ordinance Sections 10-3-34, 40, 46, 48.4, 52, 55.4, 56.4, and 57.4.

Special Use Permit – Fence Height (Cale Property)
Public hearing to consider a request from William and Susan Cale for a special use permit per Section 10-3-34 (9) of the Zoning Ordinance to allow a fence to exceed the 6-foot fence height regulation. The property is zoned R-1, Single Family Residential District and is located along Grove Street and can be found on tax map 23-W-2.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG
Kurt D. Hodgen**

City Manager

Mayor Baugh called on anyone desiring to speak for or against the request the ordinances and special use permit as presented.

Lisa Hawkins, representative of Mr. and Mrs. Cale, offered a sample and described the fence that was being proposed for the property. Ms. Hawkins believes that the fence will be more presentable than the fence that is currently installed. Ms. Hawkins mentioned she and Mr. and Mrs. Cale have only received support from adjoining property owners. Ms. Hawkins thanked council for their time and asked if there were any further questions.

Council Member Wiens asked for more details about the fence and the safety of the deer getting tangled up.

James “Jim” Ruff, Ruff Enterprises, stated the fence is more likely to let the deer come in and out without getting caught up because the fence is attached every 4 feet with a peg into the ground. Mr. Ruff stated he couldn’t guarantee the deer would not get caught up in the fence. However, he did state that he hasn’t heard any complaints and the fence is used all over the United States in the mid-west.

Mayor Baugh declared the public hearing closed at 7:16 p.m., and the regular session reconvened.

Council Member Kai Degner offered a motion to approve amending and re-enacting Section 10-3-34, 10-3-40, 10-3-46, 10-3-48.4, 10-3-52, 10-3-55.4, 10-3-56., and 10-3-57.4 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 – Vice-Mayor Byrd
Council Member Degner
Council Member Chenault
Council Member Wiens
Mayor Baugh

No – None

Council Member Degner moved to approve the special use permit for Mr. and Mrs. Cale as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

Mrs. Turner presented a request from Michael's Auto Body, with representative Eddie Edward Signs, to amend and re-enact section 11-7-9 of the Harrisonburg City Code. Mrs. Turner stated that the ordinance currently states city council has the authority to grant a variance allowing off-premises signs within the B-2 zoning classification for uses on parcels that have no road frontage only when a variance was previously granted during the subdivision process. Mrs. Turner also stated the applicant would like to expand on which parcels are allowed off-premises signage by adding language to include parcels that had no road frontage at the time of annexation. Mrs. Turner stated staff is comfortable with the proposed ordinance; however staff proposed to amend beyond the request of Michael's Auto Body. Staff proposed that the variance process should apply to any lot within the B-2 zoning classification that has no road frontage. Mrs. Turner presented the following ordinance:

**ORDINANCE AMENDING AND RE-ENACTING SECTION
11-7-9
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 11-7-9. Variances shall be amended as shown:

(1) A variance allowing off-premises signs within the B-2 zoning classification for uses on parcels having no road frontage. This sign shall be the only freestanding sign permitted for the off-premises use(s) advertised. The area of such sign shall be determined by the city council; provided, that the area of the off-premises sign shall not exceed the amount of signage previously allowed for an on-premises sign on the same lot. In addition, the off-premises sign area shall not be calculated against the allowable signage for the lot on which it is situated, but shall be counted against the allowable signage for the lot served by the off-premises sign. At no time shall variances be granted to allow more than one off-premises sign for any parcel of land having no road frontage regardless of the number of uses.

The remainder of Section 11-7-9 is reaffirmed and reenacted in its entirety, except as hereby modified.

**This ordinance shall be effective from the _____ day of _____, 2011.
Adopted and approved this _____ day of _____, 2011.**

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Council Member Degner offered a motion to amend and re-enact section 11-7-9 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 – Vice-Mayor Byrd
Council Member Degner
Council Member Chenault
Council Member Wiens
Mayor Baugh

No – None

Brenda Black, Tourism Manager, provided council with an update on the American Civil War Sesquicentennial Committee initiatives which included: to encourage the community to get involved, trail markers, applied for grant funding, and expand walking and bus tour opportunities. Ms. Black stated that trail markers were installed in November of 2010 at three locations downtown which included; the Municipal Building, Massanutten Regional Library, and Woodbine Cemetery. She also stated the short film that is presented at the Hardesty Higgins Visitor Center was updated last week to include the three markings that were recently installed. Ms. Black provided an overview of items that would soon be presented which included: Shenandoah Valley at War brochure, Map Pad Project, Document Digitization, July Tourism Blitz/Commemoration Battle of First Manassas, and Commemorative Item 2012.

Zenaida Hall, Tourism Marketing Coordinator, provided council with all marketing publications and other tools such as e-mail that are used for the upcoming events and Civil War updates for the Harrisonburg area as well. Ms. Hall stated that there will be many activities that will happen during a weeklong celebration/commemoration for the Battles of Cross Keys and Port Republic that will start June 2, 2012.

City Manager Hodgen presented to council the report on implementation of the Golf Course Study Committee recommendations. City Manager Hodgen highlighted several items from the report which were as follows: construct addition on east side of clubhouse; explore food and beverage options for enhanced service (by April 2012 at the earliest, on a contract basis); combine marketing efforts of Parks and Recreation and Tourism Marketing Manager; solicit alternate bids for covered patio space, restroom, and locker expansions; designate Assistant Parks and Recreation as General Manager of Heritage Oaks starting at 15-20 hours a week and making adjustments, if necessary; make rangers position into volunteer; receive engineering report on 14th hole pond; initiate “Adopt a Hole” program; explore lease vs. purchase options when replacing equipment (which won’t have much effect in the upcoming fiscal year); and continue to explore

possibilities to drive additional play. City Manager Hodgen stated that city staff will continue to evaluate the success of the implemented actions and programs and make modification where, when, and, if necessary. City Manager Hodgen also stated that it is recommended to take a measured approach in the next year, which will include one large capital expense that will lead into other opportunities.

Council Member Wiens stated that he agreed and supported with the recommendation and likes the focus of the General Manager and Marketing Manager working together.

Council Member Degner stated that he also agreed with utilizing the existing Marketing Manager, since they already have working relationships with publications and they know which tourist to target. Council Member Degner asked if the expansion was necessary for the enhanced food.

City Manager Hodgen stated the expansion was originally intended, and if the enhanced food wasn't utilized, there would be other utilization options such as tournaments by outside groups.

Vice-Mayor Byrd stated that with the golf course we needed to either increase revenue or decrease expenses. Vice-Mayor Byrd also stated that he is in favor of the recommendation and wants to see the golf course as a success. However, he would like updates on what is currently happening at the golf course. Council Member Wiens stated he agreed with Vice-Mayor Byrd and would like a monthly update on financials, rounds played, and other issues at the golf course.

Council Member Chenault also stated he was in favor of the recommendations staff presented.

City Manager Hodgen stated that VDOT has called for applications for the FY12 Revenue Sharing Program. Statutorily, the program must be funded at a 50 million dollar minimum. The General Assembly has increased this amount to 200 million dollars for FY12. As such, VDOT is increasing the application amount to twenty million dollars with ten million being for local funds and ten million for state dollars. City Manager Hodgen also stated that the Erickson Avenue-Stone Spring Road Phase III connecting South Main Street with South High Street has been identified in the Governor's Transportation Package. It is anticipated that this package will be financed through the regular Six Year Improvement Plan (SYIP) process which will occur in late April and May. City Manager Hodgen mentioned that due to uncertainty over the amount of funds this project may receive and the period over which they may be received, staff feels it is in the best interest to keep this project moving towards construction through a Revenue Sharing Grant. However, if funding for Phase III is made available through the SYIP, staff would request that a Revenue Sharing Application be transferred in FY12 to Reservoir Street Widening Project. City Manager Hodgen stated that the application total is \$11,014,962 which is the estimated cost for Phase III construction. This amount would not provide all of the funding necessary for Reservoir Street widening, but would cover

the remaining engineering, right of way and Phase I construction of University Blvd. to Lucy/Woodland Drive. With the explanation above, City Manager Hodgen presented the following resolution to council for consideration:

RESOLUTION FOR VDOT FY12 REVENUE SHARING PROGRAM

At a regularly scheduled meeting of the City of Harrisonburg City Council held on the 12th day of April, 2011, on a motion by _____, seconded by _____, the following resolution was adopted by a vote of ___ to ___.

WHEREAS, the City of Harrisonburg desires to submit an application for an allocation of funds up to \$5,507,481.00 through the Virginia Department of Transportation Fiscal Year 2011-2012, Revenue Sharing Program; and,

WHEREAS, \$5,507,481 of these funds is requested for Reservoir Street Widening Project (from University Boulevard to South City Limits); and

WHEREAS, in the event that anticipated funding from the Governor's Transportation Package is not allocated by the Commonwealth to Erickson Avenue/Stone Spring Road, Phase III construction, the City requests that Revenue Sharing funds in the amount noted above revert to Phase III Construction (from 0.098 miles east of South High Street to 0.023 miles west of South Main Street.

NOW, THEREFORE BE IT RESOLVED THAT: the Council of Harrisonburg hereby support this application for an allocation of \$5,507,481 through the Virginia Department of Transportation Revenue Sharing Program.

NOW, THEREFORE BE IT FURTHER RESOLVED THAT: the City of Harrisonburg City Council hereby grants authority for the City Manager to execute project administration agreements for any approved revenue sharing projects.

Adopted this ____ day of _____, 2011 in Harrisonburg.

Richard Baugh, Mayor

Attest: Erica S. Kann, City Clerk

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

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

No – None

City Manager Hodgen presented a request for a supplemental appropriation for the Public Works Department in the amount of \$6,200.00. City Manager Hodgen stated that the funds were received at the March 8, 2011 council meeting as a donation from DR100 and are intended to go towards shared road lane markings in the city. Council Member Chenault offered a motion to approve this request for the first reading, and that:

\$6,200.00 chge. to: 1310-31809 Donations

\$6,200.00 approp. to: 1310-910141-48639 Bicycle Routing Projects

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

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

No – None

Chief of Police Harper presented a request for a supplemental appropriation for the Police Department in the amount of \$25,000.00. He stated that the funds will be used to upgrade all existing VHS camera systems to digital in five patrol cars and special operations vehicles. Vice-Mayor Byrd offered a motion to approve this request for the first reading, and that:

\$25,000.00 chge. to: 1000-31010 Amount from fund balance

\$25,000.00 approp. to: 1000-310431-48151 Motor Vehicles and Equipment

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

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

No – None

City Manager Hodgen presented a request to transfer funds in the amount of \$34,000.00 from the Parks and Recreation budget to the Capital Projects Fund. City

Manger Hodgen stated that the funds will enable construction of a pavilion at “A Dream Come True Playground.” Council Member David Wiens offered a motion to approve this request, and that:

\$ 7,500.00 chge. to: 1000-710171-48284 Improvements
26,500.00 chge. to: 1000-710171-46131 Ed/Rec Supplies/Playgrounds
34,000.00 chge. to: 1310-34210 Transfer from General Fund

\$34,000.00 approp. to: 1310-910141-48699 Dream Come True Park
34,000.00 approp. to: 1000-990111-49216 Transfer to Capital Projects

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

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

No – None

City Manager Hodgen presented a request for a supplemental appropriation for the Fire Department in the amount of \$10,000.00. City Manager Hodgen stated that in February 2008, Fire Company No. 1 dissolved their organization, and turned \$55,820.04 over to the Harrisonburg Fire Department with a stipulation that the money be used for a specific project, with the exception of \$10,000.00, which was to be donated to the Virginia Fallen Firefighters Memorial. City Manager Hodgen also stated that all but \$10,000.00 of these funds were used to purchase the Fire Department’s Mobile Command Post. Council Member Degner offered a motion to approve this request for the first reading, and that:

\$10,000.00 chge. to: 1000-31010 Amount from fund balance

\$10,000.00 approp. to: 1000-910411-45917 Virginia Fallen Firefighters Memorial

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

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

No – None

City Manager Hodgen stated the city had been approached by a group of individuals to be the sponsor of a special license plate that would be issued by Department of Motor Vehicles (DMV). City Manager Hodgen clarified that the sponsor is only notifying DMV that the city would like the license plate made and the city seal is approved for such use. The group of individuals would be responsible for pre-selling 350 special license plates costing \$10.00 each in order for the special license plate to become available. The request came to the city upon the elimination of vehicle decals and a group of individuals would still like people to know that they are from the City of Harrisonburg. Vice-Mayor Byrd offered a motion to become the sponsor of the special license plate and to make the city seal available for the license plate. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

Mayor Baugh presented two proclamation which are that follows:

**PROCLAMATION DECLARING MAY 1ST – MAY 8TH DAYS OF
REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST INCLUDING THE
DAY OF REMEMBRANCE KNOWN AS YOM HASHOAH, MAY 1ST, 2011.**

WHEREAS, the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945—six million were murdered; Roma (Gypsies), people with disabilities, and Poles were also targeted for destruction or decimation for racial, ethnic, or national reasons; and millions more, including homosexuals, Jehovah’s Witnesses, Soviet prisoners of war, and political dissidents, also suffered grievous oppression and death under Nazi tyranny; and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments; and

WHEREAS, we the people of the City of Harrisonburg, Virginia should always remember the terrible events of the Holocaust and remain vigilant against hatred, persecution, and tyranny; and

WHEREAS, we the people of the City of Harrisonburg, Virginia should actively rededicate ourselves to the principles of individual freedom in a just society; and

WHEREAS, the Days of Remembrance have been set aside for the people of the City of Harrisonburg, Virginia to remember the victims of the Holocaust as well as to reflect on the need for respect of all peoples; and

WHEREAS, pursuant to an Act of Congress (Public Law 96-388, October 7, 1980), the United States Holocaust Memorial Council designates the Days of Remembrance of the Victims of the Holocaust to be Sunday, May 1 through Sunday, May 8, 2011, including the Day of Remembrance known as Yom Hashoah, May 1, 2011;

NOW, THEREFORE BE IT RESOLVED, that the week of Sunday, May 1 through Sunday, May 8, 2011 be Days of Remembrance in memory of the victims of the Holocaust and in honor of the survivors as well as the rescuers and liberators, and further proclaim that we, as citizens of the City of Harrisonburg, Virginia, should work to promote human dignity and confront hate whenever and wherever it occurs.

**BY: _____
Richard Baugh, Mayor**

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

**A PROCLAMATION RECOGNIZING APRIL 10 – 16, 2011 AS “NATIONAL
PUBLIC SAFETY TELECOMMUNICATIONS WEEK”**

WHEREAS, emergencies can occur at anytime that require police, fire or emergency medical services; and

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, our Public Safety Telecommunicators are the first point of contact in that response 24 hours a day, 7 days a week, and 365 days a year; and

WHEREAS, our Public Safety Telecommunicators have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients all the while exhibiting compassion, understanding and professionalism; and

NOW, THEREFORE, I, Richard Baugh, Mayor of the City of Harrisonburg, Virginia do hereby proclaim April 10 – 16, 2011, as “National Public Safety Telecommunicators Week” in the City of Harrisonburg.

**BY: _____
Richard Baugh, Mayor**

Attest: _____
Erica S. Kann, City Clerk

Vice-Mayor Byrd brought to council's attention concerns he had with the Old Town Area Neighborhood Traffic Calming Plan that council had requested Public Works to review during the February 22, 2011 meeting. Vice-Mayor Byrd stated that after looking at the Transportation Safety & Advisory Commission's report last week, one of the major recommendations was pulled out of the plan. Vice-Mayor Byrd stated that he disagreed with the removal of parking on both sides of the street of Franklin, for the reason being that the road would be too narrow for emergency vehicles to get through. Vice-Mayor Byrd stated, if that was the case, then parking would have to be eliminated on all narrow streets in the city.

City Manager Hodgen stated that Public Works will be bringing the report back to council with implementations and recommendations in May for council's approval.

Council Member Chenault brought to council's attention that Roberta Webb, a non-profit organization, thought they had applied for funding in the next fiscal year budget. Council Member Chenault added that per city code, the City Manager needs council's approval to accept Roberta Webb's application in requesting for funds from the FY11-12 budget. Council Member Chenault offered a motion to approve City Manager Hodgen to accept the application in the request of Roberta Webb into the FY11-12 budget. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

Council Member Degner stated that he was contacted by a downtown business owner that had recent graffiti placed on his building and would like staff to review the current policies and/or ordinances on removal of graffiti at a future meeting.

Council Member Degner stated he had heard there was an upcoming meeting for Blue Stone Trail and was wondering where the city was in the process. City Manager Hodgen stated the Blue Stone Trail was a plan that a previous council wanted to implement and stated that the trail was at a suspended state currently. City Manager Hodgen also stated that both the Parks and Recreation Department and Parks and Recreation Commission have some concerns about after hours of both trail and park users. City Manager Hodgen and Council Member Chenault stated that there is a trail designer that is willing to work with the city's concerns and the pace of the project is to make sure all concerns are reviewed. Council Member Wiens stated that there are other

trails that would affect more citizens that he would like to be reviewed first. Council Member Chenault stated that Greendale Community is a supporter in the Blue Stone Trail and would like to see a plan put in place.

Council Member Wiens stated that a meeting will be held April 19, 2011 at Park View Mennonite Church at 6:00 p.m. to talk about Mt. Clinton Pike and Chicago Avenue. Council Member Wiens stated that although the two roads aren't the busiest, they are two of the most dangerous.

Council Member Wiens offered a motion to recommend appointment to the Circuit Court for William Smith, 1430 Port Republic Road, to be appointed to the Board of Zoning Appeals. Mr. Smith will fill an unexpired term that will expire March 20, 2013. The motion was seconded by Council Member Chenault and approved with a unanimous voice vote.

Council Member Chenault offered a motion to re-appoint John (Jack) Broaddus, 64 Maple Hurst Avenue, to a second term on the Industrial Development Authority to expire April 24, 2015. The motion was seconded by Vice-Mayor Byrd and approved with a unanimous voice vote.

At 8:37 p.m. Vice-Mayor Byrd offered a motion that council enter into a closed session closed session for discussion and/or consideration of consultation with legal counsel regarding a contract and current litigation 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 and consideration of the acquisition of real estate to be used for a public purpose, 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 –	Vice-Mayor Byrd Council Member Degner Council Member Chenault Council Member Wiens Mayor Baugh
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.

Council Member Wiens offered a motion to approve the compromised settlement that was negotiated by the City Attorney and Public Works in the condemnation of Valley Blox, Inc. vs. City of Harrisonburg. The City Attorney was directed to prepare the appropriate order for Circuit Court to enter. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No - None

At 9:33 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR