

REGULAR MEETING

April 26, 2011

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.

Mayor Baugh gave the invocation and also led everyone in the Pledge of Allegiance.

Russell Presnell, Owner of Checkered Cab, asked council to consider imposing a gas surcharge temporarily \$0.75 for cab companies in the City of Harrisonburg until the gas prices fall.

Council Member Degner asked staff taxi committee to review the request and present information at the next council meeting.

James "Bucky" Berry, provided information to council about the Cassco Ice building graffiti status and stated that Roses hasn't recently been marked up and he feels that this is due to new lights put up by Harrisonburg Electric Commission (HEC).

Vice-Mayor Byrd 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 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. Second Reading.
- c. Consider an Ordinance Amendment that would add a special use permit to residential districts allowing walls and fences to exceed height regulations. Second Reading.
- d. Consider a request from Michael's Auto Body with representative Eddie Edwards Signs to amend the Sign Ordinance, Section 11-7-9 variances. Second Reading.
- e. Consider a supplemental appropriation for the Public Works Department in the amount of \$6,200.00. Second Reading.
- f. Consider a supplemental appropriation for the Police Department in the amount of \$25,000.00. Second Reading.
- g. Consider a request for a supplemental appropriation for the Fire Department in the amount of \$10,000.00. Second Reading.

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

Mayor Baugh stated the public hearing for the non-profit organization; Explore More will be moved to the May 10, 2011 council meeting. Advertisements for that public hearing will appear in the Daily News Record.

City Manager Hodgen presented the proposed FY 2011-2012 budget. City Manager Hodgen reviewed the General Fund Revenues that is projected at \$90,604,540.00, which is \$2,000.00 less than the current amended budget. However, it is \$5.8 million more than the adopted budget last year. Majority of the \$5.8 million amount comes from transfer of the refuse and collection fees from the Sanitation Fund over to the General Fund, due to separating the Resource Recovery Facility and garbage pickup performed by Public Works. City Manager Hodgen also reviewed the General Fund Expenditures and stated no significant program changes. City Manager Hodgen touched on where the local tax dollar goes which included the following: Planning, Community Development Health; Transfers; Park, Recreation and Cultural; Public Works; Public Safety; Non-departmental; Debit Service; and Schools. City Manager Hodgen presented the Total Fund Expenditures projected at \$201,708,483.00 which is an \$18.5 million increase over the current budget. City Manager Hodgen stated that \$11.5 million will be towards the Stone Spring/Erickson Project that is projected to be state funded for an unknown amount. Additional school funding will be \$2.5 million that will also be coming from state funds. Also contributing to the increase are one-time special purpose grants or reimbursements. City Manager Hodgen highlighted the revenue which included: anticipated slow, gradual uptick in local economy; and flat state revenue (with the exception of increased school revenues). City Manager Hodgen highlighted the expenditures which included: 2% salary increase; 1 new full-time Information Technology position; Stone Spring/Erickson Project; increase in debt service and operational costs at HRRSA; increase School Fund; capital outlay/project expenditures; and Safe Routes to Schools Project (Waterman). City Manager Hodgen recommended real estate tax rate of \$0.59 per 100 dollars, and all other tax rates to remain the same. City Manager Hodgen recommended that the sewer authority rate increase by \$0.29 and water rate increase by \$0.05 per 1000 gallons. City Manager Hodgen stated the population size of the City of Harrisonburg is 48,914 provided by the Weldon Cooper Center for Public Service. City Manager Hodgen stated the focus remains on Education, Public Safety, Transportation, and Water, Sewer, Solid Waste Management. City Manager stated to balance the current year's budget that it is recommended to use \$2.9 million of unappropriated reserve funds that are expected to be reimbursed at the end of the year to offset the unappropriated funds.

At 7:24 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 April 16, 2011.

**CITY OF HARRISONBURG, VIRGINIA
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 2012**

For information and fiscal planning purposes only

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 26, 2011 at 7:00 P.M., or as soon as the agenda permits, in the Harrisonburg City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia. Interested citizens are encouraged to attend and express their views:

<u>Revenues - By Funds</u>	2010-11			2011-12
	<u>Original</u>	<u>Amendments</u>	<u>Amended</u>	As <u>Proposed</u>
Operating:				
General	84,848,666	7,898,803	92,747,469	90,604,540
School	52,026,238	192,191	52,218,429	54,545,889
School Nutrition	2,483,018	-	2,483,018	2,520,370
Emergency Communication Center	3,450,630	717,373	4,168,003	3,591,708
Community Development Block Grant	583,140	345,195	928,335	553,983
School Transportation (New fund)	-	-	-	2,602,006
Water	7,442,298	9,791,364	17,233,662	7,815,473
Sewer	9,157,118	27,099	9,184,217	10,678,680
Public Transportation	8,043,645	1,508,177	9,551,822	4,808,990
Steam Plant (Sanitation)	13,011,403	19,632,270	32,643,673	9,388,886
Central Garage	842,213	-	842,213	977,247
Central Stores	123,373	-	123,373	135,225
			-	
Total Operating	182,011,742	40,112,472	222,124,214	188,222,997
Capital Projects:				
General Capital Projects	420,000	30,605,686	31,025,686	12,342,384
School Capital Projects	-	1,487,127	1,487,127	-
Water Capital Projects	186,119	9,657,040	9,843,159	543,102
Sewer Capital Projects	300,000	2,863,503	3,163,503	350,000
Steam Plant (Sanitation) Capital Projects	822,000	4,880,485	5,702,485	250,000
Total Capital Projects	1,728,119	49,493,841	51,221,960	13,485,486
Total	183,739,861	89,606,313	273,346,174	201,708,483
<u>Expenditures - By Funds</u>				
Operating:				
General	84,848,666	7,898,803	92,747,469	90,604,540
School	52,026,238	192,191	52,218,429	54,545,889
School Nutrition	2,483,018	-	2,483,018	2,520,370
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Total	183,739,861	89,606,313	273,346,174	201,708,483

Any individual requiring auxiliary aids, including signers, in connection with this public hearing must notify the City Manager at least five (5) days prior to the date of the meeting.

Copies of the proposed budget are available for public review in the City Manager's office, 345 South Main Street; the Massanutten Regional Library, 145 South Main Street and on the City's Internet web site at (<http://www.harrisonburgva.gov/>).

Mayor Baugh called on anyone desiring to speak for or against the proposed FY 2011-2012 budget.

Lois Jones, Director of Massanutten Regional Library, thanked council and staff for the funding the City provides for the library. Ms. Jones stated the money that is received is money well spent and provided some statistics of the library.

Dr. Kizner, School Board Superintendent, thanked council and staff for the support of the school's budget and to see it as a main priority.

Mayor Baugh declared the public hearing closed at 7:31 p.m., and the regular session reconvened.

Council Member Wiens offered a motion to approve the FY 2011-2012 budget as presented. 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

City Manager Hodgen presented to council to consider amending and re-enacting Section 16-4-64 of the Harrisonburg City Code. City Manager Hodgen stated staff recommends amending to ordinance that would allow the City to recover its costs in removing graffiti and gang markings on unoccupied property by placing a lien on the property, assuming the property owner was notified, as set forth in the ordinance. The original graffiti removal was enacted in 2005 and since then state enabled legislation has changed. City Manager Hodgen presented the following ordinance:

**ORDINANCE AMENDING AND RE-ENACTING SECTION 16-4-64
OF THE**

HARRISONBURG CITY CODE

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

That Section 16-4-64 be amended and re-enacted as follows:

Section 16-4-64. Removal or repair of defacement on buildings, walls fences or other structures.

This section is enacted pursuant to Section 15.2-908 of the Code of Virginia, 1950, as amended. Whenever the property owner, after reasonable notice, fails to remove or repair the defacement, as defined in this section, of any public building, wall, fence or other structure or any private building, wall, fence or other structure, and where such defacement is visible from any public right-of-way, the city may have such defacement removed or repaired by its agents or employees. Such agents or employees shall have any and all immunity normally provided to an employee of the city. For purposes of this section, the term "defacement" means the unauthorized application by any means of any writing, painting, drawing, etching, scratching, or marking of an inscription, word, mark, figure, or design of any type.

If the defacement occurs on a public or private building, wall, fence or other structure located on an unoccupied property, and the city through its own agents or employees, removes or repairs the defacement after complying with the notice provisions of this section, the actual cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the city as taxes are collected. No lien shall be chargeable to the owners of such property unless the locality shall have given a minimum of fifteen (15) days notice to the property owner prior to the removal of the defacement.

Every charge authorized by this section with which the owner of any such property shall have been assessed and that remains unpaid shall constitute a lien against such property, ranking on a parity with liens of unpaid local taxes and enforceable in the same manner as provided in Articles 3 (Section 58.1-3940 et seq.) and 4 (Section 58.1-3965 et seq.) of Chapter 39 of Title 58.1 of the Code of Virginia, 1950, as amended. The city may waive and release such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

Further the Court may order any person convicted of unlawfully defacing property as described above to pay full or partial restitution to the city for costs incurred by the city in removing or repairing the defacement. An order of restitution pursuant to this section shall be docketed as provided in Section 8.01-446 of the Code of Virginia, 1950, as amended, when so ordered by the Court or upon written request of the city and may be enforced by the city in the same manner as a judgment in a civil action.

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 amend and re-enact Section 16-4-64 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

Debbie Logan, Voter Registrar, presented the new voting precincts due to increased population. Mrs. Logan stated that seven voting districts are being proposed to accommodate the increase. Mrs. Logan stated that the following voting precincts were approved and recommended by the Electoral Board. Mrs. Logan presented the following ordinance to council:

**ORDINANCE AMENDING AND RE-ENACTING SECTION 1-1-12
OF THE
HARRISONBURG CITY CODE**

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

That Section 1-1-12 be amended and re-enacted as follows:

Section 1-1-12. Election districts; voting places.

The east ward (Ward No. 1) shall be divided into four (4) election districts or precincts and the west ward (Ward No. 2) shall be divided into three (3) election districts or precincts

(1) *Ward No. 1 (east ward)*

a. *Precinct No. 1* – The northeast election district or precinct, being Precinct No.1 in Ward No.1, shall comprise all that portion of the City lying east of the center line of North Main Street and north of the center line of East Market Street from its intersection with North Main Street to Old Furnace Road, then along the center line of Old Furnace Road to Vine Street, then south along the center line of Vine Street until just before its intersection with Honeysuckle Lane, then along the rear lot lines of the houses fronting on Honeysuckle Lane and following the rear lot lines of the houses fronting on the west side of Blue Ridge Drive to Country Club Road, then following the center line of Country Club Road to the south bound lane of Interstate 81, then along the south bound lane of Interstate 81 to the City limits. The voting place for Precinct No. 1 in Ward No. 1 shall be Simms School.

b. *Precinct No. 2* – The east central election district or precinct, being Precinct No. 2 in Ward No. 1, shall comprise all that portion of the City lying east of the center line of South Main Street between Port Republic Road on the South and East Market Street on the north; south of the center line of East Market Street between Court Square and University Blvd.; west and north of the center line of University Blvd between East Market Street to its intersection with Oak Hill Drive at Interstate 81; thence along the east line of the north bound land of Interstate 81 to Port Republic Road; thence west along the center line of Port Republic Road to South Main Street. The voting place for Precinct No. 2 in Ward No. 1 shall be Spotswood Elementary School.

c. *Precinct No.3* – The southeast election district or precinct, being Precinct No. 3 in Ward No. 1, shall comprise all that portion of the City

bounded as follows: east of the center line of South Main Street from the southern City limits to Port Republic Road; south of the center line of Port Republic Road to Interstate 81; east of the north bound lane of Interstate 81 to University Blvd.; east and south of the center line of University Blvd to its intersection with Modular Hill Lane; then heading in a southeast direction along the northeast boundaries of the Forest Hill Subdivision and the Ashby Heights Subdivision to the City limits. The voting place for Precinct No.3 in Ward No. 1 shall be Stone Spring Elementary School.

d. *Precinct No. 4* - The east election district or precinct, being Precinct No. 4 in Ward No. 1, shall comprise all that portion of the City lying east of the north bound lane of Interstate 81 beginning at the north east city limits to Country Club Road, then following the center line of Country Club Road until just after its intersection with Blue Ridge Drive, then following the rear lot lines of the houses on the west side of Blue Ridge Drive and then along the rear lot lines of the houses fronting on the north side of Honeysuckle Lane to Vine Street, then north along the center line of Vine Street to its intersection with East Market Street, then east along the center line of East Market Street to its intersection with University Blvd, the west along the center line of University Blvd to its intersection with Modular Hill Lane on the campus of James Madison University, then heading in a south east direction along the north east boundaries of the Forest Hill Subdivision and the Ashby Heights Subdivision to the City limits. The voting place for Precinct No. 4 in Ward No. 1 shall be Smithland Road Elementary School.

(2) *Ward No. 2 (west ward)*

a. *Precinct No. 1* – The northwest election district or precinct, being Precinct No. 1 in Ward No. 2, shall comprise all that portion of the City lying west of the center line of North Main Street and north of the center line of West Market Street to its intersection with Waterman Drive, then north with the centerline of Waterman Drive to its intersection with Chicago Avenue, then northwest with the center line of Chicago Avenue to its intersection with Mt. Clinton Pike, then in a northerly direction along the rear lot lines of the lots adjoining Park Road on the east to its intersection with Shank Drive, then along the rear lots lines of the lots adjoining Shank Drive on the south, Heritage Drive on the east and Villa Drive on the north, then in a northerly direction along the rear lot lines of the lots adjoining Park Road on the east to the City limits. The voting place of Precinct No. 1 in Ward No. 2 shall be Waterman Elementary School.

b. *Precinct No. 2* - The southwest election district or precinct, being Precinct No. 2 in Ward No. 2, shall comprise all that portion of the City lying west of the center line of South Main Street from the south City limits to its intersection with Cantrell Avenue, then west with the centerline of Cantrell Avenue and continuing after its intersection with South High Street in a westerly direction to South Willow Street, then south with center line of South Willow Street to its

intersection with Grace Street, then in a northwesterly direction from the intersection of Willow and Grace Streets to South Dogwood Drive, then southwest following the rear lot lines of the lots adjoining South Dogwood Drive on the north west side to the City limits. The voting place for Precinct No. 2 in Ward No. 2 shall be Keister Elementary School.

c. *Precinct No.3* - The west central election district or precinct, being Precinct No. 3 in Ward No. 2, shall comprise all that portion of the City lying south of the rear lot lines of the lots adjoining Park Road beginning at the northern City limits to its intersection with Villa Drive, then along the rear lot lines of Villa Drive on the north, Heritage Drive on the east and Shank Drive on the south, then in a southerly direction along the rear lot lots of the lots adjoining Park Road on the east to its intersection with Mr. Clinton Pike, then southeast with the center line of Chicago Avenue to its intersection with Waterman Drive, then south with the center line of Waterman Drive to its intersection with West Market Street, then east with the center line of West Market Street to its intersection with South Main Street, then south with the center line of South Main Street to its intersection with Cantrell Avenue, then west with the center line of Cantrell Avenue and continuing after its intersection with South High Street in a westerly direction to South Willow Street, then south with the center line of South Willow Street to its intersection with Grace Street, then in a northwesterly direction from the intersection of Willow and Grace Streets to South Dogwood Drive, then south west following the rear lot lines of the lots adjoining South Dogwood Drive on the north west side to the City limits. The voting place of Precinct No. 3 in Ward No. 2 shall be Thomas Harrison Middle School.

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 Wiens stated that he couldn't support the proposed changes due to disagreeing with Precinct Number 3 in Ward Number 2. Council Member Wiens concerns were that the elderly at VMRC and traveling past voting locations to get to their voting location and VMRC being separated into two precincts. Mrs. Logan stated that all precincts have centralized voting locations and the overall numbers of the effected precincts would be affected. Council Member Wiens suggested that he would like to see the precincts arranged differently. Vice-Mayor Byrd stated with the City not having wards, he is fine with the plan because this keeps the east and west portions of the City that the School Board utilizes.

Council Member Degner asked the timeline that the voting precincts needed approval. Mrs. Logan stated that no action can be taken until after the Governor passes the redistricting plan, however, the plan needs to be ready for when the redistricting plan takes place. Mrs. Suzanne Obenshain, Electoral Board Secretary, stated the State Board of Elections requested localities to have finalized plans by May 14, 2011. Mrs. Logan also stated that if we have our plans finalized by May 14, 2011 the state will pay for the voter cards.

Vice-Mayor Byrd offered a motion to approve the presented plan subject to review of changes made to VMRC precinct location that the Electoral Board will consider. 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

No – Council Member Wiens

Police Chief Harper presented to council to consider a supplemental appropriation for the Police Department in the amount of \$25,283.00. The funds have been received through a Federal Justice Assistance grant program and will be used to purchase new in-car video cameras for police vehicles and a license plate reader system. Vice-Mayor Byrd offered a motion to approve this request for the first reading, and that:

\$25,283.00 chge. to: 1000-33546 Justice Assistance Grant

\$25,283.00 approp. to: 1000-310431-48111 Machinery and equipment

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

Council Member Degner thanked and congratulated the Police Department for providing the Police Academy for citizens to learn more about their department. Council Member Degner stated he has been a part of the program for the last two months and has enjoyed and learned a lot about the police force here in the city and recommended others to apply.

Vice-Mayor Byrd continued the conversation from earlier in the meeting pertaining to cab fares. Vice-Mayor Byrd would like to see a comparison from other localities for current fares and to see if anyone has already put in place a fuel factor adjustment. Vice-Mayor Byrd stated that he would like this to be done for both cab and transit fares.

Council Member Wiens asked for a status of the Thomas Harrison House project, and at the current time no report was available.

Council Member Degner congratulated all who were apart of the successful Rocktown Beer Festival that happened the previous weekend.

Council Member Chenault offered a motion to appoint Jerod Hall, 108 Commerce Drive, to a first term on the Tree Advisory Board to expire April 26, 2014. The motion was approved with a unanimous voice vote.

At 8:15 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR