

## REORGANIZATION MEETING

January 2, 2009

At a reorganization meeting held in the Council Chamber at 10:00 a.m., there were present: City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Council Members Richard A. Baugh, Ted Byrd, Kai Degner, Carolyn W. Frank, and David Wiens; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

The following reorganization meeting call was presented:

1. Call to order.
2. Oath prescribed by Law, Section 42 of the City Charter.
3. Re-organization of City Council:
  - a. Election of MAYOR, 2-year term (Section 7 City Charter).
  - b. Election of VICE-MAYOR, 2-year term (Section 7 City Charter).
  - c. Appoint CITY ATTORNEY, 2-year term (City Code Section 3-2-1).
  - d. Appoint one member of Council to Planning Commission, (City Code Section 10-1-2(c)).
  - e. Appoint one member of Council to Parks and Recreation Commission (City Code Section 9-1-1).
  - f. Appoint one member of Council to the Harrisonburg-Rockingham Chamber of Commerce Board.
  - g. Appoint one member of Council to the Central Shenandoah Planning District Commission.
  - h. Appoint one member of Council to the Community Criminal Justice Board.
  - i. Appoint one member of Council to the Deer Population Task Force.
  - j. Liaison of Council to the Advisory Board for Jail Facility.
  - k. Liaison of Council to the Social Services Advisory Board.
  - l. Liaisons (2) of Council to the City/County Liaison Committee.
  - m. Liaison of Council to the School Liaison Committee.
  - n. Liaison of Council to the JMU Liaison Committee.
  - o. Representative of City Council to the Harrisonburg Downtown Renaissance Board of Directors.
  - p. Appoint members to the Metropolitan Planning Organization. (3 Council members and 2 staff)
4. Designate regular time and dates (currently 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month at 7:00 p.m.) Changing time and/or date requires an amendment to City Code Section 2-2-5.
5. Other Matters

Circuit Court Clerk Chad Evans-Haywood administered the “Oath of Office” to Richard A. Baugh, Kai Degner, and David Wiens.

Under Item #3 of today’s agenda, “Re-organization of City Council”, the following actions were taken:

Council Member Baugh offered a motion that Kai Degner be appointed as Mayor of the City of Harrisonburg. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Wiens offered a motion that Richard A. Baugh be appointed as Vice-Mayor of the City of Harrisonburg. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Frank offered a motion that Earl Q. Thumma, Jr., be appointed as the City Attorney of the City of Harrisonburg. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Frank offered a motion that Richard Baugh be appointed to a term on the Harrisonburg Planning Commission. The recorded roll call vote was taken as follows:

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

Mayor Degner

Absent – None

Vice-Mayor Baugh offered a motion that David Wiens be appointed to a term on the Harrisonburg Parks and Recreation Commission. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Byrd offered a motion that Kai Degner be appointed to a term on the Harrisonburg-Rockingham Chamber of Commerce Board. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Wiens offered a motion that Carolyn Frank and Richard Baugh be appointed to a term on the Central Shenandoah Planning District Commission. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Frank offered a motion that David Wiens be appointed to a term on the Community Criminal Justice Board. The recorded roll call vote was taken as follows:

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

Council Member Byrd  
Mayor Degner

Absent – None

Council Member Byrd offered a motion that Carolyn Frank be appointed to the Deer Population Task Force. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Byrd offered a motion that David Wiens be appointed as the Advisory Board Jail Facility Liaison. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Byrd offered a motion that Carolyn Frank and David Wiens be appointed to the Social Services Advisory Board. The recorded roll call vote was taken as follows:

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

Absent – None

Vice-Mayor Baugh offered a motion that Ted Byrd and Kai Degner be appointed to the City/County Liaison Committee. The recorded roll call vote was taken as follows:

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

Mayor Degner

Absent – None

Council Member Frank offered a motion that Richard Baugh and Ted Byrd be appointed to the Harrisonburg School Board Liaison. The recorded roll call vote was taken as follows:

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

Absent – None

Vice-Mayor Baugh offered a motion that Ted Byrd and Kai Degner be appointed to the James Madison University Liaison Committee. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Byrd offered a motion that Kai Degner be appointed as the representative of City Council to the Harrisonburg Downtown Renaissance Board of Directors. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Frank offered a motion that David Wiens, Richard Baugh, and Ted Byrd be appointed as Council representatives on the Metropolitan Planning Organization. The recorded roll call vote was taken as follows:

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

Mayor Degner

Absent – None

Council Member Byrd offered a motion that Transportation Director Reggie Smith and City Manager Kurt Hodgen be appointed as staff representatives to the Metropolitan Planning Organization. The recorded roll call vote was taken as follows:

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

Absent – None

Council Member Byrd offered a motion that Assistant City Manager Evan Vass and Assistant to Transportation Director/Safety-Training Coordinator Aaron Smith-Walter be appointed as alternative staff representatives for Kurt Hodgen and Reggie Smith to the Metropolitan Planning Organization. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous vote of Council.

Council Member Byrd offered a motion that City Council meet each month on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month at 7:00 p.m. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

At 10:18 a.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

January 13, 2009

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Public Works Department, Tourism office, HRECC, School Board, Commonwealth of VA, and HARTS. The motion also included a rezoning request from Ellen E. DeSarno and amending and re-enacting Section 1-1-12 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Captain Duane Burleigh of the Salvation Army provided a brief update on the Salvation Army activities in the City, including their donation of land to the City for development and usage as a recreation area.

City Manager Hodgen said that the City has received an offer from Rosetta Stone to purchase the old Police Department property located at 179 South Liberty Street. Rosetta Stone is offering \$300,000 for the property and is committing to invest at least \$500,000 into improvements on the property and at least 100 new jobs with an average annual wage of \$50,000 per year. In light of the commitment to investment in the property, the creation of new jobs and the longer term potential for further site and job development by Rosetta Stone, staff is recommending that the ordinance approving the sale be adopted on first reading. Mr. Hodgen reviewed the 2008 property assessed value, property taxes generated, and Water Street traffic.

Economic Development Director Brian Shull reviewed information regarding the old Police Department property.

At 7:16 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Friday, January 2, and Friday, January 9, 2009.

**NOTICE OF PUBLIC HEARING ON THE  
DISPOSITION OF REAL ESTATE  
OWNED BY THE CITY OF HARRISONBURG  
ALONG SOUTH LIBERTY STREET IN THE CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on January 13, 2009 at 7:00 P.M. in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, concerning the disposition of real estate, namely, 1.202 acres, more or less, designated as 181 South Liberty Street and shown on the City Block Map as Parcel Nos. 25-C-2, 3, 4, 5 & 15 to Rosetta Stone, Ltd., a Virginia corporation, as per their proposal to purchase the same.

Copies of the proposed sales agreement are available in the City Manager's Office, 345 South Main Street, Harrisonburg, Virginia, Monday through Friday, 8:00 A.M. to 5:00 P.M.

All persons interested will have an opportunity to express their views at this public hearing.

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

**CITY OF HARRISONBURG  
Kurt D. Hodgen,  
City Manager**

Mayor Degner called on anyone desiring to speak for or against disposing of the real estate. Shawna Fowble representing Rosetta Stone said Harrisonburg is the operational base with 450 employees located in the City. The company, which was founded in 1992, would like to continue to grow.

Nancy Garber spoke in favor of selling the building to Rosetta Stone.

Jerry Scripture said that selling the old building to Rosetta Stone is a terrific idea.

Bucky Berry encouraged Council to sell the building.

Patrick Lincoln said that he works with the Shenandoah Valley Migrant Education Program and helps to organize the grassroots network The People United. He requested that City Council invite Rosetta Stone to donate its very own Rosetta Stone – high quality simultaneous interpreting equipment - as a thank you for being allowed to purchase City property at a price under its appraised value.

Gustavo Maldonado asked Rosetta Stone, through an interpreter Patrick Lincoln, to donate interpreting equipment for community usage.



Andy Perrine, President of Harrisonburg Downtown Renaissance (HDR), spoke in support of selling the property to Rosetta Stone.

David Miller encouraged Council to sell the property to Rosetta Stone.

Mike Arehart, owner of Kline's Dairy, spoke in support of selling the property to Rosetta Stone.

Lonnie Yoder a member of Community Mennonite church questioned the issue of the traffic flow on Water Street.

Vivian Myers encouraged Council to strongly consider this sale.

Tom Brubaker said that he has watched the growth of Rosetta Stone over the years. Many young professionals live and work in the downtown area.

Jerry Eldridge said that Rosetta Stone has a wonderful product. The City will gain many new jobs from the sale of the property to Rosetta Stone. There being no others desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Byrd offered a motion to adopt the contract approving the sale of the property to Rosetta Stone for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request from DRE Properties, LLC to rezone one, 6,761+/- sq. ft. parcel from R-2 Residential District to R-3C Multiple Dwelling Residential District Conditional. The property is located at 584 East Market Street and can be found on tax map parcel 33-V-3. The Comprehensive Plan designates this area as Professional. Mrs. Turner reviewed the surrounding uses in the area. Currently situated on the site is a single-family dwelling with parking and an accessory building in the rear. The applicant desires to continue using the building as a dwelling or to convert the building to a medical or professional office. As traffic increases along East Market Street, the homes in the area have become less desirable for single-family dwellings and more attractive as professional offices. The applicant has proffered the following: 1) any use permitted by right in the R-1 and R-2 Residential districts; 2) dwelling units may be occupied by a family or not more than three (3) unrelated persons, except that such occupancy may be superseded by building regulations; 3) convalescent or nursing homes, medical offices and professional offices as defined by Article F; 4) charitable or benevolent institutions; 5) accessory buildings and uses clearly incidental to the above; and 6) public uses permitted in every zoning classification. In the last several years, a number of properties along this portion of the East Market Street corridor have been rezoned to R-3C to allow for the dwellings to be converted to medical or professional offices. This is a very visible and highly traveled corridor of the City, and although staff is in favor of the conversion of single-family dwellings to professional offices along this portion of East Market Street, they do not support the increase in occupancy to more than two (2) unrelated persons for this area. Staff also believes the occupancy precedent has been set with earlier rezoning in the area. For these

reasons, staff does not recommend approval of this request because of the increase in occupancy. However, Planning Commission recommended approving the request with a vote of four to three (4-3) of the rezoning request.

At 7:50 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 29, 2008, and Monday, January 5, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, January 13, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Rezoning – 584 East Market Street***

**Public hearing to consider a request from DRE Properties, LLC, to rezone one, 6,761 +/- sq. ft. parcel from R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 584 East Market Street and can be found on tax map parcel 33-V-3. The Comprehensive Plan designates this area as Professional. These areas are designated for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District. The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.**

**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 Degner called on anyone desiring to speak for or against this rezoning request.

Dick Blackwell with Blackwell Engineering said he is the applicant for the request and because office space is plentiful within the City, this property is not needed for office space. Since purchasing the property, Mr. Blackwell has spent a lot of money fixing it up. He asked Council to consider his request. There being no others desiring to be heard, the public hearing was declared closed at 7:56 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Frank offered a motion to accept the Planning Commission recommendation and approve this request. The motion was seconded by Council Member Byrd. The motion was denied with the recorded roll call taken as follows:

Vote: Yes - Council Member Frank  
Council Member Byrd

No - Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Planning and Community Development Director Turner introduced a request from Funkhouser & Associates Properties to rezone one, .63-acre parcel from R-3, Multiple Dwelling Residential District to B-2C, General Business District Conditional with the goal of establishing commercial and office uses on the site. The property is located at 715 Port Republic Road and can be found on tax map parcel 12-M-3. The Comprehensive Plan designates this area as High-Density Residential. Mrs. Turner reviewed the surrounding uses in the area. If rezoned, the applicant intends to demolish the existing structure and construct a new, two story building, with an outdoor area, which could be occupied by a mix of commercial and office uses. The applicant has proffered the following: 1) the commercial space will not exceed 4,400 square feet and office space will not exceed 3,000 square feet, while meeting the required number of off-street parking requirements; 2) only B-2 uses allowed under Section 10-3-90 will be permitted; 3) ten deciduous trees and 14 shrubs or bushes will be planted and maintained at the approximate locations shown on the conceptual plans; and 4) the total square footage of all free standing signs will not exceed 136 square feet and will be limited to 25 feet in height. The applicant will not take advantage of the interstate overlay sign. Planning Commission recommended approving the request.

At 8:11 p.m., Mayor Degner closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 29, 2008, and Monday, January 5, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, January 13, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Rezoning – 715 Port Republic Road (Funkhouser & Associates)***

Public hearing to consider a request from Funkhouser & Associates Properties, LLC to rezone one, .63-acre parcel from R-3, Multiple Dwelling Residential District to B-2C, General Business District Conditional. The property is located at 715 Port Republic Road and can be found on tax map parcel 12-M-3. The Comprehensive Plan designates this area as High-Density Residential. This designation states that these areas are intended for high-density development, mostly apartment buildings with densities ranging from 12 to 15 dwelling units per acre. The Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

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 Degner called on anyone desiring to speak for or against this rezoning request. Barry Kelley said he is one of the owners of the property. It is a really old house and they would like to make improvements for their use as well as for the public. There being no others desiring to be heard, the public hearing was declared closed at 8:12 p.m., and the regular session reconvened. Vice-Mayor Baugh offered a motion to approve this rezoning request as presented with the submitted proffers. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request from Ellen E. DeSarno for a special use permit to allow for a reduction in the required number of parking spaces within the B-2, General Business District. The property is located at 1320 Port Republic Road and can be found on tax map parcel 88-C-6. The Comprehensive Plan designates this area as Low-Density Residential. Mrs. Turner reviewed the surrounding uses in the area. This special use permit allows the property owner to provide fewer than the required number of parking spaces within the General Business District. The applicant intends to lease the property to the owner of VIP Scooters. Port Republic Road is handling an increasing amount of traffic. The following are the recommended conditions: 1) the special use permit is applicable only for the business of VIP Scooters on this property; and 2) before the special use permit is granted, the applicant proves to the City that a tractor trailer can maneuver on site without utilizing the Port Republic Road right-of way. Planning Commission recommended approving the special use permit with a four to two (4-2) vote, with conditions that the special use permit would only be applicable for VIP Scooters and that the applicant prove that a tractor trailer could maneuver on site without utilizing the Port Republic Road right-of-way. Mrs. Turner also said that staff is still not satisfied that the conditions Planning Commission has put forth to City Council have been met.

At 8:27 p.m., Mayor Degner closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 29, 2008, and Monday, January 5, 2009.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, January 13, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Special Use Permit – 1320 Port Republic Road (10-3-91 (8) Reduced Parking)***

**Public hearing to consider a request from Ellen E. DeSarno, with representative Steven M. Blatt for a special use permit per Section 10-3-91 (8) to allow for the reduction in the required number of parking spaces within the B-2, General Business District. The property, zoned B-2C, General Business District Conditional is located at 1320 Port Republic Road and can be found on tax map 88-C-6.**

**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 Degner called on anyone desiring to speak for or against this special use permit. Steven Blatt, attorney for the applicant, said he did not understand staff comments or concerns. He has been asked to provide many documents regarding this request at the last minute. If the City doesn't want the additional playground area paved, then deny the special use permit. He asked Council to make a decision because his client cannot afford any more expense.

Jerry Bennett said that he opposed the special use permit. There being no others desiring to be heard, the public hearing was declared closed at 8:41 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Wiens offered a motion to approve this special use permit only with the condition that the special use permit is applicable only for the business of VIP Scooters on this property. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council by a unanimous voice vote agreed to table a rezoning request from Radha Krushna.

Elizabeth Haworth, Executive Director of First Night, gave a brief overview of the First Night 2008 program. The program for this year is already being planned.

The next item of business was a presentation by James Berry. Mr. Berry said that the City should discontinue the sale of vehicle decals. He also expressed concern about the City's valuation process for personal property, in particular as it applies to motor vehicles.

Commissioner of Revenue June Hosaflook clarified that the Commonwealth requires that the Commissioner of the Revenue establish the value of all property as of January 1<sup>st</sup>. The Commonwealth also requires that the City use a recognized pricing guide in order to value vehicles. Mrs. Hosaflook reviewed the pricing procedure. It can be confusing because once the bill is issued in November, the value of the vehicle is almost a year old. Also, there are only certain assessments that can be appealed beyond the Commission of Revenue office to the Tax Commissioner of Virginia. Vehicle assessment is not included in the appeal process.

City Manager Hodgen presented a request for a supplemental appropriation for the First Tee Building. The City has received donations for the construction of the First Tee Building. The First Tee Advisory Committee will handle and oversee all of the procurement associated with the construction, but the City's Finance Department will pay the bills. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$131,248.51 chge. to: 1000-31010 Amount from fund balance  
93,970.00 chge. to: 1000-31827 Donations-First Tee Program

225,218.51 chge. to: 1310-34210 Transfer from General Fund

\$225,218.51 approp. to: 1000-990111-49216 Transfer to General Capital Project Fund

225,218.51 approp. to: 1310-910141-48720 First Tee Building

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

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

Absent – None

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. Chief Shifflett reviewed the breakdown of the funds from last year's budget, reimbursement funds from Rockingham County and the Virginia Department of Fire Programs that will be put into the Fire Department budget. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$90,000.00 chge. to: 1000-31010 Fund Balance

90,000.00 chge. to: 1000-31932 Reimb-Rockingham County

68,566.00 chge. to: 1000-32512 Fire Programs Fund

\$248,566.00 approp. to: 1000-320232-48181 Buildings & Grounds

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were received from state asset seizure money and will be used to construct a display case, purchase replacement software, blackberry phones cases and replace an administration printer. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$5,432.00 chge. to: 1000-31010 Amount from fund balance

\$ 650.00 approp. to: 1000-310631-48121 Furniture and fixtures  
2,117.00 approp. to: 1000-310631-48173 Software  
1,665.00 approp. to: 1000-310131-45230 Telecommunications  
1,000.00 approp. to: 1000-310131-48172 Hardware

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

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

Absent – None

The next item of business was the consideration of authorizing the Mayor and City Manager to execute an agreement between the City and Pike Church, LLC. City Manager Hodgen said that the agreement essentially involves traffic studies and improvements to roadways within the City limits that the Pike Church developer is committing to perform in conjunction with their development project on South Main Street. The proposed development project involves land in both the City and County. The agreement notes when the improvements in the City will be made relatively to the development of the entire site. As the site continues to be developed, additional improvements will be made to the roads in the area. The agreement does not involve any financial obligations on the part of the City, but it does ask for City assistance in obtaining certain rights-of-way if that becomes necessary and outlines the time frames in which Pike Church will complete the listed tasks. Authorization to execute this agreement does not constitute approval on the part of the City of the required entrance permits for this project. Council Member Frank offered a motion to authorize the Mayor and City Manager to execute an agreement between the City and Pike Church as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:15 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, Harrisonburg Planning Commission, Tree Advisory Committee, Blue Ridge Disability Services Board, and the Harrisonburg Board of Zoning Appeals, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the



Code of Virginia and discussion and consideration of the acquisition, use and disposition of real estate used for public purposes, exempt from public meeting requirements pursuant to Section 2.2.3711(A)(3) of the Code of Virginia, 1950, as amended. The recorded roll call vote was taken as follows:

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

Absent – None

At 10:30 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 10:32 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

January 27, 2009

The Harrisonburg City Council met at 5:30 p.m. There were present: Mayor Kai Degner; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank, and Ted Byrd; and City Clerk Yvonne "Bonnie" Ryan, MMC.

The following notice appeared in the Daily News-Record on Friday, January 23, 2009.

### **NOTICE OF HARRISONBURG CITY COUNCIL MEETING AT 5:30 PM ON JANUARY 27, 2009**

**The Harrisonburg City Council will meet at 5:30 P.M. on January 27, 2009 in the City Council Chambers located in the Municipal Building, 345 South Main Street, Harrisonburg, Virginia, and immediately go into closed session to interview candidates for the City of Harrisonburg Planning Commission. The regular City Council meeting will begin at its usual time of 7:00 P.M. on January 27, 2009.**

#### **CITY OF HARRISONBURG**

**Kurt D. Hodgen,  
City Manager**

At 5:31 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Planning Commission, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. The recorded roll call vote was taken as follows:

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

Absent – None

At 6:55 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan 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 6:57 p.m., there being no further business and on motion adopted, the meeting was adjourned.

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Tucker Obenshain, Elana Swartz, and Jessica Rutledge from the cast of “Hello Dolly” presented a brief performance of a musical to be held at the Harrisonburg High School Auditorium February 19-21, 2009.

Thomas Jenkins, co-owner of Shenandoah Bicycle Company, said that the 1,400 acres of City owned property connecting Riven Rock Park to Switzer Dam has a great potential for non-motorized multi user trail for hikers, walkers, and cyclists of all ages. He believes that such a trail would not have a negative impact on the water shed, but could be beneficial to citizens and tax revenue for the City.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes as amended and the second reading of supplemental appropriations for the Fire Department, Police Department, and First Tee Building. The motion also included a rezoning request from Funkhouser & Associates Properties. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Frank offered a motion to approve selling the old Police Department property to Rosetta Stone for a second reading. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented the 2009-2010 through 2013-2014 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program allows the City to plan for capital expenditures for a five-year period. These are projects that cost \$30,000 or greater. The Emergency Communications Center (ECC) has requested a new Next Generation 911 System and a Wireless Mobile Data System. Both of these projects would be cost shared with the county. The IT Department has requested implementing Strategic Plan Part One and Two. The Fire Department has requested a continuation of the Traffic Light Intervention System, a Tactical Rescue Vehicle, and a Structural Burn Building. Other department requests include replacing windows, HVAC improvements, and replacing the shingled roof on the Municipal Building. Several large projects in the Public Works Department include Stone Spring Road/Erickson Avenue, Carlton Street, Annual Pavement Plan; a Traffic Data Collection Program; and a New Traffic Signal at Country Club and Keezletown Roads. The Department of Parks and Recreation projects include Purcell Park Stream Bank Restoration, replacing four bridges within the parks, Ralph Sampson Park improvements, Community Activities Center Expansion and Renovation, developing additional soccer fields, and installation of lights on some fields. On going projects include the Western Raw Waterline and Eastern Source Development project and transit and school buses replacement.

At 7:23 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, January 17, and Saturday, January 24, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 27, 2009, at 7:00 p.m. in the City Council Chamber located at 409 South Main Street, to consider the following:**

**The proposed Capital Improvement Program, for fiscal years 2009-2010 through 2013-2014. The Capital Improvement Program is a multi-year projection and scheduling of capital projects of \$30,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvement needs over a subsequent five-year period. Copies of the Capital Improvement Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.**

**For any additional information, contact the City Manager's office, 345 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 this public hearing.**

**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 Degner called on anyone desiring to speak for or against adopting the Capital Improvement Program. There being no one desiring to be heard, the public hearing was declared closed at 7:24 p.m., and the regular session reconvened. Council Member Byrd offered a motion to adopt the Capital Improvement Program. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Kim Alexander, Assistant to the City Manager, presented an overview of priorities for the 2009-2010 Community Development Block Grant (CDBG) Program. The City became an entitlement community in 2004 and has received annual funding from the Department of Housing and Community Development. The purpose of the program is to benefit low and moderate income people and groups in the City. The entitlement amount will most likely be less than \$527,522. Ms. Alexander reviewed the City Needs and Objectives as outlined in the CDBG Strategic Plan. The tentative schedule for 2009 CDBG Program was reviewed. There is no action needed on this item at this time.

At 7:31 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, January 13, 2009.

**PUBLIC HEARING NOTICE & REQUEST FOR PROPOSALS**  
**CITY OF HARRISONBURG**  
**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**PUBLIC HEARING - The City of Harrisonburg will hold a public hearing on Tuesday, January 27, 2009 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding funding priorities 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. Citizen participation and comments on funding needs and priorities will assist the City in the development of the City's 2009-2010 Action Plan. The Action Plan serves as the City's guide for addressing overall community development and housing needs that will utilize the City's annual entitlement of CDBG funding available from HUD to meet those needs.**

**All citizens and organizations are invited to attend the public hearing to comment orally or in writing on funding needs and priorities. Questions regarding the grant program are also encouraged. The City of Harrisonburg will make reasonable accommodations and services**

necessary for sensory-impaired and disabled citizens at the public meeting. Additionally, translation services may be offered upon request and availability. Persons requiring such accommodations/services should contact the City at least three working days in advance of the meeting.

**REQUEST FOR PROPOSALS** – The City of Harrisonburg is requesting proposals from non-profit organizations, for-profit businesses and organizations, and government agencies for the 2009-2010 CDBG Program. The City's CDBG Program is funded by an annual entitlement from HUD. The entitlement amount for FY 09-10 has not yet been announced by HUD, but will likely be less than \$546,881. Projects must meet all local and federal eligibility requirements, and eligible projects must meet one of HUD's three national objectives: 1) Low and Moderate Income Benefit, 2) Elimination of Slum and Blight, or 3) Urgent Need. Furthermore, eligible projects must address at least one of the objectives identified in the City's Consolidated Plan. City objectives include funding projects related to health care and dental services, housing, child care, transportation, sidewalks and pedestrian infrastructure, employment services and job creation/retention, homeless services, recreational services, services for the disabled, parks & playgrounds, and more! Specific objectives, eligibility requirements, and the Consolidated Plan (including a listing of projects funded in previous years) are available on the City website or in the City Manager's Office.

All parties interested in applying for funding through this Program are *strongly* encouraged to attend the Public Hearing outlined above AND to contact Kimberly Alexander prior to submitting an application, to ensure that the proposed project is eligible. The 2009-2010 CDBG Application package is available on the City website at [www.harrisonburgva.gov](http://www.harrisonburgva.gov). Applications are due no later than 9:00 am on Monday, February 23, 2009. Late applications will not be accepted.

Please contact Kimberly Alexander, at [kima@ci.harrisonburg.va.us](mailto:kima@ci.harrisonburg.va.us) or 540-432-8923 with questions. Written comments may also be mailed to Kimberly Alexander, Assistant to the City Manager, 345 South Main Street, Harrisonburg, VA 22801.

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

Jennie Amison representing Gemeinschaft Home requested \$25,000 for a new local program for homeless people with substance abuse problems from the City and County. There being no others desiring to be heard, the public hearing was declared closed at 7:34 p.m., and the regular session reconvened.

Kim Alexander, Assistant to the City Manager, presented an overview of Amendments to the 2007/2008 and 2008/2009 Action Plans. Ms. Alexander said that staff proposes that unused funds in the amount of \$54,223 be moved from the 2007/2008 Public Works Sidewalk Project to the 2008/2009 Public Works Sidewalk Project. This project covers improvements to Vine Street, Old Furnace Road, East Washington Street, and Devon Lane. There will be a 30 day public comment period following tonight's public hearing. There is no action needed on this item at this time.

At 7:36 p.m., Mayor Degner closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, January 13, 2009.

**PUBLIC HEARING NOTICE**  
**CITY OF HARRISONBURG**  
**AMENDMENTS TO THE 2007-2008 and 2008-2009 ACTION PLANS**  
**COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**PUBLIC HEARING - The City of Harrisonburg will hold a public hearing on Tuesday, January 27, 2009 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding amendments to the 2007-2008 and 2008-2009 Action Plans for the for the Community Development Block Grant (CDBG) Program. Action Plans serve as the City's guide for addressing overall community development and housing needs that will utilize the City's annual entitlement of CDBG funding available from HUD to meet those needs. The amendments to be considered at this Public Hearing are as follows:**

- **Funding for the City's 2007-2008 Sidewalks project will be reduced by \$54,223.**
- **\$54,223 in funding will be applied to the City's 2008-2009 Sidewalks Project.**

**Following the Public Hearing, there will be a 30 day Public Comment Period. All citizens and organizations are invited to attend the public hearing to comment orally or in writing on funding needs and priorities. Questions regarding the grant program are also encouraged. The City of Harrisonburg will make reasonable accommodations and services necessary for sensory-impaired and disabled citizens at the public meeting. Additionally, translation services may be offered upon request and availability. Persons requiring such accommodations/services should contact the City at least three working days in advance of the meeting.**

**Please contact Kimberly Alexander at [kima@HarrisonburgVA.gov](mailto:kima@HarrisonburgVA.gov) or 540-432-8923 with questions. Written comments may also be mailed to Kimberly Alexander, Assistant to the City Manager, 345 South Main Street, Harrisonburg, VA 22801. All comments must be received by 5:00 p.m. on February 27, 2008.**

Mayor Degner called on anyone desiring to speak for or against these amendments. There being no one desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened.

The next item of business was consideration of a Resolution supporting VA Housing Development Authority financing for the proposed Colonnade at Rocktown mixed-use project proposed for the block bordered by Mason, Gay, and Rock Streets downtown. Economic Development Director Brian Shull said that Pinnacle is seeking financing from the Virginia Housing Development Authority (VHDA). The project includes 22,000 square feet of commercial space on the first floor. VHDA does not currently have the authority to loan money for a development that is not 100% residential on the property in question. City Council endorsement of a resolution is needed to empower VHDA to loan money on a mixture of residential and commercial uses within the same development.

Economic Development Director Brian Shull introduced William Park, President of Pinnacle Construction and Development Corporation. Mr. Park presented a brief overview of the project, which includes a mixture of residential and commercial uses within the same development. The project will have 66 residential units consisting of one, two, and three bedrooms units, a fitness center, club room, leasing area, and approximately 22,000 square feet of retail/commercial. Approximately 150 parking spaces on site will be available.

## **RESOLUTION**

**WHEREAS, pursuant to Section 36-55.30:2.A of the Code of Virginia of 1950, as amended, the City Council of the City of Harrisonburg, Virginia, desires to designate the area (the “Area”) described on Exhibit A attached hereto as a revitalization area;**

**NOW, THEREFORE, BE IT HEREBY DETERMINED as follows:**

**(1) the commercial or other economic development of the Area will benefit the City but the Area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in the Area; and**

**(2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the Area and will induce other persons and families to live within the Area and thereby create a desirable economic mix of residents in the Area.**

**NOW, THEREFORE, BE IT HEREBY RESOLVED that pursuant to Section 36-55.30:2.A of the Code of Virginia of 1950, as amended, the Area is hereby designated as a revitalization area.**

**NOW, THEREFORE, BE IT HEREBY FURTHER DETERMINED that the following nonhousing portion of the building located or to be located in the Area are necessary or appropriate for the commercial or other economic development of the Area:**

**Situated on the first floor of the four-story building to be constructed on the Area (with a total of approximately 110,000 gross square feet) will be approximately 22,000 gross square feet of commercial space.**

**Adopted this 27<sup>th</sup> day of January, 2009**

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**MAYOR**

**ATTEST:**

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**CITY CLERK**



Council Member Frank offered a motion to approve the resolution supporting the VA Housing Development Authority (VHDA) financing for the proposed Colonnade at Rocktown mixed use project. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request to approve a comprehensive sign plan for Forbes Crossing Phase I and II. Assistant City Manager Vass said that on October 14, 2008 City Council amended Section 11-7-6.1 permitting commercial developments under common management or ownership, which are divided by a public street to advertise all establishments within the commercial area on one free standing sign as opposed to two separate free standing signs. The owner desires to advertise both commercial centers on one LED electronic sign currently located on the Forbes I commercial site. Council Member Frank offered a motion to approve a comprehensive sign plan for Forbes Crossing Phase I and II. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

**RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 120-UNIT LAUREL PINES APARTMENTS MULTIFAMILY RESIDENTIAL RENTAL HOUSING PROJECT LOCATED IN THE COUNTY OF HENRICO, VIRGINIA**

**WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the “Authority”) is authorized to advertise and hold public hearings relative to the issuance of private activity bonds; and**

**WHEREAS, the Authority previously considered and approved the request of Laurel Pines Preservation, L.P., a Delaware limited partnership, (the “Company”), whose address is c/o Related Apartment Preservation, LLC, 60 Columbus Circle, New York, New York 10023, for the issuance by the Authority of its tax-exempt multifamily housing revenue bonds in the maximum principal amount not to exceed \$8,000,000, upon the terms and conditions to be mutually agreed upon between the Authority and the Company (the “Bonds”), to finance a portion of the cost of acquiring and rehabilitating an approximately 120-unit multifamily residential rental housing apartment project known as Laurel Pines Apartments (the “Project”), located in the County of Henrico, Virginia (the “County”) at 4123 East Wood Harbor Court, Richmond, Virginia 23231; and**

**WHEREAS, pursuant to Section 36-23 of the Code of Virginia of 1950, as amended (the “Virginia Code”), the Authority may exercise its powers in the territorial boundaries of the County by issuing the Bonds for the Project provided the governing body of the County adopts a resolution (the “Section 36-23 Resolution”) declaring there is a need for the Authority to exercise its powers within the County; and**

**WHEREAS, the Company has requested, and the County has begun the process necessary for, the adoption of a Section 36-23 Resolution authorizing the Authority to exercise its powers in the County with respect to the Project; and**

**WHEREAS, the County does not have a redevelopment and housing authority; and**

**WHEREAS, on January 21, 2009, the Authority conducted a public hearing on the issuance of the Bonds and, by adoption of a resolution (the “Inducement Resolution”), declared its official intent to issue the Bonds to finance the Project, and recommended that the City Council of the City of Harrisonburg (the “City Council”) approve the issuance of the Bonds; and**

**WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), provides that the applicable elected representatives of the governmental unit issuing private activity bonds and the applicable representatives of the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located, shall approve the issuance of such bonds; and**

**WHEREAS, the Authority, as the issuing governmental unit with respect to the Bonds, has no applicable elected representative and the City Council is the next highest governmental unit with such a representative; and**

**WHEREAS, the members of the City Council constitute the applicable elected representatives of the City of Harrisonburg (the “City”); and**

**WHEREAS, Chapter 514 of the 1983 Acts of the General Assembly of Virginia requires that any government entity established by or pursuant to an Act of the General Assembly that proposes to issue bonds that are industrial development bonds within the meaning of Section 103(b) of the Internal Revenue Code of 1954, as amended, shall, with**

respect to such bonds, comply with the procedures set forth in Virginia Code Sections 15.2-4906 and 15.2-4907 requiring a public hearing and a fiscal impact statement; and

WHEREAS, Section 15.2-4906 of the Virginia Code requires that, within sixty (60) calendar days after the public hearing, the City Council either approve or disapprove the financing of any facility recommended by the Authority; and

WHEREAS, the Authority has adopted the Inducement Resolution recommending that the City Council approve the issuance of the Bonds and a copy of such Inducement Resolution, a reasonably detailed summary of the comments, if any, expressed at the public hearing described in the foregoing Recitals and the Fiscal Impact Statement required by Virginia Code Section 15.2-4907, all have been filed with the City Council.

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

1. The City Council approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.

2. The City Council approves the issuance of the Bonds by the Authority in an amount not to exceed \$8,000,000 for the benefit of the Company and approves the Authority's taking all actions necessary in the discretion of the Authority to the extent of and as required by Section 147(f) of the Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly and Virginia Code Sections 15.2-4906 and 15.2-4907 to permit the Authority to assist in the financing of the Project.

3. The approval of the issuance of the Bonds as required by Section 147(f) of the Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly, and Virginia Code Sections 15.2-4906 and 15.2-4907, does not constitute an endorsement to the prospective owners of the Bonds of the creditworthiness of the Project or the Company and the Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto, and that neither the faith and credit nor the taxing power of the City or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.

4. In approving this resolution, the City, including its elected representatives, officers, employees and agents, shall not be liable, and hereby disclaims all liability for any damages to any person, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.

5. The approvals evidenced by this Resolution are contingent upon the satisfaction of all legal requirements applicable to the issuance of the Bonds, including the adoption by the Board of Supervisors of the County of the Section 36-23 Resolution and the Company obtaining any other approvals.

6. This resolution shall take effect immediately upon its adoption.

**READ AND ADOPTED: January 27, 2009**

**CERTIFICATE**

**Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 120-UNIT LAUREL PINES APARTMENTS MULTIFAMILY RESIDENTIAL RENTAL HOUSING PROJECT LOCATED IN THE COUNTY OF HENRICO, VIRGINIA," taken at a regular meeting of the City Council held on January 27, 2009:**

	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Kai E. Degner, Mayor</b>	<b>X</b>			
<b>Richard A. Baugh, Vice-Mayor</b>	<b>X</b>			
<b>Ted Byrd</b>	<b>X</b>			
<b>Carolyn W. Frank</b>	<b>X</b>			
<b>David K. Wiens</b>	<b>X</b>			

**Dated: January 27, 2009**

**[SEAL]**

\_\_\_\_\_  
**Mayor, City of Harrisonburg, Virginia**

**ATTEST:** \_\_\_\_\_  
**Clerk, City Council of City of  
Harrisonburg, Virginia**

Harrisonburg redevelopment and Housing Authority Director Michael Wong explained that this financing would be through the Redevelopment and Housing Authority authorizing the sale of tax exempt bonds for a project in Henrico County. The HRHA Executive Board has held a public hearing, reviewed and approved the resolution. The bonds will not be a debt or obligation of the City. Council Member Frank offered a motion to approve this resolution. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a presentation on Forest Management – Dry River/Switzer Dam area. Kim Alexander, Assistant to the City Manager, said that the City of Harrisonburg owns approximately 1,450 acres of land northwest of Rawley Springs, along Dry River and two of its principal tributaries, Dry Run and Skidmore Fork. A consultant was selected to develop a Forest Management Plan for the property. The purpose is to address the long term protection and enhancement of the quality of water arriving at the intake stations on the property. Objectives include promoting plant and animal species diversity, exploring the possibilities of fishing and recreational opportunities in the area, reducing or eliminating some of the detrimental activities and providing an appropriate timber management strategy for the area. There are two water reservoir/flood control impoundments on the property – Dry Run Lake and Switzer Lake. City facilities on the property include a water intake station, Riven Rock Park, the police firing range, and a communication tower. The key consideration overall is to maintain a healthy, vigorous forest cover on the property. The plan suggests appropriate activities for this property include hiking, bird watching, fishing, and hunting. Inappropriate activities carry environmental health concerns and can have impact on water quality. Ms. Alexander reviewed recommendations made in the Forest Management Plan.

City Manager Hodgen presented a request for a supplemental appropriation for Comprehensive Services Act Costs. Mr. Hodgen said the City share for services for mandated children and families under CSA is expected to exceed budgeted amounts by \$752,197.00. The City's share of Social Services District costs are expected to exceed budgeted amounts by \$13,098.00. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$765,295.00 chge. to: 1000-31010 Amount from fund balance

\$752,197.00 approp. to: 1000-520511-45621 CSB – Comprehensive Services Act

13,098.00 approp. to: 1000-910511-47071 Expenditure of Social Service District

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

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

Absent – None

The next item of business was to consider appointing a standing committee to review new and renewal requests for Certificates of Public Convenience and Necessity. Assistant City Manager Vass said the City Code has a provision that a standing committee can be appointed by City Council to provide a recommendation to City Council for a new and renewal requests for the Certificates of Public Convenience and Necessity. The committee consists of the Assistant City Manager, the Chief of Police, and the Director of Public Transportation. In addition, there

are non-voting members appointed from the public transportation industry in which the City has deemed are holding current certificates. There are currently four (4) companies who hold a valid Certificate of Public Convenience and Necessity: 1) ABC Cab; 2) Royal Cab; 3) Yellow Cab; and 4) Bridgewater Taxi. The committee will meet shortly after appointment to consider the Certificates renewal request for Valley Cab Company doing business as ABC Cab prior to a public hearing on the matter tentatively scheduled for February 10, 2009. Council Member Frank offered a motion to appoint a Taxi Task Force for the City of Harrisonburg. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Byrd offered a motion that Barbara McKee, 1213 Windsor Road, be re-appointed to the Tree Advisory Committee to expire on January 27, 2012. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Byrd offered a motion that Howard E. Beierle, 1104 Ridge Wood Road, be re-appointed to the Tree Advisory Committee to expire on January 27, 2012. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Byrd offered a motion that Wayne Lilly, 105 Sunbright Drive, be re-appointed to a second term on the Blue Ridge Disability Services Board to expire on February 1,

2012. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:50 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Planning Commission, Industrial Development Authority, and Board of Zoning Appeals, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and discussion and consideration of the acquisition and disposition of real estate used for public purposes, 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 Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:40 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 Frank offered a motion that Charles Chenault, 976 South Dogwood Drive, be appointed to fill the unexpired term of Richard Baugh on the Harrisonburg Planning Commission to expire on December 31, 2011. The motion was seconded by Council Member Byrd and approved by a voice vote of four to one (4-1).

Council Member Frank offered a motion that Muawia Da'Mes, 1526 Hillside Avenue, be appointed to a first term on the Harrisonburg Planning Commission to expire on December 31, 2012. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

At 9:45 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR



## REGULAR MEETING

February 10, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC; and Police Major Malcolm Wilfong. Absent: Police Chief Donald Harper.

Vice-Mayor Baugh gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Bucky Berry said the City should sell the golf course and eliminate the City decals.

Henry Ayer from the Hampton Roads area said his son who is attending college in Harrisonburg was severely beaten and left unconscious on February 1<sup>st</sup>. "What is the City going to do about the violence and gangs problems? Why did the City spend \$62,000 on sidewalks and cut the Gang Task Force from five officers to three?"

Karen Thomas, representing the Northeast Neighborhood Association, said the residents established the association because of their concern about crime, safety, and neighborhood beautification. They plan to make a difference in the lives of the people living in the community by holding workshops and seminars to educate the residents.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Comprehensive Services Act costs. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent - None

The next item of business was holding a public hearing to consider an annual grant application for the Public Transportation Operating & Capital Funds for FY 2010. Transportation Director Smith explained that this is an annual application for operating funds through state formula assistance and capital assistance funds. Mr. Smith said that the proposed budget is approximately \$3.3 million, of which the City should receive approximately \$835,000 in Federal operating assistance. Some of the funds will be used to purchase bike racks, replacement buses, bus shelters, and to retrofit existing fleet with an annunciation system.

At 7:15 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, January 31, and Saturday, February 7, 2009.

**NOTICE OF  
PUBLIC HEARING**

**The City of Harrisonburg is currently preparing the annual grant application for Operating and Capital Funds for FY10. This application is for Federal and State funds under the Federal Transit Administration 49USC Section 5307.**

**A public hearing for this application will be held on Tuesday, February 10, 2009, 7:00 p.m., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia. All interested citizens are encouraged to attend.**

**Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Aaron Smith-Walter before February 6, 2009 at 540-432-0492: or mail comments to Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, Va 22802.**

Mayor Degner called on anyone desiring to speak for or against this grant application. There being no one desiring to be heard, the public hearing was declared closed at 7:16 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve the application as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent - None

The next item of business was a request to consider renewal of a Certificate of Public Convenience and Necessity for Valley Cab LLC dba ABC Cab. Assistant City Manager Vass said this request was presented to City Council on December 9, 2008, which opted to proceed with a public hearing and also to receive input from the Taxi Task Force committee. The committee met on February 2, 2009. Mr. Vass presented an overview of the committee's report. It was pointed out that the Certificate of Public Convenience and Necessity can be revoked or suspended at any time by City Council once a public hearing has been held. The Taxi Task Force committee recommended approval.

At 7:18 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Friday, January 30, 2009.

**NOTICE OF PUBLIC HEARING TO CONSIDER  
THE RENEWAL OF A  
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
TO VALLEY CAB, LLC, d/b/a ABC CAB  
BY THE CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on February 10, 2009 at 7:00 P.M. in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, concerning the renewal of a certificate of public convenience and necessity to Valley Cab, LLC, d/b/a ABC Cab to operate a taxicab company in the City of Harrisonburg.

All persons interested will have an opportunity to express their views at this public hearing.

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

**CITY OF HARRISONBURG  
Kurt D. Hodgen,  
City Manager**

Mayor Degner called on anyone desiring to speak for or against the Certificate of Public Convenience and Necessity renewal.

Dr. Khron supported the certificate renewal because many drivers and families received financial support.

Bucky Berry did not support the certificate renewal.

Don Showalter did not support the certificate renewal.

Colton Wilson did not support the certificate renewal.

Cates Monte supported the certificate renewal.

Dorsey Collett did not support the certificate renewal.

Carla Pleasants did not support the certificate renewal.

Thomas Cramer supported the certificate renewal.

Shell Thornton supported the certificate renewal.

Jonathan Craig supported the certificate renewal.

Kristin Keinz supported the certificate renewal.

Reese McDaniel did not support the certificate renewal.

Saran Lopes supported the certificate renewal.

Natalie Good supported the certificate renewal.

Chad Geasing supported the certificate renewal.

Hamid Muniz supported the certificate renewal.

Ryan Slepeoly supported the certificate renewal.

Matt Prevette supported the certificate renewal.

Russell Presnell supported the certificate renewal.

David Koffer did not support the certificate renewal.

- Wayne Lockon supported the certificate renewal.
- Maggie Guy supported the certificate renewal.
- Marty Solomon did not support the certificate renewal.
- Frances Burns supported the certificate renewal.
- Hemal Mankad supported the certificate renewal.
- David Chiang supported the certificate renewal.
- Aka Blakwalt supported the certificate renewal.
- Gordon Cash supported the certificate renewal.
- David Warren supported the certificate renewal.
- Muawia Da'Mes said that the cabs should be operated in a safe manner.
- Musa Syed supported the certificate renewal.

There being no others desiring to be heard, the public hearing was declared closed at 8:03 p.m., and the regular session reconvened.

The following discussion by Council Members included: Why was ABC Cab late paying personal property taxes? Council Members expressed concern that ABC Cab had illegally purchased state inspection stickers. Why haven't City officials received complaints? It was suggested that because of lower gasoline prices, a taxi rate increase approved July 1, 2007 should be reviewed and restructured. ABC Cab Company should also not take the safety concerns lightly. Following further discussion and comments, Council Member Frank offered a motion to approve the Certificate of Public Convenience and Necessity for Valley Cab LLC dba ABC Cab as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request to consider adopting the MX-U, Mixed Use Planned Community District as a new zoning district within the Zoning Ordinance. As defined in sections of the zoning text, this district is intended to provide opportunities for the development of mixed communities that offer an integrated and compatible mix of residential, commercial, and office uses, together with open space, recreational, governmental, educational, religious, and other support uses. The mixed use zoning district has been a topic of discussion since the last Comprehensive Plan update in February of 2004. The MX-U zoning district could have a mixed-housing and mixed-use urban development. Also included is a 15% minimum requirement for a park or common open space. Language in the ordinance amendments include modification of the definition of "Dwelling" and addition of the definition of Net Development Area; replacement of the language "Dwelling, Two Family" with "Dwelling, Duplex"; Modification of the R-6 and R-7 Occupancy language; and addition of the

provisions of Article T within the R-6 and R-7 zoning districts. Planning Commission recommended approval of these ordinance amendments.

At 8:29 p.m., Mayor Degner closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 26, and Monday, February 2, 2009.

### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold several public hearings on Tuesday, February 10, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Ordinance Amendment – MX-U, Mixed Use Planned Community District***

**Public hearing to consider adopting the MX-U, Mixed Use Planned Community District as a new zoning district within the Zoning Ordinance. This district is intended to provide opportunities for the development of planned mixed use communities offering an integrated and compatible mix of residential, commercial and employment uses and open spaces, together with certain governmental, educational, religious, recreational and support uses. Innovative building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed and redeveloped in accordance with a master development plan adopted at the time of rezoning or a subsequent approved amendment thereof.**

***Ordinance Amendment – Dwelling Definitions & Net Development Area***

**Public hearing to consider amending Article F. Section 10-3-24 of the Zoning Ordinance to modify definitions for specific dwelling types and to add a definition for Net Development Area.**

***Ordinance Amendment – Two Family Dwelling Replaced by Duplex***

**Public hearing to consider amending the Zoning Ordinance Sections 10-3-39 (2), 10-3-41, 10-3-47, 10-3-48.3 (2), 10-3-48.5, 10-3-53, 10-3-179 (2), and 10-3-181. These amendments would replace the term “two-family dwellings” with the term “duplex” in the above listed sections.**

***Ordinance Amendment – R-6 and R-7 Occupancy***

**Public hearing to consider amending Article L. Section 10-3-56.3 and Article L.2 Section 10-3-57.3 of the Zoning Ordinance to add language that more clearly specifies the occupancy regulations within the R-6 and R-7 zoning districts.**

***Ordinance Amendment – R-6 and R-7 Article T Provisions***

**Public hearing to consider amending Article L. Section 10-3-56.5 and Article L.2 Section 10-3-57.5 of the Zoning Ordinance to add language that more clearly specifies how uses that are regularly restricted within Article T will be handled within the R-6 and R-7 zoning districts.**

**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 Degner called on anyone desiring to speak for or against these Mixed Use Planned Community District Ordinance amendments.

Bucky Berry complained about too many people occupying a dwelling. There being no others desiring to be heard, the public hearing was declared closed at 8:30 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve these ordinance amendments as presented. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent - None

City Manager Hodgen presented the following resolution for Council's consideration of approval:

**RESOLUTION**

**WHERE AS, that due to construction, reconstruction, or elimination of certain streets within the City limits of Harrisonburg, there are deletions and additions of street mileage, which are eligible for maintenance payments.**

- 1. Collector/local streets to be deleted, totaling 0.36 centerline miles (0.72 lane miles).**
- 2. Collector/local streets to be added, which meet the requirements of Section 33.1-41.1 of the Code of Virginia as of February 22, 1985, there are eligible for**

maintenance payments totaling 1.83 centerline miles (2.50 lane miles). Said street being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.

3. Principal/Minor Arterial streets to be deleted, totaling 0.33 centerline miles (0.66 lane miles).
4. Principal/Minor Arterial streets to be added, which meet the requirements of Section 33.1- 41.1 of the Code of Virginia as of February 22, 1985, that are eligible for maintenance payments totaling 1.44 centerline miles (4.04 lane miles). Said streets being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.

**NOW, THEREFORE, BE IT RESOLVED THAT, The City of Harrisonburg respectfully requests the Virginia Department of Transportation to make maintenance payments effective July 1, 2009.**

**Adopted by the Harrisonburg City Council the 10th day of February, 2009.**

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Clerk of City Council

Public Works Superintendent Williams presented a request that Council submit additional lane mileage to the urban street system for which maintenance payments are received from VDOT. These are streets that have been constructed primarily as a result of residential development. Also, included in this year's request is the addition of the Linda Lane Extension project. Council Member Byrd offered a motion to approve this resolution as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a brief update on Erickson Avenue-Stone Spring Road, Phase I construction. Public Works Superintendent Drew Williams said the initial conceptual planning for this project began in the late 1980's. The Erickson Avenue/Stone Spring Road Connection spans 3.1-miles stretching from the West City limits to the East City limits, providing the only continuous transportation link other than Route 33. The project will provide widening of the Erickson Avenue-Route 42 intersection, relocation of the railroad, removal of

the existing railroad trestle, and relocation of Pear Street. Mr. Williams reviewed the construction estimates. Public Works Director Jim Baker thanked Council and the citizens of Harrisonburg for the support given to this highway construction. Local funds in this project are significant. Phase I construction has been awarded to Perry Engineering Construction and is expected to be completed by November 2010.

The next item of business was Council's approval to participate in a RFP for an Emergency Medical Services "fee for service" system study. City Manager Hodgen said that Harrisonburg has been invited along with Augusta County to participate in the issuance of a request for proposals with Rockingham County that will assist the localities in implementing a "fee for service" program for emergency medical services. The RFP will provide the localities with information from potential vendors on how such a program can be structured. Following further discussion and comments, Council Member Byrd offered a motion to participate in the RFP for Emergency Medical Services "fee for service" study with Augusta County and Rockingham County. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent - None

City Attorney Thumma presented for Council's consideration amending and re-enacting Section 14-1-65 of the Harrisonburg City Code. This ordinance is being amended to make the placement of a City-issued taxicab drivers license the same for all taxicabs operating in the City. The previous ordinance only stated that the license needed to be placed in a "conspicuous place", which was not specific enough. Council Member Byrd offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent - None

Police Major Wilfong presented a request for a supplemental appropriation for the Police Department. These funds were reimbursed by the Collins Center for two officers who attended a Child Abuse Conference in October 2008. Council Member Frank offered a motion to approve this request for a first reading, and that:



\$619.89 chge. to: 1000-31901 Recoveries/Rebates

\$619.89 approp. to: 1000-310331-45530 Training/Travel

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

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

Absent – None

Vice-Mayor Baugh offered a motion that Muawia Da'Mes, 1526 Hillside Avenue, be recommended to the Circuit Court to fill the unexpired term of David Wiens on the Board of Zoning Appeals to expire on March 20, 2012. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

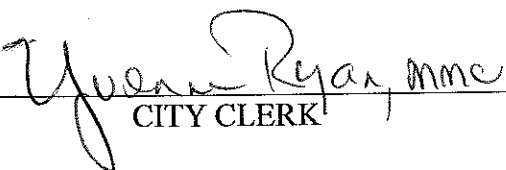
Vote: Yes - Vice-Mayor Baugh  
 Council Member Frank  
 Council Member Wiens  
 Council Member Byrd  
 Mayor Degner

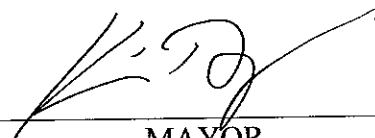
Absent – None

Council Member Byrd offered a motion that Dr. Elizabeth Swallow, 45 E. Fairview Avenue, be recommended to the Circuit Court to fill the unexpired term of Kai Degner on the Board of Zoning Appeals to expire on March 20, 2010. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

Council Member Frank offered a motion that Scott E. Baxter, 628 Wyndham Woods Circle, be recommended to the Circuit Court for a first term on the Board of Zoning Appeals to expire on March 20, 2014. The motion was seconded by Council Member Byrd and approved with a unanimous voice vote.

At 9:22 p.m., there being no further business and on motion adopted, the meeting was adjourned.

  
 CITY CLERK

  
 MAYOR

## REGULAR MEETING

February 24, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Bucky Berry announced that members of the Boys and Girls Club and the Rockingham County Sheriff’s Department will be removing graffiti from the Roses Department building on March 14<sup>th</sup>.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department. The motion also included amending and re-enacting Section 14-1-65, 10-3-24, 10-3-47, 10-3-58, 10-3-39, 10-3-41, 10-3-48, 10-3-53, 10-3-56, 10-3-57, 10-3-179, and 10-3-181 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Dr. James Perkins, President of Blue Ridge Community College, gave a brief overview of the progress Blue Ridge Community College is making in serving the needs of the City of Harrisonburg. Board members Kathy Whitten and Denise Dawson were also present. Dr. Perkins reviewed a chart and graph, which provided information regarding the four selected measures of activity for Harrisonburg residents at Blue Ridge Community College (BRCC) for the three-year period from the fall 2006 through fall 2008. BRCC is facing a budget reduction, a tuition increase, and a larger enrollment. New initiatives at BRCC include a new technology building and a developmental education program for high school students.

Don Driver, Director of Social Services, gave a brief overview on the impact of the economic downturn on the operations of the Harrisonburg-Rockingham Social Services District. The department has seen an increase in general applications, food stamps and fuel assistance. Staff members are spending more time assisting these applicants in completing their applications. Mr. Driver reviewed eligibility procedures for the public assistance programs.

School Board Finance and Technology Director, Dee Dee Dawson, presented a request for a supplement appropriation for the School Board. Ms. Dawson said that these funds represent unanticipated receipts from state and federal sources. No additional City dollars are required for the school division to receive these funds. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$148,420.00 chge. to: 1111-33301 School Revenue – Federal  
55,687.00 chge. to: 1111-32442 School Revenue – State

\$161,670.00 approp. to: 1111-111114-40610 Instruction  
42,437.00 approp. to: 1111-111114-40650 School Food Service

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

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

Absent – None

Council Member Frank offered a motion to approve a request from the Harrisonburg Education Foundation (HEF) to close certain streets for the “Sherry B. Anderson 5K Walk/Run” event on April 25, 2009, to benefit the foundation and honor the memory of Sherry Anderson. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request to amend the City Sign Ordinance. Mrs. Turner explained that when the sign regulations were created for the recently adopted R-5 zoning classification, the regulations were designed for residential use and did not reflect the commercial aspect. Mrs. Turner reviewed the new special sign regulations for the R-5, High Density Residential District to be inserted into Section 11-7-12. The definition of a “monument sign” will be added to Section 11-7-2; the language “and medium density” will be added to Section 11-7-4 under R-3. R-5 high density residential district language will be removed from Section 11-7-4; Section 11-7-12 shall be maintained in its entirety except that it shall be renumbered as Section 11-7-13. Planning Commission recommended approval of these

sign ordinance amendments. Council Member Wiens offered a motion to approve this request as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Utilities Billing Manager Sherri Barb presented a request to charge off delinquent utility bills incurred through December 2007. These accounts are currently with the collection agency, which will still be pursued. Council Member Byrd offered a motion to write off the list of 281 delinquent accounts for a total value of \$38,185.79. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a staff report on the PPEA proposals for a parking structure and School Board administrative offices. Economic Development Director Brian Shull said that the City has received three proposals to construct a parking deck structure and administrative space for the Harrisonburg School Board to be located on the City-owned lot directly behind the Public Safety Building. The task force is comprised of City staff from the following departments: City Manager's Office, Fire Department, Police Department, Emergency Communications, Public Works, Community Development, and Economic Development. Mr. Shull said that the task force unanimously recommended to proceed to Phase II design with all three proposals. This step does not obligate the City to expend any funds for construction of this project. Council Member Frank offered a motion authorizing staff to request all three PPEA development teams to proceed to Phase II Detailed Design for the parking structure and School Board administrative offices proposal. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was considering amendments to the City's financial policies. Finance Director Lester Seal said the City's financial policies provide administrative guidance to the management of the City relative to financing and debt, budgeting, fund balances and governmental oversight. These policies are periodically reviewed and updated. Mr. Seal reviewed the recommended changes in the policy. Council Member Byrd offered a motion to accept these amendments to the City's financial policies. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were reimbursed by Rockingham County for overtime worked for the Cops Meth. Grant. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$3,472.61 chge. to: 1000-33555 Cops Meth. Grant 2005

\$3,472.61 approp. to: 1000-310531-41020 Salaries/wages OT

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

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

Absent – None

Council, by a unanimous voice vote, requested that the Taxi Task Force Committee provide a proposed taxi rate recommendation to coincide with the adoption of the annual budget, effective July 1, 2009.

Council Member Byrd offered a motion to implement the Forest Management Plan for the Dry River/Switzer Dam area to protect and manage the watershed as presented at the January 27, 2009, Council meeting. Determining recreational uses for the property will be analyzed as a

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

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

Absent – None

At 8:50 p.m., Council Member Frank offered a motion that Council enter into a closed session for consultation with legal counsel requiring the provisions 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. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:00 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 9:01 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

March 10, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department and School Board. The motion also included amending and re-enacting Section 11-7-2, 11-7-4, 11-7-12, and 11-7-13 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request from Rosetta Stone, Inc., to rezone five lots totaling 1.2+/- acres from M-1, General Industrial District to B-1, Central Business District. The properties are located at 181 South Liberty Street and can be found on tax maps 25-C-2, 3, 4, 5, & 15. The Comprehensive Plan designates this area as Public/Semi-Public. Mrs. Turner reviewed the surrounding uses in the area. Rosetta Stone LTD is requesting to rezone five lots that were previously owned by the City of Harrisonburg, from M-1, General Industrial District to B-1, Central Business District. The properties are located along West Water Street and South Liberty Street and include a parking lot and a structure that is non-conforming to setback regulations. The applicant is in the process of renovating the structure into office and business space. If rezoned, the structure would be in compliance to setback regulations and the planned uses would be permitted by right. Planning Commission recommended approving the rezoning request.

At 7:11 p.m., Mayor Degner closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 23, and Monday, March 2, 2009.

## NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, March 10, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

*Rezoning - 181 South Liberty Street (Old Police Department Lot)*

Public hearing to consider a request from Rosetta Stone LTD to rezone five lots totaling 1.2 +/- acres, from M-1, General Industrial District to B-1, Central Business District. The properties are located at 181 South Liberty Street and can be found on tax maps 25-C-2, 3, 4, 5, & 15. The Comprehensive Plan designates this area as Public / Semi-Public. This designation includes both existing and proposed public and semi-public use. They include lands owned or leased by the Commonwealth of Virginia (except for institutions of higher learning), the federal government, the City of Harrisonburg, and other governmental organizations. Examples of uses included in this category are public schools, libraries, City Hall and City administrative and support facilities. The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central Business District.

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 Degner called on anyone desiring to speak for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 7:12 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve this rezoning request as presented. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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



Absent – None

Planning and Community Development Director Turner presented a request from WRockStreet, LLC to rezone two lots totaling .52+/- acres from M-1, General Industrial District to B-1C, Central Business District Conditional. The properties are located at 120 West Wolfe Street and can be found on tax map parcels 35-O-4 & 5. The Comprehensive Plan designates this area as Mixed Use Development. Mrs. Turner reviewed the surrounding uses in the area. The applicant intends to construct a mixed use building containing commercial and residential uses. The submitted proffers include a brick stamped concrete walkway, brick façade buildings, bicycle rack, privacy fence, approximately 2,816 sq. ft of commercial space, approximately 6,570 sq ft. of residential space, seven residential units with a total of nine bedrooms, and that occupancy of each residential unit will not exceed a single family or two unrelated persons per unit. Planning Commission recommended approving the rezoning request.

At 7:18 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 23, and Monday, March 2, 2009.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, March 10, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Rezoning – 120 West Wolfe Street (WRockstreet, LLC)***

**Public hearing to consider a request from WRockStreet, LLC, with representative Blackwell Engineering to rezone two lots totaling .52 +/- acres from M-1, General Industrial District to B-1C, Central Business District Conditional. The properties are located at 120 West Wolfe Street and can be found on tax maps 35-O-4 & 5. The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area. The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central Business District.**

**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 Degner called on anyone desiring to speak for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 7:19 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this rezoning request as presented. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request to amend Section 10-3-38, 10-3-42(c), and 10-3-182(c) of the Zoning Ordinance. These amendments would change the definitions of terminology from “two-family” dwelling to “duplex” dwellings. In addition, Mrs. Turner also presented a request to amend Section 10-3-55.3 of the Zoning Ordinance. This amendment will replace Home Occupations as a use permitted by right within the R-5, within the High Density Residential Zoning classification. Planning Commission recommended approving all of these changes.

At 7:23 p.m., Mayor Degner closed the regular session temporarily and called the evening’s third and fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 23, and Monday, March 2, 2009.

**NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, March 10, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

*Ordinance Amendment – Sections 10-3-38, 10-3-42 (c), and 10-3-182 (c) (Two Family to Duplex)*

**Public hearing to consider amending the Zoning Ordinance Sections 10-3-38, 10-3-42 (c), and 10-3-182 (c). These amendments would replace the term “two-family” with the term “duplex” in the above listed sections.**

*Ordinance Amendment – Home Occupations Added to R-5*

**Public hearing to consider amending Section 10-3-55.3 of the Zoning Ordinance to add Home Occupations as a use permitted by right within the R-5, High Density Residential District.**

**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 Degner called on anyone desiring to speak for or against these ordinances changes. There being no one desiring to be heard, the public hearing was declared closed at 7:24 p.m., and the regular session reconvened. Council Member Byrd offered a motion to adopt Section 10-3-38, 10-3-42 (c), 10-3-182 (c), and 10-3-55.3 of the Zoning Ordinance for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was considering a Resolution to allow the use of condemnation in acquiring property interests for the Lucy Drive Extended Improvement Project. City Attorney Thumma said the property owner has requested that the public hearing be continued until March 24, 2009, to allow for further negotiations. Mr. Thumma also said that the staff of the Public Works Department recommended that the public hearing be continued until March 24, 2009. Vice-Mayor Baugh offered a motion to accept the City Attorney's recommendation and continue the public hearing until the March 24, 2009 Council meeting. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Mayor Degner asked if there was anyone present who wanted to comment on the request tonight because he/she could not attend the March 24, 2009, Council meeting.

Bucky Berry said a property owner should receive a fair value for the property.

City Manager Hodgen clarified that this is a single property Lucy Drive issue and does not have anything to do with the City's proposed project for Reservoir Street.

The next item of business was considering approving the 2007/2008 and 2008/2009 Community Development Block Grant (CDBG) amendments. Kim Alexander, Assistant to the City Manager, said the required public hearing and 30 day public comment period concluded on February 27, 2009, and no public comments were received. Ms. Alexander requested that Council approve the amendments. Council Member Byrd offered a motion to approve the Community Development Block grant (CDBG) amendments for 2007/2008 and 2008/2009. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was to consider implementation options for the Forest Management Plan. Kim Alexander, Assistant to the City Manager, said that until a Recreation Plan is developed, it is recommended that the City post signs to identify the property as City-owned and lay the groundwork for establishing control over the property. Once a recreation plan has been developed then new signs will have to be made. Following further discussion and comments, Council Member Byrd offered a motion to post temporary "City of Harrisonburg" property and "no unauthorized motorized vehicle use" signs, which should be worded accordingly. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Kim Alexander, Assistant to the City Manager, presented an overview of several options of timber management. The Forestry Management Plan has recommended pursuing a timber sale for approximately 695 MBF (thousand board feet) in the 50 to 60 acres at the far northwest end of the property, which is heavy in Hemlock (the tree being killed by the Hemlock Woolly Adelgid), as well as in the 30 to 40 acres near Riven Rock Park. The sale could generate approximately \$125,000 in revenue and would be completed over a 2-year time period, beginning in the fall of 2009. Boundary line surveying would be completed in conjunction with this process. The Hemlock trees are failing in health and once they die and fall over could create a greater risk of wildfire, stream bank erosion, increased stream sediment loads and water contamination. Following further discussion and comments, Council Member Wiens offered a motion to pursue the timber sale of approximately 695 MBF. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Bill Cartwright of Trout Unlimited thanked City Council for taking this step and adopting the plan.

Kim Alexander, Assistant to the City Manager, presented an overview of several recreation plan options. Staff is looking for guidance on whether to proceed with Recreation Plan development “in-house” or utilize an outside agency. If the plan is done “in-house” it would be less cost to the City. Following further discussion and comments, Council Member Byrd offered a motion to accept staff recommendation to proceed with the “in-house” recreation plan option. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Kim Alexander, Assistant to the City Manager, presented an overview of several area designation options. A public information campaign program will be necessary to let everyone know how important this property is to the City. Council Member Byrd offered a motion to designate this area as a “Watershed Protection Area”. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Byrd offered a motion to approve street closure requests from the March of Dimes, Eastern Mennonite University, and the Soap Box Derby. The March of Dimes event on April 18<sup>th</sup> will take place downtown. The Eastern Mennonite University request on April 26<sup>th</sup> is for closure of Park Road for commencement exercises. The Soap Box Derby request on May 23<sup>rd</sup> is for closure of East Washington Street between approximately Northfield Court and North Main Street. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were reimbursed by James Madison University for overtime worked by Harrisonburg Police Officers during the Obama visit on October 28, 2008. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$9,560.38 chge. to: 1000-31677 Police Services

\$ 681.10 approp. to: 1000-310531-41020 Salaries/wages OT

6,642.68 approp. to: 1000-310231-41020 Salaries/wages OT

2,236.60 approp. to: 1000-310631-41020 Salaries/wages OT

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

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

Absent – None

Council Member Frank offered a motion that Jennifer L. Carpenter-Stovall, 250 East Elizabeth Street, be appointed to fill the unexpired term of Jack Reich on the Industrial Development Authority to expire on April 24, 2010. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:07 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

REGULAR MEETING

March 24, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

Vice-Mayor Baugh gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Mayor Kai Degner read the following resolution.

**A RESOLUTION HONORING PATRICK TURNER  
ON ACHIEVING THE RANK OF EAGLE SCOUT**

**WHEREAS, the Boy Scouts of America (BSA) provides a program for young people that builds character, and trains them in the obligations and responsibilities of participating citizenship; and**

**WHEREAS, the BSA believes that helping youth is a key to building a more conscientious, responsible, and productive society; and**

**WHEREAS, the Eagle Scout award is scouting’s highest, most prominent rank; and**

**WHEREAS, Harrisonburg resident Patrick Turner, a member of Troup 40 of the Stonewall Jackson Area Council, has achieved the rank of Eagle Scout and will be recognized at his Court of Honor this month.**

**NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council of Harrisonburg, Virginia, wish to congratulate Patrick Turner on this significant achievement.**

**BY: \_\_\_\_\_**

**Kai Degner, Mayor**

**ATTEST: \_\_\_\_\_**

**Yvonne H. Ryan, MMC, City Clerk**

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

Vote: Yes - Council Member Wiens  
Council Member Byrd



Council Member Frank  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Bucky Berry thanked everyone who helped remove the graffiti from the Roses Department store building.

Kent Givens said that he and his roommates who live in a house on West View Street received a letter from the City stating that the furniture on the front porch was a code violation and needed to be removed. The letter also stated that if the furniture was not removed and the City had to remove it, they would be billed. They received a bill for \$102.50 from Public Works for removing the furniture and they believe that the letter should have been more explicit regarding what furniture needed to be moved. Staff will follow up on this complaint.

Council Member Wiens offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department and rezoning requests from Rosetta Stone, Inc. and WRockStreet, LLC. The motion also included amending and re-enacting Section 10-3.55.3, 10-3-38, 10-3-42(c), and 10-3-182(c) of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a public hearing and consideration of a Resolution to allow the use of condemnation in acquiring property interests for the Lucy Drive Extended Improvement project. City Attorney Thumma said that staff is requesting that the public hearing be cancelled and that the resolution be withdrawn. Staff has determined that the cost involved to the City based on budget constraints to acquire this property is greater than the City can pay.

Kim Alexander, Assistant to the City Manager, presented an overview of the 2009-2010 Community Development Block Grant (CDBG) Review/Selection Committee recommendations. The 2010 Annual Action Plan for the CDBG program serves as the planning document for addressing overall community development and housing needs that will utilize the estimated \$527,522 entitlement of CDBG funding available to the City for 2010. The City received \$903,269.83 in requests. Ms. Alexander said that each locality in the entitlement program for HUD is allowed to structure its CDBG program. In future years, the Review/Selection Committee is recommending that applications from outside agencies not be accepted. Funding recommended for various City projects include HRHA Harrison Heights renovations (\$140,000),

Mercy House - Fire Protection (\$15,000.00), VAIL - Home Accessibility Modifications (\$10,000.00), City sidewalks (\$184,518.00), and administration costs (\$105,504.00). Public Services include City Project – (Fire) Child Passenger Safety Seat Program (\$20,000.00), Big Brothers/Big Sisters (\$6,000.00), The ARC (\$5,000.00), Valley Program for Aging Services (\$8,500.00), Harrisonburg-Rockingham Dental Clinic (\$25,000.00), and Way to Go – Transportation Services (\$8,000.00). Staff will prepare formal documents for HUD and after a 30-day public comment period, staff will request final approval from City Council.

At 7:31 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on March 14, 2009.

**CITY OF HARRISONBURG  
2009-2010 ACTION PLAN  
PUBLIC HEARING/COMMENT NOTICE  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**The City of Harrisonburg will hold a public hearing on Tuesday, March 24, 2009, at 7:00 PM in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding the 2009-2010 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 \$527,522 entitlement of CDBG funding available to the City for 2009-2010. Projects selected to receive this funding will be included in the Action Plan.**

**All citizens and organizations are invited to attend the public hearing to comment orally or in writing on the FY 2010 Action Plan. 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 Kim Alexander at (540) 432-8923 at least three working days in advance of the meeting.**

**Copies of the Action Plan 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 24, 2009. The Action Plan will also be posted on the City website at [www.ci.harrisonburg.va.us](http://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](mailto: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 10:00am on Friday, April 24, 2009, to be considered.**

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

Bucky Berry said the ARC does a lot of good work for the community. He also spoke in favor of the Fire Department Program.

Lt. Wanda Willis representing the Harrisonburg Fire Department said the car seat program will benefit a lot of young children.

Cathy Stewart representing the Harrisonburg Fire Department said that national statistics show that eight out of ten car seats are incorrectly installed.

Fire Chief Larry Shifflett said that other firefighters do not have time to do car seat installation.

Muawia Da'Mes said that he supports the child safety seat program because his family was involved in a terrible accident.

Karen Thomas representing the Northeast Neighborhood Association asked that the association's requested funding be included in the CDBG program. The group is committed to making the neighborhood a good place to live.

Bruce Dellinger representing Valley Associates for Independent Living (VAIL) discussed their program and thanked City Council for the CDBG funding.

Mary Ellen Chewing representing The ARC said these funds will help fund various programs.

Ron Copeland representing Our Community Place said that the organization provides a loving environment to help people struggling with addiction and homeless.

Alicia Horst representing Big Brothers/Big Sisters thanked Council for being included in the CDGB funding.

Jonathan Schrag representing Our Community Place said the project can use any funding available. There being no others desiring to be heard, the public hearing was declared closed at 8:06 p.m., and the regular session reconvened.

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 2009-2010 budget. He reviewed projected revenues from state funding, Federal funding, and local budget. The budget is based on projected daily membership of 4,265 in 2009-2010. There will be a 10% health insurance rate increase. The proposed budget includes no salary nor step increases and state revenues will be based on the General Assembly's adopted budget. Dr Ford reviewed the state sales tax and Federal stimulus estimates included in the state budget. The overall budget is \$53,492,698. The budget reflects 16 full time employee's personnel reduction, reduction in utility costs, addition of two contingency positions, and a reduction in the summer school program. Dr. Ford reviewed the 2009-2010 proposed expenditures and revenues. Beginning with fiscal year 2010, the school nutrition (cafeteria) revenues and expenditures will be presented and approved in a separate budget fund.

The next item of business was a presentation by Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance (HDR), who gave an update of the progress and accomplishments of HDR. Mr. Bumbaugh said that on January 26<sup>th</sup> approximately 15 people from the Town of Martinsville visited the City. Comments from the visitors included seeing very few vacant buildings in the downtown area, a lot of restaurants, a number of housing projects, a great Farmers Market Pavilion, and a really nice Court Square Theatre and Children's' Museum. Mr. Bumbaugh announced that Harrisonburg and the HDR Board of Directors were honored in Richmond recently with two awards. These awards honored the \$15M in private investment to rehab property since 2004 and the 45,000 hours of volunteer time.

Harrisonburg's courthouse is featured on the cover of the Virginia Downtown Driving Tours brochure. Priorities for HDR in the upcoming year include developing strategies to retain, strengthen, and attract new businesses, advocate for streetscape improvement, and increase awareness and enhance perceptions of downtown. HDR is working very hard to keep the tax base strong. Blacks Run Downtown Clean-up Day is April 11, 2009.

Kris Ludwig, Special Events Manager of HDR, reviewed information regarding events that occurred during the last several months. Upcoming events include Mid-Atlantic College Radio Conference (MACRock) on April 3<sup>rd</sup> and 4<sup>th</sup>, Court and Market Days Festival on June 6<sup>th</sup>, Fridays on the Square starting on June 5<sup>th</sup>, the Valley 4<sup>th</sup> Parade, and the "Battle of the Bands" at the Block Party on September 25<sup>th</sup>.

Jessica Chase, Program Manager/Downtown Parking Services of HDR, reviewed information regarding events that occurred during the last several months. Upcoming events include Renaissance Night on May 16<sup>th</sup> and selling chocolate lollipops and coins in the gift shop at the Hardesty Higgins House. The Downtown Parking Advisory Committee is considering erecting a wall kiosk in the Water Street Parking Deck. Three one-hour parking spaces will be added to the Water Street Deck due to downtown merchant requests. The Water Street Deck is at 90% capacity. The hang tags spaces on the roof of the Water Street Deck are 100% leased. The Elizabeth Street Deck is rented at 80% capacity, and the lower level is full.

The next item of business was a report on the Farmers Market Pavilion-Park Rental Policies and Fee Schedule. Andy Perrine, President of the Board of Harrisonburg Downtown Renaissance, presented a proposal to coordinate rental(s) of both the Farmers Market Pavilion and the unnamed grassy area behind the Community Development building. The HDR board has adopted a resolution recommending that the park be named Renaissance Park.

Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance (HDR), said that HDR has formed a committee of professionals, City representatives, Farmers Market participants, and members of HDR to review possibilities for the park area. It has been proposed that a permanent covered stage be built to face the Farmers Market Pavilion to accommodate larger groups or events. Long term plans include on site restrooms, landscaping and park and pavilion facilities fees. Mr. Bumbaugh said that since the inception of the Pavilion project, it has been assumed that HDR would manage/schedule the use of the facilities on the City's behalf.

Following further discussion and comments, Council Member Byrd offered a motion to refer this proposal to coordinate pavilion-park rental policies, establish a fee schedule, park management, and potential names for the park to the City Manager for a report at a future Council meeting. The fee scale will not apply to the City, HDR, FundFest or the Farmers Market events. The motion was seconded by Council Member Frank who was present when the motion was made, but was absent when the voice vote was taken. The motion carried with a four to zero voice vote of Council Members present.

Council agreed to allow the March of Dimes to hold an event in April.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds will be used to purchase software for crime reporting. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,188.00 chge. to: 1000-31010 Amount from fund balance

\$1,188.00 approp. to: 1000-310431-48273 Software

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

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

Absent – None

Vice-Mayor Baugh agreed to serve on the Harrisonburg Downtown Renaissance Parking Advisory Committee.

Council agreed to have a joint meeting with the Planning Commission on April 15, 2009, at 7:00 p.m., to discuss the process of the Comprehensive Plan.

Council Member Byrd offered a motion that Chuck Farthing, 1015 Blaze Court, be appointed to a second term on the Industrial Development Authority to expire on April 24, 2013. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

At 9:55 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of the acquisition and disposition of real estate used for public purposes, 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 Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 11:14 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 11:15 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

REGULAR MEETING

April 14, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

Vice-Mayor Baugh gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Michael Wong, representing the Harrisonburg Rockingham Thermal Shelter Program (HARTS), thanked City Council for their support of the program. Mr. Wong said that the program was expanded to 19 weeks, increased the thermal hosts to 16 and provided 20 beds on a daily basis. Council is invited to an appreciation luncheon on April 22<sup>nd</sup> at the Park View Mennonite Church.

Brian Burkholder & Lonny Wenger, representing the Harrisonburg Backyard Chicken Project (HBCP), presented a brief overview of a proposal to allow keeping chickens (egg laying hens) in backyard space.

Hobey Bauhan, representing the Virginia Poultry Federation, said the poultry industry is concerned about protecting the turkey and chicken industry from avian flu and other diseases. “While we’ve heard, certainly, some parameters suggested, we just wonder where it would stop.” Mr. Bauhan said the federation looked forward to having input in the process.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department and referring an alley closing request by Dana Joy Harshberger to the Planning Commission. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request for exemption from local property taxation for several City businesses. Commissioner of the Revenue June Hosaflook presented an overview of 501 (c) organizations applying for real estate and business personal property tax exemption. A committee including the City Treasurer, the Commissioner of Revenue, and the Finance Director

examine the applications and make a recommendation to City Council. Current applications include the International Mountain Bicycling Association (I.M.B.A.) and the Shenandoah Spay and Neuter Clinic. The International Mountain Bicycling Association (I.M.B.A.) has a mission to protect, create, and enhance quality trail experience for mountain bikers worldwide. They actively promote responsible mountain biking, volunteer trail work, assist land managers with trail management issues, and seek to improve relations among trail user groups. They are applying for exemption from business personal property tax in the amount of \$170.00. The committee does not recommend exemption for I.M.B.A. The Shenandoah Valley Spay and Neuter Clinic has a mission of ending the euthanasia of healthy, behaviorally sound cats and dogs in the Shenandoah Valley area. The clinic is open to everyone regardless of income or place of residence. They are applying for exemption from real estate tax in the amount of \$1,007.13. The committee is recommending exemption for the property.

At 7:18 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 6, 2009.

**CITY OF HARRISONBURG  
NOTICE OF PUBLIC HEARING**

**Please take notice that on April 14, 2009 at 7:00 P.M. in the City Council Chamber, 409 South Main Street, Harrisonburg, Virginia, the Harrisonburg City Council will conduct a public hearing, pursuant to Section 4-2-17 of the Harrisonburg City Code, as amended, concerning the following two (2) requests by non-profit corporations for exemption from local real estate and personal property taxation:**

- (1) International Mountain Bicycling Association (I.M.B.A.), P.O. Box 7578, Boulder, CO, 80306. The assessed value of all personal property owned by I.M.B.A. in the City of Harrisonburg for the year 2008 was \$7,400.00 and the taxes assessed by the City for the year 2008 were \$170.00; for the year 2007, \$193.00; and for the year 2006, \$188.00.**
- (2) Shenandoah Valley Spay & Neuter Clinic, 900 North Liberty Street, Harrisonburg, VA 22802. The assessed value of the applicant property (Tax Map No. 40-B-1,2,3) for the year 2008 was \$170,700.00 and the taxes assessed by the City for the year 2008 were \$1,007.13; for the year 2007, \$1,003.59 and for the year 2006, \$641.33.**

**Public comments on the proposed exemptions are invited, and all citizens shall have an opportunity to be heard. Further information is available from the Commissioner of the Revenue Office at 345 South Main Street, Harrisonburg, Virginia between the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday.**

**Kurt D. Hodgen,  
City Manager**

Mayor Degner called on anyone desiring to speak for or against these tax exemptions.



Cate Mansfield representing the Shenandoah Spay & Neuter Clinic said spay and neuter prevention is the most cost effective approach to over population of animals at area shelters. There being no others desiring to be heard, the public hearing was declared closed at 7:19 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve real estate tax exemption for the Shenandoah Valley Spay & Neuter Clinic. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Abstained - Vice-Mayor Baugh

Absent – None

Council Member Wiens offered a motion to approve personal property tax exemption for the International Mountain Bicycling Association. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

No - Council Member Byrd  
Council Member Frank

Absent – None

Planning and Community Development Director Turner presented a request from Lamplighter, LLC for a special use permit to allow a religious use within the M-1, General Industrial District. The property can be found on tax map parcel 72-A-8 located at 1680 Country Club Road. The Comprehensive Plan designates this area as General Industrial. Mrs. Turner reviewed the surrounding uses in the area. The applicant intends to renovate 11,460 sq. ft. of an existing 49,000 sq. ft. warehouse building to be used by Valley Church. Currently, the building is empty and being marketed for lease as warehouse space. Valley Church intends to offer three services at this location, one on Saturday evenings at 6:30 p.m. and two on Sunday mornings at 10:00 a.m. and 11:30 a.m. The sanctuary is the largest assembly area for Valley Church, with 643 portable chairs; therefore, total required parking is 129 spaces. The site drawing provided by applicant shows that a total of 290 parking spaces can be provided. It has been determined by the applicant's engineer that a turn lane is necessary during the church's primary service at 11:30 a.m., and the 10:00 a.m. service will soon reach or exceed the threshold. Staff is recommending that the church be required to install a left turn lane from Country Club Road into the property. Country Club Road is slated for future road widening. Staff has requested that the applicant dedicate 10 feet of right-of-way along the frontage of the site for future road improvements.

Staff has recommended approval with several conditions: 1) the special use permit is limited only to Valley Church at this location. 2) the applicant installs a left turn lane from Country Club Road into the site and that no building permits for the church would be released until plans are approved and bonded, if necessary, for the left turn lane or the left turn lane is constructed. 3) the owner dedicates 10 feet of right-of-way along Country Club Road for future road widening. Planning Commission recommended approving the special use permit request with conditions.

At 7:30 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 30, and Monday, April 6, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, April 14, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

*Special Use Permit – 1680 Country Club Road – Religious Use (10-3-97 (9))*

**Public hearing to consider a request from Lamplighter, LLC with representative Gary Crummett from Valley Church for a special use permit per Section 10-3-97 (9) to allow a religious use within the M-1, General Industrial District. The property is located at 1680 Country Club Road and can be found on tax map parcel 72-A-8.**

**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 Degner called on anyone desiring to speak for or against the special use permit request. Gary Crummett said that Valley Church meets at the old Harrisonburg High School, which is leased from JMU on Sunday mornings. The lease will expire this fall and will not be renewed. During the last four years the church has grown from about 80 people to over 600 people. The building on Country Club Road will fit the need of the church. There being no others desiring to be heard, the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Wiens offered a motion to approve the special use permit request with the conditions recommended by Planning Commission. The motion also included another condition that if the seating capacity increased

beyond 700, that the request be presented to Planning Commission for further review and a new special use permit. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request from J & D Group, LLC for a special use permit to allow for contractor sales and storage at 1941 South High Street. The property can be found on tax map parcel 112-A-7. The Comprehensive Plan designates this area as Commercial. Mrs. Turner reviewed the surrounding uses in the area. The applicant intends to lease to Southern Refrigeration Corp. for the purpose of selling HVAC equipment and supplies. Situated on the property are three buildings. Currently on the site are 16 marked parking spaces, as well as a large graveled area, which could be used for parking and maneuvering. Southern Refrigeration Corp. intends to have six employees and a vehicle associated with their business, which means four parking spaces would be required. South High Street is a highly traveled corridor and primary gateway into the City. Staff recommended a condition to prohibit any outside storage associated with the intended use and to screen any dumpster from public view. Planning Commission recommended approving the special use permit request with the one condition cited.

At 7:46 p.m., Mayor Degner closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 30, and Monday, April 6, 2009.

### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold several public hearings on Tuesday, April 14, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Special Use Permit – 1941 South High Street – Contractor Sales (10-3-91 (6))***

**Public hearing to consider a request from J & D Group, LLC for a special use permit per Section 10-3-91 (6) to allow contractor sales and storage within the B-2, General Business District. The property is located at 1941 South High Street and can be found on tax map 112-A-7.**

**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 Degner called on anyone desiring to speak for or against the special use permit request. Jerry Horst, owner of Southern Refrigeration, said the company has been in the City for 30 years. They intend to lease this property for the purpose of selling equipment and supplies. There being no others desiring to be heard, the public hearing was declared closed at 7:48 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve the special use permit request with the condition proposed by Planning Commission to screen any outside storage associated with the intended use of the site. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request to amend Section 10-3-24 of the Zoning Ordinance. This amendment would change the existing definition of “Boarding House” or “Rooming House” in the R-3 zones. The proposed changes would remove the text from one section that is no longer relevant to boarding and rooming houses. Language will be added stating that a boarding or rooming house must obtain an annual business license as required by the city code and also shall be in compliance with the Virginia Maintenance Code (VMC). The responsible party shall schedule a yearly inspection to be conducted between October 1<sup>st</sup> and October 31<sup>st</sup> to ensure compliance with the current VMC and other applicable regulations. In addition, Mrs. Turner also presented a request to amend Sections 10-3-46, 10-3-48.4, and 10-3-52 of the Zoning Ordinance. These proposed changes will add “major family day homes” as a use allowed by special use permit within the R-3 classifications or the R-4 district. Planning Commission recommended approving all of these changes.

At 7:58 p.m., Mayor Degner closed the regular session temporarily and called the evening’s third and fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 30, and Monday, April 6, 2009.

**NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, April 14, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Ordinance Amendment – Boardinghouse or Roominghouse Definition Change***

**Public hearing to consider amending the Zoning Ordinance Section 10-3-24 Definitions to amend the existing definition of “Boardinghouse or Roominghouse in R-3 Zones.”**

***Ordinance Amendment – Major Family Day Home in R-3 & R-4***

**Public hearing to consider amending the Zoning Ordinance Sections 10-3-46, 10-3-48.4, and 10-3-52 to add Major Family Day Homes as a use permitted by special use permit within each listed section.**

**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 Degner called on anyone desiring to speak for or against these ordinance amendments. There being no one desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened. Council Member Byrd offered a motion to adopt Section 10-3-24, 10-3-46, 10-3-48.4 and 10-3-52 of the Zoning Ordinance for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request to amend the Sign Ordinance. This ordinance will add in provisions for the MX-U, Mixed Use Planned Community District as a new zoning district within the Zoning Ordinance. Mrs. Turner reviewed the proposed special regulations in the MX-U Mixed Use Planned Community District.

A plan of development must be presented before Planning Commission and City Council to obtain this zoning classification. Mechanisms are needed to allow signage because it is not strictly a residential area, but a mixture of uses. Planning Commission recommended approval of this ordinance amendment. Council Member Byrd offered a motion to amend the sign ordinance by adding Section 11-7-14 as special regulations for the MX-U Mixed Use Planned Community District. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request to amend the Sign Ordinance to permit additional portable signage to remain in place continuously for the next year. The current sign regulation states that portable signs, on wheels, carriages or fixed supports shall be considered as freestanding signs and be included in any measurement of permitted sign area, be limited to business and industrial districts, shall require a permit, shall not exceed thirty (30) days' continuous use and shall not be placed on a public right-of-way. They recently received a citizen concern about signs in general resulting in staff contacting several businesses in violation of this and other sign ordinance provisions. One of these businesses has suggested that because of the current economic conditions, businesses are in great need of more leniencies in allowing these signs to remain in place, without having to reapply and pay a permit application fee every thirty days. As staff does not have marketing experience, they are unsure of the effectiveness of these signs and their importance during economic recessions. Staff has suggested wording to amend the ordinance to allow these signs to remain in place on a continual basis for the next year. The proposal is to permit one such sign per parcel, not to exceed forty (40) square feet in area in addition to otherwise permitted signage and maximum sign area. This sign may be left up continually during this period and shall require a permit for which no fee will be charged. Following further comments and discussion, Vice-Mayor Baugh offered a motion not to approve a request to amend the Sign Ordinance, Section 11-7-3 (15) to permit portable signage to remain in place continuously for a year. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request to consider the approval of a Shenandoah Valley Regional Airport Hangar Lease. Greg Campbell, Executive Director of the Commission, said that the Commission and a tenant have reached an agreement to develop one of the three hangar pad sites. The initial term of the agreement is for 20 years, with an option for an additional 20 years. At the end of the lease, ownership of any hangar facilities will become the property of the Airport Commission. The tenant is Shenandoah Hangar L.L.C., a subsidiary of Dynamic Aviation Inc. of Bridgewater. The Commission's charter requires approval of the member jurisdictions for any lease agreements which have a term that exceeds five years. Council Member Byrd offered a motion to approve this Shenandoah Valley Regional Airport Hangar Lease. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request to consider the approval of a 20-year power supply contract between the Harrisonburg Electric Commission and Dominion Power. Mike York, General Manager of HEC, reviewed the history of the power supply activities to replace the current agreement, which will expire December 31, 2010. When the rate goes into effect January 1, 2011, the City will have approximately a 10% rate increase. The contract will accommodate the City's future load growth and provide stability. Mr. York said that Section 8-1-11 of the City Code requires the approval of City Council for any contracts that HEC enters into which exceed ten years in length. Council Member Byrd offered a motion to approve the 20-year power supply contract between Harrisonburg Electric Commission and Dominion Power. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

**A Resolution Authorizing Construction of an  
Eight Million Gallon Water Storage Tank  
at the Tower Street Reservoir Site**

**WHEREAS, state and federal public water supply regulations have required that the Tower Street Reservoirs be replaced; and**

**WHEREAS, the final phase of the replacement requires the construction of a new 8 million gallon pre-stressed water tank within the site of the existing open reservoir at Tower Street; and**

**WHEREAS, the financial burden of this replacement will require the City to obtain general obligation bonds to finance the construction of the replacement tank, and**

**WHEREAS, the Commonwealth of Virginia administers the Water Supply Revolving Construction Fund to assist water systems with financing capital improvements thereby reducing or eliminating the need for independent financing for qualified projects;**

**NOW, THEREFORE, BE IT RESOLVED THAT, the Harrisonburg City Council, acting through its Mayor; hereby affirms and authorizes the following actions:**

- 1. The City of Harrisonburg Department of Public Utilities to petition the Virginia Department of Health for financial support of this project through the Virginia Water Supply Revolving Construction Fund (VWSRF).**
- 2. The City of Harrisonburg Department of Public Utilities to construct a new 8 million gallon tank within the existing reservoir site at Tower Street.**

**BE IT FURTHER RESOLVED THAT, the Mayor acting on behalf of City Council hereby authorizes the Harrisonburg City Manager and the Director of Public Utilities to complete construction of this project by January 2010 subject to receipt of funding from state officials.**

**BY: \_\_\_\_\_**

**Kai Degner, Mayor**

**ATTEST: \_\_\_\_\_**

**Yvonne H. Ryan, MMC, City Clerk**

City Manager Hodgen said the resolution will support a stimulus funding project application. The resolution will be submitted to the Office of Drinking Water Programs. This tank will replace a portion of the 16 million gallons of open reservoir adjacent to the existing tank. Since 2004, the City has been phasing construction of three primary storage tanks to replace the reservoir. Two of these three tanks have been constructed. The City is seeking approximately \$2.3 million in grant funding from the Virginia Department of Health (VDOH). Council Member Byrd offered a motion to support the water tank construction project and funding application. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd



Council Member Frank  
Vice-Mayor Baugh  
Council Member Wiens  
Mayor Degner

Absent – None

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

**A Resolution Authorizing Construction of  
the South Fork Raw Water Supply**

**WHEREAS, the City of Harrisonburg requires a drought resistant source of water supply to comply with state and federal public water supply regulations and the only viable source of obtaining required supply in the quantities required to sustain City needs is the South Fork of the Shenandoah River; and**

**WHEREAS, the financial burden of developing this source will require the City to issue general obligation bonds to finance the construction; and**

**WHEREAS, the Commonwealth of Virginia administers the Water Supply Revolving Construction Fund to assist water systems with financing capital improvements in an effort to reduce or eliminate independent financing requirements;**

**NOW, THEREFORE, BE IT RESOLVED THAT, the Harrisonburg City Council, acting through its Mayor; hereby affirms and authorizes the following actions:**

- 1. The City of Harrisonburg Water Department to petition the Virginia Department of Health for financial support of this project through the Virginia Water Supply Revolving Construction Fund (VWSRF).**
- 2. Subject to receipt of VWSRF funding, the City of Harrisonburg Water Department construct the South Fork Water Supply Improvements as currently designed.**

**BE IT FURTHER RESOLVED THAT, the Mayor acting on behalf of City Council hereby authorizes the Harrisonburg City Manager and the Director of Public Utilities to complete construction of this project by January 2011 subject to receipt of funding from state officials.**

**BY: \_\_\_\_\_**

**Kai Degner, Mayor**

**ATTEST: \_\_\_\_\_**

**Yvonne H. Ryan, MMC, City Clerk**

City Manager Hodgen presented a resolution to authorize the construction of the South Fork Raw Water Supply. The City has applied for stimulus funding for the South Fork Water Supply project. The resolution will be submitted to the office of drinking water programs. Council Member Byrd offered a motion to approve the South Fork Raw Water Supply project application. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented a transfer request for the Public Utilities Department. These funds will be transferred from Water Capital Projects Code into Capital Project Code. This will allow the City award a contract for an existing bid for a new water storage tank. Council Member Byrd offered a motion to approve transferring these funds, and that:

\$1,300,000.00 chge. to: 1321-910161-48654 Eastern Water Source Development

\$1,300,000.00 approp. to: 1321-910161-48657 Water Storage Tanks

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

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

Absent – None

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, REGARDING THE REIMBURSEMENT OF EXPENSES AND COSTS  
INCURRED BY THE CITY, OUT OF THE BOND PROCEEDS TO BE USED FOR THE  
CONSTRUCTION OF THE PEACH GROVE PARK  
DREAM COME TRUE PLAYGROUND AND THE EAST WASHINGTON STREET  
WATER TANK**

**WHEREAS, the City is in the process of constructing the Peach Grove Park Dream Come True Playground and is going to construct a new water tank off of East Washington Street in the City; and**

**WHEREAS, the construction of these two projects along with other capital improvement projects in the City will require the City to issue general obligation bonds in an amount estimated to be around Nine Million Dollars (\$9,000,000.00); and**

**WHEREAS, the City intends to reimburse itself out of the bond proceeds for all expenditures and costs associated with the design and construction of the Peach Grove Park Dream Come True Playground and the East Washington Street water tank which are properly reimbursable under all State and Federal laws, and which are incurred and paid prior to the issuance of the bonds;**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:**

**1. The City of Harrisonburg will be issuing general obligation bonds that are estimated to be in the amount of Nine Million Dollars (\$9,000,000.00) to pay for the construction of the Peach Grove Park Dream Come True Playground and the East Washington Street water tank.**

**2. The City of Harrisonburg shall be reimbursed from the proceeds of the bonds and for all costs and expenditures, which are properly reimbursable under State and Federal laws, incurred for the design and construction of the Peach Grove Park Dream Come True Playground and the East Washington Street water tank. The City represents that it will pay certain expenditures out of general capital project funds for the design and construction of the Peach Grove Park Dream Come True Playground and the East Washington Street water tank prior to the issuance of the general obligation bonds. Therefore, it is hereby declared to be the intent to reimburse the City with a portion of the proceeds of the Bonds for expenditures related to the design and construction of Peach Grove Park Dream Come True Playground and the East Washington Street water tank that were paid with general capital project funds of the City and made no earlier than 60 days prior to the adoption of this resolution and on and after the date hereof.**

**Each of the expenditures was and shall be either (a) of a type properly chargeable to capital accounts under general federal income tax principles (determined in each case as of the date of the expenditure), (b) a cost of issuance with respect to the borrowings, or (c) a nonrecurring item that is not customarily payable from current revenues. The City shall make a reimbursement allocation, in writing, to evidence the use of the proceeds of the bonds to reimburse each of the expenditures, no later than 18 months after the later of the date of which each expenditure is paid, but in no event more than 3 years after the date on which the expenditure is paid, all in accordance with the Code and Treasury Regulations hereunder.**

**3. These forgoing provisions are intended as a declaration of official intent by the City in compliance with the Treasury Regulations under the Code regarding proceeds of tax exempt bonds used for reimbursement.**

**Approved: April 14, 2009.**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

City Attorney Thumma said this resolution would allow the City to reimburse the general capital projects fund for expenses paid prior to the bond issue for the Peach Grove Park Dream Come True Playground and the East Washington Street water tower. Council Member Byrd offered a motion to approve the resolution as presented. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Attorney Thumma presented for Council's consideration amending and re-enacting Section 4-2-12 of the Harrisonburg City Code. The change allows the law library to use the money to maintain the library and pay for certain library expenses and allows the law library to use the fees to purchase the computer legal research services and the necessary equipment to use these services. The law library is housed within the Massanutten Regional Library in the City. Council Member Frank offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. The funds include a grant for Heavy Tactical Rescue Team Equipment and Hazardous Materials Equipment. The funds have been spent and the reimbursement has been received by the City. Council Member Byrd offered a motion to approve this request for a first reading and that:

\$ 43,963.20 chge. to: 1000-33534 Homeland Security Grant  
15,000.00 chge. to: 1000-32534 Homeland Security Grant  
104,307.00 chge. to: 1000-32510 Homeland Security Grant

\$ 15,000.00 approp. to: 1000-350532-48113 DOHS 14 Technical Rescue Grant  
148,270.20 approp. to: 1000-350532-48113 DIHS 15 Haz Mat Grant

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

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

Absent – None

The next item of business was the consideration of authorizing the City Manager to execute documents associated with Homeland Security Grants. Fire Chief Shifflett said the department has received notice of an award of a \$100,000 grant for the purchase of heavy tactical rescue equipment. This grant will be shared with Rockingham County, Augusta County, Staunton and Waynesboro as part of the Regional Tactical Rescue Team that is comprised of the five localities. The City will act as fiscal agent for the grant. Council Member Byrd offered a motion to authorize the City Manager to execute an agreement associated with the Homeland Security Grants. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Attorney Thumma presented for Council's consideration enacting Section 16-8-52 of the Harrisonburg City Code. This ordinance adopts and makes the state underage drinking law a part of the city code so that the city can continue to receive the fines from all underage drinking violations charged within the City limits. Vice-Mayor Baugh offered a motion to

approve this ordinance for a first reading. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

Mayor Degner announced that a Sustainability Summit will be held on May 30<sup>th</sup>.

At 9:15 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

cc: City Council  
City Manager  
Public Library

## REGULAR MEETING

April 28, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Fire Department and amending Section 10-3-24, 10-3-46, 10-48.4, and 10-3-52 of the Zoning Ordinance, and 11-7-14 of the Sign Ordinance. The motion also included enacting Section 16-8-52, and amending and re-enacting Section 4-2-12 of the Harrisonburg City Code. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented the proposed FY 2009-2010 budget. Mr. Hodgen presented an overview of the City’s expenditures and revenues. The proposed net budget is \$147,336,355. The proposed gross budget is \$184,916,720. The City has the fourth lowest nominal real estate tax rate among all independent cities in Virginia. The real estate tax rate has been proposed to remain at the current rate of \$0.59 cents. While the proposed tax rate remains the same, real estate tax revenues will increase by 9.6% due to the annual reassessment and “natural” growth. Primary emphasis is placed on **EDUCATION, PUBLIC SAFETY, ROADS, AND PUBLIC UTILITIES**. General fund revenues are projected to decrease by \$8.5 million because of the reduction in sales tax, meals tax, BPOL tax and investment earnings reserves. No reserve funds are being proposed to balance the 2009-2010 budget. Also, the budget does not include any projections on potential receipt of stimulus funds. No salary increases or new employees are being proposed. Several vacant positions have been eliminated, reduction in part-time employee hours and training and travel, proposed elimination of one and one-half paid holidays, reducing support of outside non-mandated agencies by 10%, and deferring most of the capital projects. Nearly all of the departmental budgets are less than the current year budget and premiums for health insurance will increase 10%. The proposed budget includes new debt service, an increase in the responsibilities under the Comprehensive Services Act, and an

increase in sewer and water rates. This is a responsible budget adapting to the difficult times and maintaining the core priorities that Council has expressed.

Council Member Byrd asked whether the funding percentage regarding joint projects or agencies with Rockingham County has remained the same as in the past years.

City Manager Hodgen reviewed two proposed changes that were not included in the budget. The City reduced an appropriation to Massanutten Regional Library by 10%. However, since Rockingham County only reduced its appropriation by 5%, Mr. Hodgen recommended adding 5% of the 10% reduction back into the budget to maintain the ratio between City and County expenditures for library services. This is a change of approximately \$23,000. The other change is the S.P.C.A. allocation, which has been maintained at a 55% County and 45% City ratio over the years. Both the County and the City have been asked for the same amount this year reducing the City's appropriation request to maintain that ratio. This will change the City's amount from \$205,500 to 194,755 and save \$10,745 dollars.

City Manager Hodgen reviewed expenditure projects that have been deferred this year.

At 7:26 p.m., Mayor Degner closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Saturday, April 18, 2009.

**CITY OF HARRISONBURG, VIRGINIA  
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 2010  
For information and fiscal planning purposes only**

**A public hearing will be held by the Harrisonburg City Council on Tuesday, April 28, 2009 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>Revenue-By Funds</u>	<u>Original</u>	<u>2008-09</u> <u>Amendments</u>	<u>Amended</u>	<u>2009-10</u> As <u>Proposed</u>
<b>Operating:</b>				
General	89,604,680	4,086,368	93,691,048	83,620,484
School	60,281,222	696,578	60,977,800	53,492,698
School Nutrition	-	-	-	2,304,079
ECC	3,690,122	-	3,690,122	3,547,863
Comm Dev Block Grant	527,522	556,808	1,084,330	670,774
Water	8,982,834	2,276,165	11,258,999	8,260,969
Sewer	9,229,349	1,016,700	10,246,049	9,034,563
Public Transportation	6,754,939	4,923,738	11,678,677	7,738,854
Sanitation	14,022,397	517,328	14,539,725	12,366,655
Central Garage	876,412	-	876,412	872,351



Central Stores	<u>119,389</u>	-	<u>119,389</u>	<u>125,430</u>
<b>Total Operating</b>	<b><u>194,088,866</u></b>	<b><u>14,073,685</u></b>	<b><u>208,162,551</u></b>	<b><u>182,034,720</u></b>
<b>Capital Projects:</b>				
General Capital Projects	14,007,000	25,089,835	39,096,835	932,000
School Capital Projects	-	4,120,474	4,120,474	-
Water Capital Projects	1,942,905	10,146,157	12,089,062	875,000
Sewer Capital Projects	1,564,627	4,040,878	5,605,505	450,000
Sanitation Capital Projects	<u>4,478,236</u>	<u>4,842,496</u>	<u>9,320,732</u>	<u>630,000</u>
<b>Total Capital Projects</b>	<b><u>21,992,768</u></b>	<b><u>48,239,840</u></b>	<b><u>70,232,608</u></b>	<b><u>2,887,000</u></b>
<b>Total</b>	<b><u>216,081,634</u></b>	<b><u>62,313,525</u></b>	<b><u>278,395,159</u></b>	<b><u>184,921,720</u></b>
<b><u>Expenditures - By Funds</u></b>				
<b>Operating:</b>				
General	89,604,680	4,086,368	93,691,048	83,620,484
School	60,281,222	696,578	60,977,800	53,492,698
School Nutrition	-	-	-	2,304,079
ECC	3,690,122	-	3,690,122	3,547,863
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Central Garage	876,412	-	876,412	872,351
Central Stores	<u>119,389</u>		<u>119,389</u>	<u>125,430</u>
<b>Total Operating</b>	<b><u>194,088,866</u></b>	<b><u>14,073,685</u></b>	<b><u>208,162,551</u></b>	<b><u>182,034,720</u></b>
<b>Capital Projects:</b>				
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<b>Total Capital Projects</b>	<b><u>21,992,768</u></b>	<b><u>48,239,840</u></b>	<b><u>70,232,608</u></b>	<b><u>2,887,000</u></b>
<b>Total</b>	<b><u>216,081,634</u></b>	<b><u>62,313,525</u></b>	<b><u>278,395,159</u></b>	<b><u>184,921,720</u></b>

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 Degner called on anyone present desiring to speak for or against the proposed FY 2009-2010 budget.

Alicia Horst, representing Big Brothers/Big Sisters, thanked Council for being included in the budget. The economy has affected both the agency's finances and services.

Gary Turner who participates in Big Brothers/Big Sisters introduced his little brother Diego. Gary and Diego spend time together twice a week. Big Brothers/Big Sisters is about developing relationships that make a difference in the community. This program truly works. There being no others desiring to be heard, the public hearing was declared closed at 7:31 p.m., and the regular session reconvened.

Council Member Byrd offered a motion to approve the budget as presented with the two appropriation adjustments to the Massanutten Regional Library and the S.P.C.A. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a presentation by Harrisonburg Backyard Chicken Project (HBCP). Nicholas Stodder said HBCP is a group of citizens in Harrisonburg who have banded together after receiving information that keeping laying hens violated the zoning codes. Keeping laying hens in the backyard comes from a desire for greater personal environmental health, access to a fresh food source, and a source of enjoyment that chickens offer as pets. The City Code does not have any provisions for allowing chickens on residential lots. Council was asked to consider the request and develop new ordinances. Lonny Wegner said that the proposal will not allow roosters, only egg-laying hens. The HBCP proposal would require that laying hens be enclosed and not permitted to "run at large" except in ones own yard, if it is fully fenced. It would also require clipping the wings of the chickens to eliminate flying. Dr. Peggy Duvall, a veterinarian, said she supported the efforts of HBCP. In the previous outbreaks of avian flu, the small flocks that were family owned had a much lower risk of becoming affected. Having backyard chickens in small numbers in the City should not change the biosecurity risk for the large poultry operations.

Following further discussion and comments, Council agreed with a unanimous voice vote to refer this issue regarding keeping laying hens in the backyard to the Planning Commission.

City Manager Hodgen presented several requests for supplemental appropriations for the Public Utilities Department. These requests will be used to transfer funds within the water fund balance for revenue shortfalls and transfer funds within the sewer fund balance for revenue shortfalls. This request will also include transferring funds from the Harrisonburg Rockingham Regional Sewer Authority expansion capital project account to the Treatment and Disposal account (HRRSA operations) and the Debt Service (HRRSA) account to accommodate a one-payment carryover and budget amendments from HRRSA. Council Member Byrd offered a motion to approve these requests for a first reading, and that:

\$1,200,000.00 chge. to: 2011-31010 Amount from fund balance  
1,500.00 chge. to: 2011-31810 Sale of materials and supplies  
16,500.00 chge. to: 2011-31832 Collection fee  
55,722.00 chge. to: 2011-31902 Recoverable charges

\$650,000.00 approp. to: 2011-31318 Application fees  
294,047.00 approp. to: 2011-31513 Investment earnings  
329,675.00 approp. to: 2011-31611 Utilities sales to customers

\$1,450,000.00 chge. to: 2012-31010 Amount from fund balance  
49,540.00 chge. to: 2012-31902 Recoverable charges  
150.00 chge. to: 2012-34011 Insurance recoveries

\$850,181.00 approp. to: 2012-31318 Application fees  
170,604.00 approp. to: 2012-31513 Investment earnings  
239,452.00 approp. to: 2012-31621 Utilities sales to customers  
239,453.00 approp. to: 2012-31623 Sewer Authority fee

\$630,000.00 chge. to: 1322-911161-48647 HRRSA WWTP Expansion  
630,000.00 chge. to: 2012-34313 Transfer from Sewer Capital projects

\$630,000.00 approp. to: 1322-911161-49242 Transfer to Sewer Fund  
320,000.00 approp. to: 2012-422061-43840 HRHSA Regional Sewer Authority-O&M  
310,000.00 approp. to: 2012-482061-47060 HRHSA Regional Sewer Authority-Debt

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

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

Absent – None

The next item of business was an update on planning efforts for the green space behind the Community Development Building. City Manager Hodgen said that at a previous Council meeting, there was discussion relative to the development as well as the operation and maintenance of the area behind the Community Development building and adjacent to the Farmers Market Pavilion. Mr. Hodgen presented an overview regarding the costs associated with the proposed additional facilities, which would include restrooms, a permanent stage, and future Farmers Market expansion area. Potential sources of funding would include Fundfest sponsors, Farmers Market, the City of Harrisonburg, and others yet to be determined. Additional issues include the operation and maintenance of these facilities, scheduling the use of the facilities, and naming of the “green space”. Council Member Frank offered a motion to approve in concept the site plan for a park in the “green space” behind the Community Development building. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Vice-Mayor Baugh offered a motion that Council appoint Mike Collins to the Environmental Quality Committee, Lester Seal to the Finance Committee, Earl Thumma and Council Member Ted Byrd to the General Laws Committee, Evan Vass and Council Member Carolyn Frank to the Human Development and Education Committee, Reggie Smith to the Transportation Committee, and Stacy Turner to the Community & Economic Development. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Byrd offered a motion that Denise Dawson, 1160 Decca Drive, be appointed to a second term on the Blue Ridge Community College Board of Trustees to expire on June 30, 2013. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

At 8:38 p.m., Council Member Frank offered a motion that Council enter into a closed session for consultation with legal counsel and briefings concerning probable litigation, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia.

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

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

Absent – None

At 9:00 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 9:01 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

May 12, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, and Carolyn W. Frank; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper. Absent: Council Member Ted Byrd

Vice-Mayor Baugh gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Public Utilities Department. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Byrd

The next item of business was considering a proposed real property tax increase. City Manager Hodgen briefly reviewed the real estate tax rate. Mr. Hodgen said that this year’s budget is based upon the assumption of \$.59 per \$100 of assessed value. This rate is the same as the current tax rate, but represents an effective rate increase of about four and 1/4 cents per \$100 of assessed value due to the 2008 Reassessment. This will generate about \$1.6 million dollars of new real estate tax revenues due to the assessment. However, revenues overall are about \$8.5 million dollars less than last year budget. It is recommended that the real estate tax rate remain the same.

At 7:05 p.m., Mayor Degner closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 13, 2009.

### **NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE**

**The City of Harrisonburg proposes to increase property tax levies.**

- 1. Assessment increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year’s total assessed value of real property by 7.77 percent.**

2. **Lower Rate Necessary to Offset Increase Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$.5475 per \$100 of assessed value. This rate will be known as the “lowered tax rate.”
3. **Effective Rate Increase:** The City of Harrisonburg proposes to adopt a tax rate of \$.59 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$.0425 per \$100, or 7.76 percent. This difference will be known as the “effective tax rate increase.”

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. **Proposed Total Budget Decrease:** Based on the proposed real property tax rate and changes in other revenues, the total budget of the City of Harrisonburg will be less than last year’s original budget by 14.42 percent.

A public hearing on the tax rate increase will be held on May 12, 2009 at 7:00 p.m., in the Harrisonburg Council Chambers located at 409 South Main Street, Harrisonburg, Virginia.

All hearings shall be open to the public. The governing body shall permit persons desiring to be heard an opportunity to present oral testimony within such reasonable time limits as shall be determined by the governing body.

**CITY OF HARRISONBURG**  
**Kurt D. Hodgen**  
**City Manager**

Mayor Degner called on anyone desiring to speak for or against this proposed real property tax increase.

Kathy White, general manager for Forbes Development, said re-assessment at the current tax rate would cost the company an additional \$17,714 per year, which is an increase of 22%. Because citizens of the City are financially stressed, Ms. White suggested that the City tighten the budget and spend less money. Ms. White also recommended that the City reduce the tax rate to 54.75% per \$100 of assessed value. There being no others desiring to be heard, the public hearing was declared closed at 7:12 p.m., and the regular session reconvened. Council Member Wiens offered a motion to approve the proposed real estate tax rate of \$.59 cents per \$100 assessed value. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Byrd

City Manager Hodgen presented a request to issue General Obligation Bonds in the amount not to exceed \$16,000,000. Mr. Hodgen said the proceeds of the Bonds will be used to finance projects that have been planned for several years. These projects include the Stone Spring Road/Erickson Avenue construction project, the “Dream Come True” playground project, water tank construction, the possibility of refunding a 2000 General Obligation bond, funding for the HRHA Franklin Heights project costs, and bond issuance costs. It should be noted that HRHA will be responsible for payment of its share of the debt service associated with the bonds, along with its share bond issuance costs.

Ted Cole of Davenport and Company, the City’s financial advisor, presented an overview of a resolution, which states Council’s intent to move forward with a preliminary approval. Mr. Cole briefly reviewed the four proposals received for the bonds including the terms and provisions of the proposals, a preliminary resolution, and fund usage. Carter Bank & Trust will provide the most favorable terms and conditions and allows complete flexibility to restructure the loans. Davenport and Company is recommending that the City consider the Carter Bank & Trust option. Mr. Cole also discussed a timetable regarding issuing the bonds.

At 7:38 p.m., Mayor Degner closed the regular session temporarily and called the evening’s second public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, April 28, and Tuesday, May 5, 2009.

**NOTICE OF PUBLIC HEARING ON PROPOSED  
ISSUANCE OF BONDS BY THE CITY OF  
HARRISONBURG, VIRGINIA**

**Notice is hereby given that the City Council of the City of Harrisonburg, Virginia (the “Council”) will hold a public hearing on the proposed issuance by the City of Harrisonburg, Virginia (the “City”), with a referendum and subject to final approval, of general obligation bonds in a principal amount not to exceed \$16,000,000 (the “Bonds”) for capital improvement projects. The Bonds may be issued from time to time and in one or more series.**

**The proceed of the Bonds will be used to (i) finance a portion of the costs of road construction including Port Republic Road, Reservoir Street, Stone Spring Road and Erickson Avenue, (ii) finance the construction of a water tank, (iii) finance the construction and equipping of Peach Grove Park, (iv) provide funds to the Harrisonburg Redevelopment and Housing Authority to pay a portion of the costs the renovation of certain of its public housing units, in particular those at the Franklin Heights Apartments, and (v) pay the costs of issuance of the Bonds.**

**The public hearing, which may be continued or adjourned, will be held at 7:00 p.m. on Tuesday, May 12, 2009, before the Council at a regularly scheduled meeting in the Council Chambers at 409 South Main Street in Harrisonburg, Virginia 22801. Any person**



**interested in the issuance of the Bonds and the purposes for which the Bonds are being issued may appear at the hearing and present his or her views.**

**CITY OF HARRISONBURG, VIRGINIA  
Kurt D. Hodgen, City Manager**

Mayor Degner called on anyone desiring to speak for or against issuing the General Obligation Bonds. There being no one desiring to be heard, the public hearing was declared closed at 7:49 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve the resolution authorizing the preliminary action for issuance of the bonds using Carter Bank & Trust. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Byrd

Planning and Community Development Director Turner presented a request to amend Section 10-3-97, 10-3-46(1) and 10-3-48.4(1) of the Zoning Ordinance. Section 10-3-97 will add “boarding and rooming houses” as a use allowable by special use permit within the M-1, General Industrial District. Mrs. Turner said that there has been a lot of discussion about adding boarding and rooming houses in the industrial district. Allowing this type of use would offer property owners with small lot residential uses and/or residential structures that exist as M-1 zoned properties the option of applying for this special use permit. Section 10-3-46(1) and 10-3-48.4(1) would add descriptive language of boarding and rooming houses. These sections allow application for boarding and rooming houses, as a special use permit, within the R-3, Multiple Dwelling Residential District and the R-3, Medium Density Residential District. In some situations, it might be inappropriate to limit a boarding or rooming house to only one occupant per bedroom. Planning Commission recommended approval of the proposed ordinances.

At 7:48 p.m., Mayor Degner closed the regular session temporarily and called the evening’s third and fourth public hearings to order. The following notice appeared in the Daily News-Record on Monday, April 27, and Monday, May 4, 2009.

**NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, May 12, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Ordinance Amendment – R-3 Boardinghouse or Rooming House Language Change***

**Public hearing to consider amending the Zoning Ordinance Sections 10-3-46 (1) and 10-3-48.4 (1) to amend the descriptive language of boardinghouse and roominghouse.**

***Ordinance Amendment – Boardinghouse or Rooming Houses M-1 Special Use Permit Addition***

**Public hearing to consider amending the Zoning Ordinance Section 10-3-97 to add Boardinghouse or Rooming house as a use permitted by special use permit within the M-1, General Industrial District.**

**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 Degner called on anyone desiring to speak for or against these ordinance amendments. There being no one desiring to be heard, the public hearing was declared closed at 7:49 p.m., and the regular session reconvened. Vice-Mayor Baugh offered a motion to adopt Section 10-3-97, 10-3-46(1), and 10-3-48.4(1) of the Zoning Ordinance for a first reading. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Byrd

Planning and Community Development Director Turner presented a request from Aneta and Christopher Smialek for a special use permit to allow a Major Family Day Home at 521 Blue Ridge Drive. The Comprehensive Plan designates this area as Low-Density Residential. Mrs. Turner reviewed the surrounding uses in the area and also briefly reviewed child care provisions allowed in the Zoning Ordinance. After receiving a complaint, it was discovered that Ms. Smialek was providing care for more than one (1) through five (5) children under the age of thirteen (13) that is allowed as a “minor family day home”. Ms. Smialek has been licensed by the Department of Social Services to provide care for twelve (12) or fewer children in her home. Staff had concerns regarding the traffic in the area. The volume of traffic near this intersection is significant. The property is located at an awkward, skewed intersection, which is also not a

standard four way junction. The traffic signal controls several vehicle movements. Additionally, there is a transit bus stop situated at the junction of Country Club Road and Clay Street. The property has a driveway with entrances on both Blue Ridge and Country Club Road. The two entrances allow vehicles to enter and/or exit from either road. Planning Commission recommended approval (5-2) that the special use permit for the day care facility be approved with the following conditions: 1) The “major family day home” shall be valid only for the current applicants. 2) Vehicles shall not be permitted to exit the property onto Country Club Road. All vehicles shall exit onto Blue Ridge Drive. The applicant shall install signage on her property to this effect. 3) All existing shrubbery/plantings within the island created by the connecting portions of the driveway, near the southwestern property corner, shall be trimmed or removed to improve sight distance. All plantings within this area shall be low-lying and/or ground covering vegetation. 4) The connecting portions of the driveway shall remain open at all times to allow parents/guardians to maneuver on and off of the property without utilizing the public right-of-way. Parking is prohibited on these portions of the driveway. 5) If City Council finds traffic conditions warrant re-evaluation of the “major family day home” they may require the applicant to return to Planning Commission to re-examine the use of the property. It shall be at the discretion of Planning Commission and/or City Council to determine if the re-evaluation requires a new public hearing. Such re-evaluation may result in additional conditions being placed on the use or revocation of the special use permit. Planning Commission recommended approval with conditions of the special use permit request.

At 8:08 p.m., Mayor Degner closed the regular session temporarily and called the evening’s fifth public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 27, and Monday, May 4, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, May 12, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Special Use Permit – 521 Blue Ridge Drive – Major Family Day Home (10-3-34 (6))***

**Public Hearing to consider a request from Aneta and Christopher Smialek for a special use permit per Section 10-3-34 (6) to allow a Major Family Day Home within the R-1, Single Family Residential District. The property is located at 521 Blue Ridge Drive and can be found on tax map parcel 29-D-29.**

**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 Degner called on anyone desiring to speak for or against the special use permit request. Aneta Smialek, owner of the day care facility, said each parent is given a letter stating that after three warnings a ten dollar fee will be charged if they exit out onto Country Club Road. There is camera surveillance to make certain no one is exiting out. The bushes in the island have been trimmed. There being no others desiring to be heard, the public hearing was declared closed at 8:14 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve the special use permit request with the five conditions to allow a “major family day home” at 521 Blue Ridge Drive. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Byrd

Planning and Community Development Director Turner presented a request from Scott Kettelkamp to preliminarily subdivide two parcels along Norwood Street into three townhouse lots. The Comprehensive Plan designates this area as Medium-Density Residential. Mrs. Turner reviewed the surrounding uses in the area. This is a request to preliminarily subdivide two parcels into three townhouse lots. By right, Mr. Kettelkamp can construct a single family home on each of these lots or a duplex dwelling. The applicant has said that it is not economical feasible to develop these uses on the property. Section 10-2-41 and 10-2-45 provides design standards for streets and alleys and states that additional width will be needed to bring the property into conformance with City street standards. Mrs. Turner reviewed the right-of-way width on Norwood Street regarding the subdivision process. The right-of-way should be dedicated as required by the subdivision ordinance. In this case, if the applicant dedicates the 10 feet of right-of-way, he will not have enough lot depth to meet the requirement of 112 feet. Mr. Kettelkamp will be able to construct the townhouses. Staff does not want to set a precedent of deviating from this requirement or allowing easements in place of right-of-way simply to maintain desired density. Mrs. Turner said that Planning Commission recommended approving the variance requests from Section 10-2-66 & 10-2-67 of the Subdivision Ordinance and recommended denying the variance requests from Section 10-2-41 & 10-2-45 of the Subdivision Ordinance, which requires the dedication of right-of-way.

Mrs. Turner also said that Mr. Kettlekamp has presented a new proposal, which states that at some point in the future either he or the future owners of the three townhouse lots would be willing to dedicate right-of-way to the City at no cost if the City is interested in street improvements. This proposal would keep the lot depth, allow constructing three townhouses according to his plan, place the townhouses back far enough on the lots and still have the dedicated 30 feet set back once they dedicate the 10 feet of right-of-way to the City. But, the lot

depth would become non-conforming. This proposal would allow constructing and maximizing the density while also providing any City right-of-way requirement in the future. Planning Commission discussed whether the applicant can provide the required on-site off street parking spaces. Mrs. Turner also reviewed other proposals submitted by the applicant regarding on-site parking spaces, and maximizing the density entrance alignment. It was noted that Planning Commission has not reviewed this new proposal. Mrs. Turner reminded everyone that Planning Commission recommended approval of the variance requests from Section 10-2-66 & 10-2-67 of the Subdivision Ordinance and recommended denial of the variance requests from Section 10-2-41 & 10-2-45 of the Subdivision Ordinance, which requires the dedication of right-of-way.

Following a lengthy discussion and many comments, Council Member Frank offered a motion to refer the new proposal back to the Planning Commission for further review. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Byrd

City Manager Hodgen presented the following resolution for Council’s consideration of approval:

**RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF AN  
UP TO \$1,300,000 CITY OF HARRISONBURG, VIRGINIA  
GENERAL OBLIGATION PUBLIC SAFETY REFUNDING BOND, SERIES 2009,  
AND PROVIDING THE FORM AND DETAIL THEREOF**

**WHEREAS, pursuant to Title 15.2 of the Code of Virginia, 1950, as amended (the “Code”), the City of Harrisonburg, Virginia, (the “City”) is empowered to finance and refinance the acquisition, construction, reconstruction, renovation, enlargement, and equipping of the public safety facilities, and to issue its general obligation bonds to pay all or any part of the cost thereof; and**

**WHEREAS, pursuant to the Code, the City is empowered to pledge for the payment of principal and interest on its general obligation bonds its full faith and credit, payable from ad valorem taxes, to the extent other monies are not lawfully available and appropriated therefor; and**

**WHEREAS, the City duly issued the City of Harrisonburg, Virginia General Obligation Public Safety Bonds, Series 2001 (Harrisonburg Rescue Squad, Inc.) (the “2001 Bond”), and sold the 2001 Bond to Virginia Resources Authority (“VRA”) on December 14, 2001, in the original principal amount of \$1,600,000, in order to finance the acquisition, construction and equipping of a new public safety facility in the City located at 1700**

Reservoir Street for use by the Harrisonburg Rescue Squad, Inc., and pay issuance costs in connection therewith; and

WHEREAS, the Harrisonburg Rescue Squad, Inc. is a nonstock, not-for-profit Virginia corporation; and

WHEREAS, VRA recently has advised that the City may achieve significant interest cost savings by refinancing a portion of the 2001 Bond (as shown for illustration purposes on Exhibit A attached hereto), through the City's participation presently in VRA's Virginia Pooled Financing Program; and

WHEREAS, accordingly, VRA shall provide refinancing assistance to the City with a portion of the proceeds of VRA's Infrastructure Revenue Bonds (Virginia Pooled Financing Program), Senior and Subordinate Series 2009A (ACE), to be issued in one or more series (the "VRA Bonds"), in order for the City to issue its Refunding Bond (defined below) to VRA to obtain funds to prepay, refinance, advance-refund and defease a portion of the outstanding principal amount of and interest on the 2001 Bond and to amend the 2001 Bond to reflect such refunding, all as further described below; and

WHEREAS, all such arrangements shall be set forth, among other things, in (i) a Financing Agreement between VRA and the City to be dated as of June 1, 2009 (the "2009 Financing Agreement"), (ii) a Local Bond Sale Agreement between VRA and the City to be dated the date of sale of the VRA Bonds (the "Local Bond Sale Agreement"), (iii) a Nonarbitrage Certificate and Tax Compliance Agreement between VRA and the City (the "Tax Compliance Agreement"), and (iv) an Allonge to be attached to the 2001 Bond, which documents shall be in standard forms generally required by VRA in connection with its pooled bond program and restructuring of obligations issued thereunder; and

WHEREAS, the City may issue such Bond, at the election of the Council, under the provisions of the City Charter and Section 15.2-2601 of the Public Finance Act under the Code (the "Act") without regard to the requirements, restrictions or other provisions contained in any charter or local or special act applicable to the City, and, further, under the provisions of the City Charter and Section 15.2-2607 of the Act, the Council may finally adopt this Resolution authorizing the issuance thereof at the meeting at which it is introduced upon a majority vote of the members thereof; and

WHEREAS, the Council now desires to approve all such transactions as may be necessary or convenient in order for the City to prepay, refinance, advance-refund and defease a portion of the outstanding principal amount of and interest on the 2001 Bond and to amend the 2001 Bond to reflect such refunding.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF HARRISONBURG, VIRGINIA:

1. Authorization of Refunding Bond and Allonge. The Council hereby determines that it is advisable to prepay, refinance, advance-refund and defease a portion

of the outstanding amount of the principal of and interest on the 2001 Bond (as shown for illustration purposes on Exhibit A attached hereto), in order for the City to achieve significant interest cost savings, as further described below. To such end, the Council hereby authorizes (i) the issuance of an up to \$1,300,000 City of Harrisonburg, Virginia General Obligation Public Safety Refunding Bond, Series 2009 (Harrisonburg Rescue Squad, Inc. Project) (the “Refunding Bond”) in the form and upon the terms established herein, in order for the City to prepay, redeem, advance-refund and defease a portion of the 2001 Bond and thereby achieve significant interest cost savings, and (ii) the execution and delivery by the City of an appropriate Allonge, to be attached to and made a part of the 2001 Bond (the “Allonge”), in order to amend the 2001 Bond to reflect such refunding, as described herein.

The Council hereby elects to issue the Refunding Bond under the provisions of Section 15.2-2601 of the Act, among other provisions thereof, and, further, the City shall issue the Refunding Bond in accordance with the provisions of Section 15.2-2607 of the Act, among other provisions thereof. The sale of the Refunding Bond to VRA is hereby authorized and shall be delivered to or upon the order of VRA upon payment of the purchase price thereof, pursuant to the terms and conditions set forth, respectively, in the Local Bond Sale Agreement and the 2009 Financing Agreement. The proceeds from the issuance and sale of the Refunding Bond shall be used, along with other lawfully available funds of the City, if any, to pay the costs to prepay, redeem, advance-refund and defease a portion of the 2001 Bond and pay costs of issuance of the Refunding Bond (the “Project”), as described above and further described in the 2009 Financing Agreement.

2. Sale of the Refunding Bond. It is determined to be in the best interest of the City to accept the offer of VRA to purchase, and the City to sell to VRA the Refunding Bond, subject to the conditions set forth in Section 4 hereof and accepted by the Mayor or Vice-Mayor of the City, or the City Manager (whether collectively or individually, any one or more of whom may act, the “City Representative”), upon the terms established pursuant to this Authorizing Resolution and the final 2009 Financing Agreement and Local Bond Sale Agreement. The Council hereby authorizes the issuance and sale of the Refunding Bond in the form and upon the terms established pursuant to this Authorizing Resolution. The City Representative is hereby authorized and directed to accept the final principal amount of the Refunding Bond advised by VRA following the pricing of the corresponding VRA Bonds, provided that such principal amount of the Refunding Bond shall not exceed the amount authorized by this Authorizing Resolution. The execution and delivery of the Refunding Bond as described herein shall conclusively evidence such principal amount and interest rates as established by VRA and as having been so accepted as authorized by this Authorizing Resolution, without further action from the City being required therefor.

3. Authorization of Documentation in Connection with the Refunding Bond. Execution and delivery by the City of the 2009 Financing Agreement and the Local Bond Sale Agreement are each hereby approved in all respects, as required by VRA. The City Representative, and such officer or officers of the City as any of them may designate, are each hereby authorized and directed to execute and deliver the 2009 Financing Agreement

and the Local Bond Sale Agreement on behalf of the City, with such changes as any one or more of them shall approve, as may be requested by VRA or advised by legal counsel.

4. **Details of the Refunding Bond.** The Refunding Bond shall be issued in fully registered form and shall be designated up to “\$1,300,000 City of Harrisonburg, Virginia General Obligation Refunding Bond, Series 2009 (Harrisonburg Rescue Squad, Inc. Project)”. The City Representative is authorized and directed to determine and approve all of the final details of the Refunding Bond, including without limitation, the date of issuance and the dated date of the Refunding Bond, the maximum principal amount authorized to be issued thereunder, the stated interest rates therein, the payment dates and amounts and the final maturity date thereof; *provided however*, (i) the transactions contemplated by the restructuring of the 2001 Bond and the advance-refunding of a portion thereof as described in this Authorizing Resolution shall produce a net present value debt service savings of at least 3.0%; (ii) the maximum principal amount of the Refunding Bond shall not exceed the amount of \$1,300,000; and (iii) the final maturity date of the Refunding Bond shall not be later than the original maturity date of the 2001 Bond. Such purchase price, interest rates and maturity schedule in connection with the Refunding Bond shall be established pursuant to the Local Bond Sale Agreement. The approval of the City Representative of such details shall be evidenced conclusively by the due execution and delivery of the Refunding Bond on the City's behalf to or at the direction of VRA. Following the pricing of the corresponding VRA Bonds, the City Representative shall evidence his approval of the final terms and purchase price of the Refunding Bond by executing and delivering to VRA the Local Bond Sale Agreement, which shall be in the standard forms required by VRA, with such completions, omissions, insertions and changes as may be advised by legal counsel consistent within the intent of this Authorizing Resolution, and further, as may be approved by the officer executing such Local Bond Sale Agreement. The actions of the City Representative, in determining the final terms and the purchase price of the Refunding Bond as described herein, and the final terms of the Allonge, shall be conclusive, and no further action shall be necessary on the part of the City.

5. **Form of the Refunding Bond and Allonge.** The Refunding Bond shall be initially in the form of a single, registered typewritten bond substantially in the form attached hereto as Exhibit B. There may be endorsed on the Bond such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

The form of the Allonge in connection with the 2009 restructuring of the 2001 Bond as described herein shall be substantially in the form attached hereto as Exhibit C.

6. **Execution of the Refunding Bond and Allonge.** The Mayor or the Vice-Mayor, either of whom may act, is authorized and directed to execute and deliver the Refunding Bond and the Allonge and the Clerk of the City Council shall affix the seal of the City thereto.



7. **Authorization as to Additional Documentation.** The City Representative, the Clerk of the City Council, and such other officers, employees and agents of the City as may be requested, are each hereby authorized and directed to take all proper steps to have the Refunding Bond and the Allonge prepared and executed in accordance with their respective terms, and as may be advised by legal counsel, and to deliver the Refunding Bond upon payment therefor, and to execute and deliver (or cause the delivery of) all such additional instruments, notices, agreements, documents and certificates, including but not limited to the Tax Compliance Agreement regarding federal tax compliance requirements for the proceeds of the Refunding Bond, all as may be requested by legal counsel or as otherwise required by VRA, in furtherance of the purposes as set forth herein. All such further actions consistent within the terms and provisions of this Authorizing Resolution shall be conclusively deemed as having been accepted and approved as authorized by this Authorizing Resolution without any further acts or approvals on the part of the City.

8. **Waiver of Redemption Provisions; Redemption or Prepayment.** The City hereby agrees and consents to the defeasance and redemption by VRA of all or any portion of any obligation(s) issued by VRA in connection with its original purchase of the 2001 Bond from the City on December 14, 2001, including but not limited to any termination of documents and any transfer thereof, all as may be necessary or convenient for VRA's purposes in order to accomplish a restructuring of the 2001 Bond as described herein. The City further agrees to waive any right to optional redemption of the 2001 Bond to the extent necessary to conform to any requirements of the 2009 Financing Agreement (or any other requirements by VRA). Further, it is to be understood that the City may defease, redeem, prepay or refund the Refunding Bond only in accordance with the 2009 Financing Agreement or otherwise consented to by VRA and allowed by law.

9. **Pledge of Full Faith and Credit of City.** The Refunding Bond shall be a general obligation of the City for the payment of principal of, premium, if any, and interest on which its full faith and credit shall be irrevocably pledged and shall be payable from *ad valorem* taxes without limitation of rate or amount, to the extent other monies of the City are not lawfully available and appropriated therefor.

10. **Payment of Refunding Bond and Related Amounts.** The City agrees to pay all amounts required by Section 6.1 of the 2009 Financing Agreement, including the "supplemental interest" and "late charges" as provided in such Sections, respectively, all as required by VRA in connection with the Refunding Bond, and reference is hereby made to such provisions for the details of the requirements therefore.

11. **Registration, Transfer and Exchange.** The City hereby appoints the Clerk of the City Council as its registrar and transfer agent to keep books for the registration and transfer of the Refunding Bond and to make such registrations and transfers on such books under such reasonable regulations as the City may prescribe. Upon surrender for transfer or exchange of the Refunding Bond at the office of the registrar, the City shall cause the execution and delivery in the name of the transferee or registered owner, as applicable, of a new Refunding Bond for a principal amount equal to the Refunding Bond surrendered and of the same date and tenor as the Refunding Bond surrendered, subject in each case to such reasonable regulations as the City may prescribe. If surrendered for transfer, exchange,

redemption or payment, the Refunding Bond shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance reasonably satisfactory to the Registrar, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative. The new Refunding Bond delivered upon any transfer or exchange shall be a valid general obligation refunding obligation of the City, evidencing the same debt as the Refunding Bond surrendered and shall be entitled to all of the security and benefits of this Resolution to the same extent as the Refunding Bond.

12. **Charges for Exchange or Transfer.** No charge shall be made for any exchange or transfer of the Refunding Bond, but the registrar may require payment by the holder of the Refunding Bond of a sum sufficient to cover any tax or any other governmental charge that may be imposed in relation thereto.

13. **Disclosure Documents.** The City authorizes and consents to the inclusion of information with respect to the City to be contained in VRA's Preliminary Official Statement and VRA's Official Statement in final form, both prepared in connection with the sale of the VRA Bonds, a portion of the proceeds of which will be used to purchase the Refunding Bond. If appropriate, such disclosure documents shall be distributed in such manner and at such times as any of them shall determine. The City authorizes and consents to the inclusion of information with respect to the City to be contained in any of VRA's public disclosure documentation, as may be advisable or required. The City Representative is authorized and directed to take whatever actions are necessary and/or appropriate to ensure compliance by VRA and the City, if any, with Securities and Exchange Commission Rule 15c2-12, all as may be required by VRA in connection with the issuance of the Refunding Bond and any continuing disclosure requirements thereafter, all as set forth in the 2009 Financing Agreement.

14. **Tax Compliance Agreement.** The City Representative, and such officer or officers of the City as any City Representative may designate, are each hereby authorized and directed to execute the Tax Compliance Agreement as required by VRA and its counsel, and further, as advised by legal counsel, setting forth the expected use and investment of the proceeds of the Refunding Bond and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "IRC"), including the provisions of Section 148 of the IRC and applicable regulations relating to "arbitrage bonds". To such end, the Council hereby covenants and agrees on behalf of the City that (i) the proceeds from the issuance and sale of the Refunding Bond will be expended and invested as set forth in the Tax Compliance Agreement and that the City shall comply with the covenants and representations contained therein, and (ii) the City shall comply with the provisions of the IRC so that interest on the VRA Bonds will remain excludible from gross income for Federal income tax purposes, in accordance with law.

15. **Bank Qualified Designation Matters.** To the extent required by the IRC in order to enable VRA to issue any portion of the VRA Bonds as "qualified tax-exempt obligations" eligible for the exception from the disallowance of the deduction of interest by

financial institutions allocable to the cost of carrying tax-exempt obligations within the meaning of IRC Section 265(b)(3), if at all, the Council hereby authorizes the City Representative to designate on the Council's behalf all or any portion of the Refunding Bond as a "qualified tax-exempt obligation" in accordance with the provisions of IRC Section 265(b)(3). The Council does not reasonably anticipate that the City, in the aggregate, will issue more than \$30,000,000 in tax-exempt obligations during Calendar Year 2009, including any subordinate entities of the City or entities which issue obligations on behalf of the City within the meaning of such IRC Section. Further, the Council hereby agrees that no more than \$30,000,000 of qualified tax-exempt obligations in Calendar Year 2009 shall be designated by the Council, all in accordance with the provisions of the IRC.

16. **Filing of Authorizing Resolution.** The appropriate officers or agents of the City are each hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of Rockingham County, Virginia.

17. **Further Actions; Authorized Representatives.** The City Representative, the Clerk of the City Council, and all officers, employees and agents of the City as may be designated, are each hereby authorized and directed to take all such further action as they or any one or more of them may consider necessary or desirable in connection with the transactions described herein and the execution, delivery and performance of the 2009 Financing Agreement, including, without limitation, the execution and delivery of closing documents and certificates, all as may be required by VRA. All such actions previously taken in connection herewith are hereby ratified and confirmed. The persons named herein as the City Representative shall also be designated as the City's Authorized Representatives for purposes of the 2009 Financing Agreement.

18. **Effective Date.** This Resolution shall take effect immediately.

**Approved:** May 12, 2009

**CITY OF HARRISONBURG, VIRGINIA**

\_\_\_\_\_  
Mayor

**CERTIFICATE OF VOTES**

The record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, on the foregoing Resolution, adopted by the Council upon a due election under Section 15.2-2601 of the Public Finance Act, and further, in accordance with the provisions of Section 15.2-2607 the Public Finance Act, among others, by a roll-call vote at its duly called regular public meeting, is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
Kai Degner, Mayor	X			
Richard Baugh, Vice-Mayor	X			
Ted Byrd				X

<b>Carolyn Frank</b>	<b>X</b>			
<b>David Wiens</b>	<b>X</b>			

**Dated: May 12, 2009**

*[SEAL]*

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

City Manager Hodgen said the City has been contacted by the Virginia Resources Authority (VRA) about refunding the 2001 General Obligation Bond that was issued for the construction of the Harrisonburg Rescue Squad. This opportunity will save the City about 6.8% in savings or about \$7,600 per year. Council Member Frank offered a motion to approve the resolution authorizing the refunding of a 2001 General Obligation Bond. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Byrd

The next item of business was a presentation by Sam Nickels of New Bridges and Viktor Sokolyuk of Refugee Resettlement Office. They reviewed demographic information and specific needs on refugee issues in the Harrisonburg/Rockingham community area. Mr. Nickels asked Council to consider providing free bus transportation to help refugee get to medical appointments, school registration, classes and jobs.

City Manager Hodgen commented that the City cannot give free rides to a specific group because bus transportation is funded by Federal funds.

The next item of business was adopting the Fiscal Year 2009-2010 budget. City Manager Hodgen said a required public hearing was held and the budget was adopted on a first reading on April 28, 2009.

**APPROPRIATION ORDINANCE  
OF THE CITY OF HARRISONBURG, VIRGINIA  
For the Fiscal Year Ending June 30, 2010**

**AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 2010. TO PRESCRIBE THE TERMS,**

**CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENTS; AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.**

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

**SECTION I - GENERAL FUND (1000)**

**That the following sums of money be and the same hereby are appropriated for general government purposes herein specified for the fiscal year ending June 30, 2010:**

**Paragraph One - City Council and Clerk (110111)**

For the current expenses and capital outlays of the CITY COUNCIL AND CLERK, a division of the Legislative Department, the sum of one hundred seventy-five thousand, five hundred eighty-seven dollars (\$175,587) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$105,265
(2)	Other Operating Expenses	65,822
(3)	Capital Outlays	4,500

**Paragraph Two - Office of City Manager (120111)**

For the current expenses and capital outlays of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of four hundred forty-eight thousand, eight hundred seven dollars (\$448,807) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$322,127
(2)	Other Operating Expenses	126,680

**Paragraph Three - Office of City Attorney (120411)**

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of one hundred sixty-two thousand, six hundred eighteen dollars (\$162,618) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$115,156
(2)	Other Operating Expenses	47,462

**Paragraph Four - Department of Human Resources (120511)**

For the current expenses of the DEPARTMENT OF HUMAN RESOURCES, a division of the General and Financial Administration, the sum of two hundred thirty-four thousand, nine hundred seventy-one dollars (\$234,971) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$148,820
(2)	Other Operating Expenses	83,601
(3)	Capital Outlays	2,550

Paragraph Five - Independent Auditor (120811)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of thirteen thousand, five hundred dollars (\$13,500) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$13,500
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Paragraph Six - Commissioner of Revenue (120912)

For the current expenses and capital outlays of the COMMISSIONER OF REVENUE, a division of the General and Financial Administration, the sum of four hundred twenty-three thousand, three hundred thirteen dollars (\$423,313) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$279,400
(2)	Other Operating Expenses	142,413
(3)	Capital Outlays	1,500

Paragraph Seven - Board of Real Estate Assessors (121012)

For the current expenses and capital outlays of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of two hundred ninety-eight thousand, five hundred thirty dollars (\$298,530) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$178,611
(2)	Other Operating Expenses	102,069
(3)	Capital Outlays	17,850

Paragraph Eight - Board of Equalization (121112)

For the current expenses of the BOARD OF EQUALIZATION, a division of the General and Financial Administration, the sum of three thousand, one hundred twenty-five dollars (\$3,125) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$3,125
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Paragraph Nine - City Treasurer (121313)

For the current expenses and capital outlays of the CITY TREASURER, a division of the General and Financial Administration, the sum of four hundred ninety-seven thousand, two hundred twenty-one dollars (\$497,221) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$303,942
(2)	Other Operating Expenses	186,279
(3)	Capital Outlays	7,000

Paragraph Ten - Department of Finance (121511)

For the current expenses and capital outlays of the DEPARTMENT OF FINANCE, a division of the General and Financial Administration, the sum of four hundred fourteen thousand, eight hundred thirty-two dollars (\$414,832) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$273,278
(2)	Other Operating Expenses	140,154
(3)	Capital Outlays	1,400

Paragraph Eleven – Information Technology (122011)

For the current expenses and capital outlays of INFORMATION TECHNOLOGY, a division of the General and Financial Administration, the sum of seven hundred sixteen thousand, eight hundred thirty-three dollars (\$716,833) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$286,075
(2)	Other Operating Expenses	366,258
(3)	Capital Outlays	64,500

Paragraph Twelve - Purchasing Agent (122211)

For the current expenses of the PURCHASING AGENT, a division of the General and Financial Administration, the sum of one hundred thirty-eight thousand, three hundred nine-two dollars (\$138,392) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 91,958
(2)	Other Operating Expenses	46,434

Paragraph Thirteen - Electoral Board and Officials (130114)

For the current expenses and capital outlays of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of one hundred seventy-three

thousand, two hundred twenty-five dollars (\$173,225) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$86,269
(2)	Other Operating Expenses	80,456
(3)	Capital Outlays	6,500

Paragraph Fourteen - Police Administration (310131)

For the current expenses and capital outlays of the POLICE ADMINISTRATION, a division of the Department of Public Safety, the sum of six hundred ninety-three thousand, two hundred ninety-seven dollars (\$693,297) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$377,756
(2)	Other Operating Expenses	315,041
(3)	Capital Outlays	500

Paragraph Fifteen - Police Operations Division (310231)

For the current expenses and capital outlays of the POLICE OPERATIONS DIVISION, a division of the Department of Public Safety, the sum of two million, eight hundred thirteen thousand, four hundred eighty-two dollars (\$2,813,482) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$1,861,422
(2)	Other Operating Expenses	937,060
(3)	Capital Outlays	15,000

Paragraph Sixteen - Police Criminal Investigation Division (310331)

For the current expenses and capital outlays of the POLICE CRIMINAL INVESTIGATION DIVISION, the sum of one million, one hundred eighty thousand, six hundred seventy-four dollars (\$1,180,674) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$803,316
(2)	Other Operating	360,408
(3)	Capital Outlays	16,950

Paragraph Seventeen - Police Support Services (310431)

For the current expenses and capital outlays of the POLICE SUPPORT SERVICES, a division of the Department of Public Safety, the sum of one million, six hundred ninety-two thousand, eight hundred sixty-two dollars (\$1,692,862) is appropriated from the General Fund to be apportioned as follows:



(1)	Personal Services	\$844,372
(2)	Other Operating Expenses	733,460
(3)	Capital Outlays	115,030

Paragraph Eighteen – Police Gang Task Force (310531)

For the current expenses and capital outlays of the POLICE GANG TASK FORCE, a division of the Department of Public Safety, the sum of one hundred fifty-one thousand, one hundred seventy-seven dollars (\$151,177) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$104,799
(2)	Other Operating Expenses	46,378

Paragraph Nineteen – Police Special Operations (310631)

For the current expenses and capital outlays of the POLICE SPECIAL OPERATIONS, a division of the Department of Public Safety, the sum of one million, two hundred thirty-five thousand, one hundred sixteen dollars (\$1,235,116) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$851,832
(2)	Other Operating Expenses	370,784
(3)	Capital Outlays	12,500

Paragraph Twenty - Fire Administration (320132)

For the current expenses of the FIRE ADMINISTRATION, a division of the Department of Public Safety, the sum of five hundred nineteen thousand, six hundred four dollars (\$519,604) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$281,155
(2)	Other Operating Expenses	236,449
(3)	Capital Outlay	2,000

Paragraph Twenty-One - Fire Suppression (320232)

For the current expenses and capital outlays of the FIRE SUPPRESSION, a division of the Department of Public Safety, the sum of five million, four hundred ninety-seven thousand, seven hundred forty dollars (\$5,497,740) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$3,477,743
(2)	Other Operating Expenses	1,830,915
(3)	Capital Outlays	189,082

Paragraph Twenty-Two - Fire Prevention (320332)

For the current expenses of FIRE PREVENTION, a division of the Department of Public Safety, the sum of three hundred sixty thousand, seventy-two dollars (\$360,072) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$239,790
(2)	Other Operating Expenses	119,082
(3)	Capital Outlay	1,200

Paragraph Twenty-Three - Fire Training (320432)

For the current expenses and capital outlays of FIRE TRAINING, a division of the Department of Public Safety, the sum of one hundred ninety-one thousand, three hundred twenty-nine dollars (\$191,329) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$131,071
(2)	Other Operating Expenses	60,258

Paragraph Twenty-Four – Public Safety Building (320632)

For the current expenses of the PUBLIC SAFETY BUILDING, a division of the Department of Public Safety, the sum of three hundred sixty-nine thousand, one hundred five dollars (\$369,105) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$56,921
(2)	Other Operating Expenses	312,184

Paragraph Twenty-Five – Child Safety Alliance - 320732

For the current expenses of the CHILD SAFETY ALLIANCE, a division of the Department of Public Safety, the sum of forty-three thousand, sixty-seven dollars (\$43,067) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$25,179
(2)	Other Operating Expenses	17,888

Paragraph Twenty-Six - City and County Jail (330231)

For the current expenses of the CITY AND COUNTY JAIL, a division of the Department of Public Safety, the sum of seventy thousand dollars (\$70,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$70,000
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Paragraph Twenty-Seven - Building Inspection (340121)

For the current expenses and capital outlays of BUILDING INSPECTION, a division of the Department of Public Safety, the sum of six hundred nineteen thousand, five dollars (\$619,005) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$421,165
(2)	Other Operating Expenses	193,940
(3)	Capital Outlays	3,900

Paragraph Twenty- Eight - Animal Control (350131)

For the current expenses of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of two hundred seventy-two thousand, seven hundred thirty-nine dollars (\$272,739) is appropriated from General Fund to be apportioned as follows:

(1)	Personal Services	\$32,987
(2)	Other Operating Expenses	239,752

Paragraph Twenty-Nine - Coroner (350331)

For the current expenses of the CORONER, a division of the Department of Public Safety, the sum of one thousand dollars (\$1,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$1,000
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Paragraph Thirty - Emergency Services (350532)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of sixty-six thousand, nine hundred eighty-one dollars (\$66,981) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$66,981
-----	--------------------------	----------

Paragraph Thirty-One - General Engineering/Administration (410121)

For the current expenses and capital outlays of GENERAL ENGINEERING/ADMINISTRATION, a division of the Department of Public Works, the sum of nine hundred forty-one thousand, eight hundred fifty-eight dollars (\$941,858) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$601,364
(2)	Other Operating Expenses	308,394
(3)	Capital Outlays	32,100

Paragraph Thirty-Two - Highway and Street Maintenance (410241)

For the current expenses and capital outlays of HIGHWAY AND STREET MAINTENANCE, a division of the Department of Public Works, the sum of four million, five hundred twenty-six thousand, five hundred thirty-five dollars (\$4,526,535) is appropriated from the General Fund to be appointed as follows:

(1)	Personal Services	\$1,399,661
(2)	Other Operating Expenses	2,951,014
(3)	Capital Outlays	175,860

Paragraph Thirty-Three - Street Lights (410441)

For the current expenses of STREET LIGHTS, a division of the Department of Public Works, the sum of four hundred eighty-eight thousand, three hundred forty-four dollars (\$488,344) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 488,344
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Paragraph Thirty-Four - Snow and Ice Removal (410541)

For the current expenses and capital outlays of SNOW AND ICE REMOVAL, a division of the Department of Public Works, the sum of two hundred twenty thousand, seven hundred seventy-three dollars (\$220,773) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$50,000
(2)	Other Operating Expenses	160,773
(3)	Capital Outlays	10,000

Paragraph Thirty-Five - Traffic Engineering (410741)

For the current expenses and capital outlays of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of one million, one hundred ninety-five thousand, five hundred twenty dollars (\$1,195,520) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$504,113
(2)	Other Operating Expenses	652,407
(3)	Capital Outlays	39,000

Paragraph Thirty-Six - Highway/Street Beautification (410841)

For the current expenses and capital outlays of HIGHWAY/STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of two hundred

seventy-three thousand, six hundred seventy-four dollars (\$273,674) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$112,495
(2)	Other Operating Expenses	161,179

Paragraph Thirty-Seven - Street and Road Cleaning (420241)

For the current expenses and capital outlays of STREET AND ROAD CLEANING, a division of Public Works, the sum of four hundred seventy-four thousand, sixty-eight dollars (\$474,068) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$216,645
(2)	Other Operating Expenses	232,423
(3)	Capital Outlay	25,000

Paragraph Thirty-Eight - Insect and Rodent Control (420641)

For the current expenses of INSECT AND RODENT CONTROL, a division of the Department of the Public Works, the sum of forty-one thousand, four hundred four dollars (\$41,404) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$15,456
(2)	Other Operating Expenses	\$25,948

Paragraph Thirty-Nine - General Properties (430221)

For the current expenses and capital outlays of GENERAL PROPERTIES, a division of the Department of Public Works, the sum of three hundred fifty-seven thousand, five hundred forty-six dollars (\$357,546) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$28,667
(2)	Other Operating Expenses	289,379
(3)	Capital Outlays	39,500

Paragraph Forty - Local Health Department (510111)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of three hundred seventy-one thousand, fifty-eight dollars (\$371,058) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$371,058
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Paragraph Forty-One - Community Services Board (520511)

For the current expenses of the COMMUNITY SERVICES BOARD, a division of the Health and Welfare Department, the sum of two million, three hundred thousand, three hundred ninety-four dollars (\$2,300,394) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |             |
|-----|--------------------------|-------------|
| (1) | Other Operating Expenses | \$2,300,394 |
|-----|--------------------------|-------------|

Paragraph Forty-Two - Tax Relief for Elderly (530611)

For the current expenses TAX RELIEF FOR ELDERLY, a division of the Health and Welfare Department, the sum of sixty-six thousand dollars (\$66,000) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |          |
|-----|--------------------------|----------|
| (1) | Other Operating Expenses | \$66,000 |
|-----|--------------------------|----------|

Paragraph Forty-Three - Parks and Recreation Administration (710171)

For the current expenses and capital outlays of PARKS AND RECREATION ADMINISTRATION, a division of Parks, Recreation and Cultural, the sum of one million, forty-two thousand, seven hundred eleven dollars (\$1,042,711) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$336,760 |
| (2) | Other Operating Expenses | 600,451   |
| (3) | Capital Outlays          | 105,500   |

Paragraph Forty-Four - Parks (710271)

For the current expenses and capital outlays of PARKS, a division of Parks, Recreation and Cultural, the sum of nine hundred seventeen thousand, four hundred three dollars (\$917,403) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$498,641 |
| (2) | Other Operating Expenses | 328,762   |
| (3) | Capital Outlays          | 90,000    |

Paragraph Forty-Five – Recreation Centers and Playgrounds (710471)

For the current expenses and capital outlays of RECREATION CENTERS AND PLAYGROUNDS, a division of Parks, Recreation and Cultural, the sum of five hundred fifty-five thousand, four hundred ninety-six dollars (\$555,496) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$360,110 |
| (2) | Other Operating Expenses | 190,986   |
| (3) | Capital Outlays          | 4,400     |

Paragraph Forty-Six - National Guard Armory (710571)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of one hundred thousand, eight hundred seventy-six dollars (\$100,876) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$33,416
(2)	Other Operating Expenses	67,460

Paragraph Forty-Seven - Simms Recreation Center (710671)

For the current expenses of the SIMMS RECREATION CENTER, a division of Parks, Recreation and Cultural, the sum of two hundred seventy-seven thousand, three hundred eighty-seven dollars (\$277,387) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$277,387
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Paragraph Forty-Eight - Westover Pool (710771)

For the current expenses and capital outlays of the WESTOVER POOL, a division of Parks, Recreation and Cultural, the sum of four hundred fifteen thousand, four hundred twenty dollars (\$415,420) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$199,272
(2)	Other Operating Expenses	192,048
(3)	Capital Outlays	24,100

Paragraph Forty-Nine - Athletics (710871)

For the current expenses and capital outlays of the ATHLETICS, a division of Parks, Recreation and Cultural, the sum of four hundred seventy thousand, six hundred ninety-nine dollars (\$470,699) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$249,795
(2)	Other Operating Expenses	220,904

Paragraph Fifty – Blacks Run Greenway (710971)

For the current expenses and capital outlays of the BLACKS RUN GREENWAY, a division of Parks, Recreation and Culture, the sum of forty-two thousand, eight hundred fifty-eight dollars (\$42,858) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$28,462
(2)	Other Operating Expenses	14,396

Paragraph Fifty-One – Parks & Recreation Golf Course Grounds Management (730271)

For the current expenses and capital outlays of the PARKS AND RECREATION GOLF COURSE GROUNDS MANAGEMENT, a division of Parks, Recreation and Culture, the sum of six hundred ninety-nine thousand, five hundred ninety-three dollars (\$699,593) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$351,261
(2)	Other Operating Expenses	348,332

Paragraph Fifty-Two – Parks and Recreation Golf Course Clubhouse (730371)

For the current expenses and capital outlays of the PARKS AND RECREATION GOLF COURSE CLUBHOUSE, a division of Parks, Recreation and Culture, the sum of four hundred fifty-nine thousand, five hundred sixty-six dollars (\$459,566) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$176,452
(2)	Other Operating Expenses	281,614
(3)	Capital Outlays	1,500

Paragraph Fifty-Three - Planning (810121)

For the current expenses and capital outlays of the PLANNING. A division of the Department of Community Development, the sum of two hundred five thousand, one hundred sixty-eight dollars (\$205,168) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$127,442
(2)	Other Operating Expenses	75,826
(3)	Capital Outlays	1,900

Paragraph Fifty-Four - Zoning Administrator (810221)

For the current expenses of ZONING ADMINISTRATOR, a division of the Department of Community Development, the sum of one hundred fifty-nine thousand, seven hundred twenty-six dollars (\$159,726) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$111,006
(2)	Other Operating Expenses	48,020
(3)	Capital Outlay	700

Paragraph Fifty-Five - Board of Zoning Appeals (810421)

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Department of Community Development, the sum of five thousand, three hundred sixty-six dollars (\$5,366) is appropriated from the General Fund to be apportioned as follows:



(1)	Personal Services	\$ 900
(2)	Other Operating Expenses	4,466

Paragraph Fifty-Six - Economic Development (810521)

For the current expenses and capital outlays of ECONOMIC DEVELOPMENT, the sum of five hundred ten thousand, ninety-five dollars (\$510,095) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 96,124
(2)	Other Operating Expenses	323,971
(3)	Capital Outlays	90,000

Paragraph Fifty-Seven – Downtown Renaissance - (810621)

For the current expenses and capital outlays of DOWNTOWN RENAISSANCE, the sum of one hundred sixty-one thousand, two hundred forty-nine dollars (\$161,249) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 131,928
(2)	Other Operating Expenses	29,321

Paragraph Fifty-Eight – Tourism & Visitors Service (810821)

For the current expenses and capital outlays of TOURISM & VISITORS SERVICE, the sum of three hundred thirty-six thousand, eight hundred thirty-three dollars (\$336,833) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$149,582
(2)	Other Operating Expenses	187,251

Paragraph Fifty-Nine – Downtown Parking Services (810921)

For the current expenses and capital outlays of DOWNTOWN PARKING SERVICES, the sum of two hundred sixty-one thousand, three hundred eighty dollars (\$261,380) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$139,890
(2)	Other Operating Expenses	121,490

Paragraph Sixty – Non Departmental-Contributions (910411)

For aiding the activities of independent, civic, charitable, and other organizations, the sum one million, four hundred forty-four thousand, two hundred seven dollars (\$1,444,207) is appropriated from the General Fund to be apportioned as follows:

43850 Central Shenandoah Planning District	\$33,602
45642 Local Chamber of Commerce	3,150
45644 Salvation Army	18,000
45645 Rescue Squad-Gas and Oil	25,000
45647 Shen Val. Soil & Water Conservation Dist.	4,500
45648 Blue Ridge Community College	5,000
45649 Rockingham County Historical Society	1,800
45650 Valley Program for Aging Services	27,000
45651 WVPT-Public Television	2,250
45652 First Step, Inc.	18,900
45656 BRCC – Site Improvement	41,484
45659 Blue Ridge Legal Services	9,017
45662 Free Clinic Inc.	13,500
45663 Community Mediation Center	1,800
45664 Woodbine Cemetery	1,500
45669 Boys and Girls Club	46,500
45678 Newtown Cemetery	1,500
44883 First Night	9,000
45885 Arts Council of Valley	36,000
45886 Quilt Museum	1,800
45890 Little League Association	6,000
45893 Cats Cradle	389
45896 Roberta Webb Child Care	10,800
45900 Big Brothers/Big Sisters	9,000
45902 Newbridges Immigrant Resource Center	6,750
45904 Rescue Squad – Vehicles	100,000
45905 Lutheran Church – Second Home	13,500
45909 Valley 4 <sup>th</sup>	4,500
45911 Local Aid to the Commonwealth	77,111
47010 Massanutten Regional Public Library-Operating	444,754
47030 Juvenile Detention Home	470,100

Paragraph Sixty-One - Non-Departmental - Joint Operations (910511)

For the payment of joint expenses, the sum of three million, one hundred forty-one thousand, sixty-three dollars (\$3,141,063) is appropriated from the General Fund to be apportioned as follows:

47070 Expenses of Sheriff, Courts, etc.	\$2,000,314
47071 Expenses of Social Service District	1,140,749

Paragraph Sixty-Two - Non-Departmental Subscriptions/Contribution (910611)

For the payment of Airport Expenses, the sum of sixty-seven thousand, nine hundred twenty-three dollars (\$67,923) is appropriated from the General Fund to be apportioned as follows:

47040 Airport - Operating	\$67,923
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Paragraph Sixty-Three - Non-Departmental Dues to Municipal Organization (910711)

For the payment of dues to Municipal Organizations. The sum of thirty-one thousand, six hundred fifty-one dollars (\$31,651) is appropriated from the General fund to be apportioned as follows:

45810 Dues and Memberships	\$31,651
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Paragraph Sixty-Four - Reserve for Contingencies (940111)

For Reserve for Contingencies of the General Fund the sum of three hundred forty-three thousand, two hundred five dollars (\$343,205) is appropriated from the General Fund to be apportioned as follows:

(1) Reserve for Contingencies	\$343,205
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Paragraph Sixty-Five – Debt Service (980142)

For the payment of interest and principal on bonds and lease purchases and bank twelve million, two hundred seventy-five thousand, nine hundred sixty-nine dollars (\$12,275,969) is appropriated from the General Fund to be apportioned as follows:

(1) Principal and Interest, etc.	\$12,275,969
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Paragraph Sixty-Six - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of twenty-eight million, nine hundred fifty-four thousand, two hundred sixty-two dollars (\$28,954,262) is appropriated from the General Fund to be apportioned as follows:

(1) General Capital Projects Fund	\$ 320,000
(2) Emergency Communications Center Fund	1,540,805
(3) School Fund	25,107,585
(4) Central Garage Fund	69,722
(5) Central Stores Fund	6,796
(6) Public Transportation Fund	982,145
(7) Sanitation Fund	927,209

**SUMMARY**

## **Expenditures and Revenues**

Total General Fund Appropriation for the  
Fiscal Year Ending June 30, 2010 \$83,615,484

To be provided for from the following Estimated Revenues which are as follows:

General Property Taxes	\$ 30,601,652
Other Local Taxes	34,858,675
Permits, Privilege Fees and Regulatory Licenses	932,800
Fines and Forfeitures	530,000
Revenue from use of Money & Property	375,000
Charges for Services	1,234,700
Miscellaneous Revenue	5,059,000
Recovered Costs	424,734
State Non-Categorical Aid	3,412,666
State Shared Expenses (Categorical-Aid)	359,971
State Other (Categorical-Aid)	3,842,969
Federal Other (Categorical-Aid)	359,469
Non Revenue Receipts	155,000
Transfers from other Funds	<u>1,468,848</u>
Total General Fund Revenue	
For the Fiscal Year Ending June 30, 2010	<u>\$83,615,484</u>

### **SECTION II - SCHOOL FUND (1111)**

**That the following sums of money be and the same hereby are appropriated for school purposes specified for the fiscal year ending June 30, 2010:**

#### **Paragraph One - Instruction (40610)**

For the current expenses of INSTRUCTION, of the department of education, the sum of forty-one million, four hundred sixty-six thousand, nine hundred ten dollars (\$41,466,910) is appropriated from the City School Fund to be apportioned as follows:

(1) Instruction	\$41,466,910
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#### **Paragraph Two - Administration/Attendance & Health Service (40620)**

For the current expenses of ADMINISTRATION/ATTENDANCE & HEALTH SERVICE, of the department of education, the sum of two million, eight hundred twenty-seven thousand, four hundred four dollars (\$2,827,404) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration/Attendance & Health Service	\$2,827,404
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Paragraph Three - Pupil Transportation Services (40630)

For the current expenses of PUPIL TRANSPORTATION SERVICES, of the department of education, the sum of one million, nine hundred twenty-five thousand, six hundred fifty-two dollars (\$1,925,652) is appropriated from the City School Fund to be apportioned as follows:

(1) Pupil Transportation Service	\$1,925,652
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Paragraph Four - Operations & Maintenance (40640)

For the current expenses of OPERATIONS AND MAINTENANCE, of the department of education, the sum of four million, eight hundred ten thousand, nine hundred eighty-seven dollars (\$4,810,987) is appropriated from the City School Fund to be apportioned as follows:

(1) Operations and Maintenance	\$4,810,987
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Paragraph Five - Facilities (40660)

For the current expenses of FACILITIES, of the department of education, the sum of two thousand dollars (\$2,000) is appropriated from the City School Fund to be apportioned as follows:

(1) Facilities	\$2,000
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Paragraph Six - Technology (40680)

For the current expenses of TECHNOLOGY of the Department of Education, the sum of two million, four hundred fifty-nine thousand, seven hundred forty-five dollars (\$2,459,745) is appropriated from the City School Fund to be apportioned as follows:

(1) Technology	\$2,459,745
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**SUMMARY**

Expenditures and Revenues

Total School Fund Appropriations for Fiscal Year Ending June 30, 2010	<u>\$53,492,698</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Revenue from Other	\$ 1,325,706
Revenue from State School Funds	22,407,123
Revenue from Federal Funds	4,652,284
Transfers Receipts from City's General Fund	<u>25,107,585</u>

Total School Fund Revenue  
For the Fiscal Year Ending June 30, 2010 \$53,492,698

**SECTION III – SCHOOL NUTRITION FUND (1114)**

**That the following sums of money be and the same hereby are appropriated for school nutrition purposes specified for the fiscal year June 30, 2010:**

**Paragraph One – School Fund Services and other Non-Instructional Operations (40650)**

For the current expenses of SCHOOL FOOD SERVICES AND OTHER NON INSTRUCTIONAL OPERATIONS, of the department of nutrition, the sum of two million, two hundred ninety-four, seventy-nine dollars (\$2,294,079) is apportioned from the City Nutrition Fund to be apportioned as follows:

(1) School Food Services & Other Non Instructional Operations	\$2,294,079
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**Paragraph Two – Technology (40680)**

For the current expenses of TECHNOLOGY of the Department of Nutrition, the sum of ten thousand dollars (\$10,000) is appropriated from the City Nutritions Fund to be apportioned as follows:

(1) Technology	\$10,000
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Total School Nutrition Fund Appropriations for Fiscal Year Ending June 30, 2010	<u>\$2,304,079</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Revenue from Other	\$ 824,997
Revenue from State School Funds	44,782
Revenue from Federal Funds	<u>1,434,300</u>

Total School Nutrition Fund Revenue For the Fiscal Year Ending June 30, 2010	<u>\$2,304,079</u>
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**SECTION IV – EMERGENCY COMMUNICATION CENTER FUND (1116)**

**That the following sums of money be and the same hereby are appropriated for Emergency Communication Center purposes specified for the fiscal year ended June 30, 2010:**

**Paragraph One – Emergency Operations CTR (321132)**

For the current expenses of the EMERGENCY OPERATIONS CTR, a division of the EMERGENCY COMMUNICATION CENTER FUND, the sum of three million, five hundred forty-seven thousand, eight hundred sixty-three dollars (\$3,547,863) appropriated as follows:

(1)	Personal Services	\$1,532,124
(2)	Other Operating Services	2,015,739

**SUMMARY**

Expenditures and Revenues

Total Emergency Communication Center Fund Appropriations For the Fiscal Year Ending June 30, 2010	<u>\$3,547,863</u>
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To be provided for from the following estimated revenue, which is as follows:

Other Local Taxes	\$ 228,001
Use of Money and Property	82,752
Miscellaneous	1,541,305
Revenue from State Government	152,000
Revenue from Federal Government	3,000
Transfers from General Funds	<u>1,540,805</u>

Total Emergency Communication Center Fund Revenue For the Fiscal Year Ending June 30, 2010	<u>\$3,547,863</u>
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**SECTION V – COMMUNITY DEVELOPMENT BLOCK GRANT FUND (1117)**

**That the following sums of money be and the same hereby are appropriated for Community Development Block Grant purposes herein specified for the fiscal year ending June 30, 2010.**

Paragraph One – Community Development Block Grant (810721)

For the current expenses of the COMMUNITY DEVELOPMENT BLOCK GRANT, a division of COMMUNITY DEVELOPMENT BLOCK GRANT FUND, the sum of six hundred seventy thousand, seven hundred seventy-four dollars (\$670,774) is appropriated from the Community Development Block Grant to be appropriated as follows:

(1)	Personal Services	\$64,831
(2)	Other Operating Expenses	603,943
(3)	Capital Outlay	2,000

**SUMMARY**

Expenditures and Revenues

Total Community Development Block Fund Appropriations  
For the year ending June 30, 2010 \$ 670,774

To be provided for from the following estimated revenues, which are as follows:

Federal Non-Categorical Aid \$ 670,774

Total Community Development Block Grant Fund Revenue  
For the Fiscal Year Ending June 30, 2010 \$ 670,774

**SECTION VI – GENERAL CAPITAL PROJECTS FUND (1310)**

**That the following sum of money be and the same hereby are appropriated for  
General Capital Projects purposes herein specified for the fiscal year ended June 30, 2010:**

**Paragraph One – Capital Projects (910141)**

For the payment of capital expenditures of the General Capital Projects Fund, the sum of  
nine hundred thirty two thousand dollars (\$932,000)

48616 City Wide Drainage Program	\$ 30,000
48619 East Market Street Safety Improvement	100,000
48639 Bicycle Routing Projects	30,000
48663 New Sidewalk/Trail Plan	30,000
48665 Erickson S. High to Main	512,000
48714 UNIV Corridors Sidewalks	50,000
48715 Water Street Pedestrian Bridge	180,000

**SUMMARY**

**Expenditures and Revenues**

Total General Capital Projects Fund Appropriation  
For the Fiscal Year Ended June 30, 2010 \$932,000

To be provided from the following estimated revenues, which are as follows:

32528 Street & Highway Const. - Commonwealth	\$ 57,000
33553 Street & Highway Const. - Federal	555,000
34210 Transfer from General Fund	<u>320,000</u>

Total General Capital Projects Fund Revenue  
For the fiscal Year Ending June 30, 2010 \$932,000

**SECTION VII - Water Capital Projects Fund (1321)**



**That the following sum of money be and the same hereby are appropriated for Water Capital Projects purposes herein specified for the fiscal year ended June 30, 2010:**

Paragraph One - Capital Projects (910161)

For the payment of capital expenditures of the Water Capital Projects Fund, the sum of eight hundred seventy-five thousand dollars (\$875,000) is appropriated as follows:

48621 Western Raw Water Line	\$200,000
48627 Water Tank Repairs	25,000
48633 Smithland Road	50,000
48634 Water Main Oversize/Extend	50,000
48635 Water Main Upgrades	100,000
48654 Eastern Source Development	400,000
48668 Security & SCADA	25,000
48670 Western Potable Water System	25,000

**SUMMARY**

**Expenditures and Revenues**

Total Water Capital Projects Fund Appropriations  
For the Fiscal Year Ended June 30, 2010 \$ 875,000

To be provided for from the following estimated revenue, which is as follows:  
34220 Transfer from Water Fund \$ 875,000

Total Water Capital Projects Fund Revenue  
For the Fiscal Year Ended June 30, 2010 \$ 875,000

**SECTION VIII - Sewer Capital Projects Fund (1322)**

**That the following sum of money be and the same hereby are appropriated for Sewer Capital Projects purposes herein specified for the fiscal year ended June 30, 2010:**

Paragraph One - Capital Projects (911161)

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of four hundred fifty thousand dollars (\$450,000) is appropriated as follows:

48641 Blacks Run Interceptor	\$ 100,000
48647 HRRSA WWTP Expansion	(326,835)
48650 Sewer Main Oversize/Extension	50,000
48651 Sewer Main Upgrades	300,000
49242 Transfer to Sewer Fund	326,835

**SUMMARY**

**Expenditures and Revenues**

Total Sewer Capital Projects Fund Appropriation For the Fiscal Year Ended June 30, 2010	<u>\$450,000</u>
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To be provided from the following estimated revenue which is as follows:

34230 Transfer from Sewer Fund	<u>\$450,000</u>
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Total Sewer Capital Projects Fund Revenue For the Fiscal Year Ended June 30, 2010	<u>\$450,000</u>
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**SECTION IX - Sanitation Capital Projects Fund (1324)**

**That the following sum of money be and the same hereby are appropriated for Sanitation Capital Projects purposes herein specified for the fiscal year ended June 30, 2010:**

**Paragraph One - Capital Projects (910142)**

For the payment of capital expenditures of the Sanitation Capital Projects Fund, the sum of six hundred thirty thousand dollars (\$630,000) is appropriated as follows:

48681 City Landfill monitoring	\$ 80,000
48683 Steam Plant for CISAT	200,000
48684 County Landfill Development & Closure	350,000

**SUMMARY**

**Expenditure and Revenue**

Total Sanitation Capital Projects Fund Appropriation For the Fiscal Year Ended June 30, 2010	<u>\$630,000</u>
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To be provided from the following estimated revenue which is as follows:

34270 Transfer from Sanitation Fund	<u>\$630,000</u>
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Total Sanitation Capital Projects Fund Revenue For the Fiscal Year Ended June 30, 2010	<u>\$630,000</u>
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**SECTION X - WATER FUND (2011)**

**That the following sums of money be and the same hereby are appropriated for water purposes herein specified for the fiscal year ending June 30, 2010:**

Paragraph One - Administration (312061)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of three hundred forty-five thousand, nine hundred sixty-nine dollars (\$345,969) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$204,653
(2)	Other Operating Expenses	141,316

Paragraph Two - Pumping, Storage and Monitoring (322061)

For the current expenses of PUMPING, STORAGE AND MONITORING OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of six hundred fifty-six thousand, four hundred forty-one dollars (\$656,441) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$63,171
(2)	Other Operating Expenses	593,270

Paragraph Three - Transmission and Distribution (332061)

For the current expenses of TRANSMISSION AND DISTRIBUTION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of eight hundred twenty-five thousand, six hundred twenty-four dollars (\$825,624) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$447,661
(2)	Other Operating Expenses	377,963

Paragraph Four - Utility Billing (342061)

For the current expenses of UTILITY BILLING OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of three hundred seventy-five thousand, eight hundred fourteen dollars (\$375,814) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$176,145
(2)	Other Operating Expenses	199,669

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of two million, three hundred eighty-eight thousand, nine hundred fourteen dollars (\$2,388,914) is appropriated from the Water Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$16,250
(2)	Depreciation	1,956,336
(3)	Taxes, etc.	416,328

Paragraph Six - Water Purification (362061)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of nine hundred seventy-six thousand, one hundred sixty-five dollars (\$976,165) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$534,688
(2)	Other Operating Expenses	441,477

Paragraph Seven - Capital Outlay (372061)

For the capital outlays of the WATER DEPARTMENT, a division of the Water Fund, the sum of two hundred two thousand dollars (\$202,000) is appropriated from the Water Fund to be apportioned as follows:

(1)	Capital Outlays	\$202,000
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Paragraph Eight – Debt Service (382061)

For the payment of interest and principal, etc., on bonds of the Water Department, the sum of seven hundred seventy-two thousand, eighty-one dollars (\$772,081) is appropriated from the Water Fund to be apportioned as follows:

(1)	Principal and Interest	\$772,081
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Paragraph Nine – Transfers (392061)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of one million, seven hundred seventeen thousand, nine hundred sixty-one dollars (\$1,717,961) is appropriated from the Water Fund to be apportioned as follows:

(1)	General Fund-Share of Accounting, Collecting & Data Processing	\$ 734,424
(2)	Water Capital Projects Fund	875,000
(3)	Central Stores Fund	108,537

**S U M M A R Y**

**Expenditures and Revenues**

Total Water Fund Appropriations for  
the Fiscal Year Ending June 30, 2010 \$8,260,969

To be provided for from the following Estimated Revenues, which are as follows:

Permits, Privilege Fees and Regulatory Licenses	\$ 300,000
Revenue from use of Money & Property	350,000
Charges for Services	5,673,800
Recovered Costs	25,000
Transfers for depreciation	<u>1,912,169</u>
 Total Water Fund Revenues for the Fiscal Year Ending June 30, 2010	 <u>\$8,260,969</u>

### **SECTION XI - SEWER FUND (2012)**

**That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 2010.**

#### **Paragraph One - Administration (412061)**

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of six hundred eighteen thousand, three hundred ninety-six dollars (\$618,396) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$354,641
(2) Other Operating Expenses	263,755

#### **Paragraph Two - Treatment and Disposal (422061)**

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of two million, two hundred fifty-eight thousand, forty-one dollars (\$2,258,041) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 2,258,041
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#### **Paragraph Three - Collection and Transmission (432061)**

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of eight hundred sixty-one thousand, eight hundred seventy-one dollars (\$861,871) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$450,865
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(2)	Other Operating Expenses	411,006
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Paragraph Four - Miscellaneous (442061)

For the current expenses, depreciation and the payment of taxes, the sum of one million, five hundred eighty-five thousand, two hundred sixty-two dollars (\$1,585,262) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 8,250
(2)	Depreciation	1,293,212
(3)	Taxes, etc.	283,800

Paragraph Five - Utility Billing (452061)

For the current expenses of UTILITY BILLING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of two hundred forty-six thousand, nine hundred seventy-two dollars (\$246,972) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$144,220
(2)	Other Operating Expenses	102,752

Paragraph Six - Pumping & Monitoring (462061)

For the current expenses of PUMPING AND MONITORING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one hundred forty-one thousand, four hundred ninety-five dollars (\$141,495) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$65,333
(2)	Other Operating	76,162

Paragraph Seven - Capital Outlay (472061)

For the capital outlays of the SEWER DEPARTMENT, a division of the Sewer Fund, the sum of eighty-four thousand dollars (\$84,000) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Capital Outlays	\$84,000
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Paragraph Eight - Debt Service (482061)

For the payment of the City's share of interest and principal on HRSA debt, the sum of two million, forty-four thousand, five dollars (\$2,044,005) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Serial Bonds, Interest, etc.	\$2,044,005
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Paragraph Nine - Transfers to Other Funds (492061)

For sharing the cost of operation of other funds for the benefit of the Sewer Fund, the sum of one million, one hundred ninety-four thousand, five hundred twenty-one dollars (\$1,194,521) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	General Fund - Share of Accounting, Collecting, & Data Processing Costs	\$734,424
(2)	Sewer Capital Projects Fund	450,000
(3)	Central Stores Fund	10,097

**SUMMARY**

**Expenditures and Revenues**

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 2010	<u>\$9,034,563</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Permits, Privilege Fees and Regulatory Licenses	\$ 420,000
Revenue from use of Money & Property	200,000
Charges for Services	6,784,516
Recovered Costs	10,000
Transfers for depreciation	1,293,212
Transfer from Capital Projects	<u>326,835</u>

Total Sewer Fund Revenues for the Fiscal Year Ending June 30, 2010	<u>\$9,034,563</u>
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**SECTION XII - PUBLIC TRANSPORTATION FUND (2013)**

**That the following sum of money be and the same hereby are appropriated for Public Transportation purposes herein specified for the fiscal year ending June 30, 2010:**

Paragraph One - Transit Buses (812081)

For the current expenses and depreciation of the TRANSIT BUSES, a division of the Public Transportation Fund, the sum of three million, four hundred fourteen thousand, six hundred seventy-eight dollars (\$3,414,678) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$1,437,919
(2)	Other Operating Expenses	1,823,975

(3) Depreciation 152,784

Paragraph Two - School Buses (822081)

For the current expenses and depreciation of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of two million, two hundred twenty-three thousand, seven hundred eighty-one dollars (\$2,223,781) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$983,434
(2) Other Operating Expenses	1,087,563
(3) Depreciation	152,784

Paragraph Three - Field Trips & Charters (832081)

For the current expenses of FIELD TRIPS AND CHARTERS, a division of the Public Transportation Fund, the sum of one hundred ninety thousand, two hundred twenty-one dollars (\$190,221) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$105,293
(2) Other Operating Expenses	84,928

Paragraph Four - Miscellaneous (842081)

For the current expenses and depreciation of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of fifty-nine thousand, one hundred seventy-four dollars (\$59,174) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$ 4,057
(2) Other Operating Expenses	5,113
(3) Depreciation	50,004

Paragraph Five - Capital Outlay (872081)

For the capital outlays of the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of one million, eight hundred fifty-one thousand dollars, (\$1,851,000) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Capital Outlays	\$1,851,000
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**SUMMARY**

Expenditures and Revenues

Total Public Transportation Fund Appropriations



for the Fiscal Year Ending June 30, 2010 \$7,738,854

To be provided for from the following Estimated Revenues, which are as follows:

Use of Money and Property	\$ 35,000
Charges for Services	3,209,683
Miscellaneous Revenue	44,000
State Categorical Aid	902,000
Federal Categorical Aid	2,243,828
Transfers from General Fund and depreciation	<u>1,304,343</u>
Total Public Transportation Fund Revenues	
for the Fiscal Year ending June 30, 2010	<u>\$7,738,854</u>

### **SECTION XIII - SANITATION FUND (2014)**

**That the following sums of money be and the same hereby are appropriated for Sanitation purposes herein specified for the fiscal year ending June 30, 2010:**

#### **Paragraph One - CISAT Facility (912242)**

For the current expenses of the CISAT FACILITY, a division of the Sanitation Fund, the sum of four million, eight hundred twenty-four thousand, seven hundred nine dollars (\$4,824,709) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$1,405,313
(2) Other Operating Expenses	3,419,396

#### **Paragraph Two - Refuse Collection (922041)**

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of seven hundred forty-three thousand, nine hundred eight-one dollars (\$743,981) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$380,351
(2) Other Operating Expenses	363,630

#### **Paragraph Three - Landfill (932042)**

For the current expenses of the LANDFILL, a division of the Sanitation Fund, the sum of one million, seventy-five thousand, three hundred five dollars (\$1,075,305) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 54,387
(2) Other Operating Expenses	1,020,918

#### **Paragraph Four - Miscellaneous (942042)**

For depreciation, bonds issue cost and the payment of taxes of MISCELLANEOUS, a division of the Sanitation Fund, the sum of one million, two hundred thirty-one thousand, one hundred fifty-seven dollars (\$1,231,157) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 1,950
(2)	Depreciation	1,185,576
(3)	Bond Issue cost	17,086
(4)	Land and steam agreement	26,545

Paragraph Five - Recycling (952042)

For the current expenses of the RECYCLING, a division of the Sanitation Fund, the sum of one million, two hundred fifty-seven thousand, eighty-seven dollars (\$1,157,087) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$478,524
(2)	Other Operating Expenses	678,563

Paragraph Six - Capital Outlay (972043)

For the capital outlays of the SANITATION DEPARTMENT, a division of the Sanitation Fund, the sum of one hundred twenty-nine thousand, two hundred eight-one dollars (\$129,281) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Capital Outlays	\$129,281
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Paragraph Seven - Debt Service (982042)

For the payment of interest and principal, etc., on bonds of the Sanitation Fund, the sum of two million, five hundred seventy-five thousand, one hundred thirty-five dollars (\$2,575,135) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Principal and Interest	\$2,575,135
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Paragraph Eight - Transfers (990242)

For transfers to Capital Projects of the Sanitation Fund. The sum of six hundred thirty thousand dollars (\$630,000) is appropriated from the Sanitation Fund to be apportioned as follows.

(1)	Transfers to Sanitation Capital Projects Fund	\$630,000
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**SUMMARY**

## **Expenditures and Revenues**

Total Sanitation Fund appropriations  
for the Fiscal Year Ending June 30, 2010 \$12,366,655

To be provided for from the following Estimated Revenues, which are as follows:

License Permits & Priv. Fee	\$ 500
Charges for Services	8,246,370
Miscellaneous Revenues	75,000
Recovered Costs	1,888,369
Transfers from General Fund, Depreciation, etc.	<u>2,156,416</u>

Total Sanitation Fund Revenues  
for the Fiscal Year Ending June 30, 2010 \$12,366,655

### **SECTION XIV - CENTRAL GARAGE FUND (2111)**

**That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 2010:**

#### **Paragraph One - Operating (612141)**

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of eight hundred fifty-seven thousand, three hundred fifty-one dollars (\$857,351) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services	\$579,995
(2) Other Operating Expenses	277,356

#### **Paragraph Two - Capital Outlay (672141)**

For the capital outlays of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of fifteen thousand dollars (\$15,000) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Capital Outlays	\$15,000
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### **SUMMARY**

#### **Expenditures and Revenues**

Total Central Garage Fund Appropriations  
for the Fiscal Year Ending June 30, 2010 \$872,351

To be provided for from the following Estimated Revenue, which is as follows:

Use of Money and Property	\$ 3,000
Charges for Services	799,629
Transfer	<u>69,722</u>

Total Central Garage Fund Revenue  
for the Fiscal Year Ending June 30, 2010 \$872,351

**SECTION XV - CENTRAL STORES OPERATING FUND (2112)**

**That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 2010:**

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of one hundred twenty-five thousand, four hundred thirty dollars (\$125,430) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services	\$ 67,014
(2) Other Operating Expenses	58,416

**SUMMARY**

**Expenditures and Revenues**

Total Central Stores Fund Appropriations  
for the Fiscal Year Ending June 30, 2010 \$125,430

To be provided for from the following Estimated Revenue, which is as follows:

Transfers from other Funds \$125,430

Total Central Stores Fund Revenue  
for the Fiscal Year Ending June 30, 2010 \$125,430

**TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XV  
IN THIS ORDINANCE  
FOR THE FISCAL YEAR ENDING June 30, 2010  
RECAPITULATION**

Section I	General Fund	\$83,615,484
Section II	School Fund	53,492,698
Section III	School Nutrition	2,304,079
Section IV	Emergency Communication Center Fund	3,547,863
Section V	Community Development Block Grant Fund	670,774

Section VI	General Capital Projects Fund	932,000
Section VII	Water Capital Projects Fund	875,000
Section VIII	Sewer Capital Projects Fund	450,000
Section IX	Sanitation Capital Projects Fund	630,000
Section X	Water Fund	8,260,969
Section XI	Sewer Fund	9,034,563
Section XII	Public Transportation Fund	7,738,854
Section XIII	Sanitation Fund	12,366,655
Section XIV	Central Garage Fund	872,351
Section XV	Central Stores Fund	<u>125,430</u>

TOTAL APPROPRIATIONS \$ 184,916,720

### SECTION XVI

All of the monies appropriated as shown by the contained items in Sections I through XV are appropriated upon the terms, conditions and provisions herein before set forth in connection with said items and those set forth in this section and in accordance with the provisions of the official code of the City of Harrisonburg, Virginia, Edition 1979, now in effect or hereafter adopted or amended, relating hereto.

That the rate of taxation of Real Estate and Manufactured Homes as defined in Section §36-85.3, Code of Virginia, 1950, as amended, be fixed at Fifty-Nine Cents (\$0.59), and that the rate of taxation on tangible Personal Property as defined by Article 1 of Chapter 35 of §58.1 of the Code of Virginia, 1950, as amended, be fixed at Three Dollars and No Cents (\$3.00) on each one hundred dollars (\$100) assessed valuation for the year 2010 except for the rate on business personal property, excluding vehicles, be fixed at Two Dollars and No Cents (\$2.00) on each one hundred dollars (\$100) assessed valuation for the year 2010; and that the rate of taxation on Machinery and Tools as defined by Article 2 of Chapter 35 of Title 58.1, Code of Virginia, 1950, as amended, be fixed at Two Dollars and No Cents (\$2.00) on each one hundred dollars (\$100.00) assessed valuation for the year 2010; real estate taxes to be collectible one half on or before December 5, 2009 and one half on or before June 5, 2010. It is expressly provided that the provisions of this Ordinance shall not apply to household goods and personal effects as enumerated in §58.1-3504 of said Code, if such goods and effects be owned and used by an individual or by a family or household incident to maintaining an abode, which goods and effects are hereby declared wholly exempt from taxation.

That the rate of fee or service charge imposed on Real Estate Property exempt from regular taxation shall be twenty percent (20%) of the real estate tax rate levied by the City Council in the above paragraph, which applies to the real estate for which the City furnished police and fire protection and for the collection and disposal of refuse, and where such real estate are exempt from taxation under Sections 58.1-3606 through 58.1-3608 of the Code of Virginia. Pursuant to Section 58.1-3400 through 58.1-3407 Code of Virginia, as amended, rate of service charge shall be Twelve Cents (\$0.12) per annum per \$100.00 of assessed valuation, payable one half on or before December 5, 2009 and one half on or before June 5, 2010. The above service charge shall apply to all real property except those specifically exempted from the service charge as provided

in such section. (Such as property owned by the Commonwealth, hospitals, cemeteries, churches, etc.) That the salaries, wages and allowances set out in detail in the budget statement and in the documents entitled "Classification titles and compensation ranges effective April 2009", and "Salary Schedule as of July 1, 2009", and adopted by the City Council for the fiscal year beginning July 1, 2009, and ending June 30, 2010, both dates inclusive, be, and they are hereby authorized and fixed as the maximum compensation to be allowed officers and employees for the services rendered, unless otherwise directed by the City Manager and that the City Manager is authorized to make such re-arrangements of salaries in the several departments within and between funds herein named as may best meet the needs and interest of the City and to transfer parts of salaries from one department to another when extra work is transferred from one department to another. The City Manager is also authorized to transfer funds from reserve for contingencies to other expenditure line items and funds, as he may deem necessary. Any positions not specifically listed in the Budget document may not be filled without prior written approval of the City Manager.

The taxi rates as detailed in the document entitled "Taxi, Rates effective July 1, 2009" are adopted by the City Council for the fiscal year beginning July 1, 2009 and ending June 30, 2010.

Any budgeted funds remaining in 910411-45904, Rescue Squad Vehicles, at year end will be reserved in the General Fund for the exclusive benefit of the rescue squad.

At the end of the fiscal year, June 30<sup>th</sup>, any budgeted project in the various capital project funds, for which funds have not been received or borrowed as anticipated, may have the appropriation reduced by the amount(s) not received or borrowed.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall become effective July 1, 2009.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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CITY CLERK

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MAYOR

Council Member Frank offered a motion to adopt the Fiscal Year 2009-2010 budget for a second reading. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Byrd

Kim Alexander, Assistant to the City Manager, presented for Council's consideration final approval of the FY 2009-2010 Annual Action Plan for the Community Development Block Grant (CDBG). There is \$539,980.00 to be allocated for next's year program. Funding provided for various City projects include HRHA Harrison Heights renovations (\$140,000.00), VAIL – Home Accessibility Modifications (\$10,000.00), Mercy House – Fire Protection (\$15,000.00), City sidewalks (\$194,996.00), and administration costs (\$107,484.00). Public Services include the ARC (\$5,000.00), Free Dental Clinic (\$25,000.00), Big Brothers/Big Sisters (\$6,000.00), Way to Go – Transportation Services (\$8,000.00), Valley Program for Aging Services – Meals on Wheels (\$8,500.00), and (Fire) Child Passenger Safety Seat Program (\$20,000.00). A 30 day Public Comment period was held from March 24<sup>th</sup> until April 24<sup>th</sup>. Ms. Alexander reviewed all comments received and the responses to the comments. Council Member Frank offered a motion to approve the final FY 2009-2010 Action Plan as presented. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Byrd

The next item of business was a presentation by Kim Alexander, Assistant to the City Manager, regarding downtown news and information stands. Ms. Alexander said that for years, newspaper companies and real estate firms have placed boxes along the City-owned sidewalks in the historic downtown area to sell newspapers or to give away information. Recently the number and locations of boxes has increased and City staff and Downtown business owners have concerns about the appearance, especially since the City has just completed Phase One of the Streetscape Project. The boxes also interfere with sidewalk sweepers and the placement of amenities such as trash containers and benches. Discussion included an application or permit process in conjunction with making designated areas only for the boxes.

At 10:01 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR





## REGULAR MEETING

May 26, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

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

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes and the second reading amending Section 10-3-97, 10-3-46, and 10-3-48 of the Zoning Ordinance. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

At 7:16 p.m., Mayor Degner closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 19, 2009.

**PUBLIC HEARING NOTICE**  
**CITY OF HARRISONBURG**

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

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

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

Following the Public Hearing, there will be a 7 calendar day Public Comment Period. All citizens and organizations are invited to attend the public hearing to comment orally or in writing on funding needs and priorities. Questions regarding the grant program are also encouraged. The City of Harrisonburg will make reasonable accommodations and services necessary for sensory-impaired and disabled citizens at the public meeting. Additionally, translation services may be offered upon request and availability. Persons requiring such accommodations/services should contact the City at least three working days in advance of the meeting.

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

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

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

Vote: Yes - Council Member Wiens

Council Member Byrd  
Council Member Frank  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

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

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

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

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

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

Absent – None

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

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

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

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

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

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

Vote: Yes - Council Member Wiens  
Council Member Byrd

Council Member Frank  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

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

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

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

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

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

Absent – None

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

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

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

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

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

Absent – None

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

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

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

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

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

Absent – None

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

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

12,954.31 chge. to: 1000-31809 Donations

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

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

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

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

Absent – None

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

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

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

No - Council Member Byrd

Absent – None

Council Member Frank offered a motion to approve the resolution authorizing the issuance and sale of General Obligation Public Improvement Bonds, Series 2009A for a second reading. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

At 8:18 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion concerning the expansion of an existing business or industry where no previous announcement has been made of the business' interest in expanding its facilities within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:15 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 9:16 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

June 9, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Roger Baker who lives on Paul Street expressed his concerns regarding allowing “backyard chickens” in the City. Mr. Baker said chickens are noisy, allowing chickens could lead to other requests for animals and fowl, pointed out that Rockingham County restricts chickens within 300 feet of residential areas, encouraged supporting the Farmers Market by purchasing fresh eggs, and reminded Council that they represent everyone, not just a few citizens.

Diane Gray who lives on Collicello Street said it would be detrimental to residents living close to other City residents keeping chickens in the yard. Real estate values will be impacted. Avian flu could be a big threat to the poultry industry. Ms. Gray opposed allowing chickens in the neighborhood simply to satisfy a few people.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department, Fire Department, and Tourism office. The motion also included referring an alley closing request by Donna R. Brock to the Planning Commission. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request from Dana Joy Harshberger to close a portion of an alley between South Willow Street and South Dogwood Drive. The alley is located adjacent to tax map parcels 36-R-3, 7, & 11. The applicant would like to enlarge her yard and made use of a portion of the alley to install a secondary entrance onto her property at 195 South Willow Street. Mrs. Turner reviewed the surrounding uses in the area. Since there is a public sanitary sewer line located within the limits of the alley an easement would need to be established prior to the sale. Staff has also determined there is a private stormwater pipe, which would be the responsibility of any future owners to maintain. The alley



is not being utilized for trash collection or emergency services nor are there any plans to develop the alley. Staff does not have any objections to the request as long as the easements are maintained. Planning Commission recommended approval of the alley closing request.

At 7:09 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Friday, May 29, and Friday, June 5, 2009.

**NOTICE OF INTENTION TO VACATE  
A FIFTEEN FOOT (15') WIDE ALLEY LOCATED  
LOCATED ON THE WEST SIDE OF SOUTH WILLOW STREET  
BETWEEN WEST BRUCE STREET AND WEST WATER STREET  
IN THE CITY OF HARRISONBURG**

**City Council Chambers  
409 South Main Street  
Harrisonburg, VA 22801  
Tuesday, June 9, 2009  
7:00 P.M.**

**The Harrisonburg City Council will hold a public hearing on Tuesday, June 9, 2009, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider a request by Dana Joy Harshberger to vacate and close an alley that adjoins her property on the north and is located on the west side of South Willow Street between West Bruce Street and West Water Street in the City of Harrisonburg, Virginia.**

**A copy of the plat showing the alley to be vacated and the recommendation of the City's Planning Commission are available in the City Community Development office, 409 South Main Street, Monday through Friday.**

**All persons interested will have an opportunity to express their views at this public hearing.**

**CITY OF HARRISONBURG  
Kurt D. Hodgen,  
City Manager**

Mayor Degner called on anyone desiring to speak for or against the alley closing request.

Willard Hertzler did not oppose the alley closing, but questioned whether he would still have access to the alley if it was ever needed in the future.

Alfred Bradburn representing the property owners at 131 South Willow Street said they have used the alley for 45 years to access their backyard. The Bradburns are willing to purchase their half of the alley. There being no others desiring to be heard, the public hearing was declared closed at 7:14 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve a request to close a portion of an alley between South Willow Street and

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

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

Absent – None

Planning and Community Development Director Turner presented a request to amend Section 10-3-24 of the Zoning Ordinance. Home occupations are a use permitted by right in every residential zoning district. Mrs. Turner reviewed the guidelines for people who are seeking to have a “home occupation” or business from their home. This proposed amendment would change the City existing definition for “home occupation” to specifically allow professional counselors the privilege of operating from residential zoning districts. Dr. Cobb has proposed a clinical private practice as a by-right use with an approved “home occupation” permit. This proposed amendment would also include language that would clearly allow residents who provide music lessons from their home to operate under the “home occupation” permit. Planning Commission has proposed the following language be added to the “home occupation” definition. The foregoing notwithstanding, providing professional counseling services by appointment only for not more than ten clients per week, and giving music lessons shall constitute home occupations. Planning Commission recommended approval of the proposed ordinance.

At 7:29 p.m., Mayor Degner closed the regular session temporarily and called the evening’s second public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 26, and Monday, June 1, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, June 9, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

#### ***Ordinance Amendment – Home Occupation Definition Modification***

**Public hearing to consider a request from the City of Harrisonburg to amend Section 10-3-24 of the Zoning Ordinance by modifying the definition of “home occupation.”**

**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 Degner called on anyone desiring to speak for or against amending this ordinance.

Harriet Cobb said she operates a small professional clinical private practice in her home. The practice is by appointment only and usually involves one client at a time in one vehicle. Dr. Cobb said this practice will not interfere with the character of the neighborhood. There being no others desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Wiens offered a motion to adopt Section 10-3-24 of the Zoning Ordinance as proposed for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request from Iglesia Nueva Vida Pentecostes for a special use permit to allow a religious use within the M-1, General Industrial District zoning classification. The property is located at 760 Waterman Drive and can be found on tax map parcel 39-E-7A. The Comprehensive Plan designates this area as Commercial. Mrs. Turner reviewed the surrounding uses in the area. This proposal was originally presented to Planning Commission on December 11, 2002. City Council approved the special use permit request on January 14, 2003. In early 2007 the applicant came back to the City requesting the identical special use permit at the same location. Again, staff and Planning Commission recommended approval with the lighting condition and City Council granted the special use permit in May 2007. However, there is a provision in the Zoning Ordinance, which states that if construction is not diligently pursued within 12 months the special use permit will expire. On April 15, 2008, almost a year after approval, a preliminary site plan for the church was submitted to the Fire Department for review. The Fire Department review and comments were returned to the applicant's engineer on April 17, 2008. No further submissions regarding site development were forwarded to the City until February 3, 2009, when the comprehensive site plan was submitted for review. Because of the considerable gap in time from Council approval to the comprehensive site plan submission, the special use permit expired because the applicant failed to diligently pursue their plan of development. Staff informed Iglesia Nueva Vida Pentecostes that the comprehensive site plan review would move forward; however, they would need to renew the special use permit request. Iglesia Nueva Vida Pentecostes is again requesting a special use permit to allow a religious use within the M-1, General Industrial District. The applicant would like to construct a 17,450 square foot church on the property. The new building would contain a sanctuary, classrooms, offices, and a kitchen area. The church would not provide housing facilities. There is a requirement for dedication of right-of-way along

Waterman Drive during the site plan process. Planning Commission recommended approval of the special use permit request with the condition that exterior lighting is provided for security purposes at any parking, walkway, and entrance area. Planning Commission also is recommended that the special use permit request be good for a period of three years.

At 8:00 p.m., Mayor Degner closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 26, and Monday, June 1, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, June 9, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Special Use Permit – Iglesia Nueva Vida Pentecostes (2009 Renewal)***

**Public hearing to consider a request from Abel Castro of Iglesia Nueva Vida Pentecostes for a special use permit per Section 10-3-97 (9) of the Zoning Ordinance to allow a religious use within the M-1, General Industrial District. The property is located at 760 Waterman Drive and can be found on tax map 39-E-7A.**

**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 Degner called on anyone desiring to speak for or against this special use permit request. There being no one desiring to be heard, the public hearing was declared closed at 8:01 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this special use permit request for a period of three years. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

School Board Finance and Technology Director, Dee Dee Dawson, presented a request for a transfer for the School Board. Mrs. Dawson said that these funds will be transferred within the school's operating budget because it is a normal procedure for the time of year to make funds available where they are needed. No additional City dollars are required for the school division to receive this transfer. Council Member Byrd offered a motion to approve transferring these funds, and that:

\$200,000.00 chge. to: 1111-111114-40610 Instruction

\$100,000.00 approp. to: 1111-111114-40620 Administration/Attendance & Health

100,000.00 approp. to: 1111-111114-40680 Technology

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

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

Absent – None

The next item of business was a request to reserve unexpended funds for the Parks & Recreation Department. Parks & Recreation Director Foerster said that the department is requesting to reserve \$22,500.00 in unexpended funds that were designated for the First Tee Pavillion Project. Weather related delays have pushed the completion of this project beyond the end of the current fiscal year. Council Member Frank offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request to consider funding for Our Community Place and the Northeast Neighborhood Association. These two organizations had sought support for their projects through the City's CDBG program, but funds were exhausted before reaching their spots on the priority list. Our Community Place is being considered for a \$5,000.00 appropriation and the Northeast Neighborhood Association is being considered for a \$2,000.00 appropriation.

Kaystyle Madden representing the Northeast Neighborhood Association requested that their name be removed from any consideration for project funding.

Council Member Byrd offered a motion to approve establishing a Neighborhood Association Committee and to appoint Mayor Degner and Council Member Byrd to serve on the committee. Neighborhood Association representatives will also be encouraged to serve on the committee. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

Council Member Wiens offered a motion to approve a supplemental appropriation request for “Our Community Place” for a first reading, and that:

\$5,000.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$5,000.00 approp. to: 1000-910411-45912 Our Community Place

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

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

Absent – None

City Manager Hodgen presented for Council’s consideration amending and re-enacting Section 7-4-1 of the Harrisonburg City Code. Mr. Hodgen said these annual step increases in water and sewer utility rates will become effective July 1, 2009. Council Member Byrd offered a motion to approve amending and re-enacting Section 7-4-1 of the City Code. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented an application from Jack Brown’s Beer and Burger Joint for an “Outdoor Dining Facility License”, which would allow them to offer outdoor dining on City right-of-way (part of an alley between Main and Federal Streets). Mr. Hodgen said staff is recommending approval of the application. Vice-Mayor Baugh offered a motion to approve this

request for an “Outdoor Dining Facility License”. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:35 p.m., Council Member Frank offered a motion that Council enter into a closed session for consultation with legal counsel regarding a proposed 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. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:25 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 9:26 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR





## REGULAR MEETING

June 23, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Major Malcolm Wilfong. Absent: Police Chief Donald Harper.

Vice-Mayor Baugh gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

George Pace who lives on Fairway Drive asked several questions regarding allowing “backyard chickens” in the City. “Will chickens attract other animals that will create problems? Will odor pollution become onerous especially during the hot summer months? What if the chickens escape their environs? How will deceased chickens be disposed of? Which government function will be responsible for enforcement regulations and how much will it cost? What will be the appeal process for citizens charged with regulation violations? Will there be a negative impact on property values?” Mr. Pace also offered this viewpoint: The greater chance citizens with laying hens who live within proximity of each other, the greater the risk of disease.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for “Our Community Place”. The motion also included amending and re-enacting Section 4-2-16, 7-4-1 and 10-3-24 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Kristin McCombe, Grants Compliance Officer, presented for Council’s consideration approval of amendments to the 2008 and 2009 Action Plans. Mrs. McCombe said the Housing and Urban Development (HUD) is channeling Stimulus Bill funding from the American Recovery and Reinvestment Act (ARRA) to the Community Development Block Grant (CDBG) Program. The City has been notified of a designated entitlement in the amount of \$143,252 from what is being termed the “CDBG-R”. HUD has advised all grantees that have applied for projects in parks or recreational facilities to reconsider their submissions. The City is submitting a revised proposal to use the \$143,252 in funding for sidewalks, curbs and gutter on East Gay Street. This project had formerly been approved as a part of the 2009 Action Plan. The 2009 Action plan is being amended to add funding for the restroom shelter at Ralph Sampson Park in

the amount of \$143,252. HUD is not requiring the City to hold a public comment period for either amendment. Council Member Byrd offered a motion to approve an amendment to the 2008 and 2009 Action Plans. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request from City Treasurer Jeff Shafer to advertize delinquent real estate taxes for 2006/2007 and 2007/2008. The advertisement will be published in the Daily News-Record. Council Member Frank offered a motion to approve this request. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request from City Treasurer Jeff Shafer to consider removing delinquent taxes from the current collection accounts. Mr. Shafer said the City is required to charge off uncollectible personal property taxes for the year 2003 and real estate taxes for the year 1988 as stipulated in the City Code and Code of Virginia. Mr. Shafer also announced that a new policy, which will go into effect July 1, 2009, will allow the City to block delinquent taxpayers from making transactions at the Department of Motor Vehicles (DMV) July 1, 2009. The City has also notified approximately 4200 taxpayers of delinquent personal property tax payments for the years 2004-2008. Following further discussion and comments, Council Member Byrd offered a motion to approve this request to charge off personal property taxes for 2003 and real estate taxes for 1988. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request to reserve funds for the West Market Street railroad crossing safety improvements. City Manager Hodgen said that the Economic Development Department has requested that \$75,000 be reserved from the current General Fund budget and applied toward a crossing arm project at the railroad crossing near the Rosetta Stone building on West Market Street. Local funds will be utilized for the 10% local match for the safety improvements and the balance of funds will be used for the costs of curbs, gutter, and bump outs. Council Member Byrd offered a motion to reserve the funds for the West Market Street railroad crossing safety improvements. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen said that in February 2009, Council approved the City's participation, along with Rockingham and Augusta Counties, in implementing a "fee for service" program to help offset the increasing costs of emergency response. Seven proposals were received and interviews conducted, with the results being a recommendation to select EMS Management and Consultants (EMSMC) to implement the system for the participating localities. Each of the three localities will contract separately with EMSMC. A "fee for service" program could benefit both the City and the Harrisonburg Rescue Squad. If the program is implemented, revenues of nearly \$700,000 for the first year of the program could be realized thus reducing the level of support needed from the General Fund budget. The City is recommending that a "soft billing" approach be instituted and if the patient has no health insurance they will not have to pay the bill and will not be turned over to any type of collection service. As is currently the case, nobody will be denied service. The next steps include asking the City Attorney to prepare an ordinance authorizing the billing for service and issuance of a franchise to EMS Management and Consultants, authorizing staff to negotiate with EMSMC for a services contract, and working with the Harrisonburg Rescue Squad to establish a distribution formula for program revenues.

Brandon Peavy, Chief of the Harrisonburg Rescue Squad, said that many rescue squads in the area have gone to this type of system. Mr. Peavy said donations do not meet all the expenses and this proposal will allow the rescue squad to do a lot more. It will enhance the system in the care that is provided by the rescue squad.

Deb Van Horn, Marketing Vice-President of The Rockingham Group, said the Rockingham Group is a local insurance company that provides coverage to many people. Ms. Van Horn said that it is important that all people get billed, not just the people who have insurance. "If you increase the cost of claims, you increase the cost of insurance".

Council agreed to ask the City Attorney to prepare an ordinance and schedule a public hearing on implementing a “fee for service” program for emergency medical services.

City Manager Hodgen presented the following resolution for Council’s consideration.

**HARRISONBURG AUXILIARY POLICE FORCE RESOLUTION**

**WHEREAS, on January 1, 2003, the City Council of the City of Harrisonburg, Virginia, passed a resolution authorizing the inclusion of all members of the Harrisonburg Auxiliary Police Force as employees of the City for purposes of the Worker’s Compensation Act of the Commonwealth of Virginia; and**

**WHEREAS, the members of the Harrisonburg Auxiliary Police Force wish to obtain their own Worker’s Compensation Insurance and no longer wish to be included on the City’s policy;**

**NOW, THEREFORE, BE IT RESOLVED, that the prior resolution of the City Council, dated January 14, 2003 is hereby rescinded and that all members of the Harrisonburg Auxiliary Police Force are no longer considered employees of the City of Harrisonburg for Worker’s Compensation Insurance purposes. Further the Harrisonburg Auxiliary Police Force shall furnish the City with evidence that they are covered with a policy under the Worker’s Compensation Act of the Commonwealth of Virginia. This resolution shall be effective July 1, 2009.**

**Dated: June 23, 2009.**

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**MAYOR**

**Attest:**

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**City Clerk**

City Manager Hodgen said that the Harrisonburg Auxiliary Police Force has requested to be removed from the City’s Workers Compensation Insurance policy. The group has obtained similar coverage from a separate insurance policy. This change will save the City approximately \$5,300 per year. Council Member Byrd offered a motion to approve this resolution. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Harrisonburg-Rockingham Office of Comprehensive Services. Local share of costs associated with Medicaid eligible cases and clients are paid in full by the State of Virginia. The State later withholds other eligible reimbursements in the amount paid on the locality's behalf for Medicaid. This withholding creates a shortfall in state reimbursement which is made up for by local funding. The FY 2010 budget was adjusted in anticipation of future State withholding(s). Council Member Wiens offered a motion to approve this request for a first reading, and that:

\$269,241.00 chge. to: 1000-31010 Amount from fund balance

\$269,241.00 approp. to: 1000-520511-45621 CSB-Comprehensive Services Act

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

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

Absent – None

Council Member Byrd offered a motion to approve a street closing for July 4<sup>th</sup>. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 7:50 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR



## REGULAR MEETING

July 14, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Chief Donald Harper.

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

Ralph Geddis complained about too many vacant lots in the City being neglected.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Harrisonburg-Rockingham Office of Comprehensive Services. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request from Virginia Mennonite Home, Inc., to amend the Virginia Mennonite Retirement Community Master Planned Complex. The Comprehensive Plan designates this area as Institutional. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to amend a portion of the Virginia Mennonite Retirement Community (VMRC) master plan. A master plan is needed whenever any parcel, or parcels, in the City are applying to be included in the institutional overlay district. VMRC is approximately 46.2 acre comprised of three subsidiaries; Park Village, Inc., Heritage Haven Inc., and Virginia Mennonite Home, Inc. An institutional overlay master plan for the original 45 acre tract of VMRC was approved in March 1997. In June 2004, an addition was made to the 1997 plan when 1.2 acres along Park Road was added to the Park Village, Inc., subsidiary of VMRC. With the current request, the applicant would like to modify the allowable uses for the Woodland facility, a 3.5 acre parcel located at 1301 Virginia Avenue, which was approved as part of the original master plan. The Woodland facility was designed as a home for adults and was used until November 1999 when the residents were moved to Crestwood. Since 1999, the Woodland facility has been used for a school, a day program, several nonprofit organizations, and student housing. The Woodland building is a two-story brick structure of approximately 34,500 square feet. Harrisonburg-Rockingham Child Day Care Center would occupy 15,504 square feet of the building. VMRC is also requesting to allow

the building to be used for rental offices and student housing and although offices and housing are not currently planned in conjunction with the child day care center, if approved, the building could accommodate all three at the same time. Mrs. Turner said parking is sufficient for the proposed uses. Planning Commission recommended amending the Virginia Mennonite Retirement Community Master Planned Complex.

At 7:11 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 29, and Monday, July 6, 2009.

## NOTICE OF PUBLIC HEARING

### *Master Plan Amendment – VMRC (Woodland Facility 2009)*

**Public hearing to consider a request from Virginia Mennonite Home, Inc. to amend an approximate 3.5 +/- acre portion of the Virginia Mennonite Retirement Community master planned complex. The request would modify the allowable uses for the Woodland facility located at 1301 Virginia Avenue. The property is zoned R-3, Multiple Dwelling Residential District along with an Institutional Overlay District and can be found on tax map 52-A-1. The Comprehensive Plan designates this area as Institutional. These lands are designated for development by certain nonprofit and public institutional uses such as colleges and universities, hospitals, offices of nonprofit organizations, community assembly uses and institutions which provide for the shelter and care of people. The Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum. The I-1, Institutional Overlay District is intended to provide for orderly development of certain nonprofit institutional uses and is created as a special overlay district to be superimposed on base districts by approval of City Council. Dimensional and density regulations are intended to supplement those permitted in the underlying zoning classification.**

**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 Degner called on anyone desiring to speak for or against this master plan request.

Marvin Nisley, Vice President of Design and Construction at VMRC, said this is a very beneficial arrangement for VMRC and will provide an opportunity for intergenerational programming and volunteer work at VMRC.

Dennis Durost, President of the Board of Directors for the Harrisonburg Rockingham Child Day Care Center, said this non-profit day care center has served the community for 38 years. Currently, we need to find a new space and are excited about this invitation with VMRC to temporarily occupy this space. There being no others desiring to be heard, the public hearing was declared closed at 7:13 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve the VMRC Master Planned Complex request. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request from Craig Steven and Carol Ann Lowry to rezone a parcel from M-1, General Industrial District to B-1, Central Business District. The property is located at 125 West Water Street and can be found on tax map 25-C-16. The Comprehensive Plan designates this area as Mixed Use Development. Mrs. Turner reviewed the surrounding uses in the area. Currently, the property is non-conforming to land use, setback regulations, and parking requirements. Approving this request would bring the property into the zoning conformance. The initiating reason the property owner applied to rezone their parcel was due to a complication they had with a minor subdivision to swap square footage between their lot and the Rosetta Stone parcel that surrounds their property on two sides. Staff could not approve the minor subdivision because it was unable to meet all of the requirements of the Subdivision Ordinance, which related to the Zoning Ordinance's setback regulations. The minor subdivision would have adjusted two property boundaries, one of which was the only property boundary that currently met setback regulations, and therefore could not be approved. Staff also informed the applicant that their property was non-conforming to land use, setback regulations (on three sides), and to the requirements of the parking regulations. The proposal is consistent with the recent rezoning of the Rosetta Stone property and falls within the downtown Revitalization Area while also complying with the Comprehensive Plan's land use designation. Planning Commission recommended approval of the request.

At 7:18 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 29, and Monday, July 6, 2009.

### **NOTICE OF PUBLIC HEARING**

The Harrisonburg City Council will hold several public hearings on Tuesday, July 14, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

*Rezoning – 125 W. Water St. (Lowry)*

Public hearing to consider a request from Craig Steven Lowry and Carol Ann Lowry to rezone a 3,249 +/- sq. ft. parcel from M-1, General Industrial District to B-1, Central Business District. The property is located at 125 West Water Street and can be found on tax map 25-C-16. The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area. The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central Business District.

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 Degner called on anyone desiring to speak for or against this rezoning request. Welby Showalter, an attorney for the applicant, said that he concurred with the recommendation of the Planning Commission. There being no others desiring to be heard, the public hearing was declared closed at 7:19 p.m., and the regular session reconvened. Vice-Mayor Baugh offered a motion to approve the rezoning request. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Council Member Frank  
Mayor Degner

Absent – None

Planning and Community Development Director Turner presented a request from the Hill Group Properties to preliminarily subdivide three lots with variances requested from the Subdivision Ordinance. The parcel contains approximately 36,682 sq. ft. and is located between Community Street and old North Mason Street right-of-way. The Comprehensive Plan designates this area as Mixed Use Development. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to preliminarily subdivide three lots, zoned B-1, Central Business District, into six lots. The properties include three single family structures, three duplexes (one of which was recently destroyed by a fire), and several buildings. The purpose of the subdivision is to place each dwelling structure on its own lot. After submitting an application to subdivide these properties through an administrative minor subdivision process, staff notified the property owner that both Community Street and old North Mason Street did not have the required 50 feet of right-of-way or the required street infrastructure, and therefore would be required to dedicate the necessary right-of-way and build the street improvements. The applicant has pledged to dedicate right-of-way to the existing porch foundations to help accommodate future street improvements. Since the properties are zoned B-1, there are no area or dimensional requirements and no setback requirements; and other than the above requested variances, the proposed request meets all other subdivision requirements. Planning Commission recommended approval to preliminarily subdivide the three lots with variances requested from the Subdivision Ordinance. Council Member Frank offered a motion to approve the request to subdivide the three lots as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request from Scott Kettelkamp to preliminarily subdivide two parcels along Norwood Street, with variances requested from the Subdivision Ordinance. The Comprehensive Plan designates this area as Medium-Density Residential. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to preliminarily subdivide two parcels into three lots with four variances requested from the Subdivision Ordinance. The four variances are associated with right-of-way dedication and required street improvements. The applicant proposes to construct three townhouse units on the new lots. Townhouses are designed to permit individual and separate ownership of each lot and the R-3 zoning regulations require each separate townhouse lot to have at least 2,000 square feet of lot area, 18 feet of lot width, and 112 feet of lot depth. In this case, if the applicant dedicates the 10 feet of right-of-way, he would not have enough lot depth to meet

the requirement of 112 feet; therefore, he cannot construct townhouses. The dedication of right-of-way would also reduce the lot area so that there is not enough available area left to meet the requirement for the construction of a three unit apartment building. There are other options for construction, such as not subdividing and constructing two single-family dwellings on the existing two lots, or constructing a duplex on the site regardless of whether it is re-subdivided.

In May, Planning Commission recommended approving the variance requests from Section 10-2-66 and 10-2-67 of the Subdivision Ordinance and recommended denying the variance requests from Section 10-2-41 and 10-2-45, which required the dedication of right-of-way. However, at the May Council meeting, Mr. Kettelkamp changed the request by stating that he would establish an agreement with the City that would require either he, or future owners, to dedicate right-of-way to the City at no cost. The new proposal would allow the construction and the maximization of the density while also ensuring the City the right-of-way needed for the future. As this new proposal had not been reviewed by the Planning Commission, City Council made a motion at its May 12<sup>th</sup> meeting to return the new proposal to the Planning Commission for further review.

Mrs. Tumer said that because this property is located in a R-3 zoning classification by right the applicant can build different types of dwelling units. There is enough lot area to build three townhouses on the property. However, when re-subdividing the property the requirement that lots front on City streets that meet City street standards comes into play. It would require the applicant to dedicate 10 foot of right-of-way along the frontage of these lots. The street will need to have 50 foot right-of-way to meet City's standard. Ten feet of the right-of-way will need to come from this undeveloped property. Then the lot cannot meet the requirement of 112 feet of lot depth in the R-3 zoning classification for townhouse lots. The subdivision cannot be approved with the follow through of the dedication of the right-of-way as the applicant has requested.

Mr. Kettelkamp is requesting that the dedicated right-of-way not be required at this time. Staff has concerns with allowing a subdivision that would, at some point, place the parcels into non-conformance to lot depth and possibly parking requirements. Staff continues to object to a variance that would deviate from the requirements to dedicate right-of-way at the time of subdividing simply to maximize density. Planning Commission recommended denying the subdivision request by a vote of three to two.

Following a very lengthy discussion and comments, Council Member Frank offered a motion to preliminarily subdivide two parcels along Norwood Street with variances requested from the Subdivision Ordinance. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd  
Council Member Frank  
Mayor Degner

No - Vice-Mayor Baugh  
Council Member Wiens

Absent – None

City Manager Hodgen announced that the Finance Director will make a budget line adjustment regarding a request to transfer funds from Water Capital Projects account to Port Republic Road Street Improvement account. Council does not need to take any action on Agenda Item #10.

The next item of business was holding a public hearing to authorize the re-appropriation of several encumbrances that were outstanding at June 30, 2009. City Manager Hodgen said the purchase orders were for goods and/or services which were contracted for but not received prior to June 30, 2009. The 2009-2010 budget will be increased by \$1,002,696.14. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$211,047.64 chge. to: 1000-31010 Amount from fund balance  
395,308.79 chge. to: 1111-31010 Amount from fund balance  
11,396.88 chge. to: 2011-31010 Amount from fund balance  
5,578.12 chge. to: 2012-31010 Amount from fund balance  
205,482.71 chge. to: 2013-31010 Amount from fund balance  
173,882.00 chge. to: 2014-31010 Amount from fund balance

\$ 13,000.00 approp. to: 1000-121511-43100 Professional services  
6,553.49 approp. to: 1000-122011-48172 Hardware  
5,000.00 approp. to: 1000-122011-48273 Software  
800.00 approp. to: 1000-310131-43330 Main & repairs-Mach & equip  
1,077.00 approp. to: 1000-310331-48111 Machinery & equipment  
5,725.00 approp. to: 1000-310331-48211 Machinery & equipment  
8,100.00 approp. to: 1000-320232-43360 Main & repairs-Bldg & grounds  
9,098.00 approp. to: 1000-320232-48113 Equipment  
16,329.00 approp. to: 1000-320232-48181 Buildings and grounds  
6,400.00 approp. to: 1000-430221-43364 Main & repairs-212 S. Main St  
3,579.75 approp. to: 1000-410241-43372 Main & repairs-Bridges  
40,000.00 approp. to: 1000-410241-48173 Software  
85,885.40 approp. to: 1000-710271-48184 Improvements  
9,500.00 approp. to: 1000-810521-43134 Lab Market & training survey  
88,382.49 approp. to: 1111-111114-40610 Instruction  
13,000.00 approp. to: 1111-111114-40620 Admin-Attend-Health ser  
171,629.20 approp. to: 1111-111114-40620 Operations & maintenance  
122,297.10 approp. to: 1111-111114-40680 Technology  
4,896.88 approp. to: 2011-322061-43320 Service contract  
6,500.00 approp. to: 2011-372061-48181 Buildings and grounds  
3,675.00 approp. to: 2012-412061-43310 Repairs and maintenance  
1,903.12 approp. to: 2012-462061-43320 Service contracts  
91,107.71 approp. to: 2013-872081-48181 Buildings and grounds  
54,375.00 approp. to: 2013-872081-48253 Transit buses  
60,000.00 approp. to: 2013-872081-48254 School buses  
35,980.00 approp. to: 2014-912242-43320 Service contracts

137,902.00 approp. to: 2014-972043-48151 Motor vehicle and equipment

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

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

Absent – None

City Attorney Thumma presented for Council's consideration amending and re-enacting Section 15-3-2 of the Harrisonburg City Code. This change to the existing ordinance is requested by the Police Department and the Commonwealth's Attorney's office to bring the City's noise ordinance up to date and also be in compliance with a Supreme Court of Virginia case that overturned a Virginia Beach noise ordinance as being unconstitutional. Council Member Byrd offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a presentation of draft ordinances regulating "Fowl, chickens and other domestic birds". City Attorney Thumma said that in May 2009, Council directed staff to prepare draft ordinances concerning a backyard chicken proposal. Staff members consisting of the Assistant City Manager, the City Attorney, the Community Development Department, the Police Department, the Public Works Department, and the Recreation Department have met several times to discuss, express concerns, and review numerous ordinances from other localities. The only difference between the two ordinances is the size of the parcel (a minimum of twenty thousand (20,000) square feet of land, and a minimum of two (2) acres of land). Concerns expressed and discussion by Council Members included a Virginia Livestock Premises Registration process, proposed ordinances too restrictive, questioned the higher fee, property inspection, inadequate housing for the chickens, spreading disease, reducing the minimize lot requirement, and whether the City should allow chickens or not. Council agreed to reduce the minimum property size from 20,000 square feet to 12,000 square feet in one proposed ordinance and leave the other proposed ordinance at a minimum two acres of land. Council also agreed to schedule a public hearing on July 28<sup>th</sup> to consider these two

proposed ordinances (one ordinance amended) regulating “Fowl, chickens and other domestic birds”.

The next item of business was approving a State Performance Contract for the Community Services Board. City Manager Hodgen said that the Code of Virginia calls for a formal vote on this contract. However, if no action is taken by September 15, 2009, it is considered approved. Council Member Byrd offered a motion to approve the FY 2010 State Performance Contract for the Harrisonburg-Rockingham Community Services Board. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Abstained - Council Member Wiens

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Parks and Recreation Department. These funds will reimburse the department budget for costs associated with the African American Festival, a new scoreboard for the Youth Football/Baseball program, and construction of a pavilion adjacent to the First Tee Learning Center. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$7,285.55 chge. to: 1000-31809 Donations

\$7,285.55 approp. to: 1000-710871-48111 Machinery & Equipment

\$22,500.00 chge. to: 1000-31010 Amount from Fund Balance

\$22,500.00 approp. to: 1000-730371-4818 Buildings and Grounds

\$1,500.00 chge. to: 1000-31809 Donations

\$1,500.00 approp. to: 1000-710171-45803 P&R Administration-Festivals

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

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

Absent – None

Council Member Frank offered a motion that Dr. Ramona D. Rogers, 455 Andergren Drive, be appointed to a first term on the Social Services Advisory Board to expire on July 1, 2013. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Frank offered a motion that David L. Smith, 942 Northfield Court, be appointed to fill the unexpired term of Erica Martin on the Social Services Advisory Board to expire on July 1, 2011. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:15 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR



REGULAR MEETING

July 28, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Chief Donald Harper.

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

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Parks and Recreation Department, re-appropriation of encumbrances outstanding at June 30, 2009, a rezoning request by Craig Steven and Carol Ann Lowry, and amending the Virginia Mennonite Retirement Community Master Planned Complex. The motion also included amending and re-enacting Section 15-3-2 (Nuisances) of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request from Rockingham Memorial Hospital (RMH) to close South Mason Street between Grace Street and the bridge. City Manager Hodgen said that RMH is holding a RMH Employee Gifts Campaign Celebration event on August 13, 2009 from 2:30 p.m. until 4:30 p.m. Plans are to close South Mason Street between Grace Street and the bridge that connects the main hospital to the Cancer Center. Access to the Emergency Room and the Maple Parking Lot will not be closed nor will the East and West bound traffic on Grace Street be blocked. Council Member Byrd offered a motion to approve this street closing request as presented. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was authorizing the appropriation of bond proceeds for the City and Harrisonburg Redevelopment & Housing Authority (HRHA) capital projects. City Manager Hodgen said the City completed a General Obligation Bond issued last month for capital projects including HRHA projects, the Dream Come True Playground project and the Tower Street Water Tank. Funding for the projects need to be appropriated into the respective project line items in the current year budget. The 2009-2010 budget will be increased by \$7,863,301.27.

At 7:05 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 20, 2009.

### NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, July 28, 2009 at 7:00 p.m., or as soon as the agenda permits, in the Harrisonburg High School Auditorium located at 1001 Garbers Church Road, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2009-2010 budget in the amount of \$7,863,301.27. The funds will be used to fund several HRHA, Harrisonburg Redevelopment and Housing Authority projects and construct the City's Peach Grove Park and Tower Street Water Tank. The expenditures will be funded by the proceeds from a June 2009 bond issue and estimated interest earnings on the bond issue proceeds.

The budget increases will be as noted below:

**Revenues:**

**General Capital Projects Fund:**

Amount from fund balance-Bond proceeds	6,439,815.97
Investment earnings	<u>13,485.30</u>
Total	<u>6,453,301.27</u>

**Water Capital Projects Fund:**

Amount from fund balance-Bond proceeds	1,408,499.40
Investment earnings	<u>1,500.60</u>
Total	<u>1,410,000.00</u>

**Grand Total** 7,863,301.27

**Expenditures:**

**General Capital Projects Fund:**

Peach Grove Park (A Dream Come True Playground)	3,301.27
HRHA 6.4 million projects -21.141 million-bond issue	<u>6,450,000.00</u>
Total	<u>6,453,301.27</u>

**Water Capital Projects Fund:**

Tower Street Water Tank	<u>1,410,000.00</u>
Total	<u>1,410,000.00</u>

**Grand Total** **7,863,301.27**

**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 Degner called on anyone desiring to speak for or against increasing the budget. There being no one desiring to be heard, the public hearing was declared closed at 7:06 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$6,439,815.97 chge. to: 1310-31010 Amount from fund balance  
13,485.30 chge. to: 1310-31513 Investment earnings  
  
6,453,301.27 Total General Capital Projects Fund  
  
1,408,499.40 chge. to: 1321-31010 Amount from fund balance  
1,500.60 chge. to: 1321-31513 Investment earnings  
  
1,410,000.00 Total Water Capital Projects Fund  
  
\$7,863,301.27 Grand Total  
  
\$ 3,301.27 approp. to: 1310-910141-48699 Peach Grove Park  
6,450,000.00 approp. to: 1310-910141048724 HSHA projects  
1,410,000.00 approp. to: 1321-910161-48657 Tower Street Water Tank  
  
\$7,863,301.27 Total

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

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

Absent – None

At 7:08 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Saturday, July 18, and Saturday, July 25, 2009.

**NOTICE OF PUBLIC HEARING ON ENACTING  
A BACKYARD CHICKEN ORDINANCE  
FOR THE CITY OF HARRISONBURG**

**The Harrisonburg City Council will hold a public hearing on July 28, 2009 at 7:00 P.M. in the Harrisonburg High School Auditorium located at 1001 Garbers Church Road, Harrisonburg, Virginia, to solicit public comments concerning the possibility of enacting of an ordinance allowing back yard chickens in the City of Harrisonburg.**

**Copies of the proposed ordinances are available on the City's web site and are available in the City Managers Office, 345 South Main Street, Harrisonburg, Virginia, Monday through Friday, 8:00 A.M. to 5:00 P.M.**

**All persons interested will have an opportunity to express their views at this public hearing.**

**Any person requiring auxiliary aids, including signers, in connection with this public hearing shall notify the City Manager at least five (5) days prior to the time of the hearing.**

**CITY OF HARRISONBURG**

**Kurt D. Hodgen,  
City Manager**

Mayor Degner called on anyone desiring to speak for or against the proposed draft ordinances regulating "Fowl, chickens and other domestic birds". A number of people spoke against the draft ordinances to allow chickens in the backyard. Also, a number of people spoke in favor of the draft ordinances to allow chickens in the backyard. A list of the names is available upon request. The public hearing was declared closed at 9:01 p.m., and the regular session reconvened.

Council Member David Wiens said, "It is clear that the chicken group have made some very good points especially reducing the lot size from (12,000) square feet to (7,000) square feet. We need to consideration their request and perhaps have a compromise."

Council Member Carolyn Frank said, "Is it correct that all the chickens must be kept in a pen? I support sustainability and have planted a garden, built a water barrel, and bought a composter to use. I am thankful for the food industry, but I want to grow my own food. I like to try something new. If it becomes too much of a burden on the City then we can change the ordinance. But, it is time to move ahead and build relationships."

Vice-Mayor Richard Baugh said, "At this point, I am not prepared to vote for (12,000) square feet or (7,000) square feet of land. If the votes aren't supportive to approve one of the proposed draft ordinances it doesn't make sense to amend it. Some people have asked why Council didn't say no when first approached about the matter. I think Council has done too much of that type of thing in the past. A number of citizens asked for fair consideration on this

issue and I think we owe them respect and consideration. Also, I support the right of citizens to have some say in what their neighborhoods are like. Some times what is done in one town is not done in another town. I intend to vote against it.”

Mayor Kai Degner said, “A number of different concerns and issues including sustainability, property values, noise, enforcement issues, disease, inspection, safety, agricultural production, predators, and keeping chickens as pets have been expressed. Council has many other issues to spend time on other than chickens. How does it impact our neighbors in the county and poultry industry? Other related issues include waste run-off and water quality. Residents of the City and the community have raised funds to support the Farmers Market, which has a good resource of local food. It is not an issue of voting on four chickens in the backyard because it will be becomes hundreds of chickens in the City. How can five people make a decision on something that will go against public opinion and will only benefit a relatively few? If you were against the golf course and are for this issue, I want to say that two rights don’t make a wrong. It is time to move forward. Even if you support this issue you are still part of a community that the vast majority of people are against. Therefore, I will be voting against this issue for that reason.”

Council Member Ted Byrd said, “I spoke against this issue from the beginning. I am not in support of allowing fowl in a residential area. People purchase homes in the City without the expectation of living beside agriculture animals. A residential zone should not have laying hens.”

Council Member Wiens offered a motion to adopt the proposed ordinance except reduce the minimum property size from 12,000 square feet to 7,000 square feet. The motion was seconded by Council Member Frank and denied with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Wiens  
Council Member Frank

No - Council Member Byrd  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Vice-Mayor Baugh offered a motion to adopt the ordinance with a minimum of two (2) acres of land for a first reading. Following further discussion and comments, the motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

No - Council Member Byrd

Mayor Degner

Absent – None

Council Member Byrd offered a motion that Brian Shull be appointed to a term on the Shenandoah Valley Partnership-Board of Directors to expire on June 30, 2011. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:15 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

REGULAR MEETING

August 11, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Captain Dan Claytor. Absent: Police Chief Donald Harper.

Vice-Mayor Baugh gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading appropriating bonds proceeds for the City of Harrisonburg and the Harrisonburg Redevelopment Housing Authority (HRHA) capital projects. The motion also included an alley closing request by Dana Joy Harshberger. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Vice-Mayor Baugh offered a motion to enact Section 15-2-25 of the Harrisonburg City Code for a second reading. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No - Council Member Byrd  
Mayor Degner

Absent – None

Planning and Community Development Director Turner presented a request from Donna R. Brock to close an undeveloped alley between Effinger Street and Kelley Street. The right-of-way is 10-feet wide by 217-feet long and is adjacent to tax parcels 33-G-1B, 2A, 3A, 4 & 5. The alley is undeveloped and visually appears to be part of the adjoining yards. There is no water, sanitary sewer, stormwater, or electric facilities located within the existing right-of-way.

The City has no plans to develop the alley and does not anticipate any negative consequences from vacating the right-of-way. Planning Commission recommended approval of the alley closing request.

At 7:06 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, August 1, 2009, and Saturday, August 8, 2009.

**NOTICE OF INTENTION TO VACATE  
A TEN FOOT (10') WIDE ALLEY LOCATED  
BETWEEN KELLEY STREET AND EFFINGER STREET  
IN THE CITY OF HARRISONBURG**

**City Council Chambers  
409 South Main Street  
Harrisonburg, VA 22801  
Tuesday, August 11, 2009  
7:00 P.M.**

**The Harrisonburg City Council will hold a public hearing on Tuesday, August 11, 2009, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider a request by Donna R. Brock to vacate and close an alley that adjoins her property on the west and is located between Kelley Street and Effinger Street in the City of Harrisonburg, Virginia.**

**A copy of the plat showing the alley to be vacated and the recommendation of the City's Planning Commission are available in the City Community Development office, 409 South Main Street, Monday through Friday.**

**All persons interested will have an opportunity to express their views at this public hearing.**

**CITY OF HARRISONBURG  
Kurt D. Hodgen,  
City Manager**

Mayor Degner called on anyone desiring to speak for or against the alley closing request. There being no one desiring to be heard, the public hearing was declared closed at 7:07 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve closing an undeveloped alley between Effinger Street and Kelley Street. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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



Mayor Degner

Absent – None

A Public Hearing scheduled to consider a request from ILEX LLC to rezone two parcels and a portion of a third parcel from R-2 and B-2 to M-1C was withdrawn by the applicant.

Planning and Community Development Director Turner presented a request from Rockingham Mutual Insurance for a special use permit to allow a communications tower along an undeveloped portion of Long Avenue. The Comprehensive Plan designates this area as Mixed Use Development. Mrs. Turner reviewed the surrounding uses in the area. The property can be found on tax map parcel 28-J-12. Shenandoah Mobile Company (Shentel), the applicant's representative, desires to construct a 79-foot structure consisting of a 75-foot uni-pole/stealth tower with a four-foot lightning rod. The tower site is within the rear parking lot of the Rockingham Mutual Insurance Company office building located at 633 East Market Street and also has frontage along the undeveloped portion of Long Avenue. The applicant has stated that the objective of the tower is to improve coverage and provide additional resource capacity in the general vicinities of the James Madison University (JMU) Campus Area, JMU stadiums, and southwest downtown Harrisonburg. A new tower site would relieve call traffic on existing sites due to increases in subscribers, voice mail, text messaging, and high speed wireless users. Other tower and co-location sites have been considered by Shentel, but are too expensive or have inadequate signal coverage. This portion of East Market Street is a very visible and highly traveled corridor of the City and a 79-foot tower would have a significant visual impact. The applicant states that the tower will be surrounded by mature trees, which would lessen the visual impact. Mrs. Turner reviewed the setback requirements for the B-2 zoning classification and buildings greater than 35-feet in height abutting a residential district. There has been some confusion over the interpretation of this regulation since the Zoning Ordinance defines building and structure separately and a cell tower is obviously a structure. The following conditions have been recommended by Planning Commission: 1) The tower shall not exceed 75-feet in overall height. 2) The tower shall be painted a neutral color that shall help reduce its visibility. 3) The tower shall be designed such that if damaged, it would fall within the limits of the property upon which it is constructed. 4) Placement of advertising of any kind is prohibited on the tower. 5) The tower shall not interfere with the Harrisonburg-Rockingham Emergency Communications system operation. Planning Commission recommended approval with the five conditions by a vote of four to two.

At 7:27 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 27, 2009, and Monday, August 3, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, August 11, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

*Special Use Permit – Rockingham Mutual Insurance (Shentel Communications Tower)*

**Public hearing to consider a request from Rockingham Mutual Insurance for a special use permit per Section 10-3-91 (4) of the Zoning Ordinance to allow a communications tower to be located within the B-2, General Business District. The property is located along an undeveloped portion of Long Avenue and can be found on tax map 28-J-12.**

**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.**

**Kurt D. Hodgen  
City Manager**

Mayor Degner called on anyone desiring to speak for or against this special use permit.

Glen Hodge, an attorney for the applicant, said that Shentel proposes to build a cell tower along the south side of East Market Street on Rockingham Mutual property. The transmitter will be located inside the uni-pole with the necessary radio equipment in a small structure at the base. Mr. Hodge reviewed other existing Shentel sites and how this proposed tower will relieve the burden on those towers. The proposed tower will not have an adverse impact on the aesthetics of this portion of East Market Street. The development of comprehensive coverage for wireless communication is really consistent with the City Comprehensive Plan and could benefit the citizens of Harrisonburg. Mr. Hodge urged Council to approve the special use permit request and adopt Planning Commission recommendation.

Anthony Perrault reviewed different tower structures.

Paula Figgatt, a retail asset manager with The UVA Foundation, said the process for the tower began in September of 2007. Ms. Figgatt reviewed various sites that towers are not allowed in the City. Also, submitted was a letter from Michael Woolman, JMU Director of Telecommunications, stating that JMU has no commercial cellular towers or antennae on its campus. There being no others desiring to be heard, the public hearing was declared closed at 8:24 p.m., and the regular session reconvened. Following a very lengthy discussion and comments, Council Member Wiens offered a motion to table this special use permit request. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Frank offered a motion to table amending Sections 10-3-92 and 10-3-98 of the Zoning Ordinance. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request from the City of Harrisonburg to preliminarily subdivide an 86 acre parcel into two lots at 1020 Greendale Road. City Manager Hodgen said the purpose of the subdivision is to separate the dwelling unit from the larger parcel so it can be sold. The 86 acre parcel is part of some land the City acquired for landfill expansion purposes. The owner of a single family dwelling on the parcel, who was given a life estate, has died. Planning Commission has recommended approving the preliminary plat to subdivide the parcel. Council Member Byrd offered a motion to preliminarily subdivide the 86 acre parcel into two lots at 1020 Greendale Road. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a report by Harrisonburg Electric Commission (HEC) on a Transmission Line Construction project. Brian O'Dell, Engineering Manager of HEC, said that HEC proposes to construct a 69,000 volt transmission line from its substation located at 2230 Ramblewood Road to intersect with an existing 69,000 volt line. The purpose of this line is to allow the transmission system of HEC to operate more efficiently by lowering line losses and to increase the overall capacity of the transmission system to better serve current and future customers under all operating conditions. HEC held a public hearing on June 23, 2009. Mr. O'Dell reviewed the proposed schedule for the construction.

The next item of business was a report by the Combined Harrisonburg and Rockingham Gang Enforcement task force. Chris Rush, Harrisonburg Police Department Sergeant and Joint Gang Task Force Supervisor, said the primary objectives of the task force is to educate the community, conduct awareness, hold prevention presentations, and provide the community with the outlook of gangs in the City and County. During the past four years efforts have focused on identifying gangs and gathering intelligence information. Mr. Rush said that arrests and gang related incidents have increased each year for many years. "We are not experts in this field and

are learning every day we come to work. We are always looking for input from citizens and community cooperation and involvement.”

The next item of business was a presentation by Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance (HDR), who gave an update of the progress and accomplishments of HDR. The City and HDR hosted a workshop sponsored by Virginia Main Street and Virginia Downtown Development Association on livable downtowns and downtown housing. Mr. Bumbaugh reviewed projects receiving Façade Enchantment grants, existing and new projects, new restaurants, new technology businesses, signage, and expanding businesses. There will be 278 new housing units in the downtown area after several new projects are completed.

Jessica Chase, Program Manager/Downtown Parking Services for HDR, reviewed information regarding events that occurred during the last several months and upcoming events, including a Celebration Reception on October 26<sup>th</sup> and Temptations of the Theatre on November 11<sup>th</sup>. Ms. Chase discussed parking problems and an increased usage of the parking decks.

Alexis Morehouse, Promotions Manager of HDR, reviewed slogans, a new shopping and dining guide, and downtown events.

Kris Ludwig, Special Events Manager of HDR, reviewed information regarding the Court Days Festival, Valley 4<sup>th</sup> Parade, and other upcoming events in the downtown area. Council Member Frank offered a motion to approve the welcome back students “Block Party in the Burg” event on October 2<sup>nd</sup>, from 4:00 to 8:00 p.m., and the Veterans Day Parade on Sunday, November 8<sup>th</sup> from 1:00 to 3:00 p.m. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

The next item of business was an update on Water Capital Projects and the use of bond proceeds. Public Works Director Mike Collins presented a brief overview of the costs associated with the Shenandoah River raw water line project. The original intent was to use \$1.4 million for the water tank, but the City has subsequently received stimulus funding for that project. Mr. Collins proposed that the City utilize the bond funds for an intake pump station and a booster pump station needed for the Shenandoah River raw water line project. These two projects would otherwise be paid for through use of utility fund capital project monies. Council Member Byrd offered a motion to approve the bond funds for an intake pump station and a booster pump station needed for the Shenandoah River raw water line project. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented a draft of an ordinance authorizing the billing for service and the issuance of a franchise and a resolution establishing rates for the charges. A public hearing has been scheduled for the August 25<sup>th</sup> Council meeting. Mr. Hodgen said that no one will ever be denied emergency medical services based on inability to pay. If revenues are less than anticipated adjustments will be made.

City Manager Hodgen presented a request for a supplemental appropriation for the Police Department. These funds were received from state asset seizure money and will be used to purchase new holsters for all sworn police officers. Council Member Byrd offered a motion to approve this request for a first reading and that:

\$10,631.00 chge. to: 1000-22701 State asset seizure money

\$10,631.00 approp. to: 1000-310231-46100 Police supplies

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

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

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Police Department. These funds were received through a law enforcement block grant and will be used to purchase surveillance equipment. Council Member Byrd offered a motion to approve this request for a first reading and that:

\$13,120.00 chge. to: 1000-31010 Law enforcement block grant

\$13,120.00 approp. to: 1000-310331-48211 Machinery and equipment

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

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

Absent – None

At 9:55 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

REGULAR MEETING

August 25, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Major Malcolm Wilfong. Absent: Police Chief Donald Harper.

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

Martin Solomon said that he rides a type of motorcycle that does not require him to wear a helmet. However, City Police Officers continue to stop him because they believe he is required to wear a helmet. He presented a summons issued by the Harrisonburg Police Department, which was voided.

Beverly McGowan said City Code Section 6-2-6d should be enforced, which does not allow keeping indoor furniture on the front porch.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented for Council’s consideration an Emergency Services Billing Ordinance and Rate Resolution. Mr. Hodgen said that neither the final contractual agreement with EMS nor the final funding distribution agreement with the Rescue Squad has been reached. City staff has been working with Rockingham and Augusta Counties and consultant EMS/MC to develop a “fee-for-service” program that would allow EMS to recover some of the expenses associated with emergency calls. Mr. Hodgen also noted that if this program is implemented every effort will be made to provide public educational information. Jason Crowell and Kim Stanley representing EMS Management and Consultants, Inc. reviewed the revenue recovery program, procurement process, contractual allowance, and reimbursement services provided by the City.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,**

**VIRGINIA, SETTING THE SCHEDULE OF RATES FOR  
EMERGENCY MEDICAL SERVICES VEHICLES TRANSPORTING  
PATIENTS WITHIN THE CITY**

WHEREAS, on August 25, 2009 at its regular meeting, the City Council of the City of Harrisonburg, Virginia held a public hearing, to establish franchise permits for emergency medical services vehicles, to make reasonable charges for emergency medical services vehicle transports and to set the fees for those transports; and

WHEREAS, the pursuant to Sections 32.1-111.14 and 38.2-3407.9 of the Code of Virginia, 1950, as amended, the City Council by ordinance intends to establish franchise permits along with rules and regulations to make reasonable changes for emergency medical services vehicles making transports within the city; and

WHEREAS, the City Council wishes to establish the rates for emergency medical services vehicle transports for the city's budget year 2009-2010;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That the City Council of the City of Harrisonburg, Virginia, hereby sets the following rates for emergency medical services vehicle transports for the city budget year 2009-2010:

BLS Non-emergency	\$255.00
BLS Emergency	\$410.00
ALS-1 Non-emergency	\$310.00
ALS-1 Emergency	\$485.00
ALS-2	\$705.00
SCT	\$835.00
GTM	\$9.00

Subsequent rate schedules shall be included within the annual budget appropriation ordinance for budget years beyond 2009-2010.

Approved: August 25, 2009

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CLERK OF THE COUNCIL

At 7:20 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, August 15, and Saturday, August 22, 2009.



**NOTICE OF PUBLIC HEARING ON ENACTING  
EMERGENCY MEDICAL SERVICES ORDINANCES  
FOR THE CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on August 25, 2009 at 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to solicit public comments concerning the possibility of enacting ordinances granting a franchise and billing for emergency medical services vehicles in the City of Harrisonburg.

Copies of the proposed ordinances are available on the City's web site and are available in the City Managers Office, 345 South Main Street, Harrisonburg, Virginia, Monday through Friday, 8:00 A.M. to 5:00 P. M.

All persons interested will have an opportunity to express their views at this public hearing.

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

**CITY OF HARRISONBURG**

**Kurt D. Hodgen,  
City Manager**

Mayor Degner called on anyone desiring to speak for or against the emergency services billing ordinance and rate schedule resolution.

Bucky Berry said the Rescue Squad should receive the funds from the emergency services billing. There being no others desiring to be heard, the public hearing was declared closed at 7:22 p.m., and the regular session reconvened. Following a lengthy discussion and comments, Council Member Frank offered a motion to approve enacting Section 5-2-39 and 5-2-40 (emergency services billing ordinance) of the Harrisonburg City Code and the rate structure resolution. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council agreed to review the emergency services billing procedure in six months after implementation.

City Engineer Dan Rublee presented an overview of proposed changes to the City Design & Construction Standards Manual. These changes are necessary for compliance with outside State and Federal agencies. During the plan review, plan submission stage, and permit stage the City will have plans that can be implemented correctly in the field and contain sufficient information for construction and maintenance. An informational meeting was held on July 22 to allow the public to express any concerns they might have. The meeting was attended by several citizens from the local bicycling community and a requirement to add bicycle racks for development projects was introduced. Also, included is a revision to the City's standard bonding unit prices. The City requires a bond to be posted for all public improvements (streets and utilities), erosion control measures and stormwater management facilities prior to construction permitting. Mr. Rublee requested that the revision, developed to reflect increased construction costs, be considered for adoption in conjunction with the manual revisions and that an effective date of September 9, 2009 be established. Mr. Rublee also reviewed the significant changes in the Design & Construction Standards Manual.

At 8:08 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 10, and Monday, August 17, 2009.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, August 25, 2009, at 7:00 p.m., in the City Council Chamber, 409 South Main Street, to consider updates to the City's Design and Construction Standards Manual.**

**This manual sets policies and standards for installation of public City facilities such as streets, sidewalks, water, sewer, storm sewer, traffic signals, and other traffic controls, etc. as well as development requirements for private facilities such as erosion and sediment control and stormwater management. Both the currently adopted manual and draft document can be viewed on the City website at [www.harrisonburgva.gov](http://www.harrisonburgva.gov), or at the Department of Planning and Community Development, 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 this hearing. Any individuals 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 Degner called on anyone desiring to speak for or against making changes to the City Design & Construction Standards Manual. There being no one desiring to be heard, the public hearing was declared closed at 8:09 p.m., and the regular session reconvened. Council Member Wiens offered a motion to approve these changes to the manual. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was recognizing Harrisonburg's Deputy Commissioner of Revenue Deanna Sherman. Commissioner of the Revenue June W. Hosaflook said it was a pleasure to recognize Ms. Sherman for her professional achievements and contributions. The Commissioners Career Development Program was developed by the Commissioners of the Revenue Virginia to promote professionalism and excellence in the field of tax assessment. A committee of Commissioners and the Weldon Cooper Center for Public Service at the University of Virginia administers the program. Ms. Sherman has worked in the Harrisonburg Commissioner's office since 2004. Deanna thanked City Council for the chance to participate in the certification program for the Commissioner of the Revenue office.

City Manager Hodgen presented for following resolution for Council's consideration.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, AUTHORIZING THE  
MAYOR TO EXECUTE ALL AGREEMENT AND DOCUMENTS NECESSARY  
FOR THE TRANSFER OF THE ASSETS OF THE  
UPPER VALLEY REGIONAL PARK AUTHORITY  
ALONG WITH DISSOLUTION OF THE AUTHORITY**

**WHEREAS, the Cities of Harrisonburg and Staunton, and the Counties of Rockingham and Augusta caused the formation of the Upper Valley Regional Park Authority; and**

**WHEREAS, the Authority owns and operates certain parcels of property known as Grand Caverns Park and Natural Chimneys Park; and**

**WHEREAS, the Authority along with the participating political subdivisions are desirous of transferring the ownership of Grand Caverns Park and Natural Chimneys Park and further dissolving the Authority; and**

**WHEREAS, the Authority has plans to transfer the ownership of Grand Caverns Park to the Town of Grottoes, Virginia and to transfer the ownership of Natural Chimneys Park to the County of Augusta, Virginia;**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:**

**That the City Council of the City of Harrisonburg, Virginia, hereby authorizes and directs the Mayor of the City of Harrisonburg, Virginia to execute all documents necessary to convey the following assets of the Upper Valley Regional Park Authority and follows: Grand Caverns Park to the Town of Grottoes, Virginia and Natural Chimneys Park to the County of Augusta, Virginia. The Mayor is further authorized and directed to execute any and all documents necessary to dissolve the Upper Valley Regional Park Authority.**

**Approved: August 25, 2009.**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Vice-Mayor Baugh offered a motion to execute all necessary forms or documents for the transfer of the Upper Valley Regional Park Authority assets as follows: Grand Caverns Park to the Town of Grottoes and Natural Chimneys Park to Augusta County, along with all the necessary forms to dissolve the Upper Valley Regional Park Authority. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

Mayor Degner presented for Council's consideration amending and re-enacting Section 5-2-1 and enacting Section 5-2-16 of the Harrisonburg City Code. Deputy Fire Marshall Arthur Miller said Section 5-2-1 will bring the City's adoption of the Virginia Statewide Fire Code into compliance with the State Code. Section 5-2-16 enacts a smoke detector ordinance for certain buildings located within the City and establishes who is responsible for the maintenance of the same. Council Member Byrd offered a motion to approve these ordinances as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Deputy Fire Chief Ian Bennett presented a request for a supplemental appropriation for the Fire Department. This request is to recover grant funds from four (4) awarded grants to be used in the current year budget. Two of the grants are from the Department of Homeland Security with the first to be used for Hazardous Materials equipment, exercise and training. The second grant is to be used for Heavy Tactical rescue equipment, exercise and training. The third grant is from FEMA through the Assistance to Firefighters funds and is to be used for Heavy and Tactical rescue equipment. The fourth grant is also from FEMA through the Fire Prevention and Safety funds and is to be used for fire prevention supplies. The two FEMA grants require a 10% local match, which is provided for through budgeted funds. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$226,836.00 chge. to: 1000-33536 FEMA Assistance to Firefighter Grant  
123,333.33 chge. to: 1000-33532 Homeland Security Grant

\$ 23,333.33 approp. to: 1000-350532-48113 Equipment  
315,640.00 approp. to: 1000-320232-48113 Equipment  
11,196.00 approp. to: 1000-320332-48113 Equipment

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

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

Absent – None

School Board Finance and Technology Director, Dee Dee Dawson, presented a transfer request for the School Board. Mrs. Dawson said these funds will be transferred from the school's capital project fund (E/M School Complex project) to the school's operating budget to pay for the HCPS initial share of the Massanutten Technical Center capital project. No additional City dollars are required for the school division to receive this transfer. Council Member Frank offered a motion to approve transferring these funds, and that:

\$216,560.00 chge. to: 1311-910114-48700 Amount from E/M School Complex  
216,560.00 chge. to: 1111-34292 Transfer from School Capital Projects

\$216,560.00 approp. to: 1311-910114-49220 Transfer to School Fund  
216,560.00 approp. to: 1111-111114-40640 Operations & Maintenance Services

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

Vote: Yes - Council Member Byrd

Council Member Frank  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

School Superintendent Dr. Donald Ford presented a request for a supplemental appropriation for the School Board. Dr. Ford said that these funds represent unanticipated receipts from state and federal sources. No additional local dollars are required from City Council for the school division to receive these funds. Council Member Byrd offered a motion to approve these request for a first reading, and that:

\$1,052,184.50 chge. to: 1111-33301 School Revenue – Federal  
24,985.00 chge. to: 1111-32442 School Revenue – State  
27,155.00 chge. to: 1114-33301 School Nutrition Revenue – Federal

\$541,235.64 approp. to: 1111-111114-40610 Instruction  
95,528.86 approp. to: 1111-111114-40620 Administration, Attendance, and Health  
6,000.00 approp. to: 1111-111114-40630 Transportation  
434,405.00 approp. to: 1111-111114-40680 Technology  
27,155.00 approp. to: 1111-111414-40650 School Nutrition Services

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

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

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Public Works Department. These funds were received from a DEQ grant and were used for the community rain barrel workshop. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$3,158.92 chge. to: 1310-32527 DEQ grant

\$3,158.92 approp. to: 1310-910141-48616 Citywide Drainage Program

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

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

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Parks and Recreation Department. These funds were received as donations for the construction of Denton Park and will be used to pay for repairs at the park. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$5,130.92 chge. to: 1000-31010 Amount from fund balance

\$5,130.92 approp. to: 1000-710171-48184 Improvements

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

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

Absent – None

Council Member Byrd offered a motion naming Mayor Kai Degner as the voting delegate and Vice-Mayor Baugh as the alternate voting delegate for the Virginia Municipal League Conference scheduled for October 18-20, 2009. The motion was seconded by Council Member Frank and approved with a unanimous voice vote of Council.

Council Member Byrd offered a motion to transfer funds for the Veterans Memorial Monument, and that:

\$50,000.00 chge. to: 1000-940111-49319 Reserve for contingencies

\$50,000.00 approp. to: 1000-910411-45913 Veteran Memorial Monument

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

Vote: Yes - Council Member Byrd  
Council Member Frank  
Council Member Wiens

Vice-Mayor Baugh  
Mayor Degner

Absent – None

Council Member Byrd offered a motion to issue a proclamation and donate in-kind services to honor former U.S. President and Nobel Peace laureate Jimmy Carter and former First Lady Rosalynn Carter to receive the Gandhi Center's second Mahatma Gandhi Global Nonviolence Aware at a ceremony on September 21, 2009, the International Day of Peace. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Council also requested that a representative from the Mahatma Gandhi Center appear at the September 8<sup>th</sup> Council meeting to provide more information regarding this visit and to answer any questions that Council might have.

At 9:55 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR



## REGULAR MEETING

September 8, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several supplemental appropriations for the Fire Department, School Board, Public Works Department, and Parks and Recreation Department. The motion also included making revisions to the City Design & Construction Standards Manual and amending and re-enacting Section 5-2-1 and enacting Section 5-2-16, 5-2-39 and 5-2-40 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

David Koffa asked Council to check into the irregularity of the City’s bus schedule. Also, he suggested that the City could use more bus shelters.

Bucky Berry said the City should offer a two year vehicle decal. He also suggested that college students should be paying their personal property taxes and purchasing vehicle decals in Harrisonburg.

Kim Sandum, Executive Director of the Community Alliance for Preservation, presented a letter of support for the Transportation Investment Generating Economic Recovery (TIGER) grant application, submitted by the City of Harrisonburg for the Erickson Avenue/Stone Spring Road/Southeast Connector project.

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

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,**

**VIRGINIA, SETTING THE PERCENTAGE OF PERSONAL PROPERTY  
TAX RELIEF FOR THE YEAR 2009**

**WHEREAS, pursuant to Article J of Title 4, Chapter 2 of the Harrisonburg City Code, the City Council shall by resolution set the percentage of personal property tax relief that is anticipated to fully exhaust the Personal Property Tax Relief Act of 1998 (PPTRA) funds provided to the city by the Commonwealth of Virginia; and**

**WHEREAS, the percentage of personal property tax relief for the year 2009 has been determined to be forty-two percent (42.0%);**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:**

**That the City Council of the City of Harrisonburg, Virginia, sets the percentage of personal property tax relief for the tax year of 2009 to be forty-two percent (42.0%), which percentage is anticipated to fully exhaust the PPTRA relief funds provided to the city by the Commonwealth of Virginia.**

**Approved: September 8, 2009**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Commissioner of the Revenue June Hosaflook said this resolution will set the percentage of tax relief commonly known as the car tax for 2009. The car tax is a fixed amount of money set by the state. Mrs. Hosaflook said the amount will be (42.0%) and although assessment has decreased vehicle tax relief for the elderly has increased. Following further discussion and comments, Vice-Mayor Baugh offered a motion to adopt the resolution setting the percentage of personal property tax relief for the year 2009 at 42.0%. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request for funds for a RUSH Drug Task Force position. City Manager Hodgen said the City has an existing Intelligence Analyst position that is shared-financially on a 50-50 basis with the Sheriff's Department. The position is essentially a "money

making” one in that it does the necessary research and tracking that results in the City receiving asset forfeiture money. Mr. Hodgen recommended that funding for the position be transferred from the “Reserve from Contingencies” fund. Council Member Byrd offered a motion to approve transferring these funds, and that:

\$18,000.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$18,000.00 approp. to: 1000-910511-47070 Expenses of sheriff, courts, etc.

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

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

Absent – None

Mayor Kai Degner read the following resolution.

**A Resolution Honoring Former President Jimmy Carter  
and Former First Lady Rosalynn Carter**

**WHEREAS, former United States President and Nobel Peace Laureate Jimmy Carter and former first lady Rosalynn Carter will be visiting Harrisonburg and James Madison University on September 21, 2009; and**

**WHEREAS, President and Mrs. Carter are known for their lifetime commitment to improving the human condition through humanitarian efforts around the world; and**

**WHEREAS, the City of Harrisonburg and the Shenandoah Valley are home to a rich tradition of cultures, people, and organizations committed to peace and democracy; and**

**WHEREAS, President and Mrs. Carter’s contributions to peace, encouragement of a non-violent approach to human relations and world affairs, and efforts to promote reconciliation will be recognized by their being awarded the Mahatma Ghandi Global Nonviolence Award from the James Madison University Mahatma Ghandi Center for Global Nonviolence on September 21, 2009, the International Day of Peace**

**NOW, THEREFORE, BE IT RESOLVED THAT the Mayor and City Council of Harrisonburg, Virginia, hearby welcomes President and Mrs. Carter to the City and extends its congratulations to them for this prestigious award.**

**ADOPTED THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2009.**

BY: \_\_\_\_\_

**Kai Degner, Mayor**

ATTEST: \_\_\_\_\_

**Yvonne H. Ryan, MMC, City Clerk**

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

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

Absent – None

City Manager Hodgen presented the following resolution for Council's consideration.

**RESOLUTION ENDORSING THE SUBMISSION OF A TIGER (TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY) GRANT FOR THE ERICKSON AVE-STONE SPRING RD/SOUTHEAST CONNECTOR**

**WHEREAS, the TIGER (Transportation Investment Generating Economic Recovery) was created to (1) preserve and create jobs and promote economic recovery, (2) invest in transportation infrastructure that will provide long-term economic benefits, and (3) assist those most affected by the current economic downturn; and**

**WHEREAS, the Erickson Ave-Stone Spring Road/Southeast Connector will provide a 6-mile long multimodal east-west corridor through the City of Harrisonburg and Rockingham County, address deficient capacity and critical safety concerns; and**

**WHEREAS, the project is a number one priority for secondary roads for the Harrisonburg Metropolitan Area as outlined in the Constrained Long-Range Transportation Plan; and**

**WHEREAS, the project is included in the City of Harrisonburg's Comprehensive Plan and Rockingham County's Comprehensive Plan; and**

**WHEREAS, the project is included in the State Transportation Improvement Program (STIP) and the Six-Year Improvement Plan (SYIP) and meets all federal, state, and local requirements for construction; and**

**WHEREAS, the project passes through existing fully developed commercial areas and areas receiving extreme interest for future residential and commercial development; and**

**WHEREAS, the award of the TIGER grant would provide funding to allow for the completion of the 6-mile long project and allow the project to proceed in partnership with the City of Harrisonburg, Rockingham County, and the Stone Spring Consortium, a private entity of property owners along the portions of the proposed alignment; and NOW, THEREFORE BE IT RESOLVED that the *Harrisonburg City Council* hereby endorses the TIGER Grant application and request of \$70.1 million by the City of Harrisonburg, Rockingham County and the Stone Spring Consortium for the construction of Erickson Avenue-Stone Spring Road/Southeast Connector, extending between west city limits and Route 33.**

**Signed this 8<sup>h</sup> day of September, 2009.**

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**Mayor, Kai Degner**

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**ATTEST, Yvonne Ryan, MMC City Clerk**

City Manager Hodgen said that City staff has been working with Rockingham County and the Stone Spring Consortium on a grant application seeking funds from the TIGER (Transportation Investment Generating Economic Recovery) Discretionary Grants for transportation projects. The funds will be used for the construction of the Erickson Avenue-Stone Spring/Southeast Connector project. Council Member Frank offered a motion to approve the resolution endorsing the submission of a TIGER Grant application. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation from the Finance Department. The City received various capital project revenues during FY 08-09 that were not appropriated into the applicable line items. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,252,598.16 chge. to: 1310-31010 Amount from fund balance

\$ 381,722.98 approp. to: 1310-910141-48610 Two way Communication System  
851,703.47 approp. to: 1310-910141-48636 Erickson Avenue/Stone Spring Road  
12,178.28 approp. to: 1310-910141-48696 Linda Lane Extension  
188.43 approp. to: 1310-910141-48713 Farmers Market Pavillion  
6,805.00 approp. to: 1310-910141-48718 South Main Street Improvement

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

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

Absent – None

City Attorney Thumma presented for Council's consideration repealing Section 16-10-6 of the Harrisonburg City Code. This change is necessary to bring the City's noise ordinance up to date. Council Member Byrd offered a motion to approve this ordinance for a first reading. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 7:28 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of personnel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:30 p.m., the closed session ended and the regular session reconvened. City Manager Hodgen 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 8:31 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

September 22, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

Vice-Mayor Baugh gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

David Koffa appeared before Council to once again request that the City install more bus shelters, improve bus route map information, and provide public bus transportation to other cities.

Mayor Degner thanked Mr. Koffa for offering some practical ideas regarding buses and transportation. He also mentioned that the City will be installing 12 new bus shelters in the future and exploring ways to put route map schedules into the bus shelters.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a General Capital projects appropriation and repealing Section 16-10-6 (Noise) of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was to consider issuing a General Obligation Bond not to exceed \$2,272,000. City Manager Hodgen said this funding source is associated with the ARRA “stimulus” funding. One half of the amount will be provided under a funding agreement with the Virginia Department of Health as a grant (principal forgiveness grant). Funding for the remaining half of the bond issuance will be financed through an agreement with the Virginia Resources Authority (VRA) for a 0% interest rate loan for up to 30 years. The funds will be used toward constructing a new 8 million gallon water tank on Tower Street.

At 7:14 p.m., Mayor Degner closed the regular session temporarily and called the evening’s public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, September 8, and Tuesday, September 15, 2009.



**NOTICE OF PUBLIC HEARING**  
**BY CITY COUNCIL OF CITY OF**  
**HARRISONBURG, VIRGINIA**

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia (the "**Council**") will hold a public hearing to receive public comments and to consider the adoption of a proposed Resolution authorizing, among other things, the issuance by the City of Harrisonburg, Virginia (the "**City**"), of a not to exceed \$2,272,000 water bond (the "**Bond**") to be sold to Virginia Resources Authority ("**VRA**"), as Administrator of Virginia Drinking Water Supply Revolving Fund (the "**DWSRF**"). The City desires funds to pay capital costs to acquire, construct, and equip the Tower Street water tank, identified as CIP #404-07-08 Tower Street Reservoir Replacement (Tank Construction), including facilities relating thereto (the "**Project**"), in order for the City to improve, upgrade, expand and modernize its water system facilities (the "**Water System**").

Pursuant to the American Recovery and Reinvestment Act of 2009 ("**ARRA**"), the Environment Protection Agency shall award and administer a State Revolving Fund Capitalization Grant to the Commonwealth of Virginia in the DWSRF program. In a letter to the City, dated June 29, 2009, from Virginia Department of Health ("**VDH**"), among other correspondences, the City has been advised that the Project is eligible for financial assistance and inclusion in VDH's ARRA intended use plan. The total \$2,272,000 financial assistance awarded to the City shall include two components, with a position of such funds being provided under a Funding Agreement for principal forgiveness, and the other portion being provided under a Financing Agreement for a 0% interest rate loan from VRA, as Administrator of the DWSRF, for a term up to 30 years.

The Bond shall be sold to VRA, as Administrator of the DWSRF, and shall be secured by the revenues and receipts received by the City in connection with the Water System, subject to the City's right to use such monies for the payment of operating and maintenance expenses, or alternatively, by the City's pledge of its full faith and credit, or both, as may be necessary or convenient. The public hearing, which may be continued or adjourned, will be held before the Council at or around 7:00 p.m. on Tuesday, September 22, 2009, in the Council Chambers next to Community Development, located at 409 South Main Street in the City. Any person interested in the Project, the issuance of the Bonds by the City, or any other matters in connection with such funding assistance award as described above may appear at the hearing and present his or her views. The Council may set time limits on speakers and other rules and procedures for the conduct of this public hearing.

Copies of the City's application materials to VDH and information regarding ARRA and DWSRF Program requirements in connection with the Project, among other documents relating to the Project, are on file and available for public review in the City's Public Utilities Office, located at 2155 Berry Road, in the City. Written comments may be forwarded to the Council prior to the public hearing in care of the City Manager in the City Municipal Building at 345 South Main Street, in the City, or to the Council during the public hearing.

## CITY OF HARRISONBURG, VIRGINIA

Mayor Degner called on anyone desiring to speak for or against issuing the General Obligation Bonds. There being no one desiring to be heard, the public hearing was declared closed at 7:15 p.m., and the regular session reconvened. It is not necessary for Council to take any action at this meeting.

The next item of business was a request to transfer bond proceeds for Water Projects. City Manager Hodgen said that the bond proceeds from the City's June 2009 General Obligation Bond will be transferred from the Tower Street Water Tank project to the Eastern Water Source Development project. Council Member Byrd offered a motion to approve transferring these funds, and that:

\$1,410,000.00 chge. to: 1321-910161-48657 Tower Street Water Tank

\$1,410,000.00 approp. to: 1321-910161-48654 Eastern Source development

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

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

Absent – None

The next item of business was to consider an extension of an annual grant application for Public Transportation Operating & Capital Funds for FY 2010. City Manager Hodgen said this is an extension of a resolution and application adopted February 10, 2009 for the City to receive \$1,648,580 in operating assistance funds. No local match is required for the City to receive the funds. Council Member Byrd offered a motion to approve this resolution as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

## RESOLUTION

**WHEREAS, the Council of the CITY OF HARRISONBURG desires to submit an application for an allocation of funds of up to \$1,000,000 through the Virginia Department of Transportation Fiscal Year 2009-2010, Revenue Sharing Program; and,**

**WHEREAS, \$1,000,000 of these funds are requested to fund construction costs for Stone Spring Road/Erickson Avenue East-West Connector which includes:**

**UPC 92959: \$600,000 (western terminus: South Main Street to eastern terminus: Beery Road); and**

**UPC 92961: \$400,000 (western terminus: relocated Ramblewood Road to eastern terminus: east city limits)**

**NOW, THEREFORE BE IT RESOLVED THAT: the Council of Harrisonburg hereby support this application for an allocation of \$1,000,000 through the Virginia Department of Transportation Revenue Sharing Program**

**Adopted this 22nd day of September, 2009.**

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**Kai Degner, Mayor**

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**ATTEST: Yvonne Ryan, MMC, City Clerk**

City Manager Hodgen said that the Virginia Department of Transportation (VDOT) has a "Revenue Sharing Program", which will match up to \$1 million in revenue sharing funds each year for qualifying road construction projects. The City is applying for funds for both City projects that comprise Stone Spring Road/Erickson Avenue East-West Connector. Vice-Mayor Baugh offered a motion to approve the resolution as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented a transfer request for the Public Utilities Department. These funds will be transferred from the Western Raw Water Line and the Eastern Source Development projects into the Western Potable Water System to allow construction of a potable

water line and the installation of the 30” eastern raw water line in the Erickson Avenue area. Council Member Byrd offered a motion to approve transferring these funds, and that:

\$75,000.00 chge. to: 1321-910161-48621 Western Raw Water Line  
75,000.00 chge. to: 1321-910161-48654 Eastern Source Development

\$150,000.00 approp. to: 1321-910161-48670 Western Potable Water System

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were received through a Division of Motor Vehicles grant and will be used to reimburse the department for overtime. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$12,207.52 chge. to: 1000-33524 Police DMV Grant

\$6,388.89 approp. to: 1000-310631-41020 Salaries/wages OT  
5,818.63 approp. to: 1000-310231-41029 Salaries/wages OT

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

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

Absent – None

Mayor Degner introduced Ralph Grove, representative of the Sierra Club and Rail Solutions. Mr. Grove presented a brief overview of a “Steel Interstate” resolution to begin a grant funded study to include modernizing, straightening, and electrifying an existing rail right-of-way into an open multi-mobile rail system that can transport existing freight, passengers and trucks through the Shenandoah Valley from Pennsylvania to Tennessee. Mr. Grove asked Council to support the resolution encouraging Federal representatives to begin the process of

studying this idea of building a pilot project for the “Steel Interstate” system through the Shenandoah Valley.

**Resolution petitioning Virginia’s Federal representatives to sponsor a grant for building a model 21<sup>st</sup> Century rail Steel Interstate service in the I-81 corridor to demonstrate fast rail freight and passenger service to the nation**

**WHEREAS; "Steel Interstate" rail service concepts offer opportunities to reduce risk from petroleum depletion, cost increases, supply interruptions, and global economic competition; and**

**WHEREAS; Steel Interstate rail provides reduced dependence on imported fuel, builds modal redundancy, enhances national security, and – when electrified – offers the U.S. opportunity to employ domestic energy sources and efficiency to drive transportation; and**

**WHEREAS; Steel Interstate rail demonstrates vastly greater transportation throughout productivity over equivalent investment in costly interstate highway expansion; and**

**WHEREAS; Steel Interstate technology offers positive advantages for communities, the Commonwealth, other I-81 states and localities, including Harrisonburg and the Shenandoah Valley, and the United States relating to cost, safety, economic growth, tourism development, decreased fuel consumption and greenhouse gas emissions, improved air quality and public health, varied freight and passenger service options, reduced financing and carbon cap and trade risk exposure; and**

**WHEREAS; forty-nine Virginia and four Tennessee governing bodies have previously voted to support for improved rail service over the massive widening of I-81; and**

**WHEREAS; no passenger rail and limited public bus service exists in this corridor south of Staunton/Clifton Forge, west of Lynchburg/Danville, or north of Atlanta/Birmingham, despite efforts by dozens of local governing bodies and private groups in the Commonwealth to restore passenger rail service through the Trans Dominion Express; and**

**WHEREAS; Congress is considering investments in transportation, energy efficiency, fuel conservation, renewable energy, greenhouse gas abatement, and infrastructure as a fiscal stimulus for the nation and the Steel Interstate offers outstanding opportunity in all these areas; and**

**WHEREAS; the City of Harrisonburg recognizes that this demonstration grant will not take away funding from other necessary and targeted improvement along I-81 and other arterial roadways, especially for safety concerns, including projects in and near the City of Harrisonburg;**

**NOW, THEREFORE, BE IT RESOLVED THAT we, the city council of the City of Harrisonburg, Virginia, urgently petition our congressional delegation to work in concert with representatives of other I-81 corridor states to sponsor and secure passage of a**

**Federal transportation demonstration grant to assemble in the I-81 corridor between Knoxville, Tennessee and Harrisburg, Pennsylvania, the pilot segment of 21<sup>st</sup> Century rail, the North American Steel Interstate.**

**Signed this 22<sup>nd</sup> day of September, 2009.**

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**Kai Degner, Mayor**

**ATTEST:**

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**Yvonne H. Ryan, MMC, City Clerk**

Council Member Byrd pointed out that the resolution states that the City of Harrisonburg recognizes this demonstration grant will not take away funding from other necessary and targeted improvements along I-81 and other arterial roadways, especially for safety concerns, including projects in and near the City of Harrisonburg. Council Member Wiens offered a motion to approve a resolution petitioning Virginia's Federal representatives to sponsor a grant for building a model 21<sup>st</sup> Century rail "Steel Interstate" service in the I-81 corridor to demonstrate a fast rail freight and passenger service to the nation. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented an application from Jack Brown's Beer and Burger Joint for proposed outdoor awnings and heaters. City Attorney Thumma said that an "Outdoor Dining Facility License" was issued to this facility on June 9, 2009. The applicant is requesting to install retractable awnings and radiant heaters over the outdoor dining area. After being reviewed by the appropriate departments, it is recommended that the following be included as stipulations provided by the license if the license is approved: a) The awnings can extend no more than 8-feet measured horizontally and at a right angle to the building wall. b) The radiant heaters are to be supplied by natural gas. Council Member Frank offered a motion to approve the awnings and heaters. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen said that controlled timber harvesting was included as part of an adopted Forest Management Plan in the Dry River/Switzer Dam area. The proceeds of the timber harvesting will be used to mark boundary lines and make access control improvements. Mr. Hodgen said that the timber sale has been advertised and five companies submitted written offers for the timber harvesting. The highest bid received was \$126,003.01. It is recommended by the consultant and staff that the contract be awarded to the highest successful bidder. Council Member Byrd offered a motion to accept staff recommendation to award the winning bidder for the timber harvest. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen said that the family of Shirley Anderson, who was tragically killed on South Main Street, has requested placing a memorial sign at the site of the accident. Mr. Hodgen said that the City follows and complies with VDOT uniform traffic control and signage polices. The sign can be placed at the site for two years. The expense and installation of the sign will be paid for by the requesting party. Staff supports the request.

Fire Chief Shifflett presented an overview of the history of the Tower I fire truck, which includes major mechanical malfunctions, major repair costs, and an enormous out of service time for the truck. Mr. Shifflett questioned whether the City should continue with these repairs or consider replacing the truck. Following further discussion and comments, Council directed the City Manager to refer this matter to the Finance Committee for a recommendation. Vice-Mayor Baugh and Council Member Byrd serve on the Finance Committee as Council representatives.

At 7:55 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

October 13, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Major Malcolm Wilfong. Absent: Police Chief Donald Harper.

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

Bucky Berry encouraged everyone to support several events being held during October, November and December to collect food for the needy.

Brandon Amstutz, owner of Downtown Fine Furniture, expressed his concerns regarding the appearance of “One Court Square”, which has been vandalized and looks terrible especially during events held in the downtown area. He encouraged the City to find a use for the building.

City Manager Hodgen introduced Ande Banks the City’s new Director of Special Projects & Grant Management.

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request from Jamison Black Marble Wildlife Preserve for a special use permit within the M1, General Industrial District to allow for a recreational use at 1430 Red Oak Street. The Comprehensive Plan designates this area as General Industrial. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting a special use permit to allow the property at 1430 Red Oak Street to be used for recreational and leisure time uses. The owners describe the property as a wildlife habitat consisting of a lake, cliffs, wooded and open areas, which is being used as a retreat for themselves, family and friends. The owners wish to construct two cabins to provide shelter, a kitchen area and indoor bathrooms with running water on the property. A perimeter fence surrounds the property and is gated and locked from the general public. The following



conditions have been recommended by Planning Commission: 1) Limiting the site to the two proposed cabins only. 2) The cabins cannot be occupied on a long term basis. 3) Staff shall be authorized to review any complaints received regarding the property and based on their finding may require the applicant to return to Planning Commission and City Council for a public hearing to re-examine the use of the property. Such re-evaluation may result in additional conditions being placed on the use. Planning Commission recommended approval of the special use permit request.

At 7:15 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 28, and Monday, October 5, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, October 13, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

*Special Use Permit – 1430 Red Oak Street (10-3-97(10) Recreational Use)*

**Public hearing to consider a request from Jamison Black Marble Wildlife Preserve for a special use permit per Section 10-3-97 (10) of the Zoning Ordinance to allow recreational and leisure time activities within the M-1, General Industrial District. The property is located at 1430 Red Oak Street and can be found on tax map 46-C-8.**

**CITY OF HARRISONBURG  
Kurt D. Hodgen  
City Manager**

Mayor Degner called on anyone desiring to speak for or against this special use permit request. Ed Blackwell, of Blackwell Engineering and also one of the property owners, said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:16 p.m., and the regular session reconvened. Vice-Mayor Baugh offered a motion to approve the special use permit request with the stated conditions. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request to amend Section 10-3-139 (b) of the Zoning Ordinance. Mrs. Turner said this proposed change to the

Zoning Ordinance outlines the procedures on applications and appeals for the Board of Zoning Appeals (BZA). This change would implement a ten day process rather than a 30 days process to notify property owners when they are in violations of the Zoning Ordinance. There is a provision in the state code that provides for certain types of violations of zoning ordinances, which allows the appeal period to be reduced to ten days. The State Code describes a ten day notice of violation involving seasonal commercial uses, maximum occupancy limitation of a residential dwelling unit, keeping of inoperable vehicles and junk, or similar short term recurring violations. The City has inserted this wording into the requirements of Section 10-3-139 (b). Planning Commission has recommended amending the ordinance.

At 7:21 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 28, and Monday, October 5, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, October 13, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Ordinance Amendment – 10-3-139(b) Ten Day Appeal Process***

**Public hearing to consider a request to amend section 10-3-139 (b) of the Zoning Ordinance to establish a ten day notice of violation involving temporary or seasonal commercial uses, maximum occupancy limitation of a residential dwelling unit, keeping of inoperable vehicles and junk, or similar short term, recurring violations.**

**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 Degner called on anyone desiring to speak for or against amending this ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:22 p.m., and the regular session reconvened. Council Member Byrd offered a motion to adopt Section 10-3-139 (b) of the Zoning Ordinance as proposed for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Baugh  
Council Member Byrd

Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

An agenda item to consider amending Sign Ordinance Section 11-7-3 (23) was postponed.

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

### RESOLUTION

**WHEREAS, pursuant to the City Charter (the "Charter") and the Public Finance Act, Chapter 26, Title 15.2 of the Code of Virginia, 1950, as amended (the "Public Finance Act"), the City of Harrisonburg, Virginia, (the "City") is duly incorporated and empowered to finance and refinance costs in connection with capital projects for essential governmental purposes for the benefit of the City and to issue its general obligation bonds and notes to pay such costs, as described below; and**

**WHEREAS, the City desires funds to pay capital costs to acquire, construct, and equip the Tower Street water tank, identified as CIP #404-07-08 Tower Street Reservoir Replacement (Tank Construction), including facilities relating thereto (the "Project"), in order to improve, upgrade, expand and modernize its water system facilities (the "Water System"); and**

**WHEREAS, pursuant to the American Recovery and Reinvestment Act of 2009, (Pub. L. 111-5), as amended and in effect from time to time ("ARRA"), the Environmental Protection Agency awards and administers a State Revolving Fund Capitalization Grant to the Commonwealth of Virginia in the Drinking Water Supply Revolving Fund program by Virginia Department of Health ("VDH"); and**

**WHEREAS in a letter from VDH to the City, dated June 29, 2009, among other correspondences, the City was advised that the Project is eligible for financial assistance and inclusion in VDH's ARRA intended use plan; and**

**WHEREAS, the financial assistance shall consist of a total \$2,272,000 award to the City (the "Financial Assistance"), which shall include two components, with a 50% portion thereof being provided under a Funding Agreement (defined below) for a "principal forgiveness" loan from the Drinking Water Supply Revolving Fund (the "Fund"), and the other 50% portion thereof being provided under a Financing Agreement (defined below) for a 0% interest rate loan from Virginia Resources Authority ("VA"), as Administrator of the Fund; and**

**WHEREAS, the City reasonably estimates that the total costs of essential capital improvements for the Water System shall be approximately \$3,500,000, and accordingly, the City has determined the advisability to use a portion of the proceeds of its general obligation bond, issued in June, 2009, to pay a portion of such total costs, with the other portion of such total costs being funded through the Financial Assistance as described above; and**

**WHEREAS, the Council held a public hearing, upon due notice therefor, on September 22, 2009, regarding the issuance by the City from time to time of up to \$2,272,000 bond, which may be secured by a pledge of the revenues of the Water System or by the full faith and credit pledge of the City, or both, all in accordance with the requirements of Section 15.2-2606 of the Public Finance Act; and**

**WHEREAS, pursuant to the Commitment Letter from VRA to the City, dated September 30, 2009 (as amended from time to time, if at all, the "Commitment Letter"), a copy of which is attached hereto as Exhibit A, the final terms of such Financial Assistance shall be set forth, among other documents, in a Funding Agreement, to be dated as of October 1, 2009 (or such other date as may be necessary or convenient), by and between VRA and the City (the "Funding Agreement", a substantially final form of which is attached hereto as Exhibit B), and in a Financing Agreement, to be dated as of October 1, 2009 (or such other date as may be necessary or convenient), by and between VRA, as Administrator of the Fund, and the City (the "Financing Agreement", a substantially final form of which is attached hereto as Exhibit C); and**

**WHEREAS, the City may issue such \$1,136,000 general obligation bond, at the election of the Council, under the provisions of the City Charter and Section 15.2-2601 of the Public Finance Act without regard to the requirements, restrictions or other provisions contained in any charter or local or special act applicable to the City, and, further, under the provisions of the City Charter and Section 15.2-2607 of the Public Finance Act, the Council may finally adopt this Resolution authorizing the issuance thereof at the meeting at which it is introduced upon a majority vote of the members thereof; and**

**WHEREAS, accordingly, the City now desires to approve the terms and provisions of the Financial Assistance in connection with the Project, all as further described below.**

**NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, as follows:**

**1. It is hereby determined to be necessary and expedient for the City to obtain a loan in the principal amount of \$1,136,000, to be used, together with other lawfully available funds therefor, including monies to be provided under the Funding Agreement, in order to pay the costs of the projects.**

**2. There is hereby authorized to be issued and sold to VRA, as Administrator of the Fund, a debt obligation of the City to be designated up to \$1,136,000 City of Harrisonburg, Virginia General Obligation Water Bond, Series 2009" (the "Bond"), for the purpose of**

financing the Project, pursuant to the terms and conditions set forth herein. To such end, the Council hereby elects to issue the Bond under the provisions of Section 15.2-2601 of the Public Finance Act, among other provisions thereof, and, further, the City shall issue the Bond in accordance with the provisions of Section 15.2-2607 of the Public Finance Act, among other provisions thereof.

3. The City Council hereby accepts and approves the terms of the Funding Agreement and the Financing Agreement (sometimes referenced together as the “Agreement”). The text thereof is hereby incorporated in this Resolution as if fully set forth herein. The Mayor, the Vice-Mayor and the City Manager, any one or more of whom may act (whether individually or collectively, the “City Representative”), are each hereby authorized to execute and deliver the Agreements and any other instruments on behalf of the City in connection therewith, all as may be required by VDH or VRA, as Administrator of the Fund, in regard to the Financial Assistance to pay the costs of the Project and to carry out the intent and purposes of this Resolution.

4. The Bond shall be a single, fully registered Bond, without coupons, shall be numbered R-1, shall be dated as of the date of its delivery to the VRA, as Administrator of the Fund and initial registered owner thereof, upon payment therefor (the “Closing Date”), shall bear no interest thereon, and shall not exceed the principal amount of \$1,136,000. The Bond shall be substantially in the form attached hereto as Exhibit D.

If principal disbursements up to the maximum authorized amount of the Bond are not made, the principal amount due on the Bond shall not include such undisbursed amount. Further, unless the City and VRA agree otherwise, in writing, until all amounts due under the Bond and the Financing Agreement shall have been paid in full, less than full disbursement of the maximum authorized amount of the Bond shall not postpone the due date of any semi-annual installment due on the Bond, or change the amount of such installment unless the principal amount due under the Bond is less than the amount of such installment.

The City Representative is expressly authorized and directed hereunder to finally determine and approve all details of the Bond, including without limitation, the maximum principal amount authorized to be advanced thereunder, the maturity or payment dates and amounts and the final maturity date; *provided, however* that (i) the maximum principal amount authorized to be advanced under the Bond shall not exceed \$1,136,000, (ii) no interest shall accrue on the Bond, and (iii) the final maturity of the Bond shall be no later than December 31, 2041. The principal payment schedule shall be set forth in the form of the Bond and approved by the City Representative.

If any installment is not paid within ten (10) days after its due date, the City shall be obligated to pay the registered owner an amount equal to five percent (5%) of the overdue installment. In addition to the payments of principal of the Bond, the city agrees to pay on demand of the VRA, as Administrator of the Fund, certain Additional Payments (as defined in the Financing Agreement), including the five percent (5.0%) per annum late fee

for any overdue installment from the due date of such Additional Payments until the date of payment thereof, all as set forth in the Financing Agreement.

Installments of principal shall be payable in lawful money of the United States of America by check or draft mailed (or other credit transfer being sent) to the registered owner of the Bond at its address as it appears on the registration books of the Registrar, except that the final installment shall be payable upon presentation and surrender of the Bond at the office of the City Treasurer, who is hereby appointed Registrar.

5. In accordance with requirements of VRA, the City hereby covenants to comply with the provisions of the ARRA and any applicable regulations and other pronouncements and published guidance thereunder relating to the Financial Assistance for the Project.

6. The Bond shall be a taxable general obligation of the City for the payment of principal of which its full faith and credit shall be irrevocably pledged and shall be payable from as valorem taxes without limitation of rate or amount.

7. The City Representative and the Director of Finance, any one or more of whom may act, are hereby authorized to execute and deliver the ARRA Monthly Report (a form of which is attached to the Financing Agreement) and submit such ARRA Monthly Report with each Request for Disbursement under the Financing Agreement in order for payment requests to be processed. In addition to any other government requirements contained in the Financing Agreement, or otherwise, the City hereby agrees and covenants to comply with all applicable governmental requirements relating to the Project, including the ARRA Contract Inserts and Procedural Guidelines (all as defined in the Financing Agreement), and the use and application of funds, all as provided in the Agreements. Further, the City acknowledges and agrees that the Financial Assistance as described herein constitutes a financial assistance package in connection with the provisions of ARRA. Accordingly, the City hereby agrees, confirms and accepts that (i) an early termination of the Funding Agreement (pursuant to Section 5.3(b) and (c) thereof), or (ii) a failure of the City to comply with any of the requirements relating to the Project and the use and application of under provided by the ARRA or in the ARRA Contract Inserts and Procedural Guidelines, shall constitute an Event of Default under the Financing Agreement.

8. The City Representative, the Clerk of the City Council, and all such other officers of the City as may be requested by VDH or VRA from time to time, are each hereby authorized and directed to take all proper steps to (i) have the Bond and the Financing Agreement prepared and executed in accordance with their respective terms and to deliver the Bond upon payment thereof pursuant to directions provided by the VRA, (ii) have the Funding Agreement prepared and executed in accordance with its respective terms, and (iii) execute such additional instruments, agreements, documents, and certificates, all as may be requested by legal counsel or bond counsel to the City or VRA, or as otherwise required by the Agreements in furtherance of the purposes set forth herein. All such further actions shall be conclusively deemed as having been accepted and

approved as authorized herein without any further acts or approvals. All such actions previously taken are hereby ratified and confirmed in their entirety.

9. The appropriate officers of the City, any one of whom may act, are each hereby authorized and directed to coordinate with legal counsel in order to see to the filing of a certified copy of this Resolution in the Clerk's Office of the Circuit Court of Rockingham County, Virginia.

10. This Resolution shall take effect immediately

Adopted: October 13, 2009

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Mayor

**CERTIFICATE OF VOTES**

The record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, on the foregoing Resolution, adopted by the Council upon a due election under Section 15.2-2601 of the Public Finance Act, and further, in accordance with the provisions of Section 15.2-2607 the Public Finance Act, among others, by a roll-call vote at its duly called regular public meeting, is as follows:

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

Date: October 13, 2009

[SEAL]

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Clerk of City Council  
City of Harrisonburg, Virginia

City Manager Hodgen said a public hearing was held on September 22<sup>nd</sup> regarding the issuance of a General Obligation Bond in an amount not to exceed \$2,272,000.00 for construction of an 8 million gallon water tank on Tower Street. The funding is being provided through the ARRA "stimulus" funding. One half of the amount will be provided as a "forgiveable loan" and the other half of the funding will be a zero interest rate (0%) loan for up to 30 years. Council Member Byrd offered a motion to adopt the loan resolution package for the ARRA water tank project including authorizing the Mayor, City Manager, City Attorney, and Clerk to execute any documents associated with the loan package. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Baugh

Council Member Byrd  
Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for bond proceeds for the Public Utilities Department. The City has been awarded financial assistance through the ARRA for the construction of the Tower Street Water Tank. The financial assistance will be provided under a funding agreement with the Virginia Department of Health through the Virginia Resources Authority (VRA) and by way of a bond issue. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$ 2,272,000.00 chge. to: 1321-34110 Bond proceeds

\$ 2,272,000.00 approp. to: 1321-910161-48657 Water Storage Tanks

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

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

Absent – None

City Manager Hodgen presented the following resolution for Council’s consideration of approval:

## **SUPPLEMENTAL RESOLUTION**

### **IN REGARD TO SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION**

**WHEREAS, the Shenandoah Valley Regional Airport Commission (the “Commission”), was duly established pursuant to the Code of Virginia, 1950, as amended, and by resolution and agreement of the several political subdivisions of the Commonwealth of Virginia comprising the Commission, namely the Counties of Augusta and Rockingham and the Cities of Harrisonburg, Staunton and Waynesboro (collectively, the “Member Localities”).**

**WHEREAS, the Commission has determined to issue and sell its aggregate up to \$550,000 taxable airport revenue note or bond to United States of America, acting through**



Rural Housing Service, an Agency of United States Department of Agriculture (“RHS”), in order to obtain favorable long-term financing of the costs to: (i) acquire, construct and equip site improvements in connection with the development of open span aircraft storage hangars and facilities relating thereto at SVRA on an site consisting of approximately 12 Acres, including grading, drainage and building pad preparation improvements and various other preliminary costs in connection therewith, (ii) acquire, construct and equip all or any portion of such hangars and facilities, and (iii) pay issuance costs (collectively, the “Project”).

WHEREAS, each of the Member Localities previously approved the incurrence of indebtedness by the Commission in connection with the Project, including interim financing therefor (each such approval being referenced as the “Prior Approval”).

WHEREAS, the Prior Approval contemplated that Virginia Resources Authority would provide such long-term financing of the Project, and accordingly, the Commission now desires each of the governing bodies of the Member Localities to approve the permanent financing of the Project by RHS in order to obtain a lower cost of funds, subject to the determination of the final terms and provisions therefor ( the “RHS Loan”).

**NOW THEREFORE BE IT RESOLVED** by the City Council of City of Harrisonburg, Virginia (the “Locality”), as follows:

1. The incurrence of the RHS Loan by the Commission, from time to time, is hereby approved and authorized, to the fullest extent as may be required, if at all.

2. It is to be understood that nothing contained in this Resolution shall be deemed to be a debt or a pledge of the faith and credit or the taxing power of the Locality, and nothing herein or therein shall legally bind or obligate the Locality to appropriate funds for such purposes. The indebtedness of the Commission represented by the RHS Loan (or otherwise in connection with the Project) shall not be deemed to constitute a debt or pledge of the faith and credit of the taxing power of the Locality, and neither the faith and credit nor the taxing power of the Locality shall be pledged for the payment of the principal of or interest on the RHS Loan or any other obligation of the Commission to RHS in connection with the Project or any other costs incident thereto.

3. The Prior Approval, as amended by this Supplemental Resolution, is hereby approved and confirmed. To the extent required, if at all, the City Manager is authorized and directed to take all such further actions and to execute and deliver any and all instruments, certificates and other documents, as may be necessary or convenient, in order to carry out the purposes hereof and in furtherance, otherwise, of the long-term financing of the Project by the Commission as described herein.

4. This Resolution shall be effective immediately.

Date of Approval: October 13, 2009

CITY OF HARRISONBURG, VIRGINIA

BY: \_\_\_\_\_  
**Kai Degner, Mayor**

ATTEST: \_\_\_\_\_  
**Yvonne H. Ryan, MMC, City Clerk**

City Manager Hodgen said that in December of 2008, the City approved a Borrowing Resolution for the Shenandoah Valley Regional Airport Commission, which is connected to the development of the North Corporate Hangar Site Project. The December resolution contained provisions for short-term, interim financing with a local financial institution. Over the past several months, the Commission has been looking at other long-term financing options and has determined that more favorable terms are available through USDA and their Rural Development Program. Since the original resolution specifically references the Virginia Resources Authority as the ultimate lender, a change in lender needs to be made via the Supplemental Resolution. Other than the lender change, the resolution remains unchanged. Council Member Byrd offered a motion to approve this resolution as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a presentation by the Virginia Department of Game and Inland Fisheries on Urban Archery Programs. David Kocka, District Biologist for the Virginia Department of Game and Inland Fisheries, presented an overview of an Urban Archer program, which can be helpful in controlling the deer population. Mr. Kocka said there is deer throughout the City and not just in City parks. Deer need to be managed because of the damage potential, high reproductive rate, and long life span. The City has never allowed bow hunting within the City limits. Mr. Kocka explained that bow hunting is a very safe and effective way of removing deer with no direct cost to land owners or the City. Following further discussion and comments, Council Member Frank offered a motion to ask staff to prepare an amendment to the ordinance to allow for urban archery. The motion was seconded by Council Member Byrd and approved with a unanimous voice vote.

The next item of business was an update on replacing Tower I fire truck. City Manager Hodgen said that the Finance Committee has met several times to discuss the repair cost or replacement of Tower 1 fire truck. Mr. Hodgen said after taking into consideration the price of a new truck, depreciation and repair and maintenance it is recommended that the City repair the existing Tower I fire truck. Council Member Byrd offered a motion to repair the existing Tower I fire truck. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was an update on State Budget Reductions. City Manager Hodgen reviewed direct cuts to City revenues, which includes the Treasurer's office and Commissioner of Revenue's office, and law enforcement,. Indirect cuts include reduction to Massanutten Regional Library, reduction for funding for the Sheriff's office, Circuit Court Clerk's office, and Commonwealth's Attorney office. The City is meeting with the County Liaison group to have further discussions on how to address the indirect cuts. More information and recommendations will be presented at a later Council meeting.

Council agreed to consider a request from Royal Cab Company to transfer a Certificate of Public Convenience and Necessity to Benish Corporation at a future Council meeting.

At 8:30 p.m., Vice-Mayor Baugh offered a motion that Council enter into a closed session for discussion concerning the expansion of an existing business or industry where no previous announcement has been made of the business' interest in expanding its facilities within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:55 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.

Vice-Mayor Baugh offered a motion that Rudy Propst, 970 Turkey Run Road, be appointed to a second term on the Harrisonburg Redevelopment & Housing Authority. The motion was seconded by Council Member Byrd and approved with a unanimous voice vote.

Council Member Byrd offered a motion that Orden L. Harman, 650 Stone Spring Road, Leon Armentrout, 3031 South Main Street, and Henry Morris, 1926 Park Road, be appointed to a third term on the Building Code Board of Appeals. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

At 9:00 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

REGULAR MEETING

October 27, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Bucky Berry encouraged everyone to support the Salvation Army’s holiday food drive. He also mentioned that food donations will be collected at various locations throughout the City.

Wayne Rothery, owner and operator of Rockingham Rent-All, expressed his concerns about the new proposed rental tax on personal property, which was enacted by the 2009 General Assembly effective January 1, 2009. He requested that Council delay the tax until January 1, 2010 to give businesses an opportunity to collect the tax before having to pay it.

City Attorney Thumma reviewed information regarding the short term rental tax, which was enacted by the 2009 General Assembly and not the City and the difference between a business license tax and merchant capital tax. Localities cannot have both taxes. The 2009 General Assembly removed the tax from the merchant capital tax and now if a locality doesn’t have a short term rental tax then rentals are charged as personal property tax.

Robin Baker representing Appalachian Equipment said that it is unfair for the City to charge rental tax on personal property.

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a appropriation of ARRA Bond Proceeds and amending Section 10-3-139 (b) of the Zoning Ordinance. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Kristin McCombe, Grants Compliance Officer, presented an overview of the CDBG 2008-2009 Consolidated Annual Performance Evaluation Report (CAPER). This report is required by the U.S. Department of Housing & Urban Development (HUD) for the evaluation and review of CDBG programs in fiscal year 2008-2009. Mrs. McCombe reviewed the

remaining funding for the CDBG programs. This report requires a 15-day public comment period, which will end at 9:00 a.m. on November 12, 2009.

At 7:26 p.m., Mayor Degner closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, October 12, 2009.

**NOTICE OF PUBLIC HEARING & COMMENT PERIOD  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)  
CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)**

**The City of Harrisonburg is seeking public comments for the required CAPER - a document required by the U.S. Department of Housing & Urban Development (HUD) for the evaluation and review of CDBG programs in fiscal year 08-09.**

**Comments may be submitted during the CDBG / CAPER Public Hearing portion of the regular City Council meeting on October 27, 2009, at 7:00 P.M. in the City Council Chambers, Harrisonburg Community Development Building, located at 409 S. Main St., Harrisonburg, VA.**

**All comments must be received no later than November 12, 2009, at 9:00 A.M. Comments may be submitted to Kristin McCombe, CDBG Compliance Officer, at 345 South Main Street, Harrisonburg, Virginia 22801, CDBG@ci.harrisonburg.va.us, or (540) 432-8926.**

**Copies of the draft CAPER will be available for review in the City Manager's Office, 345 South Main Street, Harrisonburg, Virginia 22801 and at [www.ci.harrisonburg.va.us](http://www.ci.harrisonburg.va.us) on the CDBG homepage.**

**A summary of the CAPER is as follows:**

**In 2008, the City was awarded \$527,522 in CDBG entitlement funds. An additional \$9,133.24 was added to this amount from previous award years, bringing the total to \$540,956.92. To date, the following is a summary report of Obligated, Expended, and Remaining Funds:**

	<u>Obligated</u>	<u>Expended</u>	<u>Remaining</u>
Housing and Property Improvements	\$144,500	\$144,500	\$0
Community & Public Facilities	\$196,745	\$130,445	\$66,300
Administration	\$105,254	\$43,634.43	\$61,619.57
Public Services	<u>\$94,457.92</u>	<u>\$94,366.96</u>	<u>\$90.96</u>
<b>Total</b>	<b>\$540,956.92</b>	<b>\$412,946.39</b>	<b>\$128,010.53</b>

Mayor Degner called on anyone desiring to speak for or against the CAPER. There being no one desiring to be heard, the public hearing was declared closed at 7:27 p.m., and the regular session reconvened.

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

**RESOLUTION OF SUPPORT**  
**Application for Virginia Department of Transportation**  
**Transportation Enhancement Grant Funds for**  
**DOWNTOWN STREETScape, PHASE II**

**WHEREAS, The City of Harrisonburg is applying for the Transportation Enhancement Grant to complete Phase II of the Harrisonburg Downtown Streetscape; and**

**WHEREAS, The City of Harrisonburg has an adopted Harrisonburg Downtown Streetscape Plan and recognizes the importance of providing safe and adequate pedestrian facilities; and**

**WHEREAS; The City of Harrisonburg, Harrisonburg Downtown Renaissance, and other partners have collaborated successfully to complete Downtown Streetscape Phase I in 2008;**

**WHEREAS, Phase II will include sidewalk and curb ramp improvements on the west side of Main Street from Bruce Street to Elizabeth Street, crosswalk enhancements, upgrade of traffic signals and new pedestrian signals, and other streetscape-type improvements; and**

**WHEREAS, the total project cost has been determined to be \$877,310; and**

**WHEREAS, the Commonwealth Transportation Board has established Transportation Enhancement Grant Program that allows for planning and the construction of the project;**

**NOW, THEREFORE BE IT RESOLVED that Harrisonburg City Council endorses the submission of an enhancement grant requesting funding for planning and construction of the project, and also commits to funding the 20 % match required for the grant in the sum of \$175,462.**

**Adopted this, the 27<sup>th</sup> day of October 2009.**

\_\_\_\_\_  
**Mayor Kai Degner**

**Attest:**

\_\_\_\_\_  
**Yvonne Ryan, MMC, City Clerk**

City Manager Hodgen said that VDOT's Enhancement Program is a federally funded program for projects that meet certain criteria for enhancing the safety of pedestrians or bicyclists. The City has received transportation enhancement funding in the past for several City

projects. The City is applying for funding to proceed with the Phase II Streetscape project, which includes replacement of curb/gutter, brick sidewalk, lighting and landscaping. Applications submitted to the program require a local 20% or \$175,462 match. Council Member Byrd offered a motion to adopt the resolution as presented. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Economic Development Director Brian Shull presented an overview of establishing boundaries for a Harrisonburg Recovery Zone. He said the Stimulus Act of 2009 has created several new opportunities for localities to finance public assets and to participate in the public financing of private business assets. The Governor issued an executive order September 30, 2009 allocating funds to localities across the state to use incentives for bonding capacity. Recovery Zone Economic Development Bonds allow for public interinfrastructure financing. Recovery Zone Facility Bonds can be used to finance depreciable property in a recovery zone for a qualified private business. The City has been allocated the capacity to issue up to \$1,990,000 Recovery Zone Economic Development Bonds and \$2,985,000 Recovery Zone Facility Bonds. City Council will need to establish distinct boundaries for a Recovery Zone and is required to file a Notice of Intent by November 2, 2009 if the City wants to keep its options open. Council can designate the boundaries of its recovery zone. Following further discussion and comments, Vice-Mayor Baugh offered a motion to authorize the City Manager to delivery to the Governor's Office a Notice of Intent to reserve its allocation for both Recovery Economic Development Bonds and Recovery Zone Facility Bonds. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Abstained - Council Member Byrd

Absent – None

Kris Ludwig, Special Events Manager of Harrisonburg Downtown Renaissance (HDR), presented several requests for street closings for the Harrisonburg Parks and Recreation Department and the Harrisonburg Downtown Renaissance to hold the annual Christmas parade on December 4, 2009 at 7:00 p.m., "Holidays on Main Street" on December 4, 2009 from 4:00 p.m. until 9:00 p.m., First Night 5K Run/Walk on December 31, 2009 and to close the streets on December 31, 2009 for First Night Harrisonburg. Council Member Frank offered a motion to



approve the street closings for “Holidays on Main Street”, Holiday Parade, First Night 5K Run/Walk, and First Night Harrisonburg contingent upon the City receiving all the appropriate insurance certificates. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Parks and Recreation Director Lee Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. These funds are being allocated in the Parks and Recreation budget and will be used for the “Dream Come True Playground” Capital Projects fund. The request also includes a transfer of funds reserved in the General Fund from the Shenandoah Valley Electric Coop Tree Reparation payment to Capital Projects to purchase trees for the “Dream Come True Playground” project. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$32,000.00 chge. to: 1000-710171-48184 Improvements  
65,000.00 chge. to: 1000-710171-48284 Improvements  
23,000.00 chge. to: 1000-710171-46131 Ed/Rec. Supp. Playgrounds  
10,000.00 chge. to: 1000-31010 Amount from Fund Balance  
130,000.00 chge. to: 1310-34210 Transfer from General Fund

\$130,000.00 approp. to: 1000-990111-49216 Transfer to Capital Projects  
130,000.00 approp. to: 1310-910141-48699 Transfer from General Fund

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

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

Absent – None

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,**

**VIRGINIA, ADOPTING THE EMERGENCY OPERATIONS PLAN**

**WHEREAS, the City Council of the City of Harrisonburg, Virginia recognizes the need to prepare for, respond to, and recover from natural and man-made disasters; and**

**WHEREAS, the City of Harrisonburg has a responsibility to provide for the safety and well being of its citizens and visitors; and**

**WHEREAS, the City of Harrisonburg has established a Department of Emergency Management and appointed a Director and Coordinator of Emergency Management;**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:**

**That the Emergency Operations Plan, as revised October, 2009, is officially adopted; and**

**It is further proclaimed and ordered that the Director of Emergency Management, or his/her designees, are tasked and authorized to maintain and revise as necessary this document over the next four year period or until such time it be ordered to come before this Council.**

**Approved: October 27, 2009**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Fire Chief Larry Shifflett said that title 44 of the Code of Virginia requires that localities develop and adopt an emergency operations plan detailing the City's response and recovery from a natural or man-made disaster. The plan being submitted for Council's approval is the latest revision of the plan. In addition, it is also requested that Council adopt the H1N1 influenza plan. Council Member Byrd offered a motion to approve the emergency operations plan including the H1N1 influenza plan. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Assistant City Manager Vass presented a brief overview of a request to utilize public property for the placement of a trash storage building. This building will be placed on a City owned public parking lot at the intersection of East Water and Federal Streets and will be used to store solid waste and recyclables generated by various uses prior to removal by the City crews and private trash haulers. The properties have inadequate on site trash storage for the volume of solid waste being generated. One public parking space would be utilized for the placement of the storage building. However, the parking lot will be reconfigured resulting in no loss of parking within the public lot. Council Member Byrd offered a motion to defer this request until the next Council meeting in order to allow for public comment. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

Council Member Wiens offered a motion to have a short-term rental tax presentation at the next Council meeting in November. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

At 8:30 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

cc: City Council  
City Manager  
Public Library

## REGULAR MEETING

November 10, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper. Absent: Assistant City Manager Evan Vass.

Vice-Mayor Baugh gave the invocation, and Mayor Degner led everyone in the Pledge of Allegiance.

Thomas Jenkins said he has been working on bicycle issues in the City and thanked everyone for improvements that have been made to the railroad tracks, but bicycle programs still have funding issues.

Tom Benevento expressed concern as a citizen, cyclist and motorist. There are many parallel drainage grate problems in the City. A bicycle tire can easily get stuck in these parallel grates, causing a cyclist to be thrown off his/her bicycle. Accidents caused by the grates can have serious consequences for all involved. They are in violation of Federal Law for road safety standards. They discourage bicycle use and serious accidents can be caused by the grates. Requests have been made to the Public Works Department to modify these grates, but nothing has been done.

Soula Pefkaros said this problem exists in other areas of the Country. Mr. Benevento and Ms. Pefkaros requested that City Council vote for changes to retrofit already-identified parallel grates, establish better protocol with the Public Works Department to ensure that grates are changed or retrofitted when identified and reported by citizen, and confirm that all future grates in new road construction will be safe for cyclists and in compliant with the Federal safety standards.

City Manager Hodgen said that VDOT has not notified the City that any changes are necessary or that the grates are in violation of any state or Federal laws. Also, it is necessary to determine the cost of replacing these drainage grate problems.

Bucky Berry thanked everyone for participating in the Salvation Army’s holiday food drive.

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Parks and Recreation Department. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Mayor Degner

Absent – None

Planning and Community Development Director Turner presented a request from Cassandra and Fred Allgood for a special use permit to allow a Major Family Day Home use at 429 Eastover Drive. The Comprehensive Plan designates this area as Low-Density Residential. Mrs. Turner reviewed the surrounding uses in the area and also briefly reviewed child care provisions allowed in the Zoning Ordinance. The applicants are requesting a special use permit to allow a “Major Family Day Home” within the R-1, Single Family Residential District. The applicant has operated a “Minor Family Day Home” for approximately ten months. Mrs. Turner reviewed the City’s “Minor Family Day Home” definition in the Zoning Ordinance. The applicants have stated their goal is to have the maximum number of children at the “Major Family Day Home”, with hours of operation between 6:00 a.m. and 6:00 p.m., Monday through Friday. The Eastover Subdivision, where the property is located, is a red zone permit parking area, which means parking permits are needed Monday through Friday from 4:00 a.m. until 6:00 p.m. The applicants have a driveway where parents can pull-in to drop off children, or they can utilize their visitor parking passes. The special use permit request has been discussed with the Police Department and if complaints arise, the applicants may need to work out some type of arrangement that would ensure violations do not occur. At the public hearing held by Planning Commission, several residents of the neighborhood expressed concerns regarding the traffic problems, parking zone, and parking during week-end events. A member of the Planning Commission expressed hope that between the Planning Commission meeting and the City Council meeting that perhaps the neighbors of the area could discuss and resolve any issues before the City Council meeting. Planning Commission recommended approval of the special use permit request by a vote of four to one.

At 7:23 p.m., Mayor Degner closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Monday, October 26, and Monday, November 2, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, November 10, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

*Special Use Permit – 429 Eastover Drive (Major Family Day Home 10-3-34 (6))*

**Public hearing to consider a request from Cassandra and Fred Allgood for a special use permit per Section 10-3-34 (6) of the Zoning Ordinance to allow a major family day home within the R-1, Single Family Residential District. The property is located at 429 Eastover Drive and can be found on tax map 15-F-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 Degner called on anyone desiring to speak for or against this special use permit request. Cassandra Allgood, owner of the property and the applicant, said she would like to provide care for 12 children in her home. She also has been taking classes at Blue Ridge Community College to provide better day care for the children.

Pam DeBose who lives on Eastover Drive said that she has lived in the neighborhood for over 20 years. We are a small neighborhood and have protected the homes from turning into student housing. Ms. Debose reviewed information from Social Services inspections and mentioned several violations the applicant had received. Mrs. Debose objected to approving the special use permit to increase the day care service to 12 children.

Joseph Eneyd who lives on Eastover Drive said, "I am here to object to the Planning Commission's approval of the special use permit to operate a "Major Family Day Home" at 429 Eastover Drive." There is a significant difference between a major and minor family day home. The neighborhood has sacrificed a lot over the years, including opening Paul Street and Cantrell Avenue, cut-through traffic after the mall developed, and widening of the bridge on Reservoir Street. "I don't disapprove of the family day home with five children, but the neighborhood is not suitable for twelve children." He said that he opposed the special use permit.

Madeline Dupree who lives on Eastover Drive said there is a need to have quality day care for children, but could not understand how a business can operate within an R-1 residential area. She questioned can the Social Service Department conduct an investigation, discover regulations violations, and recommend increasing the children capacity? She asked Council to protect the R-1 Zoning and neighborhood.

Fred Allgood, owner of the property said he could understand some of the concerns. There has never been a problem with traffic and too many cars on the street. There is a need for a good day care home.

Jim Fukumoto who lives on Eastover Drive said the Allgoods have been good neighbors. But, the families who are dropping off the children are making very dangerous "U" turns at the intersection. Residents of the area should also be purchasing the appropriate parking permits. There being no others desiring to be heard, the public hearing was declared closed at 7:52 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Frank offered a motion to approve the special use permit request. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

No - Council Member Byrd

Mayor Degner

Absent – None

Council Members did mention their concern that the neighbors did not meet to discuss and resolve any issues before this City Council meeting as had been requested by a Planning Commission member.

Planning and Community Development Director Turner presented a request to amend Section 10-2-41(k) of the Subdivision Ordinance. The proposed changes to the Subdivision Ordinance is to reflect the accurate cul-de-sac radii widths as recently modified within the City's Design and Construction Standards Manual (DCSM). Mrs. Turner reviewed some of the amendments to the City's DCSM adopted by City Council on September 8, 2009. Specifically, there is now a requirement for sidewalk along both sides of new streets and for sidewalk across all lot frontage including lots within the cul-de-sac. Planning Commission recommended approving the proposed changes to the Subdivision Ordinance.

At 8:06 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, October 26, and Monday, November 2, 2009.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, November 10, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

**Public hearing to consider a request to amend Section 10-2-41 (k) of the Subdivision Ordinance to reflect the accurate cul-de-sac radii widths as recently changed within the City's Design and Construction Standards Manual.**

**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 Degner called on anyone desiring to speak for or against amending this ordinance. There being no one desiring to be heard, the public hearing was declared closed at 8:07 p.m., and the regular session reconvened. Council Member Byrd offered a motion to amend this ordinance

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

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

Absent – None

The next item of business was a request to utilize City owned property for the placement of a storage building. City Manager Hodgen said the owners/proprietors of commercial and residential properties associated with 80, 82, and 92 South Main Street and 14 East Water Street are requesting permission to place a storage shed on the north east corner of a City owned public parking lot located at East Water Street and Federal Street. The building would be utilized to store waste and recyclables generated by the various uses prior to removal by City crews and/or private haulers. The properties have inadequate on site storage capacity. It was pointed out that the permit is revocable. Following further discussion and comments, which also included comments from property owners, Council Member Wiens offered a motion to approve a revocable license for the placement of a storage building. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request to transfer a Certificate of Public Convenience and Necessity. City Manager Hodgen said that Royal Cab Company is now operating under an LLC as Benish Corporation. The current certificate issued to Royal Cab Company was issued in May 2007 and will expire in May 2012. Following further discussion and comments, Vice-Mayor Baugh offered a motion to transfer a Certificate of Public Convenience and Necessity from Royal Cab Company to Benish Corporation. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None



The next item of business was a report on Maintenance/Administration Feasibility Study from the Department of Public Transportation. Public Transportation Director Reggie Smith said that the Harrisonburg Department of Public Transportation (HDPT) has had a new Maintenance/Administration Building in the Capital Improvement Plan (CIP) for years. Mark Probst representing Parsons Brickerhoff presented an overview of a Maintenance/Administration Feasibility Study. The current facility was built in 1983 and has been expanded four times. The facility includes maintenance, operation, and on-site administration for all other City equipment and vehicles. However, it is operating at capacity and expectations are that both fleet and service demands will increase in the future. Adding on to the existing facility will not allow the space needed to function safely and efficiently. As the fleet grows, a new facility will be required to continue to maintain safe and reliable transit service. Adjacent to the existing facility is City owned land, which will become available in the near future because the City built a new water tank to replace an open reservoir. The combined facility will be more cost effective and efficient, while meeting the operational requirements for transit buses, school buses, school, and City equipment and vehicles. Mr. Probst reviewed the different phases of the proposal and said the proposed project could cost approximately \$24 million dollars. Following a lengthy discussion and comments, Council Member Byrd offered a motion to approve the Master Plan Maintenance/Administration Building Feasibility Study as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

No - Mayor Degner

Absent – None

Public Transportation Director Reggie Smith presented a request for a supplemental appropriation for the Transportation Department. These funds were received by the School Board and will be used to purchase a special education bus for Head Start and for students with special needs. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$88,800.00 chge. to 2013-31656 School BD-School Buses

\$88,800.00 approp. to: 2013-872081-48254 School Buses

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

Vote: Yes - Council Member Byrd  
Council Member Frank  
Council Member Wiens

Vice-Mayor Baugh  
Mayor Degner

Absent – None

Parks and Recreation Department Director Lee Foerster presented an overview of revised fee structure for the department. The Parks and Recreation Advisory Commission have recommended an adjustment to the various fees and charges for recreation programs and facilities. The fees will be effective January 1, 2010 except for the child care fees. Council Member Byrd offered a motion to approve the proposed scheduled fees and charges. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manger Hodgen presented for Council's consideration repealing Section 5-2-40 of the Harrisonburg City Code. This ordinance was enacted as part of the EMS services billing and since its enactment, the City and Rockingham County have decided to have these terms placed within the billing Services agreement so that all terms of the agreement will be the same for both the city and county in order that no resident of the city or the county will receive a bill for EMS services. Vice-Mayor Baugh offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Commissioner of the Revenue June Hosaflook presented for Council's consideration enacting Article L. of Chapter 2 of Title 4 of the Harrisonburg City Code. This ordinance will create a short-term rental tax for the City effective January 1, 2010. She said that the new rate on sales short-term gross rental receipts will either be 1% or 1.5% depending on the type of equipment that is leased. City Attorney Thumma clarified that businesses in the City will not be charged the short-term rental tax for the year 2009. Council Member Frank offered a motion to approve this ordinance for a first reading as presented. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen reviewed a breakdown of state reductions in support of local government. The most recent changes include the City Constitutional Offices \$23,281.00, Shared City-County Constitutional Offices, \$224,757.00 (City share); and local law enforcement through the local HB599 \$162,270.00 for a total of \$410,308.00. Of the amounts, savings have been identified within the affected areas that can be sustained, but may result in a decline in service levels. The savings include City Constitutional Offices \$23,281.99, Shared City-County Constitutional Offices \$23,808.00 (City share), and local law enforcement \$72,150.00 with a difference of reductions and savings of \$291,069.00. “I recommend that we proceed with the identified reductions and continue to work across the spectrum of the entire City budget and joint City-County services budgets to identify other savings.” It is important to note that we do not expect the state reductions to return at any point in the near future.

City Manager Hodgen said that a considerable number of e-mails were sent to Council members during the past relative to operational issues at the Rockingham-Harrisonburg SPCA (RHSPCA). Most of the e-mails originated from supporters of an organization called “Citizens for Animal Welfare” (CFAW). The primary issues included a relative high rate of euthanization at the HRSPCA, spaying and neutering practices, the desire on the part of CFAW for the City and Rockingham County to utilize their status as major “customers” of RHSPCA to affect make changes and the success rate for adoption of dogs and cats. Staff follow up research has confirmed that: 1) Amount a list of “comparable” shelters indicates that the RHSPCA did have the highest rate of euthanization for 2008. 2) The shelter’s that the RHSPCA was most frequently compared to had similar local government contributions, but significantly higher overall revenues than RHSPCA. 3) RHSPCA is meeting at least the minimum requirements established by the Commonwealth of Virginia for operation of “city or county pounds”. Standards or expectations of performance beyond what the state requires is a local policy/community issue. 4) Neither the City nor the County have direct representation on the RHSPCA’s Board. 5) CFAW feels that its attempts to offer suggestions, assistance, etc. to RHSPCA have been ignored by the RHSPCA Board of Directors and they have not been able to get people who share their operational philosophies on the Board. They believe there are significant financial, technical and professional resources that are ready to actively engage in meeting the needs of the animal population of Harrisonburg and Rockingham County. 6) If they are not able to achieve any success in working with the RHSPCA Board of Directors, CFAW may be interested in submitting a proposal to the City and County to provide animal impoundment services. Council requested that the RHSPCA and CFAW meet to discuss some of the issues. Mayor Degner and Council Member Frank volunteered to coordinate a meeting between RHSPCA and CFAW.

At 9:45 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to Harrisonburg Electric Commission, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia.

At 10:05 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 Byrd offered a motion that Dennis Snyder, 964 Wren Way Drive, be appointed to a second term on the Harrisonburg Electric Commission. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Byrd offered a motion that John Neff, 456 Meyers Avenue, be appointed to a first term on the Harrisonburg Electric Commission. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 10:06 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

November 24, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Fred Eberly, Rockingham County Board of Supervisors Chairman, presented Mayor Kai Degner with a turkey, which was won in a friendly wager on the Harrisonburg High School/ Turner Ashby High School playoff football game. The turkey was donated to the Salvation Army.

Art contest student winners for “Fire Prevention Week” were displayed in Council Chambers.

It was announced that Harrisonburg received the “2009 Governor’s EMS Award” for outstanding contributions to emergencies medical services for children and the “Outstanding Lead Organization/Harrisonburg Fire Department for Safe Kids” for November 2009.

Heather Justice and her children received a “Saved by the Belt” award. It was noted that this young family’s lives were saved because Ms. Justice was wearing her seat belt and had her children properly restrained in car seats prior to being involved in an accident.

Several awards were presented to Police Chief Harper for his distinguished service to the community.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Public Works Department. The motion also included enacting Article L of Chapter 2 of Title 4, repealing Section 5-2-40, and amending Section 10-2-41(k) of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Besty Hay, United Way Executive Director, and Tracy Jones of the United Way presented an overview of the United Way's acknowledgements and overall goals.

The next item of business was a report on a Storm Grate inquiry. City Manager Hodgen said that a group of bicycle enthusiasts presented some storm grate issues at the November 10<sup>th</sup> Council meeting. Mr. Hodgen reviewed the cost estimate to repair and retrofit the identified storm grates, whether the repairs and retrofits would unintentionally have any detrimental effects on drainage or to the roadway, and whether or not the City existing storm drain grates violate any state or federal regulations. Five priority storm grates costing approximately \$2,200 have been identified and will be repaired and retrofitted. The City will begin working on the five priority storm grates and it should take about eight weeks to complete the project.

Vice-Mayor Baugh offered a motion to cancel the December 22<sup>nd</sup> Council meeting. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were received from Byrne Memorial Justice Assistance Grant and will be used to purchase in-car computers for police vehicles. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$ 50,000.00 chge. to: 1000-31010 Amount from Fund Balance  
150,000.00 chge. to: 1000-33550 Criminal History Record Program  
  
\$ 96,000.00 approp. to: 1000-310431-48273 Software  
104,000.00 approp. to: 1000-310431-48273 Hardware

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

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

Absent – None

At 7:58 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion concerning a prospective business where no previous announcement has been made of the business' interest in expanding its facilities within the City, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. Discussion and consideration of the disposition of publicly held 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 Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:53 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 8:53 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

December 8, 2009

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Bucky Berry encouraged everyone to support the Salvation Army’s holiday food drive.

Council Member Wiens offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department and an alley closing request by Donna R. Brock to close an undeveloped alley located between Effinger Street and Kelley Street. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen said that City Council considered this grant application and passed a similar resolution on October 27, 2009 for this grant. However, at the time there was no public hearing held, which is required for the TE grant applicant process. The City was given permission by VDOT to submit this resolution after the application due date. The grant application pertains to Phase II of the Streetscape program. The estimated cost is \$877,310. Applications submitted to the program require a local 20% or \$175,462 match.

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

**RESOLUTION OF SUPPORT**  
**Application for Virginia Department of Transportation**  
**Transportation Enhancement Grant Funds for**  
**DOWNTOWN STREETScape, PHASE II**

**WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the**



sponsoring jurisdiction in order that the Virginia Department of Transportation establish an enhancement project in the City of Harrisonburg; and

**WHEREAS, The City of Harrisonburg has an adopted Harrisonburg Downtown Streetscape Plan and recognizes the importance of providing safe and adequate pedestrian facilities; and**

**WHEREAS; The City of Harrisonburg, Harrisonburg Downtown Renaissance, and other partners have collaborated successfully to complete Downtown Streetscape Phase I in 2008; and**

**WHEREAS, Phase II will include sidewalk and curb ramp improvements on the west side of Main Street from Bruce Street to Elizabeth Street, crosswalk enhancements, upgrade of traffic signals and new pedestrian signals, and other streetscape-type improvements; and**

**WHEREAS, the total project cost of Phase II has been determined to be \$877,310; and**

**NOW, THEREFORE BE IT RESOLVED, that the City of Harrisonburg requests the Commonwealth Transportation Board to establish a project for the improvement of Phase II of the Harrisonburg Downtown Streetscape and that the City of Harrisonburg commits to funding the 20% match required for the grant in the sum of \$175,462.**

**BE IT FURTHER RESOLVED, that the City of Harrisonburg will be responsible for maintenance, upkeep and operating costs of any facility constructed with Enhancement Program funds.**

**BE IT FURTHER RESOLVED, that if the City of Harrisonburg subsequently elects to cancel this project the City of Harrisonburg hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City of Harrisonburg also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.**

**Adopted this, the 8<sup>th</sup> day of December 2009.**

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**Mayor Kai Degner**

**Attest:**

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**Yvonne Ryan, MMC, City Clerk**

At 7:06 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Wednesday, November 25, 2009.

**NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday December 8, 2009 at 7:00 p.m., in City Council Chambers, 409 South Main Street to consider the following:**

**Public hearing to consider a resolution for VDOT's Transportation Enhancement Program for Phase II of the Downtown Streetscape Project.**

**VDOT's Enhancement Program is a federally funded program for projects that meet certain criteria for enhancing the safety of pedestrians or bicyclists. This grant application for Phase II Streetscape includes replacement of curb and gutter, brick sidewalk, lighting and landscaping. The termini points for this project are Bruce Street to the south and Elizabeth Street to the north. Court Square has been identified as a standalone project for sidewalk improvements, however, water and sewer utility replacements will continue from Bruce to Elizabeth.**

**The total cost of the project has been determined to be \$877,310. Application for the program requires a 20% match to the project cost by the City of Harrisonburg in the sum of \$175,462.**

**All persons interested will have an opportunity to express their views at this public hearing. 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 Degner called on anyone desiring to speak for or against the VDOT's Transportation Enhancement Program resolution. There being no one desiring to be heard, the public hearing was declared closed at 7:07 p.m., and the regular session reconvened. Council Member Byrd offered a motion to adopt the resolution as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request from Virginia Mennonite Home, Inc. to amend the Virginia Mennonite Retirement Community Master Planned Complex to modify the allowable uses for the Woodland facility, single family homes and open space. The property is located at 1301 Virginia Avenue. The Comprehensive Plan designates this area as Institutional. Mrs. Turner reviewed the surrounding uses in the area. The applicant wants to amend the 6.9 acres to build Green House Homes as an innovational approach to skilled nursing. Each home will have ten private rooms, each with a bathroom, and common

living areas. Mrs. Turner reviewed the proposed loop road and entrances onto the property, sight distance plans along Virginia Avenue, and an EMU access easement. Planning Commission recommended amending the Virginia Mennonite Retirement Community Master Plan.

At 7:13 p.m., Mayor Degner closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 23, and Monday, November 30, 2009.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, December 8, 2009 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Master Plan Amendment – VMRC (Woodland Green House Homes)***

**Public hearing to consider a request from Virginia Mennonite Home, Inc. to amend an approximate 6.9 +/- acre portion of the Virginia Mennonite Retirement Community master planned complex. The request would modify the allowable uses for the Woodland facility and the adjacent open space and single family homes located at 1301 Virginia Avenue and 1304, 1305, 1307, 1308, 1309, 1311, & 1321 Woodland Drive. The property is zoned R-3, Multiple Dwelling Residential District along with an Institutional Overlay District and can be found on tax maps 52-A-1.**

**The Comprehensive Plan designates this area as Institutional. These lands are designated for development by certain nonprofit and public institutional uses such as colleges and universities, hospitals, offices of nonprofit organizations, community assembly uses and institutions which provide for the shelter and care of people.**

**The Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum. The I-1, Institutional Overlay District is intended to provide for orderly development of certain nonprofit institutional uses and is created as a special overlay district to be superimposed on base districts by approval of City Council. Dimensional and density regulations are intended to supplement those permitted in the underlying zoning classification.**

Mayor Degner called on anyone desiring to speak for or against amending the Virginia Mennonite Retirement Community Master Plan.

Chris Garber representing the Troyer Group said the Green House Community is a very innovative approach to senior living. The loop road through this project is designed to allow emergency vehicles to access the site and be able to access each individual home. The design of

the site will maintain as many of the existing trees on site as possible. If approved, this will be the first Green House Community design in the Commonwealth of Virginia.

Sylvia Moore a resident of Park Gables at VMRC spoke in favor of the Green House concept because it changes the stereo-typical concept of nursing home care.

Marvin Nisley, a member of the staff with VMRC, said this is a living arrangement for people who need long-term nursing care. VMRC will be the first in Virginia to put Green House Homes into place. There being no others desiring to be heard, the public hearing was declared closed at 7:22 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve the Virginia Mennonite Retirement Community Master Plan. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

A public hearing scheduled to amend Sections 10-3-46 and 10-3-48.4 of the Zoning Ordinance was withdrawn by the applicant.

Planning and Community Development Director Turner presented a request from Cypress Park, LLC to preliminarily subdivide 32.9 acres into 78 single family home lots, zoned R-1, Single Family Residential District. The property is located at 1120 Willow Spring Road and can be found on tax map parcels 100-A-3 and 100-B-3. The Comprehensive Plan designates this area as General Industrial. Mrs. Turner reviewed the surrounding uses in the area. This proposal has been reviewed by Planning Commission and City Council several times during the last five years. The property is zoned R-1, but is in the middle of an area that is mostly developed with industrial uses and a landfill. The whole development is considered a large cul-de-sac and only has one public street entering into the neighborhood, no secondary public street access, and requires crossing a rail line. Although the general layout and design of the community has not changed, the applicant claims that the Subdivision Ordinance variance is not necessary because the request is not deviating from the City's maximum cul-de-sac length of 800 feet or the regulation of 250 maximum vehicle trips per day. Although the property owner is not requesting the Subdivision Ordinance variance, this requirement must be waived in order to build the subdivision. Requirements for cul-de-sac are necessary because of service deliveries, snow removal, student pick-up, bike and pedestrian's safety, police patrols, and public safety. The City Attorney has determined that if the subdivision is approved as requested that it will need a variance. The property owner is proposing a 50-foot buffer easement adjacent to the landfill, a fence and two rows of Leyland Cypress and Norway Spruce trees, and 78 single-family home lots. Planning Commission recommended approval by a vote of four to two with the following conditions: 1) The developer shall construct the emergency access road so it is functional during the first phase of the project. 2) The developer shall perform a diagnostic railroad review to determine if active controls are warranted for the railroad crossing into and out of the property. Planning Commission recommended approval of the preliminary plat by a vote of four to two.

Following a very lengthy discussion and comments, Vice-Mayor Baugh offered a motion to deny the request for the preliminary plat. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Norman Yoder, a representative from Brown, Edwards & Company, presented the 2008-2009 Comprehensive Annual Financial Report. He gave a brief overview of the report. Mr. Yoder expressed his appreciation to the Finance Department for all of their assistance. The City will receive an unqualified opinion, which is the highest level of assurance placed on financial statements.

The next item of business was a presentation by People Incorporated. Rob Goldsmith, President of People, Inc., provided an overview of the agency and its purposes, which are primarily to benefit low and moderate income persons. Mr. Goldsmith requested that Council designate People Incorporated as the City of Harrisonburg Community Action Agency. People, Incorporated has recently become the designated Community Action Agency for Page, Shenandoah, Clarke, Frederick, and Warren counties.

The following discussion by Council Members included: Noted in the information provided by People Incorporated that form #990 has not been prepared since 2007. Would People Incorporated be competing with local agencies for funding? Council requested that staff provide more information before taking any action.

The next item of business was a presentation by Bicycle Coalition. Earl Martin, representing Voluntary Gas Tax, Laura Maxim representing New Community Project, and Ben Wyse representing Shenandoah Valley Bicycle Coalition presented a brief overview of their goals of helping Harrisonburg become a more bicycle-friendly City in a timely fashion. They proposed sending representatives from the City and the Bicycle Coalition on an all expenses paid visit to Davis, California, a model bicycle-friendly City, to learn first-hand about how they can have implemented bicycle infrastructure and bike-friendly design standards in the City. Davis is also a university town and is surrounded by agricultural uses similar to Rockingham County. Council Member Wiens offered a motion to approve an offer from the Bicycle Coalition to send representatives from the Bicycle Advisory Committee, City Council, and Planning Commission, to Davis, CA. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

Assistant City Manager Evan Vass presented for Council's consideration a draft ordinance establishing a deer hunting season (archery) within the City limits. Mr. Vass reviewed the language in the proposed ordinance that would permit and regulate a deer archery hunting

season on private property within the City limits. Following further discussion and comments, Council Member Frank offered a motion to schedule a public hearing in January, 2010. The motion was seconded by Council Member Byrd and approved with a unanimous voice vote.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These asset seizure funds will be used to purchase ballistic level III helmets for the Swat Team. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$ 3,200.28 chge. to: 1000-31010 Amount from Fund Balance

\$ 3,200.28 approp. to: 1000-310631-46100 Police supplies

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

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

Absent – None

Council Member Frank offered a motion that James R. Robinson, 760 Elmwood Drive, be appointed to a second term on the Harrisonburg Parks and Recreation Commission to expire on December 31, 2013. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

Council Member Frank offered a motion that John Marr, 251 Maryland Avenue, be appointed to a first term on the Harrisonburg Parks and Recreation Commission to expire on December 31, 2013. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

At 9:50 p.m., Council Member Frank offered a motion that Council enter into a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. Discussion and consideration of prospective candidates to be appointed to the Harrisonburg Planning Commission, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

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

Council Member Frank  
Mayor Degner

Absent – None

At 10:10 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.

Vice-Mayor Baugh offered a motion that Debra Stevens Fitzgerald, 93 Middlebrook Street, be appointed to fill the unexpired term of Jared Burden on the Harrisonburg Planning Commission to expire on December 31, 2010. The motion was seconded by Council Member Wiens and approved with a majority voice vote.

At 10:12 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR