

## REGULAR MEETING

January 12, 2010

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

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

Bucky Berry thanked everyone for the support for the Salvation Army’s holiday food drive. He also said that more consideration should have been given before enacting fees for emergency medical service vehicle charges.

Hal Dubois announced that Fine Earth Landscaping of Harrisonburg and the Shenandoah Valley Building Association have selected “*A Dream Come True*” playground for their annual Arbor Day Gift. In preparation for the Arbor Day Ribbon Cutting event on April 30, Fine Earth is planting carefully selected trees and perennials that conform to the playground’s unique requirements. Mr. Dubois introduced Barbara Harkins and Anita Burner who first conceived the idea of the playground. He also expressed his appreciation for the tremendous help of Parks and Recreation Director Lee Forester and Assistant Parks and Recreation Director David Wigginton.

John Sites of Earth Tones said that Earth Tones and Fine Earth Landscaping are seeking a suitable site for a privately funded landmark to be called “*The Welcome Home Garden*”. This new landmark will extend the community’s open arms to all returning veterans.

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes as amended and the second reading of a supplemental appropriation for the Police 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  
Vice-Mayor Baugh  
Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

Assistant City Manager Vass presented for Council’s consideration enacting an ordinance establishing a deer hunting season (archery) within the City limits. Mr. Vass presented an overview of the proposed ordinance, which would permit and regulate archery hunting season on private property within the City limits.

At 7:22 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 2, and Saturday, January 9, 2010.

**NOTICE OF PUBLIC HEARING ON ENACTING  
AN ARCHERY DEER HUNTING  
ORDINANCE FOR THE CITY OF HARRISONBURG**

**The Harrisonburg City Council will hold a public hearing on January 12, 2010 at 7:00 P.M. in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, to solicit public comments concerning enacting an ordinance for a deer hunting archery season for the City of Harrisonburg.**

**Copies of the proposed ordinance enacting a deer hunting archery season 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 this proposed ordinance. Danny Flemming proposed that Council enact a 100-yard safety zone around buildings in neighborhood to protect children and animals. David Proctor, President of Bowhunters of Rockingham County, said the group supports establishing a deer hunting season with archery equipment in the City limits. Hunting with archery equipment is an effective means of controlling deer population. David Kocka, District Biologist for the Virginia Department of Game and Inland Fisheries, said there has only been one fatality associated with archery hunting in Virginia since the season's establishment in the early 1960's. Richard Tysinger, a member of the Deer Task Force, said many discussions have been held on whether to establish archery hunting in the City; however, he prefers letting the City's Swat Team sharp shooters remove deer from City land. There being no others desiring to be heard, the public hearing was declared closed at 7:35 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Frank offered a motion to approve and establish an ordinance to allow and regulate deer hunting season (archery) on private property within the City limits. 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

No - Mayor Degner

Absent – None

City Manager Hodgen presented the 2010-2011 through 2014-2015. Mr. Hodgen said that the Capital Improvement Program allows the City to plan for capital expenditures for a five-year period. He also said that emphasis is always on the first year of the CIP, which affects the upcoming budget. The projects that are listed are ranked from among dozens of projects that are submitted for consideration. It will be difficult for the City to fund projects ranked one and two with the current economic environment. Funding comes through existing budgeted funds, capital accumulated funds for the project, and through grants, loans, and bonds. Mr. Hodgen recommended that the plan be approved as presented.

At 7:51 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, January 2, and Saturday, January 9, 2010.

#### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 12, 2010, 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 2010-2011 through 2014-2015. 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 7:52 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

The next item of business was a presentation on naming Pear Street remnant. City Manager Hodgen said that as part of the current phase of the Stone Spring Road/Erickson Avenue Connector Project, Pear Street is being realigned at its intersection with Erickson Avenue. In doing so, a remnant of the existing Pear Street would remain and would have residential lots fronting along it. When the road project is complete this remnant would no longer be considered a portion of Pear Street; therefore, a new street name is necessary. Planning Commission has suggested four names Constellation Court, Bartlett Court, Kiwi Court, or Comet Court. Council Member Frank offered a motion to name the street Bartlett Court. 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

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. He reviewed two state-wide awards received by Urban Exchange and Taste of Downtown, nine Design Excellence winners, walking tours highlights, and a \$5,000 grant received from the Virginia Tourism Corporation, which will be used to place three Civil War trail markers at Woodbrine Cemetery, Massanutten Regional Library and the Harrisonburg Municipal Building. Mr. Bumbaugh also reviewed projects receiving Façade Enchantment grants, existing and new projects, signage, new restaurants, and expanding businesses.

Nancy Garber, owner of David B. Garber Jewelers, who has retired was recognized for being in business over 50 years in the downtown area.

Jessica Chase, Manager/Downtown Parking Services for HDR, reviewed information regarding events that occurred during the last several months and upcoming events, including a celebration and reception, and Temptations at the Theater. The department has created new hang tags in-house to save some City money. The Parking Study will be presented to City Council on January 26<sup>th</sup>.

The next item of business was approval of a Cafeteria Plan resolution. City Manager Hodgen said that the City currently allows employees to participate in a “cafeteria plan” as part of its overall benefits program. For a number of years the plan has specified an open enrollment period of 60 days; however, a resolution was never adopted by Council endorsing the change. Council Member Byrd offered a motion to adopt the Cafeteria Plan 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 Byrd  
Vice-Mayor Baugh  
Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

**RESOLUTION OF THE CITY COUNCIL  
FOR THE AMENDMENT OF  
CITY OF HARRISONBURG  
CAFETERIA PLAN**

**On this date, the City Council of the CITY OF HARRISONBURG did meet to discuss the Amendment of the CITY OF HARRISONBURG CAFETERIA PLAN to be effective with the open enrollment period for the plan year beginning July 1st, 2009. Let it be known that the following resolutions were duly adopted by the City Council of the CITY OF HARRISONBURG and that such resolutions have not been modified or rescinded as of the date hereof;**

**RESOLVED, that there will be an open enrollment period of 60 days prior to the beginning of each plan year for Health and Dental Insurance. This 60 day period for open enrollment is established by the City. Open enrollment for the Flexible Spending Accounts will begin on the date established by the City for Health and Dental Insurance and will end on the date established by the City but in no case less than the 60 day period.**

**RESOLVED, that the Employer shall contribute to the Plan amounts sufficient to meet its obligation under the Cafeteria Plan, in accordance with the terms of the Plan Document and shall notify the Plan Administrator to which periods said contributions shall be**

applied.

**RESOLVED**, that the proper officers of the Employer shall act as soon as possible to notify employees of the amendment of the Cafeteria Plan by delivering to each Employee a copy of the Summary Plan Description presented to this meeting, which form is hereby approved.

The undersigned certifies that attached hereto as Exhibits A and B respectively are true copies of the Plan Document, and Summary Plan Description for CITY OF HARRISONBURG CAFETERIA PLAN approved and adopted in the foregoing resolutions.

The undersigned further certifies and attests that the above resolutions were made with the consent of the full City Council of the City of Harrisonburg, each of whom were in attendance on this date:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor

**Attest:**

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

City Manager Hodgen said the CDBG Review Committee has met and recommended that the City continue to receive and consider applications from public service agencies for block grant funding. The City is restricted to 15% of the total allocation. It was noted that City Council will make the final decision on how block grant funds are spent, within certain parameters and specific categories that are established by the Federal Department of Housing and Urban Development.

City Attorney Thumma said the City has advertised and received bids for the construction of Stone Spring Road/Erickson Avenue, Phase II. There were seven bids received ranging from \$21,238,035.35 to \$24,119,201.55. However, the Department of Public Works after reviewing the apparent low bid, determined there were unbalanced unit prices, which led to an irregular bid because of other discrepancies within the plan and contract documents. The Virginia Department of Transportation (VDOT) has advised the City to reject all bids received, review and revise the contract documents and plans, re-submit to VDOT for review and approval again, and re-advertise the contract for bid. It is anticipated that the process will take between four and six months. Vice-Mayor Baugh offered a motion to approve 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 Byrd  
Vice-Mayor Baugh  
Council Member Frank

Council Member Wiens  
Mayor Degner

Absent – None

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA REJECTING ALL BIDS RECEIVED FOR THE CONSTRUCTION OF  
STONE SPRING ROAD/ERICKSON AVENUE, PHASE II, IN THE CITY OF  
HARRISONBURG**

**WHEREAS, the Department of Public Works for the City of Harrisonburg advertised and received bids for the construction of Stone Spring Road/Erickson Avenue, Phase II, which bids were opened on December 17, 2009 at 2:00 PM; and**

**WHEREAS, there were seven (7) bids received ranging from \$21,238,035.35 to \$24,119,201.55; and**

**WHEREAS, the Department of Public Works for the City of Harrisonburg after reviewing the apparent low bid, determined that there were unbalanced unit prices, which led to an irregular bid, and further that there are other discrepancies with the plans and the contract documents; and**

**WHEREAS, the Department of Public Works recommends that all bids be rejected and upon correcting the discrepancies in the plans and the contract documents, that the plans be resubmitted to the Virginia Department of Transportation (VDOT) and to the Federal Highway Administration FHWA for review and approval after which the City will re-advertise the contract for bid;**

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

**Based on the review of the bids received for the Stone Spring Road/Erickson Avenue, Phase II, by the City of Harrisonburg Department of Public Works and based on the Department's recommendation, all bids received on December 17, 2009 are hereby rejected, due to unbalanced unit prices which led to an irregular bid, along with other discrepancies with the plans and contract documents. The City Council deems it is in the best interests of the City and its citizens to correct the discrepancies in the plans and contract documents resubmit the plans to VDOT and FHWA for review and approval and re-advertise the contract for bid.**

**Approved: January 12, 2010.**

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**MAYOR**

**ATTEST:**

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## CITY CLERK

City Manager Hodgen said that Harrisonburg is now a member of the Virginia First Cities organization. The organization is a coalition of cities that promotes legislative policies for the benefit of its members. As a member of Virginia First Cities, Harrisonburg is allowed two members on the Board of Directors. One Director must be the City Manager, the other a member of City Council. Council Member Wiens offered a motion to appoint Council Member Ted Byrd as City Council representative to Virginia First Cities Board of Directors joining City Manager Hodgen. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

The next item of business was approval of “Memorandum of Understanding for Technical Energy & Water Savings Audit”. Public Works Department Planner Thanh Dang said that the City will receive \$206,200 in grant funding for energy efficiency improvements and is working with Linc Services, LLC. Linc proposes to conduct a Technical Energy & Water Savings Audit of four (4) city buildings. The work is associated with the City’s receipt of an Energy Efficiency and Conservation Block Grant through the ARRA. Staff has selected four facilities for improvements: Municipal Building, Public Works, Public Safety, and Community Activities Center. The City has no payment obligations at the time of execution of the MOU, but in the event that Linc Services presents an Audit report that meets the City’s terms and the City decides not to proceed with the implementation phase (entering into an Energy Performance Contract) then the City will pay Linc Services, LLC \$12,000 for the audit. An overview of the proposal was presented. Following further discussion and comments, Council Member Byrd offered a motion to authorize the City Manager to sign a “Memorandum of Understanding for Technical Energy & Water Savings Audit” with Linc Services. 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

Parks and Recreation Director Lee Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. These funds will be used for First TEE projects. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$2,101.79 chge. to: 1000-31010 Amount from fund balance  
2,101.79 chge. to: 1310-34210 Transfer from General Fund

\$2,101.79 approp. to: 1000-990111-49216 Transfer to capital projects  
2,101.79 approp. to: 1310-910141-48720 First TEE Building



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

Parks and Recreation Director Lee Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. These donated funds were received by Chipotle's Mexican Grill and will be used to purchase a flat screen message board for the activity center. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,725.00 chge. to: 1000-31809 Donations

\$1,725.00 approp. to: 1000-710471-46130 Recreational Supplies

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

Deputy Fire Chief Ian Bennett presented a request for a supplemental appropriation for the Fire Department. These funds were received from donations and grants and will be used for programs within the department. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,000.00 chge. to: 1000-32545 VFIRS Grant  
5,000.00 chge. to: 1000-31010 Amount from fund balance  
7,024.00 chge. to: 1000-32512 Fire Programs Fund  
17,446.54 chge. to: 1000-31809 Donation

\$1,000.00 approp. to: 1000-320232-48272 Hardware  
5,000.00 approp. to: 1000-350532-46155 Four for Life  
7,024.00 approp. to: 1000-320232-48113 Fire Programs Fund  
17,446.54 approp. to: 1000-320232-43350 Repair & Maint. Auto Equip.

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

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

\$6,088.90 chge. to: 1000-33555 Cops. Meth. Grant

\$6,088.90 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 Byrd  
Vice-Mayor Baugh  
Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were reimbursed through a DMV grant for overtime and travel. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$5,653.25 chge. to: 1000-33524 Federal DMV grant

\$ 297.20 approp. to: 1000-310631-45530 Training and travel

532.46 approp. to: 1000-310631-41020 Salaries/wages OT

4,823.59 approp. to: 1000-310231-41020 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 Byrd  
Vice-Mayor Baugh

Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

Council Member Frank offered a motion to recommend Robert L. Hansbrough (for a three-year term) to the Circuit Court for appointment to the Board of Equalization. The motion was seconded by Council Member Byrd and approved with a unanimous voice vote.

At 9:50 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 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  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

At 10:27 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 10:28 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 26, 2010

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

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

Members from the cast of “Joseph and the Amazing Technicolor Dreamcoat” presented a brief performance of a musical to be held at the Harrisonburg High School Auditorium February 18-21, 2010.

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 Parks and Recreation Department. The motion also included establishing a deer hunting season (archery) within the City limits. 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 holding a public hearing to submit an application for the Edward Byrne Memorial Assistance Grant Fund. Police Chief Harper said these funds in the amount of \$23,808.00 will be used to purchase equipment for the department. A public hearing must be held prior to the Police Department receiving the funds.

At 7:10 p.m., Mayor Degner closed the regular session temporarily and called the evening’s first public hearing to order. He called on anyone desiring to speak for or against the grant application. There being no one desiring to be heard, the public hearing was declared closed at 7:11 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve the request for the Edward Byrne Memorial Assistance Grant Fund application. 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 CDBG Funding Priorities. Ande Banks, Director of Special Projects and Grants Management, presented an overview of CDBG funding priorities to be consider for the 2010-2011 Community Development Block Grant (CDBG) Program. The Community Development Block Grant (CDBG) Program is a direct entitlement grant amount that stems from the US Department of Housing and Urban Development. Mr. Banks outlined the City needs and objectives in the CDBG Strategic Plan and reviewed the tentative schedule for 2010-2011 CDBG Program. There is no action needed on this item at this time.

At 7:15 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 19, 2010

**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 26, 2010 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 2010-2011 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 2010-2011 CDBG Program. The City's CDBG Program is funded by an annual entitlement from HUD. The entitlement amount for FY 10-11 has not yet been announced by HUD, but will likely be approximately \$539,947. 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 Ande Banks prior to submitting an application, to ensure that the proposed project is eligible. The 2010-2011 CDBG Application package is available on the City website at [www.harrisonburgva.gov](http://www.harrisonburgva.gov). Applications are due no later than 5:00 am on Wednesday, February 17, 2010. Late applications will not be accepted.**

**Please contact Ande Banks, at [ande.banks@harrisonburgva.gov](mailto:ande.banks@harrisonburgva.gov) or 540-432-8923 with questions. Written comments may also be mailed to Ande Banks, Director of Special projects and Grants Management, 345 South Main Street, Harrisonburg, VA 22801.**

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

Mary Ellen Chewing, Executive Director of The ARC, discussed their program and thanked everyone for making up to 15% of HUD funds available for non-profits.

Jennie Amison, Executive Director of Gemeinschaft Home, discussed the local program and requested funding to help homeless people with substance abuse problems. She also said that residents of Gemeinschaft Home have been doing a lot of community service projects.

Janet Mash, Executive Director of Camp Still Meadows, said the camp serves children and adults with mental and/or physical disabilities. She thanked Council for their past support. There being no others desiring to be heard, the public hearing was declared closed at 7:22 p.m., and the regular session reconvened.

Todd Bale, Executive Director of the Boys & Girls Club, presented a brief overview of the club and teen center programs. The mission of the Boys & Girls Club is to inspire young people to realize their full potential as productive, responsible and caring citizen. The Boys & Girls Club is a safe place for young people to learn and grow, have on-going relationships with caring adults, provides a life enhancing program that develops character, hope and opportunity. Mr. Bale reviewed financial and operational information.

The next item of business was a Downtown Parking Study presentation. John Edwards, Transportation Consultant, and Brad Edwards, Professional Engineer and Transportation Consultant, presented an overview of the downtown parking study. The survey process began in October 2009 with oversight by an advisory committee made up of downtown business owners and public officials. The report and study includes an inventory of both public and private parking spaces, timed limited spaces, parking management approaches, redesign of existing lots, and the parking demand for a thirty-eight block study area that has been divided into "Core" and

“Fringe” Study areas. The report also recommended improving parking enforcement, encouraging “Shared Use” parking, increasing the over-time parking fine, establishing additional parking fines for repeat offenders, reducing the parking limits in the City’s garages, constructing a new parking deck, demolishing and rebuilding the Water Street Deck, and making the parking manager’s job a full-time position.

Assistant City Manager Vass presented a supplemental appropriation for the general properties budget “Rawley Springs Improvements”. A portion of the revenue generated from the sale of the timber on the City owned property near Rawley Springs will be utilized to develop a recreation plan through JMU and to install gates as well as other barricades to prevent unauthorized vehicle access. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$15,000.00 chge. to: 1000-31908 Sale of Timber

\$11,339.00 approp. to: 1000-430221-4823 Recreation Plan JMU  
3,661.00 approp. to: 1000-430221-4823 Gates Manu. & Install

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 Attorney Thumma presented the following resolution for Council’s consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA AUTHORIZING THE MAYOR TO RESPOND TO THE PROTEST FILED REGARDING THE REJECTION OF ALL BIDS RECEIVED FOR THE CONSTRUCTION OF STONE SPRING ROAD/ERICKSON AVENUE, PHASE II, IN THE CITY OF HARRISONBURG**

**WHEREAS, on January 12, 2010, the City Council of the City of Harrisonburg rejected all bids for the Stone Spring Road/Erickson Avenue, Phase II project; and**

**WHEREAS, there was a protest filed by the apparent low bidder, General Excavation Services, Inc., which protest was received by the City Council on January 26, 2010; and**

**WHEREAS, the City Council wishes to respond to the protest as being late and further to acknowledge that all bids for the Stone Spring Road/Erickson Avenue, Phase II project were rejected by resolution of this Council dated January 12, 2010;**

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

**The Mayor and the City Attorney are directed to respond to the protest of General Excavation Services, Inc. pursuant to Section 4-3-54 of the City's Purchasing and Contracting Policy Manual.**

**Approved: January 26, 2010.**

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

City Attorney Thumma said that the City rejected all the bids on the Stone Spring Road/Erickson Avenue, Phase II project. The City has received a protest filed by the apparent low bidder. Mr. Thumma requested that City Council adopt the resolution authorizing the Mayor and the City Attorney to respond within the guidelines of the City's Purchasing and Contracting Policy Manual. Vice-Mayor Baugh offered a motion to approve the resolution as presented. 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 Joe Bowman, 3309 Mesinnetto Creek Drive, be appointed to an eighth term on the Shenandoah Valley Airport Commission to expire on January 28, 2013. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

At 8:24 p.m., there being no further business and on motion adopted, the meeting was adjourned.

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**MAYOR**



## REGULAR MEETING

February 9, 2010

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

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

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 improvements to Rawley Springs. 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

Planning and Community Development Director Turner presented a request from South Avenue, LLC and Patrick and Virginia Logan to rezone three parcels from M-1, General Industrial District to B-2C, General Business District. The parcels are located at 191 South Avenue and 1100 and 1118 South High Street and can be found on tax maps 20-A-9, 10, & 12. The Comprehensive Plan designates this area as Commercial. Mrs. Turner reviewed the surrounding uses in the area. The following development plan proffers were submitted: 1) Applicant will generally comply with the site plan as submitted except for the possibility to create a shared full service entrance onto South High Street. 2) All planted landscaping will be maintained by the property owner. 3) Applicant will incorporate accommodations for future bicycle lanes along South Avenue. 4) The existing Billboard Sign on the location will be removed by the applicant at the earliest possible date, but not later than sixty (60) days from the end of the contract lease. 5) Applicant will erect only one (1) free standing sign until the Billboard Sign is removed. 6) Applicant will have “Enter” and Exit” signs located at the entrances for the subject property but with no additional letters or words on the sign other than enter or exit. 7) Applicant shall take the required actions to have all internal lot lines vacant on the subject properties. The development plan incorporates razing all of the existing buildings to make way for a CVS pharmacy/retrial building that has two entrances – one, right-in right-out access along South High Street, and one, full service entrance along South Avenue. The layout illustrates 13 more parking spaces than the required minimum and landscape plantings. Planning Commission recommended approval of the rezoning request.

At 7:13 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, January 25, and Monday, February 1, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, February 9, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

*Rezoning – Corner of S. High St. & South Ave. (CVS Pharmacy)*

**Public hearing to consider a request from South Avenue, LLC and Patrick and Virginia Logan to rezone three parcels totaling 2.41 +/- acres from M-1, General Industrial District to B-2, General Business District. The parcels are located at 191 South Avenue and 1100 and 1118 South High Street and can be found on tax maps 20-A-9, 10, & 12. The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City. 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-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. Dusty Rhodes, an attorney for the applicant, said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:14 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 - Council Member Frank  
Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

The request to amend Sections 10-3-92 and 10-3-98 of the Zoning Ordinance was removed and will be considered after a public hearing has been held.

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, PERMITTING AN ENCROACHMENT ONTO A  
TWELVE (12) FOOT WIDE ALLEY ON THE NORTHWEST SIDE  
OF NORTH MAIN STREET IN THE CITY**

**WHEREAS, the Harrisonburg Redevelopment and Housing Authority (HRHA) is the contract purchaser of real estate located at 715 North Main Street in the City of Harrisonburg, Virginia also shown on the City Block Maps as parcel number 40-T-10; and**

**WHEREAS, the house on said property encroaches onto the adjoining twelve foot alley owned by the City by a total of 28 square feet, more or less; and**

**WHEREAS, pursuant to Section 15.2-2011 of the Code of Virginia, 1950, as amended, the City Council may allow the encroachment of the existing house to remain within the alley until the said building is destroyed or removed;**

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

**That the existing encroachment (totaling 28 square feet, more or less) of the house onto the twelve (12) foot wide alley at 715 North Main Street in the City of Harrisonburg, Virginia can be maintained by the Harrisonburg Redevelopment and Housing Authority (HRHA), its successors and/or assigns, until such house is destroyed or removed, however, nothing in this authorization to maintain the encroachment shall be construed to relieve the HRHA or its successors and/or assigns of negligence on their part on account of said encroachment.**

**Approved: February 9, 2010**

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**MAYOR**

**ATTEST:**

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## CLERK OF THE COUNCIL

Michael Wong, Executive Director for the Harrisonburg Redevelopment and Housing Authority (HRHA), said that HRHA is the contract purchaser of retail estate located at 715 North Main Street. The house on this property has a slight encroachment onto an adjoining alley dedicated to the City. Following further discussion and comments, Council Member Wiens offered a motion to approve the request by HRHA authorizing the Mayor to execute a resolution and grant a license for the encroachment onto City owned property to HRHA and future owners of the structure until such time as it is demolished. 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

A presentation by Blue Ridge Community College was postponed due to the weather.

A presentation by Big Brothers Big Sisters was postponed due to the weather.

The next item of business was a presentation by Shenandoah Valley Bicycle Coalition (SVBC). Charlie Chenault representing the group requested that City Council authorize staff to draft design plans and cost estimates for two multi user off road paths to be included in the 2010 Bicycle Plan. Path number one is the Hillandale Park Connector path which would connect Circle Drive to Hillandale Park and then to Garbers Church Road. Path number two is the Bluestone Trail which would connect Stone Spring Road to Port Republic Road paralleling Interstate 81 with a side connector to the apartment complexes on the east side of South Main Street. City Manager Hodgen suggested that City staff review and outline a timeframe to allow the City to undertake all of the steps available for a shovel ready project.

The next item of business was a presentation by the Department of Public Works and Shenandoah Valley Bicycle Coalition. Public Works Department Planner Thanh Dang reviewed the application for a “Bicycle Friendly Community” (BCF) Award presented by the League of American Bicyclists to localities across the nation. The BFC application audits the City of Harrisonburg and its community’s efforts on engineering, education, encouragement, evaluation and planning, and enforcement. Some benefits of this program include recognition, promotion, bench marking, and technical help from the League of American Bicyclists.

City Manager Hodgen presented a request for a supplemental appropriation for the Police Department. These funds will replace funds reimbursed by a Justice Assistance Grant (ARRA). Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$71,022.84 chge. to: 1000-33546 Justice Assistance Grant

\$ 253.93 approp. to: 1000-310431-48172 Software  
5,620.91 approp. to: 1000-310231-46100 Police Supplies  
4,221.00 approp. to: 1000-310231-48211 Machinery & Equipment  
13,767.00 approp. to: 1000-310331-48111 Machinery & Equipment  
47,160.00 approp. to: 1000-310431-48151 Motor Vehicles & Equipment

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

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

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

**WHEREAS, the City Council of the City of Harrisonburg, Virginia does hereby find as follows:**

- 1. Due to the occurrences of snowfall on January 29 – 30, February 5 – 6, the pending February 9 -10 snowfall, and expected high winds, dangerous conditions now exist that could adversely affect the lives, property and safety of the residents of Harrisonburg.**
- 2. As a result of these conditions the declaration of a local emergency is necessary to permit the full powers of government to deal effectively with these conditions.**

**WHEREAS, in accordance with the provisions of Section 44-146.21 of the Code of Virginia, the Director of Emergency Services for the City of Harrisonburg has declared a local emergency; and**

**WHEREAS, the Code of Virginia requires subsequent confirmation of the declaration by the local governing body.**

**NOW, THEREFORE, BE IT RESOLVED by the Harrisonburg City Council that the "Declaration of a Local Emergency" is hereby confirmed.**

**Adopted this 9<sup>th</sup> day of February, 2010.**

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

**Kai Degner, Mayor**

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

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

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

Absent – None

At 8:08 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 prospective candidates to be appointed to the Board of Zoning Appeals for the City of Harrisonburg, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) 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  
Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

At 8:15 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.

Council Member Frank offered a motion that Dany Fleming, 1051 James Place, be recommended to the Circuit Court to fill the unexpired term of Elizabeth Swallow on the Board of Zoning Appeals to expire on March 20, 2010 along with a full first term to begin March 20, 2010 and expire on March 20, 2015. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

Council Member Frank offered a motion that Alexis Morehouse, 1434 Bluestone Street, be recommended to the Circuit Court to fill the unexpired term of Kent Darrah on the Board of Zoning Appeals to expire on March 20, 2013. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

At 8:16 p.m., City Council reconvened into a closed session in the classroom in the Community Development Department to continue 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 2.23711(A)(5) of the Code of Virginia.

At 10:45 p.m., there being no further business and on motion adopted the meeting was continued and recessed until February 17, 2010 at 1:00 p.m., at which time Council intends to 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.

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CITY CLERK

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MAYOR

REGULAR MEETING

February 17, 2010

At a reconvened meeting held this afternoon at 1:00 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.

At 1:00 p.m., Vice-Mayor Baugh 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. 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 Wiens  
Council Member Frank  
Mayor Degner

Absent – None

At 2:20 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 2:21 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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ACTING CITY CLERK

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MAYOR



## REGULAR MEETING

February 23, 2010

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

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 of February 9 and February 17 and the second reading of a supplemental appropriation for the Police Department. The motion also included a rezoning request from South Avenue, LLC and Patrick and Virginia Logan. 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

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 2011. Transportation Director Reggie 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 \$3.2 million, of which the City should receive approximately \$1,000,000 in Federal operating assistance. Some of the funds will be used to purchase three expansion transit buses, and start preliminary site work in preparation for the construction of a new Administration/Maintenance Facility.

At 7:07 p.m., Mayor Degner closed the regular session temporarily and called the evening public hearing to order. The following notice appeared in the Daily News-Record on Saturday, February 13, and Saturday, February 20, 2010.

### NOTICE OF PUBLIC HEARING

**The City of Harrisonburg is currently preparing the annual grant application for Operating and Capital Funds for FY11. 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 23, 2007, 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 Vickie Conley before February 19, 2010 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 7:08 p.m., and the regular session reconvened. Council Member Wiens offered a motion to approve this application 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  
Council Member Byrd  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

Dr. John Downey, 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 member Denise Dawson was also present. He reviewed enrollment facts and new occupational technical programs that have been added. New initiatives at BRCC include opening an advanced technology center in 2011 and a recreation and fitness center in 2013. Harrisonburg High School had an increase of 14% of June graduates enrolled in the fall of 2009 and 1046 City residents enrolled in credit courses last fall.

Elly Swecker, Executive Director of Big Brothers Big Sisters, gave a brief overview on the activities and the impact made with the City's youth. Without the guidance and support of Big Brothers Big Sisters many of the children enrolled in the program are not aware of the opportunities available to them. Ms. Swecker reviewed several programs and said that their mission is to make a positive difference in a child's life by supporting them through one-on-one mentoring relationships. Big Brothers Big Sisters is very sensitive to providing high quality services to vulnerable children, which is done at less cost as a volunteer organization.

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

**THE DEVELOPMENT, RELIEF, AND EDUCATION FOR ALIEN MINORS ACT  
(DREAM Act)**

**Resolution of the City Council of Harrisonburg to President Obama, Senators Mark Warner and Jim Webb, and Congressman Bob Goodlatte to support the passage of and to urge other Members of the House and Senators to vote for the Development, Relief, and Education for Alien Minors Act, - the DREAM Act, which authorizes the cancellation of removal and the adjustment of status for certain immigrant youths who are college bound and are long term United States residents and permit States to determine State residency for purposes of higher education without regard to immigration status, once this legislation is introduced into the Congress.**

**WHEREAS, each year 65,000 undocumented students, who have lived in the United States for over five years, graduate from American high schools; and**

**WHEREAS, the percentage of Limited English Proficiency (LEP) students within Harrisonburg City Schools has increased each year since the 1995-96 school year; for the 2008-09 school year, Harrisonburg City Public School's student body consisted of 41% LEP students; and**

**WHEREAS, for the 2008-09 school year, the student body within Harrisonburg City Schools represents 42 different languages; and**

**WHEREAS, Undocumented students face overwhelming obstacles in accessing higher education due to their immigration status, which makes them ineligible for federal financial aid and requires them to pay out-of-state tuition for those attending state universities despite their long-term residency within our country and the payment of state taxes by their parents; and**

**WHEREAS, large numbers of these children live in Harrisonburg and surrounding communities and attend our public schools, many of whom drop out of high school, and are discouraged from studying because they see no value in pursuing higher education because of their immigration status; and**

**WHEREAS, as witnessed by the accompanying petition of support, over 500 residents of Harrisonburg who know and support these students, including many of their teachers, urge the council to support the resolution; and**

**WHEREAS, most of these children were brought to the United States due to their parents' actions and did not take part in any decision to circumvent the immigration laws of this country; and**

**WHEREAS, most of these children, having been raised and educated in the United States, view themselves as "Americans" and have the same dreams, goals and aspirations as other American children; and many have families that all reside now in the united states, having no one to return to if they were deported to the country of origin; and**

**WHEREAS, undocumented immigrants make vital contributions to the economic stability and cultural richness of the United States, yet remain vulnerable to exploitation,**

**victimization and stigmatization as long as they are denied legal immigration status and meaningful access to higher education; and**

**WHEREAS, the citizens of the City of Harrisonburg, this City Council, and the Harrisonburg School Board have made a tremendous contribution of public finance and public and private effort to the education of undocumented children within our community; and**

**WHEREAS, the United States Supreme Court has determined that every state has a constitutional obligation to provide free public primary and secondary education to all children residing within their borders regardless of their immigration status; and**

**WHEREAS, a high school diploma and the lack of legal immigration status condemn undocumented students to a life of underemployment, instability and unfulfilled potential; and**

**WHEREAS, access to higher education will allow these students to break the bonds of poverty, to raise the level of esteem in which they are held by our society and to make full contribution to our country's civic, political and economic well-being; and**

**WHEREAS, the Development, Relief, and Education for Alien Minor - DREAM Act would remedy this situation by allowing undocumented students who have lived in the United States for at least five years and have graduated high school or received a graduate equivalency diploma (GED) to legalize their immigration status, thereby making them eligible for Federal financial aid, and allow states to consider these students as state residents for tuition purposes at state universities.**

**THEREFORE BE IT RESOLVED, that the City of Harrisonburg fully supports the passage of the DREAM Act; and, be it**

**FURTHER RESOLVED, that the city of Harrisonburg honors the hard work of these students who have been leaders in our schools, worked as volunteers in our community, and now wish to be given the chance to contribute back fully to their local community, state and new country; and**

**BE IT FURTHER RESOLVED, that the City of Harrisonburg urges the President of the United States to make passage of the DREAM Act one of his top legislative priorities; and  
BE IT FURTHER RESOLVED, that the City of Harrisonburg urges Virginia's Senators, and our local member of the House of Representatives to vote for and encourage other Congresspersons and Senators to vote for the passage of the DREAM Act.**

\_\_\_\_\_  
Attest:

\_\_\_\_\_  
Mayor Kai Degner

\_\_\_\_\_  
Yvonne Ryan, MMC, City Clerk

Isabel Castillo an advocate for the DREAM Act Group said the DREAM Act is a bill that would create a pathway for undocumented youth to pursue higher education or serve in the military. She asked Council to support and pass a resolution for many youth in the community who would benefit from this bill. Higher education is the dream of many young people; however, because they do not have a social security number they are denied access to higher education. “Harrisonburg is my home and hopefully one day my dreams will become a reality when I can become a citizen.”

John Elledge said immigration is a very complex issue. A lot of young people were brought to this country and had no control over decisions made for them. They have attended school only to find out as seniors in high school that upon graduation they cannot attend a college or university because they don’t have a social security number. There is also the fear of deportation. The DREAM Act would allow these young people to enrich and contribute their skills to work in the community, pay taxes, and do volunteer service. He asked Council to support the resolution.

Sandy Mercer said justice must meet compassion. Young people are losing hope. They work hard in school, master languages, adjust to a new culture, participate in sports, and volunteer to help others in the community. They begin to dream about opportunities they never thought possible and then the reality of being a student without documentation settles in. Without the passage of the DREAM Act the contributions these youth can make to our wonderful community of Harrisonburg will be lost.

Alexandra de Havilland said many undocumented youth were brought to the United States as children, raised as Americans, and because of various immigration issues are at risk of being evicted from the only place known as home. “I support the DREAM Act because it supports young educated passionate people who love the United States of America and who want nothing more than to be able to stay legally and continue to contribute to the communities they love.”

Nicole Budzius said voting to support the resolution will show young people in our community that they are supported by their community leaders. It will show them that their hard work will lead to achieving a dream and becoming successful active members in the community.

Isabel Castillo summarized that the DREAM Act is a proposed Federal legislation, which has four basic requirements for undocumented youth to be a beneficiary. Youth must have entered the United States before age 16, have good moral character with no criminal records, have a U.S. high school diploma or the equivalent of a GED, and at the time of the enactment have resided in the United States for at least five consecutive years. If all the requirements are met then beneficiaries must have six years of legal residency and attended a university or college or served in the military for two years. Once the requirements have been fulfilled a permanent residency can be applied for.

Council Member Wiens offered a motion to adopt the resolution, but remove the language “supports the passage of the Student Adjustment Act”. 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

The next item of business was a request for a letter of support for Freeman Station Housing Project. Local developer Randy Cosner is requesting City Council to authorize a “Letter of Support” for his application to the Virginia Housing Development Authority for Low Income Housing Tax Credits (LIHTC). Freeman Station is an approved housing project (rezoning and preliminary subdivision plat approved in 2008). The LIHTC program emphasizes “workforce” housing development. Mr. Cosner said that as part of the program all units will have at least 75% brick exterior, seven units will be universal design to accommodate wheel chairs and all units will be Earthcraft certified. Extra amenities will include a community room, tot lot and basketball court. Also, as part of the project, a non-profit organization will have the first right of refusal to purchase the entire development for taxes and assume the mortgage. Ryan Johnson reviewed the application process. There is an equation renting process provided and controlled by VHDA. Council Member Frank offered a motion to provide a letter of support for Freeman Station Housing Project. 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

The next item of business was a presentation by Jim Baker, Public Work Director, who gave an update on snow and ice removal activities. The mission of the Public Works Department’s Snow and Ice Program is to lessen the severity and impact of the storm on the motorists and pedestrians and to assist with maintaining the travel ways in such a condition that those streets can be traveled over with extra time, caution, and patience. He reviewed information regarding the snow and ice removal program including: primary snow removal and treatment routes, snow storms (11 events to date), wind, drifting, colder temperatures, amount of salt used per lane mile, and salt delivery delays, that occurred during the recent snow storms. The City has 25 miles of primary streets, 137 miles of residential or collector streets, and a task of clearing multiple parking lots and sidewalks. The City used contract services to help clear downtown parking lots, streets, bike lanes, sidewalks, and hauled snow from the top side of the parking decks. Also, during this period of time the Public Works and Public Utilities Departments and other departments continued to work on traffic maintenance, monitored and repair street signs, collect trash, and keep up with water and sewer operations. The City has dealt with more storms, colder temperatures, and larger snows this year than we have in the past ten years.

Public Works Director Jim Baker presented a request for a supplemental appropriation for the Public Works Department. These funds were reimbursed for the rain barrel workshop. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,591.55 chge. to: 1310-31914 Recovered costs

\$1,591.55 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 Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

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

**A RESOLUTION ENDORSING THE SUBMISSION OF A NON-DEFENSE  
APPROPRIATIONS REQUEST FOR THE ERICKSON AVE-STONE SPRING  
ROAD/SOUTHEAST CONNECTOR**

**WHEREAS, Non-Defense Appropriations Request applications made to Senator Webb and Senator Warner’s offices are to support projects that are of importance to the Commonwealth of Virginia; 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 Non-Defense Appropriations 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 Non-Defense Appropriations Request 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.**

**Approved this 23<sup>rd</sup> day of February, 2010.**

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

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

**Kai Degner, Mayor**

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

City Manager Hodgen said that the Federal TIGER grant application of \$70.1 million was not funded. Through the encouragement of Senator Webb and Senator's Warner's offices the City of Harrisonburg and Rockingham County are applying for appropriation funds for the construction of the Erickson Avenue-Stone Spring Road/Southeast Connector. 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 - Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

At 8:58 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 public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. Consultation with legal counsel pertaining to 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 Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner



Absent – None

At 10:00 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 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

cc: City Council  
City Manager  
Public Library

## REGULAR MEETING

March 9, 2010

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

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

Josie Kinkade, Director of Cats Cradle, said that the Rockingham-Harrisonburg SPCA has the highest death rate of any contracted city or county animal pound in the state of Virginia. Blaming the public has become a convenient excuse for the shelter failure to save more animals. According to state requirement it is perfectly fine to kill every single stray cat or dog that enters the shelter. The City has more than a legal responsibility, it has a moral imperative to care for its stray animals. The citizens of Harrisonburg don’t want a shelter that just meets requirements.

Bucky Berry announced that several businesses in the City are donating money to pay for new seats and to paint letters on a newly painted 1954 Ladder Truck owned by HFD.

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 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

Planning and Community Development Director Turner presented for Council’s consideration amending Section 10-3-92 and 10-3-98 of the Zoning Ordinance. The amendment will clearly specify that all structures in excess of 35 feet in height have increased rear and side yard setback regulations within the B-2, General Business District and the M-1, General Industrial District. The side and rear setbacks are ten (10) feet, except on the side of a lot abutting a residential district, then thirty (30) feet; provided that for any building greater than thirty-five (35) feet in height which abuts a residential district, then one (1) additional foot of setback is required for each foot about thirty-five (35) feet. Mrs. Turner reviewed the definition of a “building”. This amendment would replace the word “building” with “structure”. Planning Commission has recommended approval.

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 Monday, February 22, and Monday, March 1, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, March 9, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

*Ordinance Amendment – Section 10-3-92 and 10-3-98 (Setbacks for Structures Taller than 35 feet)*

**Public hearing to consider a request to modify Sections 10-3-92 and 10-3-98 of the Zoning Ordinance. The amendment would clearly specify that all structures in excess of 35 feet have increased rear and side yard setback regulations within the B-2, General Business District and 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 amending the Zoning Ordinance. There being no one 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 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  
Vice-Mayor Baugh  
Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

Planning and Community Development Director Turner presented a request from Karin Flagle of Blue Ridge Insurance Services, to rezone a 1.24 +/- acre parcel owned by the Commonwealth of Virginia from R-2, Residential District to R-3, Multiple Dwelling Residential District Conditional. The property is located at the intersection of Reservoir Street and Franklin Street (extended) and is improved with a single story brick building. The Comprehensive Plan designates this area as Public/Semi-Public. Mrs. Turner reviewed the surrounding uses in the area. If rezoned, the applicant plans to relocate her insurance business to the site, which would occupy slightly more than half of the facility. The remaining portion of the building would be leased to other non-residential uses permitted within the R-3 zoning district. Interior renovations are planned for the facility; however, no additions or major exterior renovations would be made. There is ample room for parking and the applicant intends to have the parking lot resurfaced and relined to provide the required number of spaces. The applicant has offered several proffers: 1) Multi-family and townhouse dwellings would not be permitted. 2) Residential units would be limited to occupancy by a family or two unrelated individuals. Planning Commission recommended approval of the rezoning request.

At 7:27 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 Monday, February 22, and Monday, March 1, 2010.

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

**The Harrisonburg City Council will hold several public hearings on Tuesday, March 9, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

##### ***Rezoning – 116 Reservoir Street (Blue Ridge Insurance Services)***

**Public hearing to consider a request from contract purchaser Karen Flagle of Blue Ridge Insurance Services, Inc. to rezone a 1.24 +/- acre parcel owned by the Commonwealth of Virginia from R-2, Residential District to R-3, Multiple Dwelling Residential District. The parcel is located at 116 Reservoir Street and can be found on tax map 27-G-7. 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 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.

Wayne Brown said that his Mother owns a parcel on Franklin Street. There is property on the corner of Reservoir Street and Franklin Street that is currently for sale. He questioned whether if that property is sold could it be converted to apartments or townhouses.

Butch Strawderman reviewed the plans Ms. Karin Flagle has for the property. There being no others desiring to be heard, the public hearing was declared closed at 7:33 p.m., and the regular session reconvened. Vice-Mayor Baugh offered a motion to approve this rezoning request with the submitted proffers. 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 announced that a staff presentation and one public hearing would be held for agenda items number eight through eleven regarding a rezoning and special use permits for property at 715 North Main Street.

Planning and Community Development Director Turner presented a request from Lewis G. Bagwell and George E. Shifflett to rezone a .318 acre parcel from R-2, Residential District to M-1C, General Industrial District Conditional. The parcel is located at 715 North Main Street and can be found on tax map 40-T-10. The Comprehensive Plan designates this area as Commercial. Mrs. Turner reviewed the surrounding uses in the area. The Harrisonburg Redevelopment and Housing (HRHA), the contract purchaser for the subject property, is requesting to rezone a parcel at 715 North Main Street from R-2, Residential District to M-1C, General Industrial District Conditional. In anticipation of the rezoning being approved, they are concurrently requesting three special use permits to allow a boarding and rooming house, a religious, educational, charitable and benevolent organization, and for approval to permit fewer than the required number of parking spaces. In April 2002, Lewis G. Bagwell, who is still the property owner, successfully rezoned the parcel, because he wanted to alleviate issues with non-

conformancy and to potentially convert the subject property's building into a duplex. Although physical renovations were carried out, the improvements were never fully completed and the unit was never officially converted to a duplex. As the contract purchaser, HRHA would own the property, but would work in cooperation with individuals from the New Community Project (NCP) and Our Community Place (OCP) to operate "a supportive housing and sustainable living project." The plan is to provide a secure housing location for people who may be struggling with homelessness, drug use, and/or instability. While providing such shelter, the plan is to focus the residents' life toward a meaningful and positive future by way of therapeutic micro-enterprise projects. Mrs. Turner reviewed the proffers submitted by the applicant. Any future uses added to the M-1 Zoning Classification would not be permitted. Also, as an additional general proffer, no buses will be parked on the property. They also proffered that they would not make use of the general industrial sign regulations which would permit a fairly large sign on the lot. Instead they will use the R-1 Single Family Neighborhood sign regulations. Mrs. Turner briefly reviewed the City ordinances regarding rooming houses and boarding houses. A portion of the backyard will be used for gardening or other activities. Staff is supporting the rezoning to M-1 with the conditions that were proffered and the special use permits applied for as well with the following conditions: 1) The board and rooming house along with the uses permitted by the proffers and the reduced parking privileges shall be applicable only for uses the same as the applicants' proposed. 2) The property shall supply no less than five parking spaces. 3) If in the opinion of Planning Commission or City Council, parking issues become a nuisance, the reduced parking special use permit could be recalled for further review, which could lead to the need for additional parking spaces, conditions, restrictions, or the revocation of the permit. Planning Commission recommended approval of the rezoning request.

At 7:49 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 Monday, February 22, and Monday, March 1, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, March 9, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

#### ***Rezoning – 715 North Main Street***

**Public hearing to consider a request from Lewis G. Bagwell and George E. Shifflett with representative Steven T. Heitz and Harrisonburg Redevelopment and Housing Authority to rezone a .318 +/- acre parcel from R-2, Residential District to M-1C, General Industrial District Conditional. The parcel is located at 715 North Main Street and can be found on tax map 40-T-10. The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City. 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 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.

*Special Use Permit – 715 North Main Street (Reduced Parking 10-3-97 (8))*

Public hearing to consider a request from Lewis G. Bagwell and George E. Shifflett with representative Steven T. Heitz and Harrisonburg Redevelopment and Housing Authority for a special use permit per Section 10-3-97 (8) of the Zoning Ordinance to permit fewer than the required number of parking spaces for any use. The property, zoned M-1C, General Industrial District Conditional, is located at 715 North Main Street and can be found on tax map 40-T-10.

*Special Use Permit – 715 North Main Street (Charitable and Benevolent Uses 10-3-97 (9))*

Public hearing to consider a request from Lewis G. Bagwell and George E. Shifflett with representative Steven T. Heitz and Harrisonburg Redevelopment and Housing Authority for a special use permit per Section 10-3-97 (9) of the Zoning Ordinance to allow charitable and benevolent uses. The property, zoned M-1C, General Industrial District Conditional, is located at 715 North Main Street and can be found on tax map 40-T-10.

*Special Use Permit – 715 North Main Street (Boarding and Rooming house 10-3-97 (13))*

Public hearing to consider a request from Lewis G. Bagwell and George E. Shifflett with representative Steven T. Heitz and Harrisonburg Redevelopment and Housing Authority for a special use permit per Section 10-3-97 (13) of the Zoning Ordinance to allow a boarding and rooming house. The property, zoned M-1C, General Industrial District Conditional, is located at 715 North Main Street and can be found on tax map 40-T-10.

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 and special use permit.

Bucky Berry said there are drugs and alcohol abuse in the area. He insisted that every individual staying in the house should be tested for drugs and alcohol abuse.

Michael Wong, Executive Director of the Harrisonburg Redevelopment and Housing Authority, said he was available to answer any questions regarding the rezoning request or special use permit requests. This service will meet needs in our community.

Tom Benevento said this kind of program is an extension or reflection of many people in the City that want to care for each others, build a community, care for our planet, and create a better world. The project will provide a home for people in need and will build a model sustainability living. It is designed to have an on-site staff person who lives with the individuals in the house.

Ron Copeland said this neighborhood has many people living in homes with drug and alcohol abuse. This is an attempt to create a space for individuals with drug and alcohol abuse that will have supervision and also be geared toward recovery with meetings and work. There being no others desiring to be heard, the public hearing was declared closed at 7:58 p.m., and the regular session reconvened. Council Member Frank offered a motion to all four requests as stated. 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

The next item of business was a presentation of Bluestone Trail Phase 1 concept overview and schedule. Public Works Planner Thanh Dang said that the Bluestone Trail is a shared use path proposed to run parallel to I-81 mostly alongside an HEC easement extending from Port Republic Road to Stone Spring Road. Staff has developed a schedule for creating engineering design plans and taking steps necessary to make the Bluestone Trail a shovel ready project in anticipation of potential grant funds that may become available. Ms. Dang reviewed Bluestone Trail schedule timeline and noted a change which should read Stone Spring Road to Port Republic Road. The environmental reviews and permits will be done through this process too. The project will begin March 15, 2010 and it is proposed to have all of the documents and everything completed to make this project shovel ready by April 1, 2011.

City Manager Hodgen presented for Council's consideration amending Section 6-2-32(b) of the City Code. Staff is requesting amendment of this section to require removal of unacceptable cans and refuse within 24 hours as opposed to the currently stipulated three days in order to ensure City residents correct refuse concerns in a timely manner. Under the current code, any City resident is able to leave his/her refuse out on the curb for three days after being tagged without incurring penalties. By the time Public Works has the opportunity to follow up to ensure appropriate measures were taken, the respective collection date for the violator may have arrived again. Enforcement has been difficult. This should assist in bringing consistency to our program, efficiency in collection service, and improve overall curb appeal for the City. Council Member Byrd 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  
Vice-Mayor Baugh  
Council Member Frank  
Council Member Wiens  
Mayor Degner

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were reimbursed from a Division of Motor Vehicles grant. The funds will be used for officer's overtime, training and travel, radar units, in-car system and intoxicated meters. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$17,104.25 chge. to: 1000-33524 Federal DMV grant

\$ 3,378.73 approp. to: 1000-310231-41020 Salaries/wages OT  
815.52 approp. to: 1000-310631-41020 Salaries/wages OT  
382.00 approp. to: 1000-310631-45530 Training/travel  
7,138.00 approp. to: 1000-310231-46100 Police supplies  
5,390.00 approp. to: 1000-310431-48151 Motor Vehicles & Equip.

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 said that the Harrisonburg Education Foundation (HEF) has requested changing the date of the Sherry B. Anderson 5K Walk and Run Race from April 24, 2010 to May 15, 2010. A specific race route has not been established, but it is anticipated running on Garbers Church Road and utilizing areas of the high school. The start time for the race will be 9:00 a.m. This is a major fund raiser for the Harrisonburg Education Foundation. Council Member Byrd offered a motion directing staff to work with the Harrisonburg Education Foundation on changing the date and location of the Sherry B. Anderson 5K Walk and Run Walk Race. HEF first race course choice is the area of Harrisonburg High School on Garbers Church Road on May 15, 2010. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

Mayor Degner said that the Shenandoah Valley Spay/Neuter Clinic has submitted a proposal to the City to build its own animal shelter on North Liberty Street. The Society for the

Prevention of Cruelty to Animals (SPCA) is submitting its annual budget request to provide animal shelter services for Harrisonburg and Rockingham County as well. It was pointed out that the City has never communicated to the SPCA in an official or contractual way that we want to hold euthanasia rates at a certain level. The City has a significant capital investment in the SPCA building. If the City does not have an animal shelter we will be out of compliance with a whole fleet of laws many which have some fairly swift and nasty penalties. The City is currently meeting the stated minimum requirements. There are a lot of emotions and concerns regarding euthanasia for unwanted dogs and cats. However, the City should try to rectify this situation in a way that wouldn't leave the SPCA unfunded. Council would like for these two groups to meet with a third party mediator that has some training in this area to resolve this issue and come to an agreement to save animals. Mayor Degner agreed to draft a letter to both organizations asking what they would need to be able to participate in a dialog together and then based upon those responses come up with a process that is appropriate. Following further discussion and comments, Council agreed to pay a mediator to coordinate a meeting between the Shenandoah Valley Spay/Neuter Clinic and the Harrisonburg/Rockingham SPCA and hopefully have a report by the next Council meeting. It was suggested asking Rockingham County to share in the expense of the mediation.

At 8:37 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 23, 2010

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

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

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

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

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

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

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

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department, amending Section 10-3-92 and 10-3-98 of the Zoning Ordinance, and amending Section 6-2-32(b) of the City Code. The motion also included a rezoning request from Karen Flagle. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

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

At 7:29 p.m., Mayor Degner closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, March 16, 2010.

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

**The City of Harrisonburg will hold public hearings on Tuesday, March 23, 2010, at 7:00 PM in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding the 2010-2011 Action Plan and Amendments to the 2008-2009 Action Plan for the Community Development Block Grant (CDBG) Program. Citizen participation is essential to the City’s involvement in the Federal Department of Housing & Urban Development’s (HUD) CDBG Program. The Action Plan serves as the planning document for addressing overall community development and housing needs that will utilize the estimated \$546,091 entitlement of CDBG funding available to the City for 2010-2011. Projects selected to receive this funding will be included in the Action Plan. The Amendments to also be considered at the Public Hearings are as follows:**

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

**All citizens and organizations are invited to attend the public hearing to comment orally or in writing regarding funding priorities for the 2010-2011 Action Plan and 2008-2009 amendment. The City of Harrisonburg will make reasonable accommodations and services necessary for sensory-impaired and disabled citizens at the public meeting. Additionally, translation services may be offered upon request and availability. Persons requiring such accommodations/services should contact Ande Banks at (540) 432-8923 at least three working days in advance of the meeting.**

**Copies of the Action Plan and the Amendment are available at the City Manager's Office, 345 South Main Street, Harrisonburg between 8:00 AM and 5:00 PM, Monday through Friday, and at the reference desk at the Massanutten Regional Library for a 30 day public comment and review period which begins March 23, 2010. The Action Plan and Amendment Document will also be posted on the City website at [www.ci.harrisonburg.va.us](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 5:00pm on April 23, 2010, to be considered.**

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

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

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

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

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

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

**CITY OF HARRISONBURG**

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

The City of Harrisonburg will hold public hearings on Tuesday, March 23, 2010, at 7:00 PM in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding the 2010-2011 Action Plan and Amendments to the 2008-2009 Action Plan for the Community Development Block Grant (CDBG) Program. Citizen participation is essential to the City's involvement in the Federal Department of Housing & Urban Development's (HUD) CDBG Program. The Action Plan serves as the planning document for addressing overall community development and housing needs that will utilize the estimated \$546,091 entitlement of CDBG funding available to the City for 2010-2011. Projects selected to receive this funding will be included in the Action Plan. The Amendments to also be considered at the Public Hearings are as follows:

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

All citizens and organizations are invited to attend the public hearing to comment orally or in writing regarding funding priorities for the 2010-2011 Action Plan and 2008-2009 amendment. The City of Harrisonburg will make reasonable accommodations and services necessary for sensory-impaired and disabled citizens at the public meeting. Additionally, translation services may be offered upon request and availability. Persons requiring such accommodations/services should contact Ande Banks at (540) 432-8923 at least three working days in advance of the meeting.

Copies of the Action Plan and the Amendment are available at the City Manager's Office, 345 South Main Street, Harrisonburg between 8:00 AM and 5:00 PM, Monday through Friday, and at the reference desk at the Massanutten Regional Library for a 30 day public comment and review period which begins March 23, 2010. The Action Plan and Amendment Document will also be posted on the City website at [www.ci.harrisonburg.va.us](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 5:00pm on April 23, 2010, to be considered.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

This resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: March 23, 2010

CERTIFICATE

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

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

Dated: March 23, 2010

(SEAL)

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

ATTEST:

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

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

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

Mayor Degner

Absent – None

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

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

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

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

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

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

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

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

**Adopted this 23rd day of March, 2010.**

**BY: \_\_\_\_\_  
Kai Degner, Mayor**

**ATTEST: \_\_\_\_\_  
Yvonne H. Ryan, MMC, City Clerk**

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

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

Absent – None

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

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

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

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

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

Absent – None

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

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

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

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

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

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

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

Absent – None

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

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

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

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

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

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

Absent – None

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

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

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

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

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

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

Absent – None

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

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

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CITY CLERK

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MAYOR

## REGULAR MEETING

April 13, 2010

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

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

Candace Avalos, James Madison University Student Body President, expressed her concerns about the rioting at the weekend’s Springfest an annual block party thrown by JMU students. “I am here on behalf of the JMU Student Body to apologize for what happened this past weekend in the City. I also plan to work with the Student Government Association and Student Body to make sure that this does not happen again.” “We are sorry that we hurt the relationship with the community, damaged the reputation of our students and institution. We want to assist in anyway that we can with the university, community, and law enforcement to support the efforts in assuring that these things don’t happen again.”

Bucky Berry expressed discontent that West Washington Street did not receive any HUD funding to improve sidewalks or the railroad tracks in the area.

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, Parks and Recreation Department, and the Public Works Department. 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

Planning and Community Development Director Turner presented a request from the Harrisonburg-Rockingham Community Services Board to rezone a 0.456 acre parcel zoned B-2C, General Business District Conditional by amending their proffers. The parcel is located at 1351 North Main Street and can be found on tax map 42-B-4. The Comprehensive Plan designates this area as Public/Semi-Public. Mrs. Turner reviewed the surrounding uses in the area. The Harrisonburg Rockingham Community Services Board (HRCSB) is requesting to amend proffers on their .46 acre parcel zoned B-2 to consider locating a Crisis Stabilization Unit (CSU) on the site. CSU is a supervised residential program that provides a location for adults to

stay for no longer than 15 days, who may be experiencing a mental health crisis. The program would be staffed around the clock by trained mental health professionals. This property was rezoned in 2000 from R-2 to B-2C General Business District Conditional. It is necessary to amend the existing proffers because hotels, motels, or similar transient housing facilities are not permitted. Mrs. Turner reviewed the existing proffers. The applicant has proffered that a fence will be installed at the time of the construction of the building. Planning Commission has recommended approval of the request.

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, March 29, and Monday, April 5, 2010.

### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold a public hearing on Tuesday, April 13, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Rezoning – 1351 North Main Street (HRCSB)***

**Public hearing to consider a request from the Harrisonburg-Rockingham Community Services Board to rezone a 0.456 +/- acre parcel zoned B-2C, General Business District Conditional by amending their proffers. The parcel is located at 1351 North Main Street and can be found on tax map 42-B-4. 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 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.**

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

Mayor Degner called on anyone desiring to speak for or against this rezoning request. Lacy Whitmore, Executive Director of the Harrisonburg Rockingham Community Services Board, said the Crisis Stabilization Program is a needed program in the community. It will be a warm residential facility for people to go who are experiencing a mental health crisis. The facility will be in full compliance with state regulations. There being no others desiring to be heard, the public hearing was declared closed at 7:21 p.m., and the regular session reconvened. Vice-Mayor Baugh offered a motion to approve this rezoning request 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 Frank  
Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Planning and Community Development Director Turner presented a request from Eastern Mennonite University to rezone approximately 42 acres of their property zoned R-3, Multiple Dwelling Residential District and I-1 Institutional Overlay District by adding a parcel and amending their mater plan. The properties are located along Park Road, West Dogwood Drive, and Parkwood Drive and can be found on tax maps 48-H-3 & 4 and 51-A-1. The Comprehensive Plan designates this area as Institutional. Mrs. Turner reviewed the surrounding uses in the area. EMU recently re-examined the 1998 master plan to see if it needed updating in order to reflect the every changing conditions that affect the school and campus. One area that EMU saw as a priority for the overall campus was to include the implementation and use of green technology. The first change is to install renewable energy solar panels at four locations within the EMU campus. These panels will provide energy from solar cells which in turn would be utilized for power by EMU. Mrs. Turner reviewed the four locations of the solar panels and noted that all equipment associated with the solar panels would be interiorly housed. Two other changes are proposed with this amendment. A 30,000 square foot addition to the Suter Science Center and adding the addition of a parcel into the I-1 overlay district. The house and property at 1110 Park Road were acquired by EMU after approval of the 1998 master plan and the applicant desires to incorporate them into the plan. The dwelling is currently being used for housing. Harrisonburg Electric Commission has been in conversation with EMU regarding the solar panel project and from their standpoint there would not be any problems with the solar usage and interconnection. In reviewing the Plan, it should be noted that this a review of the development concept only and that each campus facility would require separate approval to insure compliance with building codes and with the City's design and construction standards. Planning Commission has recommended approval of the rezoning request.

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 Monday, March 29, and Monday, April 5, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, April 13, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Rezoning – EMU Master Plan Change 2010***

**Public hearing to consider a request from Eastern Mennonite University to rezone 42.9 +/- acres of their property zoned R-3, Multiple Dwelling Residential District and I-1, Institutional Overlay District by adding a parcel and amending their master plan. The**



properties are located along Park Road, West Dogwood Drive, and Parkwood Drive and can be found on tax maps 48-H-3 & 4 and 51-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.

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

Mayor Degner called on anyone desiring to speak for or against this rezoning request. Ed Blackwell, of Blackwell Engineering and representing the applicants, said that he was available to answer any questions. Loren Swartzendruber, President of Eastern Mennonite University, expressed his appreciation to everyone for allowing EMU to install solar panels. The project will benefit EMU in a variety of ways and provide many opportunities to work with the entire Harrisonburg community. There being no others desiring to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened. Even though the public hearing had been closed, Mayor Degner allowed Tony Smith, head of Eastern Mennonite University School of Business, to present his point of view. Council Member Wiens offered a motion to approve the 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 - 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 Zoning Ordinance for corrections and updates within Sections 10-3-5, 16, 25, 48.3, 120, 122, & 123. Mrs. Turner reviewed the proposed modifications to several sections of the Zoning Ordinance for general updates and also to make revisions where word choice and other

inaccuracies mislead zoning interpretations. Planning Commission has recommended approval amending several sections of the Zoning Ordinance.

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 29, and Monday, April 5, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, April 13, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

*Ordinance Amendments – Zoning Ordinance Amendments Sections 10-3-5, 16, 25, 48.3, 120, 122, & 123*

**Public hearing to consider amending the Zoning Ordinance for corrections and updates within Sections 10-3-5, 16, 25, 48.3, 120, 122, & 123.**

**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 Planner at 432-7700 at least five 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 these ordinances. There being no one desiring to be heard, the public hearing was declared closed at 7:47 p.m., and the regular session reconvened. Council Member Byrd offered a motion to amend these ordinances 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 Frank  
Council Member Wiens  
Council Member Byrd  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

City Manager Hodgen said that the City does not have all of the information regarding the Springfest incident on April 10th. There are a lot of unanswered questions including how

much did it cost. There will be after action report that will be produced after meeting with JMU, student groups, complex representatives, and others to move toward some solutions and recommendations hopefully to avoid such incidents in the future.

Police Chief Harper gave a brief overview of the Springfest incident. On Saturday, April 10<sup>th</sup>, the Police Department received a complaint from a property owner on Village Lane regarding a large crowd that had become very disorderly. While police officers were trying to clear the area bottles and rocks were thrown at them. Colonel Harper reported City Police Officers were assisted by Virginia State Troopers, Staunton Police Officers, Rockingham and Augusta County Deputies. Property owners reported that students were trying to break into their homes to use bathrooms, defecating on their property and wanted the police to disperse the crowd. After the Police regrouped and declared the party to be an unlawful assembly, officers began to move in to disperse the crowd, using tear gas and pepper spray. The most serious charges included malicious wounding by mob and assault and battery by mob.

Mayor Degner thanked the Harrisonburg Police Department for their duty, bravery and dispersing an out-of-hand and dangerous crowd. He acknowledged JMU Student Government President Candace Avalos for her apology on behalf of the students. This is obviously out of line of what the university expects of their students. "I invite President Rose to excuse the people who are here to throw things at our Police Officers and be drunk and dangerous to people in the community." For the people that were here that were outside of the community we don't invite you back and look forward to coming up with solutions to prevent this from ever happening again.

Council Member Byrd thanked Colonel Harper for the professionalism of the Police Department.

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

\$61,975.00 chge. to: 1111-33301 School Revenue – Federal

31,000.00 chge. to: 1114-31691 School Nutrition Revenue – Receipts

\$37,816.00 approp. to: 1111-111114-40610 Instruction

4,000.00 approp. to: 1111-111114-40620 Administration, Attendance, and Health

500.00 approp. to: 1111-111114-40630 Transportation

19,659.00 approp. to: 1111-111114-40680 Technology

2,500.00 approp. to: 1114-111414-40650 School Nutrition Services

28,500.00 approp. to: 1114-111414-40680 Technology-School Nutrition Services

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 Member Byrd offered a motion to approve the Harrisonburg Education Foundation's request to close one to two lanes of Garbers Church Road to hold the Sherry B. Anderson Memorial 5K run and walk on May 15<sup>th</sup> from 9:00 a.m. until 12:00. 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 Byrd offered a motion to approve a street closing request from Rockingham Memorial Hospital on May 26<sup>th</sup> between 1:30 p.m. until 3:30 p.m. The street closing will occur along South Mason Street between Grace Street and the RMH pedestrian bridge connecting the hospital to the cancer center. 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 Member Byrd offered a motion to approve a request from the Shenandoah Valley TEA Party to allow only one lane to be closed if necessary around Court Square from West Market Street to South Main Street for a planned event on April 15<sup>th</sup> between 5:15 p.m. and 7:30 p.m. 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 Member Wiens offered a motion to close a paved public alley located south of the Turner Pavilion and the grassy area behind the Community Development Department every Saturday during the market season between 7:00 a.m. until 1:00 p.m. 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 presentation and update of a Technical Energy & Water Savings Audit. Public Works Department Planner Thanh Dang said the project began as a result of the City receiving an Energy efficiency block grant in the amount of \$206,200. In January 2010 a proposal was presented for a project to do a Technical Energy & Water Savings Audit on four (4) city buildings, which include the Municipal Building, Public Works Building, Public Safety Building, and Community Activities Center. This proposal is an executive summary of the findings, which is a detailed energy analysis report. The Technical Energy & Water Savings Audit Report identifies a variety of energy savings opportunities within the facilities. Proposed programs include reducing City's utility consumption, completing improvements over a period of time, and providing project cost savings. Following further discussion and comments, Council agreed to ask the Finance Committee to review this report at a future date.

City Manager Hodgen presented a request for appropriated funds for the Public Works Department. He said there are currently funds in the General and Water Capital Projects Funds that have not been budgeted. These amounts include interest earnings, recovered costs, and VDOT revenue sharing funds. Vice-Mayor Baugh offered a motion to approve this request for a first reading, and that:

\$ 1,192.17 1310-31010 Amount from fund balance  
3,483.34 1310-31513 Investment earnings  
79,014.00 1310-31914 Recovered cost  
.04 1310-32527 DEQ Grant (Rain Barrel Work shop)  
1,215,371.00 1310-32513 VDOT Revenue Sharing  
2,100.00 1321-31513 Investments earnings

\$ 6,473.52 1310-910141-48636 Erickson Avenue/Stone Spring Road  
701.99 1310-910141-48699 Peach Grove Park-A Dream Come True  
(2,500.00) 1310-910141-48724 HRHA Project Bonds  
79,014.00 1310-910141-48610 2 Way Communications system

.04 1310-910141-48616 City wide drainage program  
1,215,060.56 1310-910141-48636 Erickson Avenue/Stone Spring Road  
2,100.00 1321-910161-48654 Eastern Source Development

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

Council Member Byrd offered a motion that Jennifer Carpenter-Stovall, 250 East Elizabeth Street, be appointed to a first term on the Industrial Development Authority to expire on April 24, 2014. The motion was seconded by Council Member Byrd and approved with a unanimous voice vote.

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

April 27, 2010

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

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

Mike Layman, chairman of The First Tee of Harrisonburg Foundation, provided a brief review of a proposed project for The First Tee Program.

George Pace said that he supports the proposed grass practice tee area at Heritage Oaks Golf Course. This is a unique opportunity for the City thanks to the willingness of citizens donating material and professional engineering designs to help build the grass practice tee area. The proposed practice tee area will offer more space for more golfers to practice and golfers will enjoy the superior experience of hitting golf balls off of natural grass versus artificial mats. The driving range revenue will significantly increase.

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 Sewer and Water Department, and the School Board. The motion also included a rezoning request from Harrisonburg-Rockingham Community Services Board and Eastern Mennonite University and amending Sections 10-3-5, 16, 25, 48.3, 120, 122, and 123 of the Zoning Ordinance. 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  
Mayor Degner

Absent – Council Member Wiens

City Manager Hodgen presented the proposed FY 2010-2011 budget. Mr. Hodgen presented an overview of the City’s expenditures and revenues. Because of a slowed down economy local revenues have decreased, state support for local government functions has been reduced and transportation funding has been reduced. The proposed gross budget is \$183,890,164. Primary emphasis is placed on **EDUCATION, PUBLIC SAFETY, TRANSPORTATION, AND PUBLIC UTILITIES**. 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 revenues will increase by 2.25% due to annual reassessment and “natural” growth. The

City's population continues to grow. The budget includes the new short term rental tax that was adopted by City Council in January 2010. Harrisonburg Electric Commission has increased their appropriation to the City by \$100,000 for a total of \$4.9 million. He reviewed the general fund expenditures by category. No salary increases are proposed for the second consecutive year. The budget does require the addition of four new full-time employees as a result of the City's taking over the operations of the Simms Building and the addition of the "Dream Come True Playground". Ten full-time vacant positions will be frozen and remain vacant as long as the City can still meet established service levels. There is a reduction in funding of the outside agencies by 3%. Most requested and/or planned capital projects are being delayed at this time. The budget does contain planned rate increases in the Water and Sewer enterprise funds to address ongoing major construction needs and increased operational costs. A larger than previously anticipated Sewer Fund rate increase is also necessary to help fund the City's share of the upgrade and expansion of the Harrisonburg-Rockingham Regional Sewer Authority, as well as the increased operational costs associated with the expanded plant. He announced that the City has been able to keep the child safety seat program in the budget.

At 7:32 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 17, 2010.

**CITY OF HARRISONBURG, VIRGINIA  
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 2011  
For information and fiscal planning purposes only**

**A public hearing will be held by the Harrisonburg City Council on Tuesday, April 27, 2010 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>2009-10</u> <u>Amendments</u>	<u>Amended</u>	<u>2010-11</u> <u>As</u> <u>Proposed</u>
<b>Operating:</b>				
General	83,615,484	1,162,073	84,777,557	84,840,166
School	53,492,698	1,689,038	55,181,736	52,062,238
School Nutrition	2,304,079	27,155	2,331,234	2,483,018
ECC	3,547,863	-	3,547,863	3,450,630
Comm Dev Block Grant	670,774	243,525	914,299	583,140
Water	8,260,969	11,397	8,272,366	7,442,298
Sewer	9,034,563	5,578	9,040,141	9,157,118
Public Transportation	7,738,854	294,283	8,033,137	8,043,645
Sanitation	12,366,655	173,882	12,540,537	13,170,206
Central Garage	872,351	-	872,351	842,213
Central Stores	125,430	-	125,430	123,373



<b>Total Operating</b>	<b>182,029,720</b>	<b>3,606,931</b>	<b>185,636,650</b>	<b>182,162,045</b>
<b>Capital Projects:</b>				
General Capital Projects	932,000	21,815,415	22,747,415	420,000
School Capital Projects	-	1,746,392	1,746,392	-
Water Capital Projects	875,000	14,422,143	15,297,143	186,119
Sewer Capital Projects	450,000	3,700,369	4,150,369	300,000
Sanitation Capital Projects	<u>630,000</u>	<u>4,617,840</u>	<u>5,247,840</u>	<u>822,000</u>
<b>Total Capital Proj</b>	<b>2,887,000</b>	<b>46,302,159</b>	<b>49,189,159</b>	<b>1,728,119</b>
<b>Total</b>	<b><u>184,961,720</u></b>	<b><u>49,909,090</u></b>	<b><u>234,825,809</u></b>	<b><u>183,890,164</u></b>

**Expenditures - By Funds**

**Operating:**

General	83,615,484	1,162,073	84,777,557	84,840,166
School	53,492,698	1,689,038	55,181,736	52,026,238
School Nutrition	2,304,079	27,155	2,331,234	2,483,018
ECC	3,547,863	-	3,547,863	3,450,630
Comm Dev Block Grant	670,774	243,525	914,299	583,140
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Sanitation	12,366,655	173,882	12,540,537	13,170,206
Central Garage	872,351	-	872,351	842,213
Central Stores	<u>125,430</u>		<u>125,430</u>	<u>123,373</u>

<b>Total Operating</b>	<b>182,029,720</b>	<b>3,606,931</b>	<b>185,636,650</b>	<b>182,162,045</b>
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**Capital Projects:**

General Capital Proj	932,000	21,815,415	22,747,415	420,000
School Capital Projects	-	1,746,392	1,746,392	-
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Sewer Capital Projects	450,000	3,700,369	4,150,369	300,000
Sanitation Capital Proj	<u>630,000</u>	<u>4,617,840</u>	<u>5,247,840</u>	<u>822,000</u>

<b>Total Capital Project</b>	<b>2,887,000</b>	<b>46,302,159</b>	<b>49,189,159</b>	<b>1,728,119</b>
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<b>Total</b>	<b><u>184,916,720</u></b>	<b><u>49,909,090</u></b>	<b><u>234,825,809</u></b>	<b><u>183,890,164</u></b>
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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 2010-2011 budget. There being no one desiring to be heard, the public hearing was declared closed at 7:33 p.m., and the regular session reconvened. It was announced that the City's bond rating was upgraded from an A positive to an AA negative. Following further discussion and comments, Council Member Byrd offered to approve the budget 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  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – Council Member Wiens

The next item of business was authorizing the City Manager to execute a contract for the Stone Spring/Erickson Avenue, Phase II project. The responsible low bidder is Perry Engineering with a bid of \$20,732,523.02. This project involves construction between South Main Street and the east City limits. The City Attorney has drafted a resolution that outlines the process. It is requested that Council authorize the City Manager to execute a contract subject to receipt of final recommendation of award from the consulting engineers and approval of the Commonwealth Transportation Board, and VDOT. VDOT is financially responsible for the replacement of the I-81 bridge and the approaches on either side. Council Member Byrd offered a motion to adopt the resolution and authorize the City Manager to execute the contract with the successful bidder. 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  
Mayor Degner

Absent – Council Member Wiens

Mayor Degner presented for Council's consideration amending Section 4-2-6 of the Harrisonburg City Code. This will allow the City Manager to approve the transfer of funds between expenditure line items within funds except for the General Fund. Council Member Byrd 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  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – Council Member Wiens

Ted Cole of Davenport and Company, the City's financial advisor, presented an update on the proposed bond issuance for the Stone Spring/Erickson Avenue, Phase II project and to discuss some refinancing opportunities available for the City. Mr. Cole briefly reviewed the prospective on new money borrowing for the Stone Spring/Erickson Avenue, Phase II, refunding existing general obligation bonds. A preliminary timetable was reviewed. Council requested that the Finance Committee review this report.

Vice-Mayor Baugh offered a motion to authorize the City Manager to execute a resolution applying for Department of Homeland Security grants and emergency management grants. The motion was seconded by Council Member Byrd and approved with a unanimous vote of Council Members present.

Council Member Byrd offered a motion that Stacy Turner, Vice-Mayor Richard Baugh, and Council Member Carolyn Frank be re-appointed to the Central Shenandoah Planning District Commission to expire on June 30, 2014. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous vote of Council Members present.

Council Member Byrd offered a motion to appoint Denise A. Whitman, 417 Mt. View Drive, to a third term on the Community Services (Chapter 10) Board to expire on July 1, 2013. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council Members present.

At 8:14 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of the disposition of real estate, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) 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  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – Council Member Wiens

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

May 11, 2010

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

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

Bruce Lundeen said that the Rockingham County Board of Supervisors is being asked to allow an exploratory natural gas test well in the Bergton area. This test could have potential impact to the City's water supply as well as many people in Rockingham County who use well water. He asked City Council to take action to investigate the pros and cons of natural gas wells in the City's water shed and to participate with a regional water resource policy committee to determine how best to maintain and protect our water supply on sustainable basis.

Priscilla Blosser Raine expressed her concern regarding hydrofracturing. It could cause potential danger to our water supply and be a community health threat. The overuse of water and air pollution for fracturing shell for gas is dangerous for all of us. She asked Council to join the County in getting as much information as possible and oppose this proposal.

Anna Maria Ritchie said she was opposed to hydrofracking because it could contaminate the water and air.

Mike Layman, chairman of the The First Tee of Harrisonburg Foundation, once again presented an opportunity to create a large grass tee area at Heritage Oaks Golf Course. He said he was available to answer any questions regarding this proposal.

Pete McZumic presented his views regarding hydrofracking.

Bucky Berry said natural gas is one of the cheapest heat people can use.

Bruce Ritchie spoke against hydrofracking because he believes deregulating of the oil and gas industries have caused a lot of trouble.

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes and the second reading amending Section 4-2-6 of the City Code. 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 Frank  
Council Member Byrd

Mayor Degner

Absent – None

The next item of business was considering a proposed real property tax increase. City Manager Hodgen briefly reviewed the real estate tax rate. 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 one and 3/10 cents per \$100 of assess value due to the 2009 Reassessment. It is recommended that the real estate tax rate remain the same.

At 7:25 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, April 24, 2010.

### **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 2.25 percent.
- 2. Lowered Rate Necessary to Offset Increased 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 \$.577 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 \$.013 per \$100, or 2.25 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 Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of City of Harrisonburg will be less than last year's original budget by .56 percent.

**A public hearing on the increase will be held on May 11, 2010 at 7:00 p.m., or as soon as the agenda permits in the Harrisonburg City Council Chamber 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.**

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 additional money. Our assessed value went up 122% in January 2009 and another 107% in January 2010. Taxes come first in our budget. We have never been delinquent, job sites are sitting dormant, employees didn't receive an increase, leased offices are vacant, and our shopping center is partially vacant. Ms. White asked the City to operate on a tighter budget, lower the tax rate to 57.7% per \$100 dollars to keep the City's real estate tax and revenues the same for one year. There being no others desiring to be heard, the public hearing was declared closed at 7:30 p.m., and the regular session reconvened.

Planning and Community Development Director Turner presented a request from Richard Chew for a special use permit to allow a major family day home within the U-R, Urban Residential District and the R-P, Residential Professional Overlay District. The property is located at 627 South Mason Street and can be found on tax map 25-N-15. The Comprehensive Plan designates this area as Neighborhood Residential. Mrs. Turner reviewed the surrounding uses in the area and also briefly reviewed child care provisions allowed in the Zoning Ordinance. Currently, Koontz Family Day Home, a "minor family day home", is operating from the single-family dwelling located on the property. Along with having a home occupation permit, the Koontz Family Day Home is also licensed by the Virginia Department of Social Services (VDSS) for a capacity of up to five (5) children. At present, three children are cared for at the "minor family day home", which operates from 6:30 a.m. to 5:30 p.m. The applicant has stated that she desires to keep more than five children and needs the special use permit, before VDSS would license her for more. The property is situated within a blue zone permit parking area; therefore, parking permits are necessary at all times. Additionally, the portion of South Mason Street directly in front of the home is a right turn lane for traffic turning onto Cantrell Avenue and is marked for "no parking." The applicants have a shared driveway, which parents currently utilize to drop-off and pick-up children. The driveway is large enough to maneuver two vehicles in, as well as turn-around at the back of the home if necessary. Planning Commission has recommended approval of the special use permit request.

At 7:41 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 27, and Tuesday, May 4, 2010.

#### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold several public hearings on Tuesday, May 11, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Special Use Permit – 627 South Mason Street (Major Family Day Home)***

**Public hearing to consider a request from Richard Chew, with representative Tara Koontz, for a special use permit per Section 10-3-180 (5) of the Zoning Ordinance to allow a Major Family Day Home within the U-R, Urban Residential District and the R-P, Residential Professional Overlay District. The property is located at 627 South Mason Street and can be found on tax map 25-N-15.**

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 (5) five 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.

Tara Koontz said that she was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:42 p.m., and the regular session reconvened. Vice-Mayor Baugh offered a motion to approve the special use permit 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  
Vice-Mayor Baugh  
Council Member Frank  
Council Member Byrd  
Mayor Degner

Absent – None

Planning and Community Development Director Turner presented a request from Stephan Hess to rezone two parcels from R-3C, Multiple Dwelling Residential District Conditional to B-1, Central Business District. The properties are located at 139 and 147 West Water Street and can be found on tax maps 25-C-8 & 9. The Comprehensive Plan designates this area Mixed Use Development. Mrs. Turner reviewed the surrounding uses in the area. Both of these parcels were rezoned from M-1 to R-3C, Multiple Dwelling Residential District Conditional in June 2004 and 2005. The proffered conditions for both properties were identical, that the properties would be used for: all uses permitted in the R-1, Single Family Residential District, or professional and medical offices. Since the rezoning, parking has been added behind the building, and they have been occupied both residentially and by professional offices. The property owner is currently trying to lease the properties and has found interest from other businesses. The applicant is aware that additional uses of these buildings could trigger the need for improvements to meet building codes. The applicant has proffered to allow all uses permitted by right and by special use permit under Sections 10-3-84 and 10-3-85 of the Harrisonburg Zoning Ordinance; amending however, Section 10-3-84 to read: 1) Hotels, motels and buildings used for two or less dwelling units, as defined under Section 10-3-24 of the Zoning Ordinance. 2) Dwellings units can be occupied by a family or not more than four persons, except that such occupancy may be superseded by building regulations. Also proffered with this application the requirement to maintain no less than ten parking spaces on site. If this property



was to ever be part of a larger scale urban development in this area, the additional properties would also have to be rezoned and these proffers could be modified to suit the project as part of the larger rezoning. Planning Commission has recommended approval of the request.

At 7:53 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, April 27, and Tuesday, May 4, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, May 11, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

#### ***Rezoning – 139 & 147 West Water Street***

**Public hearing to consider a request from Stephan Hess to rezone two parcels totaling 15,135 +/- sq. ft. from R-3C, Multiple Dwelling Residential District Conditional to B-1, Central Business District. The properties are located at 139 and 147 West Water Street and can be found on tax maps 25-C-8 & 9. 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 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-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 (5) five 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. Stephan Hess said he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:54 p.m., and the regular session reconvened. Vice-Mayor Baugh offered a motion to approve the rezoning request with the stated conditions. 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 presented a request from Potters Home Worship Center to preliminarily subdivide a 10,000 square foot parcel from a 7.57- acre tract of land. The property is located at 1922 Rhianon Lane and can be found on tax map parcels 123-A-4. The Comprehensive Plan designates this area as Low-Density Residential. Mrs. Turner reviewed the surrounding uses in the area. The applicants are requesting a variance from the Subdivision Ordinance to not construct a sidewalk along the street frontage of the developing parcel. The proposed lot would front directly on, as well as be accessed from, Rhianon Lane. Also, once an entrance and driveway are installed to the property, the actual frontage for sidewalk would be reduced to as little as 17 feet. Planning Commission has recommended approval of the request. Council Member Frank offered a motion to approve the variance to not construct a sidewalk along the street frontage of the developing parcel. 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 adopting the Fiscal Year 2010-2011 budget. City Manager Hodgen said a required public hearing was held and the budget was adopted on a first reading on April 27, 2010. Four positions in the Sanitation Fund were eliminated rather than being frozen.

**APPROPRIATION ORDINANCE  
OF THE CITY OF HARRISONBURG, VIRGINIA  
For the Fiscal Year Ending June 30, 2011**

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 2011. 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, 2011:

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, one hundred sixty-five dollars (\$175,165) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$105,193
(2)	Other Operating Expenses	65,472
(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-seven thousand, two hundred eighty dollars (\$447,280) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$316,077
(2)	Other Operating Expenses	131,203

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, two hundred seventy-seven dollars (\$162,277) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$115,129
(2)	Other Operating Expenses	47,148

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, one hundred seventy-one dollars (\$234,171) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$150,250
(2)	Other Operating Expenses	82,171
(3)	Capital Outlays	1,750

Paragraph Five - Independent Auditor (120811)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of fifteen thousand, five hundred dollars (\$15,500) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$15,500
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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-one thousand, six hundred seventy-eight dollars (\$421,678) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$283,529
(2)	Other Operating Expenses	137,149
(3)	Capital Outlays	1,000

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 seventy-eight thousand, nine hundred sixty-eight dollars (\$278,968) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$175,084
(2)	Other Operating Expenses	103,184
(3)	Capital Outlays	700

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 two thousand, eight hundred seventy-five dollars (\$2,875) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |         |
|-----|--------------------------|---------|
| (1) | Other Operating Expenses | \$2,875 |
|-----|--------------------------|---------|

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 eighty thousand, three hundred sixty-six dollars (\$480,366) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$285,860 |
| (2) | Other Operating Expenses | 187,506   |
| (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 sixteen thousand, four hundred sixty-seven dollars (\$416,467) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$275,923 |
| (2) | Other Operating Expenses | 140,544   |

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 eight hundred forty-four thousand, eight hundred fifty-one dollars (\$844,851) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$302,364 |
| (2) | Other Operating Expenses | 495,987   |
| (3) | Capital Outlays          | 46,500    |

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-four thousand, nine hundred twenty dollars (\$134,920) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |          |
|-----|--------------------------|----------|
| (1) | Personal Services        | \$91,957 |
| (2) | Other Operating Expenses | 42,963   |

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-two thousand,

two hundred ninety-four dollars (\$172,294) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$87,170
(2)	Other Operating Expenses	78,624
(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-two thousand, seventy-three dollars (\$692,073) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$361,866
(2)	Other Operating Expenses	330,207

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 fifty-seven dollars (\$2,813,457) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$1,882,779
(2)	Other Operating Expenses	915,678
(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 thirty thousand, four hundred twenty-two dollars (\$1,130,422) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$788,898
(2)	Other Operating	340,524
(3)	Capital Outlays	1,000

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 thousand, seven hundred eight dollars (\$1,690,708) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$844,842
(2)	Other Operating Expenses	704,066
(3)	Capital Outlays	141,800

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 forty-four thousand, seven hundred eighty-eight dollars (\$144,788) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$104,798
(2)	Other Operating Expenses	39,990

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 one thousand, seven hundred five dollars (\$1,201,705) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$837,079
(2)	Other Operating Expenses	356,126
(3)	Capital Outlays	8,500

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 seventeen thousand, four hundred seventy-nine dollars (\$517,479) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$281,109
(2)	Other Operating Expenses	233,370
(3)	Capital Outlay	3,000

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 fifteen thousand, two hundred twenty-five dollars (\$5,415,225) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$3,417,367
(2)	Other Operating Expenses	1,828,496
(3)	Capital Outlays	169,362

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 fifty-two thousand, forty dollars (\$352,040) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$235,713
(2)	Other Operating Expenses	114,727
(3)	Capital Outlay	1,600

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 two hundred three thousand, six hundred eight dollars (\$203,608) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$133,245
(2)	Other Operating Expenses	70,363

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-four thousand, twenty-one dollars (\$364,021) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$56,909
(2)	Other Operating Expenses	307,112

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-five thousand dollars (\$75,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$75,000
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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 sixteen thousand, six hundred seventy-nine dollars (\$616,679) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$419,971
(2)	Other Operating Expenses	195,208
(3)	Capital Outlays	1,500

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-eight thousand, one hundred ten dollars (\$278,110) is appropriated from General Fund to be apportioned as follows:

(1)	Personal Services	\$33,403
(2)	Other Operating Expenses	244,707

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-one thousand, one hundred eighty-one dollars (\$61,181) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$61,181
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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 eight hundred seventy-one thousand, eight hundred one dollars (\$871,801) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$573,470
(2)	Other Operating Expenses	274,300
(3)	Capital Outlays	24,031

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, four hundred eighty-nine thousand, seventeen dollars (\$4,489,017) is appropriated from the General Fund to be appointed as follows:

(1)	Personal Services	\$1,388,411
(2)	Other Operating Expenses	2,954,746
(3)	Capital Outlays	145,860

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 ninety-one thousand, one hundred twenty-three dollars (\$491,123) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 491,123
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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, six hundred ninety-five dollars (\$220,695) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$50,000
(2)	Other Operating Expenses	160,695
(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 seventy-nine thousand, six hundred eighty-five dollars (\$1,179,685) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$493,125
(2)	Other Operating Expenses	656,560
(3)	Capital Outlays	30,000

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-six thousand, four hundred fifty-one dollars (\$276,451) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$114,199
(2)	Other Operating Expenses	162,252

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 twenty-two thousand, eight hundred seventy-five dollars (\$422,875) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$216,642
(2)	Other Operating Expenses	206,233

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 thousand, nine hundred four dollars (\$40,904) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$15,456
(1)	Other Operating Expenses	\$25,448

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 forty-one thousand, nine hundred eighty-two dollars (\$341,982) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$28,340
(2)	Other Operating Expenses	288,142
(3)	Capital Outlays	25,500

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 forty-five thousand, six hundred twenty dollars (\$345,620) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$345,620
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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 hundred eighty-five thousand, three hundred seventy-five dollars (\$285,375) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$285,375

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-eight thousand dollars (\$68,000) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$68,000

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, thirty-four thousand, eight hundred fifty-four dollars (\$1,034,854) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$336,782  
(2) Other Operating Expenses 597,072  
(3) Capital Outlays 101,000

Paragraph Forty-Four - Parks (710271)

For the current expenses and capital outlays of PARKS, a division of Parks, Recreation and Cultural, the sum of eight hundred fifty-seven thousand, nine hundred sixty-five dollars (\$857,965) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$521,522  
(2) Other Operating Expenses 336,443

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 forty-five thousand, eight hundred ninety dollars (\$545,890) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$348,442  
(2) Other Operating Expenses 193,048  
(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 ninety-six thousand, two hundred eighty-five dollars (\$96,285) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$33,416
(2)	Other Operating Expenses	62,869

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 three hundred forty-eight thousand, eight hundred ninety-one dollars (\$348,891) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$100,481
(2)	Other Operating Expenses	236,810
(3)	Capital Outlay	11,600

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 twelve thousand, one hundred ninety-five dollars (\$412,195) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$195,266
(2)	Other Operating Expenses	192,829
(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 six hundred fifty-two thousand, five hundred one dollars (\$652,501) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$249,249
(2)	Other Operating Expenses	208,252
(3)	Capital Outlay	195,000

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-one thousand, nine hundred sixty-one dollars (\$41,961) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$27,966
(2)	Other Operating Expenses	13,995

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 eighty-three thousand, five hundred six dollars (\$683,506) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$347,261
(2)	Other Operating Expenses	336,045
(30)	Capital Outlay	200

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 thirty-one thousand, three hundred forty-seven dollars (\$431,347) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$166,234
(2)	Other Operating Expenses	263,613
(3)	Capital Outlays	1,500

Paragraph Fifty-Three - Planning (810121)

For the current expenses and capital outlays of PLANNING. A division of the Department of Community Development, the sum of one hundred ninety-five thousand, seven hundred eighteen dollars (\$195,718) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$128,746
(2)	Other Operating Expenses	65,972
(3)	Capital Outlays	1,000

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 forty-one thousand, three hundred seventeen dollars (\$141,317) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$103,450
(2)	Other Operating Expenses	37,167
(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, one hundred seventy-six dollars (\$5,176) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$900
(2)	Other Operating Expenses	4,276

Paragraph Fifty-Six - Economic Development (810521)

For the current expenses and capital outlays of ECONOMIC DEVELOPMENT, the sum of five hundred ninety-five thousand, two hundred sixteen dollars (\$595,216) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$101,516
(2)	Other Operating Expenses	447,719
(3)	Capital Outlays	45,981

Paragraph Fifty-Seven – Downtown Renaissance - (810621)

For the current expenses and capital outlays of DOWNTOWN RENAISSANCE, the sum of one hundred sixty thousand, nine hundred sixteen dollars (\$160,916) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$132,223
(2)	Other Operating Expenses	28,693

Paragraph Fifty-Eight – Tourism & Visitors Service (810821)

For the current expenses and capital outlays of TOURISM & VISITORS SERVICE, the sum of three hundred thirty-one thousand, four hundred thirty-eight dollars (\$331,438) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$148,835
(2)	Other Operating Expenses	182,603

Paragraph Fifty-Nine – Downtown Parking Services (810921)

For the current expenses and capital outlays of DOWNTOWN PARKING SERVICES, the sum of two hundred fifty-three thousand, five hundred twenty-two dollars (\$253,522) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$135,537
(2)	Other Operating Expenses	117,985

Paragraph Sixty – Non Departmental-Contributions (910411)

For aiding the activities of independent, civic, charitable, and other organizations, the sum of nine hundred ninety-four thousand, six hundred twenty-two dollars (\$994,622) is appropriated from the General Fund to be apportioned as follows:

43850 Central Shenandoah Planning District	\$33,917
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45642	Local Chamber of Commerce	3,308
45644	Salvation Army	17,460
45647	Shen Val. Soil & Water Conservation Dist.	4,500
45648	Blue Ridge Community College	4,500
45649	Rockingham County Historical Society	1,940
45650	Valley Program for Aging Services	26,190
45651	WVPT-Public Television	2,183
45652	First Step, Inc.	18,333
45656	BRCC – Site Improvement	41,484
45659	Blue Ridge Legal Services	8,747
45662	Free Clinic Inc.	13,095
45664	Woodbine Cemetery	1,500
45669	Boys and Girls Club	45,105
45678	Newtown Cemetery	1,500
45805	H'burg/Co Thermal Shelter	14,450
44883	First Night	8,730
45885	Arts Council of Valley	34,920
45886	Quilt Museum	1,746
45890	Little League Association	6,000
45893	Cats Cradle	389
45896	Roberta Webb Child Care	10,476
45900	Big Brothers/Big Sisters	8,730
45902	Newbridges Immigrant Resource Center	6,548
45905	Lutheran Church – Second Home	13,095
45909	Valley 4 <sup>th</sup>	4,365
45910	Shen Valley Spay & Neuter	119
45912	Our Community Place	4,850
47010	Massanutten Regional Public Library-Operating	431,412
47030	Juvenile Detention Home	225,030

Paragraph Sixty-One - Non-Departmental - Joint Operations (910511)

For the payment of joint expenses, the sum of five million, seven hundred sixty thousand, five hundred twenty-four dollars (\$5,760,524) is appropriated from the General Fund to be apportioned as follows:

45621	CSB-Comp Services Act	\$1,857,015
47070	Expenses of Sheriff, Courts, etc.	2,818,344
47071	Expenses of Social Service District	1,085,165

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

Paragraph Sixty-Three - Non-Departmental Dues to Municipal Organization (910711)

For the payment of dues to Municipal Organizations. The sum of thirty-four thousand, four hundred thirty-seven dollars (\$34,437) is appropriated from the General fund to be apportioned as follows:

45810 Dues and Memberships \$34,437

Paragraph Sixty-Four - Reserve for Contingencies (940111)

For Reserve for Contingencies of the General Fund the sum of three hundred thousand dollars (\$300,000) is appropriated from the General Fund to be apportioned as follows:

(1) Reserve for Contingencies \$300,000

Paragraph Sixty-Five - Debt Service (980142)

For the payment of interest and principal on bonds and lease purchases and bank thirteen million, six hundred twenty-two thousand, seven hundred ninety-six dollars (\$13,622,796) is appropriated from the General Fund to be apportioned as follows:

(1) Principal and Interest, etc. \$13,622,796

Paragraph Sixty-Six - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of twenty-eight million, eight hundred fifty-eight thousand, seven hundred sixty-three dollars (\$28,858,763) is appropriated from the General Fund to be apportioned as follows:

(1) General Capital Projects Fund	\$420,000
(2) Emergency Communications Center Fund	1,416,715
(3) School Fund	24,901,397
(4) Central Garage Fund	66,923
(5) Central Stores Fund	7,393
(6) Public Transportation Fund	982,145
(7) Sanitation Fund	1,064,190

**S U M M A R Y**

**Expenditures and Revenues**

Total General Fund Appropriation for the  
Fiscal Year Ending June 30, 2011 \$84,848,666

To be provided for from the following Estimated Revenues which are as follows:

Fund Balance	\$ 363,722
General Property Taxes	31,616,560
Other Local Taxes	33,286,109
Permits, Privilege Fees and Regulatory Licenses	437,565
Fines and Forfeitures	565,900
Revenue from use of Money & Property	123,400
Charges for Services	1,268,940
Miscellaneous Revenue	5,121,700
Recovered Costs	941,347
State Non-Categorical Aid	3,191,545
State Shared Expenses (Categorical-Aid)	298,206
State Other (Categorical-Aid)	3,771,973
Federal Other (Categorical-Aid)	45,540
Refunded Bond Proceeds	2,279,895
Non Revenue Receipts	30,000
Transfers from other Funds	<u>1,506,264</u>
Total General Fund Revenue	
For the Fiscal Year Ending June 30, 2011	<u>\$84,848,666</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, 2011:**

### Paragraph One - Instruction (40610)

For the current expenses of INSTRUCTION, of the department of education, the sum of forty million, one hundred seventeen thousand, one hundred ninety-seven dollars (\$40,117,197) is appropriated from the City School Fund to be apportioned as follows:

(1) Instruction	\$40,117,197
-----------------	--------------

### 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, seven hundred eight thousand, two hundred thirty-two dollars (\$2,708,232) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration/Attendance & Health Service	\$2,708,232
--	-------------

### 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 forty-one thousand, one hundred sixty-seven dollars (\$1,941,167) is appropriated from the City School Fund to be apportioned as follows:

(1) Pupil Transportation Service	\$1,941,167
----------------------------------	-------------

Paragraph Four - Operations & Maintenance (40640)

For the current expenses of OPERATIONS AND MAINTENANCE, of the department of education, the sum of four million, three hundred twenty-six thousand, four hundred sixty-six dollars (\$4,326,466) is appropriated from the City School Fund to be apportioned as follows:

(1) Operations and Maintenance	\$4,326,466
--------------------------------	-------------

Paragraph Five - Technology (40680)

For the current expenses of TECHNOLOGY of the Department of Education, the sum of two million, nine hundred thirty-three thousand, one hundred seventy-six dollars (\$2,933,176) is appropriated from the City School Fund to be apportioned as follows:

(1) Technology	\$2,933,176
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**S U M M A R Y**

Expenditures and Revenues

Total School Fund Appropriations for Fiscal Year Ending June 30, 2011	<u>\$52,026,238</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Revenue from Other	\$ 1,318,721
Revenue from State School Funds	21,609,342
Revenue from Federal Funds	4,196,778
Transfers Receipts from City's General Fund	<u>24,901,397</u>

Total School Fund Revenue For the Fiscal Year Ending June 30, 2011	<u>\$52,026,238</u>
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**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, 2011:**

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, four hundred fifty thousand, eighteen dollars (\$2,450,018) is apportioned from the City Nutrition Fund to be apportioned as follows:

- |                                  |             |
|----------------------------------|-------------|
| (1) School Food Services & Other |             |
| Non Instructional Operations     | \$2,450,018 |

Paragraph Two – Technology (40680)

For the current expenses of TECHNOLOGY of the Department of Nutrition, the sum of thirty-three thousand dollars (\$33,000) is appropriated from the City Nutritions Fund to be apportioned as follows:

- |                |          |
|----------------|----------|
| (1) Technology | \$33,000 |
|----------------|----------|

Total School Nutrition Fund Appropriations for Fiscal Year Ending June 30, 2011	<u>\$2,483,018</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Revenue from Other	\$757,052
Revenue from State School Funds	58,446
Revenue from Federal Funds	<u>1,667,520</u>

Total School Nutrition Fund Revenue For the Fiscal Year Ending June 30, 2011	<u>\$2,483,018</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, 2011:**

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, four hundred fifty thousand, six hundred thirty dollars (\$3,450,630) appropriated as follows:

- |                              |             |
|------------------------------|-------------|
| (1) Personal Services        | \$1,546,617 |
| (2) Other Operating Services | 1,904,013   |

**S U M M A R Y**

Expenditures and Revenues

Total Emergency Communication Center Fund Appropriations  
For the Fiscal Year Ending June 30, 2011 \$3,450,630

To be provided for from the following estimated revenue, which is as follows:

Other Local Taxes	\$300,000
Use of Money and Property	103,200
Miscellaneous	1,416,715
Revenue from State Government	156,000
Revenue from Federal Funds	58,000
Transfers from General Funds	<u>1,416,715</u>

Total Emergency Communication Center Fund Revenue  
For the Fiscal Year Ending June 30, 2011 \$3,450,630

#### **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, 2011.**

##### **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 five hundred eighty-three thousand, one hundred forty dollars (\$583,140) is appropriated from the Community Development Block Grant to be appropriated as follows:

(1) Personal Services	\$63,516
(2) Other Operating Expenses	517,624
(3) Capital Outlay	2,000

#### **S U M M A R Y**

##### **Expenditures and Revenues**

Total Community Development Block Fund Appropriations  
For the year ending June 30, 2011 \$583,140

To be provided for from the following estimated revenues, which are as follows:

Federal Non-Categorical Aid \$583,140

Total Community Development Block Grant Fund Revenue  
For the Fiscal Year Ending June 30, 2011 \$583,140

#### **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, 2011:**

Paragraph One – Capital Projects (910141)

For the payment of capital expenditures of the General Capital Projects Fund, the sum of four hundred twenty thousand dollars (\$420,000)

48616 City Wide Drainage Program	\$30,000
48619 East Market Street Safety Improvement	40,000
48701 Downtown Street Scape Plan	350,000

**S U M M A R Y**

**Expenditures and Revenues**

Total General Capital Projects Fund Appropriation For the Fiscal Year Ended June 30, 2011	<u>\$420,000</u>
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To be provided from the following estimated revenues, which are as follows:

48616 City Wide Drainage Program	\$30,000
48619 East Mkt St Safety Improv	40,000
48701 Downtown St Scape Plan	350,000

Total General Capital Projects Fund Revenue For the fiscal Year Ending June 30, 2011	<u>\$420,000</u>
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**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, 2011:**

Paragraph One - Capital Projects (910161)

For the payment of capital expenditures of the Water Capital Projects Fund, the sum of one hundred eighty-six thousand, one hundred nineteen dollars (\$186,119) is appropriated as follows:

48635 Water Main Upgrades	\$136,119
48668 Security & SCADA	25,000
48670 Western Potable Water System	25,000

**S U M M A R Y**

### **Expenditures and Revenues**

Total Water Capital Projects Fund Appropriations  
For the Fiscal Year Ended June 30, 2011 \$186,119

To be provided for from the following estimated revenue, which is as follows:  
34220 Transfer from Water Fund \$186,119

Total Water Capital Projects Fund Revenue  
For the Fiscal Year Ended June 30, 2011 \$186,119

### **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, 2011:**

#### **Paragraph One - Capital Projects (911161)**

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of three hundred thousand dollars (\$300,000) is appropriated as follows:

48651 Sewer Main Upgrades \$300,000

### **S U M M A R Y**

### **Expenditures and Revenues**

Total Sewer Capital Projects Fund Appropriation  
For the Fiscal Year Ended June 30, 2011 \$300,000

To be provided from the following estimated revenue which is as follows:

34230 Transfer from Sewer Fund \$300,000

Total Sewer Capital Projects Fund Revenue  
For the Fiscal Year Ended June 30, 2011 \$300,000

### **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, 2011:**

#### **Paragraph One - Capital Projects (910142)**

For the payment of capital expenditures of the Sanitation Capital Projects Fund, the sum of eight hundred twenty-two thousand dollars (\$822,000) is appropriated as follows:

48681 City Landfill monitoring	\$130,000
48683 Steam Plant for CISAT	175,000
48684 County Landfill Development & Closure	517,000

### S U M M A R Y

#### **Expenditure and Revenue**

Total Sanitation Capital Projects Fund Appropriation For the Fiscal Year Ended June 30, 2011	<u>\$822,000</u>
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To be provided from the following estimated revenue which is as follows:

34270 Transfer from Sanitation Fund	<u>\$822,000</u>
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Total Sanitation Capital Projects Fund Revenue For the Fiscal Year Ended June 30, 2011	<u>\$822,000</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, 2011:**

#### Paragraph One - Administration (312061)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of four hundred one thousand, six hundred eighty-five dollars (\$401,685) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$244,236
(2) Other Operating Expenses	157,449

#### 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 four thousand, nine hundred eighty-seven dollars (\$604,987) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$64,332
(2) Other Operating Expenses	540,655



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-two thousand, nine hundred eighty-seven dollars (\$822,987) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$448,479
(2)	Other Operating Expenses	374,508

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-three thousand, four hundred forty-five dollars (\$373,445) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$184,959
(2)	Other Operating Expenses	188,486

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of two million, two hundred ninety-three thousand, six hundred seventy-four dollars (\$2,293,674) is appropriated from the Water Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$20,250
(2)	Depreciation	1,840,296
(3)	Taxes, etc.	433,128

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, nine hundred ninety-four dollars (\$976,994) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$537,687
(2)	Other Operating Expenses	439,307

Paragraph Seven - Capital Outlay (372061)

For the capital outlays of the WATER DEPARTMENT, a division of the Water Fund, the sum of one hundred thousand dollars (\$100,000) is appropriated from the Water Fund to be apportioned as follows:

(1)	Capital Outlays	\$100,000
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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 eight hundred twenty-three thousand, one hundred seventy-one dollars (\$823,171) is appropriated from the Water Fund to be apportioned as follows:

(1) Principal and Interest	\$823,171
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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, forty-five thousand, three hundred fifty-five dollars (\$1,045,355) is appropriated from the Water Fund to be apportioned as follows:

(1) General Fund-Share of Accounting, Collecting & Data Processing	\$753,132
(2) Water Capital Projects Fund	186,119
(3) Central Stores Fund	106,104

**S U M M A R Y**

**Expenditures and Revenues**

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 2011	<u>\$7,442,298</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Permits, Privilege Fees and Regulatory Licenses	\$150,000
Revenue from use of Money & Property	47,000
Charges for Services	5,365,000
Recovered Costs	41,754
Transfers for depreciation	<u>1,838,544</u>

Total Water Fund Revenues for the Fiscal Year Ending June 30, 2011	<u>\$7,442,298</u>
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**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, 2011.**

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 six thousand, one hundred ninety dollars (\$606,190) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$341,335
(2)	Other Operating Expenses	264,855

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, six hundred thirty-seven thousand, two hundred dollars (\$2,637,200) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$2,637,200
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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 fifty-three thousand, three hundred four dollars (\$853,304) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$424,962
(2)	Other Operating Expenses	428,342

Paragraph Four - Miscellaneous (442061)

For the current expenses, depreciation and the payment of taxes, the sum of one million, six hundred eighty-four thousand, three hundred fourteen dollars (\$1,684,314) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 8,250
(2)	Depreciation	1,377,660
(3)	Taxes, etc.	298,404

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 fifty-seven thousand, forty-two dollars (\$257,042) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$144,195
(2)	Other Operating Expenses	112,847

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 thirty-five thousand, three hundred sixty dollars (\$135,360) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$64,332
(2)	Other Operating	71,028

Paragraph Seven - Capital Outlay (472061)

For the capital outlays of the SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one hundred four thousand dollars (\$104,000) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Capital Outlays	\$104,000
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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 one million, eight hundred sixteen thousand, seven hundred dollars (\$1,816,700) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Serial Bonds, Interest, etc.	\$1,816,700
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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, sixty-three thousand, eight dollars (\$1,063,008) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	General Fund - Share of Accounting, Collecting, & Data Processing Costs	\$753,132
(2)	Sewer Capital Projects Fund	300,000
(3)	Central Stores Fund	9,876

**S U M M A R Y**

**Expenditures and Revenues**

Total Sewer Fund Appropriations for  
the Fiscal Year Ending June 30, 2011 \$9,157,118

To be provided for from the following Estimated Revenues, which are as follows:

Permits, Privilege Fees and Regulatory Licenses	\$225,000
Revenue from use of Money & Property	23,000
Charges for Services	7,490,828
Recovered Costs	49,738
Transfers for depreciation	<u>1,368,552</u>
Total Sewer Fund Revenues for the Fiscal Year Ending June 30, 2011	<u>\$9,157,118</u>

**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, 2011:**

**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, three hundred ninety-four thousand, seventeen dollars (\$3,394,017) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$1,503,623
(2) Other Operating Expenses	1,737,610
(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, one hundred ninety-six thousand, two hundred forty-two dollars (\$2,196,242) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$1,009,315
(2) Other Operating Expenses	1,034,143
(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 fifty thousand, eight hundred ninety-four dollars (\$150,894) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$77,525
(2) Other Operating Expenses	73,369

**Paragraph Four - Miscellaneous (842081)**

For the current expenses and depreciation of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of fifty-seven thousand, four hundred ninety-two dollars (\$57,492) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Personal Services	\$4,138
(2) Other Operating Expenses	3,350
(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 two million, two hundred forty-five thousand dollars, (\$2,245,000) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Capital Outlays	\$2,245,000
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**S U M M A R Y**

Expenditures and Revenues

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 2011	<u>\$8,043,645</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Use of Money and Property	\$40,000
Charges for Services	3,388,638
Miscellaneous Revenue	30,000
Recovered Cost	4,000
State Categorical Aid	755,000
Federal Categorical Aid	2,547,010
Transfers from General Fund and depreciation	<u>1,278,997</u>
Total Public Transportation Fund Revenues for the Fiscal Year ending June 30, 2011	<u>\$8,043,645</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, 2011:**

Paragraph One - CISAT Facility (912242)

For the current expenses of the CISAT FACILITY, a division of the Sanitation Fund, the sum of five million, two hundred fifty-eight thousand, seven hundred ninety-four dollars (\$5,258,794) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$1,413,791
(2)	Other Operating Expenses	3,845,003

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-one thousand, five hundred seventy-seven dollars (\$741,577) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$380,279
(2)	Other Operating Expenses	361,298

Paragraph Three - Landfill (932042)

For the current expenses of the LANDFILL, a division of the Sanitation Fund, the sum of one million, sixty-nine thousand, five hundred thirty-three dollars (\$1,069,533) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$54,386
(2)	Other Operating Expenses	1,015,147

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 forty-one thousand, one hundred thirty-two dollars (\$1,241,132) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$2,001
(2)	Depreciation	1,195,500
(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 nine hundred ninety-nine thousand, five hundred seventeen dollars (\$999,517) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$377,143
(2)	Other Operating Expenses	622,374

Paragraph Six - Capital Outlay (972043)

For the capital outlays of the SANITATION DEPARTMENT, a division of the Sanitation Fund, the sum of three hundred ten thousand dollars (\$310,000) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Capital Outlays	\$310,000
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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 sixty-eight thousand, eight hundred fifty dollars (\$2,568,850) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Principal and Interest	\$2,568,850
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Paragraph Eight - Transfers (990242)

For transfers to Capital Projects of the Sanitation Fund. The sum of eight hundred twenty-two thousand dollars (\$822,000) is appropriated from the Sanitation Fund to be apportioned as follows.

(1) Transfers to Sanitation Capital Projects Fund	\$822,000
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**S U M M A R Y**

**Expenditures and Revenues**

Total Sanitation Fund appropriations for the Fiscal Year Ending June 30, 2011	<u>\$13,011,403</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Fund Balance	\$123,020
License Permits & Priv. Fee	500
Charges for Services	8,601,428
Miscellaneous Revenues	50,000
Recovered Costs	1,933,134
Transfers from General Fund, Depreciation, etc.	<u>2,303,321</u>

Total Sanitation Fund Revenues for the Fiscal Year Ending June 30, 2011	<u>\$13,011,403</u>
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**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, 2011:**



Paragraph One - Operating (612141)

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of eight hundred twenty-seven thousand, two hundred thirteen dollars (\$827,213) is appropriated from the Central Garage Fund to be apportioned as follows:

(1)	Personal Services	\$565,435
(2)	Other Operating Expenses	261,778

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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**S U M M A R Y**

**Expenditures and Revenues**

Total Central Garage Fund Appropriations for the Fiscal Year Ending June 30, 2011	<u>\$842,213</u>
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To be provided for from the following Estimated Revenue, which is as follows:

Fund Balance	\$25,290
Charges for Services	750,000
Transfer	<u>66,923</u>

Total Central Garage Fund Revenue for the Fiscal Year Ending June 30, 2011	<u>\$842,213</u>
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**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, 2011:**

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of one hundred twenty-three thousand, three hundred seventy-three dollars (\$123,373) is appropriated from the Central Stores Fund to be apportioned as follows:

(1)	Personal Services	\$69,131
(2)	Other Operating Expenses	54,242

**S U M M A R Y**

**Expenditures and Revenues**

Total Central Stores Fund Appropriations  
for the Fiscal Year Ending June 30, 2011 \$123,373

To be provided for from the following Estimated Revenue, which is as follows:

Transfers from other Funds \$123,373

Total Central Stores Fund Revenue  
for the Fiscal Year Ending June 30, 2011 \$123,373

**TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XV**  
**IN THIS ORDINANCE**  
**FOR THE FISCAL YEAR ENDING June 30, 2011**  
**RECAPITULATION**

Section I	General Fund	\$84,848,666
Section II	School Fund	52,026,238
Section III	School Nutrition	2,483,018
Section IV	Emergency Communication Center Fund	3,450,630
Section V	Community Development Block Grant Fund	583,140
Section VI	General Capital Projects Fund	420,000
Section VII	Water Capital Projects Fund	186,119
Section VIII	Sewer Capital Projects Fund	300,000
Section IX	Sanitation Capital Projects Fund	822,000
Section X	Water Fund	7,442,298
Section XI	Sewer Fund	9,157,118
Section XII	Public Transportation Fund	8,043,645
Section XIII	Sanitation Fund	13,011,403
Section XIV	Central Garage Fund	842,213
Section XV	Central Stores Fund	<u>123,373</u>

TOTAL APPROPRIATIONS \$183,739,861

**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 2011 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 2011; 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 2011; real estate taxes to be collectible one half on or before December 5, 2010 and one half on or before June 5, 2011. 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, 2010 and one half on or before June 5, 2011. 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 January 2010", and "Salary Schedule as of July 1, 2010", and adopted by the City Council for the fiscal year beginning July 1, 2010, and ending June 30, 2011, 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. 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, 2010" are adopted by the City Council for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

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, 2010.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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CITY CLERK

MAYOR

Vice-Mayor Baugh offered a motion to adopt the Fiscal Year 2010-2011 budget for a second reading. 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

The next item of business was approving the issuance of a tax-exempt bond on behalf of Eastern Mennonite University by Industrial Development Authority of the Town of Broadway, Virginia. City Attorney Thumma said that the Industrial Development Authority for the Town of Broadway, Virginia is issuing bonds in an amount not to exceed 6 million dollars on behalf of Eastern Mennonite University to renovate two existing dorms. Since EMU is located within the City limits, the Broadway IDA needs a concurring resolution approving the issuance of the bonds by the City Council. By approving the bond the City Council does not endorse the bond nor does the approval constitute a debt of the City. 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 Frank  
Council Member Byrd  
Mayor Degner

Absent – None

The next item of business was a proposal by Paul Johnson, Shenandoah Valley Bicycle Coalition, and Thomas Jenkins, Bicycle and Pedestrian Advisory Committee and Bike Plan Review Committee, to establish a “Bicycle and Pedestrian Commission”. They proposed that this Commission could perhaps replace the Shenandoah Valley Bicycle Coalition and the Bicycle and Pedestrian Advisory Committee. They gave an overview of the function, duties, term limit, Commission appointments, goals, and implementation of the Commission. Following further discussion and comments, Council requested that more information be provided before making any decision regarding this proposal.

Ande Banks, Director of Special Projects and Grants Management, presented for Council's consideration final approval of the FY 2010-2011 Community Development Block Grant (CDBG) Annual Action Plan. There is \$592,065.68 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-Safe-T-Element (\$4,500.00), City East Wolfe Street sanitary sewer rehabilitation, (\$59,513.00), Pleasant Hill Road shoulder reconstruction/construction (\$120,000.00), West Bruce Street sidewalk (\$27,000.00), Gilkerson Activity Center/Westover Park parking lot security camera system (\$16,000.00), Westover Pool security camera system (\$17,000.00), Camp Still Meadows bathroom expansion (\$8,000.00), The ARC door replacement (\$8,000.00), Public Utilities Hill Street sanitary sewer rehabilitation (\$27,569.68), and administration costs (\$116,628.00). Public Services include Big Brothers Big Sisters (\$7,200.00), Valley Program for Aging Services-Meals on Wheels (\$10,000.00), NewBridges Immigrant's Academy (\$8,655.00), and IIHHS-JMU Open Doors to Health and Hope for Homeless (\$10,000.00). A 30 day Public Comment period was held from March 23<sup>rd</sup> until April 23<sup>rd</sup>. Mr. Banks reviewed all comments received and the responses to the comments. Council Member Frank offered a motion to approve the final FY 2010-2011 Action Plan 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

Ande Banks, Director of Special Projects and Grants Management, presented for Council's consideration final approval of amendments to the FY 2008-2009 Action Plans. Mr. Banks said that \$18,973 remaining in the 2008-2009 Public Utilities Green and Gay Street Sanitary Sewer Rehab project will be moved to the NEW 2008-2009 Parks and Recreation Cecil F. Gilkerson Handicapped Accessible Entryway project. Also, \$12,075 that remains in funding from the 2008-2009 Public Utilities Green and Gay Street Sanitary Sewer Rehab project will be moved to the NEW 2008-2009 Public Utilities Green Street Sanitary Sewer Rehabilitation Project, Phase 2. The 30-day Public Comment period required by HUD ended on April 23<sup>rd</sup> with no comments received by the CDBG staff. Council Member Byrd offered a motion to approve the amendments to the FY 2008-2009 Action Plans 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 Frank  
Council Member Byrd  
Mayor Degner

Absent - None

The next item of business was a request from Rockingham Rotary Club to close a portion of Washington Street for an "All American Soap Box Derby". The club is requesting permission to close Washington Street from Route 11 to just about Northfield Court on Saturday, May 29<sup>th</sup>. Council Member Byrd offered a motion to approve this request. The motion was seconded by Council Member Frank and approved with a unanimous voice vote of Council.

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. These funds were received from various grants, donations and recovered costs. Council Member Byrd offered a motion to approve this request for a first reading, and that:

- \$989,571.00 chge. to: 1000-32534 Homeland Security/Technical Rescue Grant
- 6,168.00 chge. to: 1000-33534 Homeland Security Fire Prevention Grant
- 21,666.66 chge. to: 1000-32510 VA Dept. of Fire Programs/Hazardous Grants
- 2,487.00 chge. to: 1000-32512 VA Dept. of Fire Programs/Training Grant
- 25,550.00 chge. to: 1000-32546 VA Dept. of Health Computer grant
- 11,861.97 chge. to: 1000-31809 Donations
- 1,775.00 chge. to: 1000-31812 Donations
- 8,479.78 chge. to: 1000-31914 Recovered Costs
- 212.90 chge. to: 1000-32510 Hazardous Material

- \$98,571.00 approp. to: 1000-350532-48113 DOHS 20
- 6,168.00 approp. to: 1000-320232-48113 Equipment
- 21,666.66 approp. to: 1000-350532-48113 DOHS 21
- 2,487.00 approp. to: 1000-320232-48272 Hardware
- 23,550.00 approp. to: 1000-320232-48272 Hardware
- 22,329.65 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  
Vice-Mayor Baugh  
Council Member Frank  
Council Member Byrd  
Mayor Degner

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Parks & Recreation Department. These funds were donated by the Harrisonburg/Rockingham Community Foundation to cover expenses incurred for the Blacks Run Clean Up Day on April 10, 2010. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$2,279.32 chge. to: 1000-31809 Donations

\$2,279.32 approp. to: 1000-710971-46140 Blacks Run Greenway/Operating 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  
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 through the Federal Justice Assistance Grant. The funds will be used to purchase equipment (license plate readers) for the Police Department. Vice-Mayor Baugh offered a motion to approve this request for a first reading, and that:

\$23,808.00 chge. to: 1000-33546 Justice Assistance Grant

\$23,808.00 approp. to: 1000-310631-46100 Police Equipment/supplies

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

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were received from the Eagles Club and will be used to purchase police supplies. Vice-Mayor Baugh offered a motion to approve this request for a first reading, and that:

\$500.00 chge. to: 1000-31809 Donations

\$500.00 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 - Council Member Wiens  
Vice-Mayor Baugh  
Council Member Frank

Council Member Byrd  
Mayor Degner

Absent – None

Council agreed to ask the City/Council Liaison Committee to meet and discuss the concerns of Council and citizens expressed at this meeting regarding the potential impact of hydrofracturing on the City's water shed.

Council declined an offer to accept donated material for the grass practice tee area at the City's Golf Course unless the donor is willing to wait until after the Parks and Recreation Commission meets and provides further information to City Council. Council would like to have a Golf Course Master Plan and because this proposal did not go through proper channels there is concern that the offer could lead to further associated costs.

Council Member Byrd offered a motion that Henry C. Clerk, Mike Collins, Kurt Hodgen, R. Bradley Chewing, and alternate Evan Vass be appointed to the Harrisonburg-Rockingham Regional Sewer Authority to expire on July 14, 2014. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

Vice-Mayor Baugh offered a motion that Daphyne Thomas, 1112 Sharpes Drive, be appointed to a second term on the Community Services (Chapter 10) Board to expire on July 1, 2013. The motion was seconded by Council Member Byrd and approved with a unanimous voice vote.

At 9:15 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of the disposition of real estate, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) 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  
Vice-Mayor Baugh  
Council Member Frank  
Council Member Byrd  
Mayor Degner

Absent – None

At 9:45 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 9:46 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 25, 2010

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

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

Mike Layman, chairman of The First Tee of Harrisonburg Foundation, presented an opportunity using donated fill dirt to create a large grass tee area at Heritage Oaks Golf Course. Mr. Layman reviewed a problem that exists on rainy days at The First Tee Learning Center because they were built behind 18 artificial tees. He suggested that the concrete pads should be moved closer to the building. First Tee can help pay for the cost of erecting a silt fence and putting down gravel on the road to the site. First Tee has an approved soil and erosion permit.

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Parks and Recreation Department, Police Department, and Fire Department. The motion also included a rezoning request from Stephan Hess. 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

The item of business was a request for exemption from local property taxation for several City businesses. Commissioner of the Revenue June Hosaflook said current applications include the Harrisonburg Community Health Center, Inc., and the Rockingham Dental Clinic. The Harrisonburg Community Health Center, Inc. has a mission to promote health and wellness to provide care for the ill, injured, and also have affordable health care accessible to people of all ages in the Central Virginia community. They provide a safety net for people facing financial, social, cultural, and language barriers to obtaining health care. They are applying for exemption from business personal property tax in the amount of \$2,180.25. The Harrisonburg-Rockingham Dental Clinic has a mission to provide at reduced fees basic preventive and restorative dental care to low income families who reside in the City of Harrisonburg and Rockingham County. They are applying from business personal property tax in the amount of \$1,226.55. A committee including the City Treasurer, the Commissioner of Revenue, and the Finance Director has recommended approval of these applications.

At 7:13 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, May 8, 2010.

**CITY OF HARRISONBURG  
NOTICE OF PUBLIC HEARING**

**Please take notice that on May 25, 2010 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 personal property taxation:**

- (1) Harrisonburg Community Health Center, Inc., 563-A Neff Avenue, Harrisonburg, VA 22801. The assessed value of all personal property owned by applicant in the City of Harrisonburg for the year 2009 was \$250.00, equaling \$5.00 in personal property taxes. The assessed value of personal property owned in Harrisonburg on January 1, 2010 is \$85,500.00, equaling \$1,710.00 in personal property taxes.**
- (2) The Harrisonburg-Rockingham Dental Clinic, 25 West Water Street, Harrisonburg, VA 22801. The assessed value of all personal property owned by the applicant in the City of Harrisonburg for the year 2009 was \$55,200.00, equaling \$1,104.00 in personal property taxes; for the year 2010, an assessed value of \$48,100, equaling \$962.00 in personal property taxes.**

**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. Christopher Nye Executive Director of the Harrisonburg Community Health Center said the organization is rapidly outgrowing their facility and need a larger building. We provide services in partnership with the University of Virginia to help with patients having infectious disease. There being no others desiring to be heard, the public hearing was declared closed at 7:18 p.m., and the regular session reconvened. Council Member Wiens offered a motion to approve the personal property tax exemption. 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 Byrd  
Council Member Wiens

Mayor Degner

Absent – None

City Manager Hodgen presented for Council's consideration issuing general obligation debt not to exceed \$15,000,000. The proceeds of the bonds will be used to finance a portion of Stone Spring/Erickson Avenue Phase 2.

At 7:20 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 11, and Tuesday, May 18, 2010.

**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"), without a referendum and subject to final approval, of general obligation bonds in a principal amount not to exceed \$15,000,000 (the "Bond") for capital improvement projects. The Bonds may be issued from time to time and in one or more series.**

**The proceeds of the Bonds will be used to (i) finance a portion of the costs of road construction including portions of Stone Spring Road and Erickson Avenue and all necessary grading, overpasses, bridges and other capital costs relating thereto and (ii) 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 25, 2010, 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 authorizing the issuance of the general obligation bonds. There being no one desiring to be heard, the public hearing was declared closed at 7:21 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve the issuance of this general obligation debt not to exceed \$15,000,000. 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 Byrd  
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  
DECLARING ITS INTENTION TO REIMBURSE  
THE COST OF CERTAIN EXPENDITURES**

The City of Harrisonburg, Virginia (the "City") has made or will make expenditures (the "Expenditures") in connection with road construction including portions of Stone Spring Road and Erickson Avenue and all necessary grading, overpasses, bridges and other capital costs relating thereto (the "Project").

The City may determine that the funds advanced and to be advanced to pay the Expenditures will be reimbursed to the City from the proceeds of one or more obligations to be issued by or on behalf of the City (the "Indebtedness").

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

1. The Council hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the City intends to reimburse itself with the proceeds of Indebtedness for Expenditures made on, after or within sixty (60) days prior to the date hereof with respect to the Project. Further, Expenditures made more than sixty (60) days prior to the date hereof may be reimbursed as to certain *de minimis* or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.

2. The maximum principal amount of Indebtedness expected to be issued for the Project is \$15,000,000.

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

Adopted: May 11, 2010

A Copy Teste:

\_\_\_\_\_  
City Clerk

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

(SEAL)

**CERTIFICATION**

The undersigned City Clerk of the City of Harrisonburg, Virginia hereby certifies (1) that the foregoing constitutes a true, correct and complete copy of a Resolution adopted by the City Council of the City of Harrisonburg, Virginia at a regular meeting duly called and held on May 11, 2010, with the City Council members present and absent and voting on the Resolution as set forth below; (2) that such meeting was duly convened and held in all respects in accordance with law; and (3) that the foregoing Resolution has not been repealed, revoked, rescinded or amended.

<u>NAME</u>	<u>ATTENDANCE</u>		<u>VOTE</u>	
	<u>PRESENT</u>	<u>ABSENT</u>	<u>AYE</u>	<u>NAY</u>
Kai Degner, Mayor	_____	_____	_____	_____
Richard Baugh, Vice Mayor	_____	_____	_____	_____
Ted Byrd	_____	_____	_____	_____
Carolyn Frank	_____	_____	_____	_____
David Wiens	_____	_____	_____	_____

WITNESS, my hand and the seal of the City of Harrisonburg, Virginia this \_\_ day of May, 2010.

**CITY OF HARRISONBURG, VIRGINIA**

By \_\_\_\_\_  
Name: Yvonne Bonnie Ryan  
Title: City Clerk

(SEAL)

Council Member Byrd offered a motion to approve a reimbursement resolution for certain costs associated with Stone Spring Road/Erickson Avenue Phase 2 construction 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 Frank  
Council Member Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

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

**A RESOLUTION SUPPORTING AN APPLICATION  
FOR VDOT REVENUE SHARING FUNDS**

**WHEREAS, the City of Harrisonburg desires to submit an application for an allocation of funds up to \$1,000,000 through the Virginia Department of Transportation Fiscal Year 2010-2011, Revenue Sharing Program; and,**

**WHEREAS, \$1,000,000 of these funds are requested to fund construction for Stone Spring Road/Erickson Avenue East-West Connector which includes:**

**UPC 92959: \$1,000,000 (western terminus: South Main Street to eastern terminus: Beery Road)**

**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 \_\_\_\_ day of \_\_\_\_\_, 2010**

**BY: \_\_\_\_\_  
Kai Degner, Mayor**

**ATTEST: \_\_\_\_\_  
Yvonne H. Ryan, MMC, City Clerk**

City Manager Hodgen said that the City has applied for \$1 million in funding from the General Assembly Revenue Sharing funds for FY11 for qualifying transportation projects. The City will be required to match \$1 million in local funding. 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 - Vice-Mayor Baugh  
Council Member Frank  
Council Member Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

Council Member Wiens offered a motion to approve a request by Rockingham Memorial Hospital to close Mason Street between Grace Street and Cantrell Avenue on June 22, 2010 from 7:00 a.m. until 6:00 p.m. RMH will be moving patients and equipment from the hospital's existing location to the Port Republic Road location. 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

Public Utilities Director Collins presented a request to write off delinquent utility bills incurred January 1, 2008 through December 31, 2008. 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 delinquent accounts for a total value of \$49,008.82. 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

Public Utilities Director Collins presented a request for a supplemental appropriation for the Public Utilities Department. These funds were received from a “Safety Grant” from the Virginia Municipal League Insurance Program and will be used to purchase steel trench boxes. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$2,000.00 chge. to: 2011-31828 VML Safety Grant

\$2,000.00 approp. to: 2011-372061-48111 Machinery & Equipment

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

Public Utilities Director Collins presented a transfer request for the Public Utilities Department. These funds will cover expenses after putting all viable cost reduction measures in place for FY 2010. Council Member Frank offered a motion to approve transferring these funds, and that:



\$500,000.00 chge. to:1321-910161-48657 Water Storage Tanks  
500,000.00 chge. to: 2011-34295 Transfer from Water Capital Projects Fund

\$500,000.00 approp. to: 1321-910161-49241 Transfer to Water Fund  
160,000.00 approp. to: 2011-31318 Application Fees  
320,000.00 approp. to: 2011-31513 Investment earnings  
20,000.00 approp. to: 2011-31611 Utility Sales to customers

\$240,000.00 chge. to: 2012-31318 Application fees  
185,000.00 chge. to: 2012-31513 Investment earnings  
125,000.00 chge. to: 2012-31621 Utility Sales to customers  
550,000.00 chge. to: 1322-911161-48647 HRRSA WTP Expansion

\$550,000.00 approp. to: 2012-34294 Transfer from Sewer Capital Project  
550,000.00 approp. to: 1322-911161-49242 Transfer to Sewer fund

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

City Manager Hodgen presented a request for a supplemental appropriation for the Parks and Recreation Department. These funds will reimburse the Blacks Run Greenway budget for expenses incurred from the purchase of a Hydra Lab. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$4,965.35 chge. to: 1000-32531 Department of Conservation Grant

\$4,965.35 approp. to: 1000-710971-46140 Other operating supplies

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

Vote: Yes - 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 a reimbursement through the State Police for Internet Crimes Against Children (ICAC). Council Member Wiens offered a motion to approve this request for a first reading, and that:

\$2,896.72 chge. to: 1000-32547 ICAC Grant – State Police

\$2,896.72 approp. to: 1000-310431-46140 Other Operating 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  
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 through state asset seizure money and will be used to purchase and replace a K-9. Council Member Wiens offered a motion to approve this request for a first reading, and that:

\$7,500.00 chge. to: 1000-31010 Amount from fund balance

\$5,000.00 approp. to: 1000-310631-48241 Police K-9

2,500.00 approp. to: 1000-310631-45530 Training

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

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were received through state asset seizure money and will be used to purchase chemical, impact, and aerosol munitions due to depletion of inventory. Council Member Wiens offered a motion to approve this request for a first reading, and that:

\$8,000.00 chge. to: 1000-31010 Amount from fund balance

\$8,000.00 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  
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 the Department of Forensic Science to reimburse the City for sending an officer to school. Council Member Wiens offered a motion to approve this request for a first reading, and that:

\$229.20 chge. to: 1000-31914 Recovered costs

\$229.20 approp. to: 1000-310231-45530 Training and travel

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

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were reimbursed through a DMV grant and will be used for overtime hours. Council Member Wiens offered a motion to approve this request for a first reading, and that:

\$6,782.98 chge. to: 1000-33524 Federal DMV Grant

\$6,141.89 approp. to: 1000-310231-41020 Salaries/wages OT  
477.17 approp. to: 1000-310631-41020 Salaries/wages OT  
163.92 approp. to: 1000-310431-41020 Salaries/wages OT

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

Under “Other Matters”, at the request of Council, Mike Layman, chairman of The First Tee of Harrisonburg Foundation, once again reviewed an opportunity to use donated fill dirt to create a large grass tee area at Heritage Oaks Golf Course. There will be no hauling fees, nor operator or bulldozer expenses associated with the donated dirt. Cost estimates include approximately \$3,000 for gravel for a road and \$18.00 per hundred feet for a silt fence. Future projects could include additional top soil, grass seed, mulch, and water. Mr. Layman said that First Tee is willing to help pay for some of the expenses to help Heritage Oaks Golf Course be as financially successful as it can be.

Mayor Degner asked if the Parks and Recreation Commission have discussed the golf tee issue and whether a plan with this tee expansion has been approved. Will there be a possibility of donated dirt in the future? Is there an estimate of expenses associated with this donation from staff? The community has demonstrated an ability to raise private funds to offset costs for things like this. Is there a sense of urgency involved in this gift disappearing because the timing doesn't work?

Assistant City Manager Vass read the Parks and Recreation Commission meeting minutes. “The Harrisonburg Parks and Recreation Commission recommends to City Council that a conceptual master plan be devised for additional and complementary facilities to Heritage Golf Course including a short gain practice area on acreage adjacent to the existing driving range.”

Council Member Wiens said the Parks and Recreation Commission approved the concept of developing a plan. “I believe Mr. Layman wants the facility to be more useable and also avoid anyone getting hit from people using the driving range. However, I am not sure we need to develop a Master Plan.” The donated dirt will be useful for the area.

Council Member Byrd said that loads of dirt, gravel for a road, and silt fence should cost approximately \$6,000. Is First Tee willing to help with any expenses? If we accept the donation will the City have a level area until the Parks and Recreation Commission can provide a long range plan for the operation of the course?

Vice-Mayor Baugh said that if we accept the proposal, but not accept any related expenses or other commitment then we still have the dirt. But, it could sit there for a long time.

We should allocate some funds for it rather than waiting on the development of a plan telling us whether we want to do it or not.

City Manager Hodgen said we do not have any money in the budget and unless some funds are appropriated we cannot do anything with the donated dirt. Perhaps The First Tee program would be willing to contribute to the expenses.

Following more discussion and comments, Council Member Byrd offered a motion to authorize staff to accept the dirt contingent that the cost does not exceed \$10,000. 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  
Mayor Degner

No - Council Member Frank

Absent – None

Council Member Frank asked staff to look into the possibility of leasing the golf course. “I believe that it continues to be a drain on the City and we are not able to close the gap between the operational costs and in coming revenue.” We still have to pay the debt service and leasing the golf course could save the City at least \$300,000 or more.

Council Member Frank offered a motion that Anne Elizabeth Leake Frazier, 216 Divot Drive, be appointed to a second term on the Social Services Advisory Board to expire on July 1, 2014. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

At 8:27 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 8, 2010

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; 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 and City Attorney Earl Q. Thumma, Jr.

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

Sandra Quigg said that she lives on Franklin Street in Old Town. Dangerous traffic conditions exist in the Old Town neighborhood and the immediate establishment of traffic calming measures is needed on Franklin and Ott Streets. Residents are also asking that the City create and activate a comprehensive traffic-calming plan for the entire Old Town Neighborhood. Old Town cannot accommodate the current use of its streets by automobiles that regularly drive through at dangerous speeds. “Our streets have become by-passes to the main roads.” Visibility at intersections is poor. Due to a serious collision this past week-end at the intersection of Ott and Franklin Street a woman had to be hospitalized with life-threatening injuries and the driver was jailed. Old town is a residential, walking, biking neighborhood built in the early 1900’s with sidewalks and street parking. Bruce Street, no wider than an alleyway and a backyard too many homes, is a veritable drag way. Myers and Mt. View are host to our local elementary school to which our children try to walk and bike. Mason Street is host to many JMU students, Old Town residents, cyclists, and many cars. “Most accidents we have seen involve cars passing through the neighborhood and, thankfully, have not involved our children.” The Department of Public Works requires 75% of household signatures from a predetermined zone to begin to explore project-specific solutions for Franklin and Ott. The residents have accomplished this task and now would like for the City to take immediate action to solve a potentially lethal situation on the corner of Franklin and Ott. A small tree was trimmed on Monday revealing a stop sign but, something more substantial and more permanent is required in order to slow traffic. We need to fix the potentially deadly Ott-Franklin intersection now, and then we need the City’s traffic experts to provide us with a comprehensive neighborhood plan to make Old Town the safe pedestrian neighborhood it is meant to be.

Mike Haines said perhaps posting additional signs identifying the area as a school area and children at play would be helpful.

Heather Griscom said that Franklin Street does have one speed sign, but also a four-way stop sign would be helpful. Residents are also concerned about the length of process of implementing traffic calming measures.

Laurie Wilmerwright said her children cannot play in the backyard because it is beside Bruce Street and has a lot of traffic. A traffic calming study was conducted on Bruce Street, but

it didn't meet the qualifications of the study. Limiting truck traffic on Bruce Street and making it one-way would be helpful.

Mayor Degner said that some infrastructure improvements of the traffic calming solutions are expedited by the community sharing in the cost of the installation.

Quiet T. Please said that Harrisonburg needs a bus service. He also spoke against the design of the bike path on Chicago Avenue.

Bronson Griscom, said safety and traffic measures need to be taken on several streets in the Old Town neighborhood. There is a need for a physical component in addition to signage to slow cars down on the streets. Many people are using the neighborhood as a cut through street.

Bucky Berry said that the graffiti spray-painted on City buses, property, and City businesses should have been removed immediately. He believes the City also has a major gang problem.

Council Member Wiens offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Parks and Recreation Department, Police Department, and Public Utilities Department. 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

Absent – Council Member Byrd

Planning and Community Development Director Turner presented for Council's consideration amending Section 10-3-84 and 10-3-109 of the Zoning Ordinance. Mrs. Turner reviewed the changes in these sections, which contain grammatical corrections and typo errors. Planning Commission has recommended approval of these changes to the zoning ordinance.

At 7:34 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 Monday, May 24, and Tuesday, June 1, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, June 8, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Ordinance Amendment – Zoning Ordinance Amendments Section 10-3-84 and 10-3-109***

**Public hearing to consider a request to amend Sections 10-3-84 and 10-3-109 for corrections to the Zoning Ordinance.**

**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 (5) five 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 the Zoning Ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:35 p.m., and the regular session reconvened. Vice-Mayor Baugh offered a motion to approve amending these ordinances 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 Frank  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – Council Member Byrd

The applicant requested that a public hearing scheduled to consider a rezoning request and special use permit request be continued until the June 22 Council meeting and the public hearing is continued until June 22.

Mayor Degner presented a resolution authorizing the issuance and sale of General Obligation Bonds Public Improvement Bonds, Series 2010A and General Obligation Public Improvement Refunding Bonds.

Ted Cole of Davenport and Company, the City's financial advisor, presented an overview of a resolution. The proceeds of this bond issued will be used to finance road construction of Stone Spring Road/Erickson Avenue, Phase 2. In addition, the City has determined that the debt service costs could be lowered by issuing general obligation public improvement refunding bonds. Mr. Cole briefly reviewed prior bonds, interest rate market and a timetable regarding issuing the bonds. Vice-Mayor Baugh reported that the Finance Committee has recommended approval. 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 Frank



Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – Council Member Byrd

Public Utilities Director Collins presented for Council’s consideration amending and re-enacting sections of the City Code for the Public Utilities Department. Mr. Collins presented a brief overview of the schedule of rates and changes, language changes, consolidated fees, and penalties. These annual step increases in water and sewer utility rates will become effective July 1, 2010. Council Member Wiens offered a motion to approve amending and re-enacting these ordinances 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 Frank  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – Council Member Byrd

Council Member Frank offered a motion to approve a request from Harrisonburg Downtown Renaissance for Valley 4<sup>th</sup> on Saturday, July 3, 2010. The streets will be closed from 10:00 a.m. until 11:30 p.m., and the parade will begin at 5:00 p.m. 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  
Mayor Degner

Absent – Council Member Byrd

At 7:58 p.m., Council Member Byrd joined the City Council meeting.

The next item of business was a presentation of the Downtown Master Streetscape Plan Concept. Public Works Director Baker said the goal for the Downtown Master Streetscape Plan is to present a unified vision for the downtown area that synthesizes all pertinent past and working documents into a single plan.

Assistant Public Works Director Williams said the City has been faced with many challenges over the last few years. The objective is to present a unified vision for the downtown area, by helping all utilities, refuse storage and collection, public transportation accommodations, pedestrian and bicycle infrastructure and routing. Without a “master” planning document, we are implementing alterations in a piecemeal fashion and are unable to clearly communicate an expectation regarding what our overall downtown plan is. Mr. Williams reviewed the elements

of the Plan. The Study area is defined as Kratzer Road to the North, Cantrell Avenue to the South, Mason Street to the East, and High Street to the West. Also, the significant corridors leading into the downtown area will be reviewed. It is recommended that the Downtown Master Streetscape Plan Committee include City staff, Public Works, Community Development, Economic Development, downtown community citizens, and a Council Member. Project completion dates will not be defined, but it is hoped that this plan can be used as a tool for budget preparation, CIP process, and marketing opportunities in the downtown area. There is no funding for the second phase of the Downtown Master Streetscape Plan; however, having a planning document in place will expedite the process once funding is available. City Manager Hodgen said that it would be helpful to have Council's interest in proceeding with plans. Having plans in place also makes grant funding a little more accessible.

City Manager Hodgen presented for Council consideration's amending and re-enacting Chapter 4 of Title 13 of the City Code (Traffic Safety Commission). This item is the result of recent Council discussions relative to a request to establish a new Bicycle Advisory Commission. It was recommended at that time that rather than creating a new commission, that the existing Traffic Safety Commission be re-formatted and charged with additional advisory responsibilities for bicycle and transportation infrastructure issues. The ordinance amendment will change the name of the committee to the Harrisonburg Transportation Safety and Advisory Commission and incorporates bicycle and pedestrian charges to their duties and responsibilities. The name change is recommended for approval. Following further discussion and comments, Council Member Byrd offered a motion to approve this ordinance for a first reading 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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent - None

The next item of business was a report on the Virginia Retirement System (VRS) changes. City Manager Hodgen said that this past year the General Assembly adopted new legislation, which allows as of July 1, 2010, localities to charge any new employees up to full 5% of the employees' share of the contribution to the VRS system. This does not apply to existing employees or anybody that the City may hire in the future that is already in a VRS covered position. Staff is communicating with other localities to get a sense of what they may recommend to their governing bodies. This is an issue that could create "competitiveness concerns" relative to recruitment.

City Manager Hodgen presented a request for a supplemental appropriation for the Public Works Department. He said these funds were received from participants in the rain barrel workshop in April 2010 to reimburse the citywide drainage program for expenditures. Council Member Wiens offered a motion to approve this request for a first reading, and that:

\$1,560.00 chge. to: 1310-31914 Recovered costs

\$1,560.00 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 Frank  
Council Member Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent - None

At 8:36 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 22, 2010

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

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

Mayor Degner recognized Boy Scout Allen Smith who was attending the Council meeting to work on his community and citizenship badge.

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 Works Department, amending and re-enacting Sections 10-3-84 and 10-3-109, and Chapter 4 of Title 13 of the City Code. The motion also included amending and re-enacting Sections of the City Code for the Harrisonburg Department of Public Utilities. 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 Wiens  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

Mayor Degner announced that Agenda Item #6 and #7 regarding a rezoning and special use permit amending proffers on property zoned R-5C, High Density Residential District Conditional located between Boxwood Court and Kaylor Park Drive will be covered by one staff presentation.

Planning and Community Development Director Turner presented a request from Bill Neff to rezone 60.43 +/- acres by amending proffers on property zoned R-5C, High Density Residential District Conditional. The developer has requested a special use permit to allow more than 12 units per building. The properties can be found on tax maps 2-C-1, 2-D-0, 6-10, and 103-A-5A. The Comprehensive Plan designates this area as Medium-Density Mixed Residential. Mrs. Turner reviewed the surrounding uses in the area. This property was the subject of requests for both a Comprehensive Plan Amendment and a rezoning in 2006. At the time, the applicant received approval of the Comprehensive Plan Amendment and also to rezone the property from M-1, General Industrial District and B-2, General Business District to R-7, Medium Density Mixed Residential Planned Community District. The plan of development

proposed 326 townhouses and 140 apartments, which had a public street running through the development connecting Kaylor Park Drive to a proposed relocated Boxwood Court. The proposed change used the existing Boxwood Court and required the installation of a phased traffic signal for Boxwood Court and Pointe Drive. Staff recommended against both requests due to transportation issues and land use concerns. Planning Commission voted 4-2 against the Comprehensive Plan amendment but had a neutral vote of 3-3 on the rezoning request. Both were unanimously approved by City Council by a vote of 5-0.

In January 2007, the property owner requested a revision to the development plan that required a submission for rezoning. This was primarily due to problems with acquiring right-of-way from adjacent property owners to relocate Boxwood Court as planned. The proposed change used the existing Boxwood Court and required the installation of a phased traffic signal for Boxwood Court and Pointe Drive. Staff, again, did not recommend this Plan. Planning Commission unanimously recommended denial and City Council denied the request with a vote of 3-2.

In October 2007, the property was again under review, this time to rezone the property to R-5C, High Density Residential District Conditional. This request reflected a change from townhouses and apartments to 322 condominiums and 144 apartments for a total of 466 housing units. Mrs. Turner reviewed the changes in the plan for the development by a different developer who is interested in having all 466 housing units become apartments and allowing more than 12 units per building. Their intent would be to market the units to students. Also, reviewed were the existing proffered regulations for this property with a specific plan of development. There were several minor amendments made to the proffers during the Planning Commission meeting. Planning Commission believes that the plan for the development owned and managed by a single entity would be an improvement for the property. Planning Commission has recommended approving the rezoning request with the amendments to the Plan of Development and also approving the special use permit for buildings with more than 12 units.

At 7:30 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 Monday, May 24, and Tuesday, June 1, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, June 8, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

#### ***Rezoning – Southbury Station Proffer Amendment 2010***

**Public hearing to consider a request from Bill Neff, with representative Babcock, LLC, to rezone 60.43 +/- acres by amending proffers on property zoned R-5C, High Density Residential District Conditional. The property has approximately 40-feet of frontage along South Main Street with the majority of the property located between Boxwood Court and Kaylor Park Drive, adjacent to I-81. The properties can be found on tax maps 2-C-1, 2-D-0,**

**6-10, and 103-A-5A. The Comprehensive Plan designates this area as Medium-Density Mixed Residential. This designation is intended for small-lot single family detached and single family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. The gross density of development in these areas should be in the range of 4-12 dwelling units per acre. The Zoning Ordinance states that the R-5, High Density Residential District is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational and utility uses.**

***Special Use Permit – Southbury Station 2010 (10-3-55.4(1))***

**Public hearing to consider a request from Bill Neff, with representative Babcock, LLC for a special use permit per Section 10-3-55.4 (1) of the Zoning Ordinance to allow multiple-family dwellings of more than twelve units per building in the R-5, High Density Residential District. The property is located between Boxwood Court and Kaylor Park Drive, adjacent to I-81. The properties can be found on tax maps 2-C-1, 2-D-0, 6-10, and 103-A-5A.**

**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 (5) five 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.

Robert Babcock, contract purchasers of the subject property, said Boxwood Court during the first phase would be offered as a secondary access primary for emergency purposes. Mr. Babcock reviewed the future vision and plans for the development.

Seth Roderick, an engineer representing the developer, said the emergency access during Phase I is controlled by the City and all discussions have been that Boxwood Court will be emergency access only. This development has been discussed for about five years and is now moving forward because of the change in the housing unit types.

William Long, trustee of property at 2870 South Main Street, said that several occupants of their building are concerned with the movement of the entrance across from Pointe Drive. We have many elderly patients and the possibility of collisions could exist.

Todd Fallow, a dentist who has a practice in the building at 2870 South Main Street, said the changes in the traffic are a concern because of the potential of having cut-through traffic. There being no others desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened.

The following discussion by Council Members included: Technically this property is planned and zoned for this type of development. That decision was made in 2006 to allow 466

housing units on this property. Concept of student housing in this location is a terrible idea. Problems that exist on Boxwood Court should have been a reason not to approve this rezoning in 2006. It is a situation that doesn't have a good answer. Will public interest be served? Best proposal of the three previous proposals. Proposal has more green space, links and dedicates a bike trail, and has increased security. Following further discussion and comments, Council Member Byrd offered a motion to approve Planning Commission's recommendation amending the proffers on this rezoning request for this property. 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 Wiens  
Vice-Mayor Baugh  
Mayor Degner

No - Council Member Frank

Absent – None

At 8:17 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 Monday, May 24, and Tuesday, June 1, 2010.

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

**The Harrisonburg City Council will hold several public hearings on Tuesday, June 8, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

*Special Use Permit – Southbury Station 2010 (10-3-55.4(1))*

**Public hearing to consider a request from Bill Neff, with representative Babcock, LLC for a special use permit per Section 10-3-55.4 (1) of the Zoning Ordinance to allow multiple-family dwellings of more than twelve units per building in the R-5, High Density Residential District. The property is located between Boxwood Court and Kaylor Park Drive, adjacent to I-81. The properties can be found on tax maps 2-C-1, 2-D-0, 6-10, and 103-A-5A.**

**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 (5) five 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 to allow multiple-family dwellings. There being no one desiring to be heard, the public hearing was declared closed at 8:18 p.m., and the regular session reconvened. Vice-Mayor Baugh offered a motion to approve the special use permit 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 Wiens  
Vice-Mayor Baugh  
Mayor Degner

No - Council Member Frank

Absent – None

The next item of business was a request from City Manager Hodgen to consider removing delinquent taxes from the current collection accounts. The City is required to remove uncollectible personal property taxes for the year 2004 and real estate taxes for the year 1989 as stipulated in the City Code and Code of Virginia. This will not eliminate the City's diligent pursuit of these past due taxes. Since the City has employed the DMV stop program to help collect personal property taxes there has been an increase of about \$62,000 collected over last year. Council Member Frank offered a motion to approve this request. 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 Wiens  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

The next item of business was approval of a City owned site for the location of a "Welcome Home Garden." Parks and Recreation Director Foerster said that the concept of a "Welcome Home Garden" honoring returning war veterans was originally presented to City Council earlier this year. The concept was referred to the Parks and Recreation Commission for their recommendation. After reviewing several City owned sites the Parks and Recreation Commission at its May 17, 2010 meeting, made a motion to recommend that the backyard of the City Municipal Building be selected as the site for the construction of the "Welcome Home Garden." The "Welcome Home Garden" design plan will include a water feature that does not present safety issues or require intensive maintenance. Council Member Wiens offered a motion to approve selecting the backyard of the Municipal Building as the location of the "Welcome



Home Garden.” The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote of Council.

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 Harrisonburg is being noticed around the state for having successful downtown businesses. HDR has been awarded a grant from Virginia Main Street to attract more visitors from Massanutten Resort as well as the hospitality industry in the City to make them aware of the downtown attractions. Mr. Bumbaugh also reviewed projects receiving Façade Enchantment grants, new businesses, new housing units, and restaurants. HDR is also creating a business resource guide to provide more information for downtown businesses. He said that downtown businesses have expressed concern regarding the number of newsstands and information racks, which have been placed on public sidewalks in downtown. Council reminded Mr. Bumbaugh that any pertinent information or supporting documentation should be included in their packets and not provided the night of the meeting. It would also be very helpful if the downtown merchants and citizens could provide more information to Council regarding newsstands and information racks.

Jessica Chase, Manager/Downtown Parking Services for HDR, reviewed information regarding events that occurred during the last several months and upcoming events. All of the new parking signs throughout the downtown area have been put in place.

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

## **RESOLUTION**

### **Authorization to Pick-up the Employee’s Contribution to VRS Under § 414(h) of the Internal Revenue Code For Plan 2 Employees**

**WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as “Plan 2 Employees”). The legislation stipulates that Plan 2 Employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and**

**WHEREAS, the legislation allows certain employers, including the City of Harrisonburg, to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and**

**WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and**

**WHEREAS, employee contributions that are picked-up as an additional benefit not paid as salary are not considered wages for purposes of VA Code § 51.1-700 et seq. nor shall they be considered salary for purposes of VA Code § 51.1-100 et seq.; and**

**WHEREAS, the City of Harrisonburg desires to pick-up and pay its Plan 2 Employees' member contributions to VRS as an additional benefit not paid as salary in an amount equal to (1%) (2%) (3%) (4%) (5%) of creditable compensation; and**

**WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.**

**NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of July, 2010, the City of Harrisonburg shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to 5% of creditable compensation subject to the terms and conditions described above; and it is further**

**RESOLVED that such contributions, although designated as member contributions, are to be made by the City of Harrisonburg in lieu of member contributions; and it is further**

**RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the City of Harrisonburg directly instead of having them paid to VRS.**

**Approved: June 22, 2010**

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**Mayor**

**ATTEST:**

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**CLERK OF THE COUNCIL**

City Manager Hodgen said the recently completed General Assembly session, legislation was passed which allows localities the option of continuing to pay the 5% employee share of retirement costs or paying any "whole percent up to the entire 5%". This applies only to new employees hired after July 1, 2010 who are not currently in the VRS system in a different locality. It does not affect existing employees. The City is required to notify VRS by June 30, 2010 of its intent. No action results in a default decision whereby any new employees hired after July 1, 2010, would be required to contribute the full 5% employee share. There was a very short time frame given to localities to make this decision. There is also concern about competitiveness. Mr. Hodgen reviewed changes in the Virginia Retirement System (VRS) and possible annual savings to the City. Following further discussion and comments, Vice-Mayor Baugh offered a motion to adopt the resolution and continue to pay the 5% employee share of the retirement costs. 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  
Mayor Degner

No - Council Member Byrd  
Council Member Frank

Absent – None

Police Major Wilfong presented a request for a supplemental appropriation for the Police Department. This is a reimbursement through the Virginia State Police for Internet Crimes Against Children (ICAC). Vice-Mayor Baugh offered a motion to approve this request for a first reading, and that:

\$461.43 chge. to: 1000-31914 Recovered costs

\$461.43 approp. to: 1000-310331-48172 Replacement hardware

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 Wiens  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

City Manager Hodgen thanked Police Major Wilfong who is retiring at the end of the month, for 35 years of good service with the City.

At 9:50 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 13, 2010

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

Tom Mofflett thanked Council for continuing to pay the 5% employee share of the retirement costs.

Bucky Berry encouraged everyone to support upcoming City food drives in November and December. He also requested that Council consider eliminating the City decal.

Eugene Wenger said traveling through the intersection of Mount Clinton Pike and Chicago Avenue is becoming a safety hazard because there are many tractor trailers turning left from Mount Clinton Pike onto Chicago Avenue. Chicago Avenue was not designed for tractor trailer trying to take a shortcut to 33 West. He asked Council to consider taking action and eliminate trucks from Chicago Avenue.

Quiet T. Please said process is the key. He spoke against the design of bike lanes on City streets and indicated there are existing transportation problems in the City. He also suggested that it would helpful if Council held two meetings each month.

John Rugmin said that a traffic signal on Water Street and Liberty Street is confusing to motorists. The traffic signal should have a right turn arrow rather than a solid green light because the only choice is to turn right.

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 a rezoning request from Bill Neff. 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 Frank  
Council Member Byrd  
Mayor Degner

Absent – None

The next item of business was considering adopting the Bicycle & Pedestrian Plan 2010. Public Works Planner Thanh Dang reviewed some of the significant changes with this plan from the previously adopted 2005 plan. Mrs. Dang said that public input meetings have been held to review the new bicycle and pedestrian plan, which is significant because the plan has the use of Shared Lane Markings or “Sharrows.” Members of the committee, citizens, and staff worked together to establish a list of two and five year goals, and a long-term vision. The plan was recommended for approval by both Planning Commission and the Transportation Safety and Advisory Commission.

City Manager Hodgen said that financing and funding of different recommendations and projects would become part of the Capital Improvement Plan (CIP), which does have some existing bike and pedestrian walkway projects in it. Council will prioritize projects in the CIP.

At 7:27 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 Monday, June 28, and Monday, July 5, 2010.

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

**The Harrisonburg City Council will hold several public hearing on Tuesday, July 13, 2010, at 7:00 p.m. in City Council Chambers, 409 South Main Street, to consider the following:**

***Bicycle and Pedestrian Plan***

**Public hearing to consider adopting the City of Harrisonburg’s Bicycle and Pedestrian Plan. The purpose of the document is to provide a framework to develop and implement bicycle and pedestrian transportation in the City.**

**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 (5) five 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 Bicycle & Pedestrian Plan 2010.

Bucky Berry said lights at cross walks needed better enforcement.

Thomas Jenkins thanked City staff and citizens for the support and involvement throughout the process of improving the bicycle and pedestrian plan. The plan focuses more on connecting

neighborhoods to schools, homes to places of employment, shopping, and recreation. It will take a financial commitment to make the plan a reality.

Leonard VanWyk encouraged Council to vote for this plan and fund projects. The two and five year windows are a nice way to allow some flexibility on certain projects.

Ben Wyse said there are many families who are scared to walk and bike around town with their children because they feel unsafe doing so. We need to adopt this plan for the next generation. It will make our community healthy, friendly, and give us a better environment.

Dane Cline said the City needs bike lanes.

Nichols McLoss said that as a child the bicycle was his only transportation to many school events and activities since his Mother was working and couldn't provide transportation.

John Rugmin said our society has pumped too much money into building roads.

Dale Diaz said a bicycle plan would benefit the residents of Harrisonburg and could be a draw for tourism and people retiring. The town of Grottoes has a bike trail why can't Harrisonburg have one.

Kim Robinson said that she grew up in Davis, CA and rode her bike to school every day. There being no others desiring to be heard, the public hearing was declared closed at 7:58 p.m., and the regular session reconvened.

Council Members agreed to table taking action on adopting the Bicycle and Pedestrian Plan 2010 until July 27, 2010.

Planning and Community Development Director Turner presented for Council's consideration amending Section 10-3-136(1) of the Zoning Ordinance. Mrs. Turner reviewed the changes in this section, which specifically deals with the provisions regulated by the variances portion that the Board of Zoning Appeals (BZA) governs and under what conditions the BZA can grant variances. The language the City uses in this part of the Zoning Ordinance is very similar to the language used in the Code of Virginia (Section 15.2-2309) that grants the City permission to regulate such actions. Planning Commission has recommended approval of the change to the zoning ordinance.

At 7:57 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 Monday, June 28, and Monday, July 5, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearing on Tuesday, July 13, 2010, at 7:00 p.m. in City Council Chambers, 409 South Main Street, to consider the following:**

***Ordinance Amendment – Zoning Ordinance Section 10-3-136***

**Public hearing to consider a request to amend Section 10-3-136 of the Zoning Ordinance for consistency with the Code of Virginia.**

**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 (5) five 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 the Zoning Ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:58 p.m. Vice-Mayor Baugh offered a motion to approve amending this ordinance 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

City Treasurer Jeff Shafer presented Master Governmental Deputy Treasurer certificates to Jennifer Click and Melody McConnell. Jennifer Click and Melody McConnell have achieved Master Governmental Deputy Treasurer status as awarded by the Weldon Cooper Center for Public Service of the University of Virginia. This program involved numerous classes and a lot of commitment to continuing education. Council congratulated Jennifer and Melody for their achievements.

The next item of business was a request from City Treasurer Jeff Shafer to advertise delinquent real estate taxes for the years 2007/2008 and 2008/2009. The advertisement will be published in the Daily News Record. Council Member Frank offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

City Manager Hodgen presented a request for a supplemental appropriation for the Emergency Communications Center Fund Balance. These funds were received from a Virginia Information Technology Agency Grant, along with a match amount from the ECC fund balance and will be utilized to replace the E-911 system. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$ 89,552.91 chge. to: 1116-31010 Amount from fund balance  
325,000.00 chge. to: 1116-32548 Va. Information Technology Agency Grant

\$414,512.91 approp. to: 1116-321132-48126 E-911 Replacement

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 Frank  
Council Member Byrd  
Mayor Degner

Absent – None

Tourism Marketing Coordinator Hall presented a request for a supplemental appropriation for Tourism and Visitor Services. These funds were received from a grant from the Virginia Tourism Corporation Marketing Leverage Program. The funds will be used to develop a media piece to market Harrisonburg to the website, D.C. metro market. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,599.39 chge. to: 1000-32456 Virginia Tourism Market Leverage Grant

\$1,599.39 approp. to: 1000-810821-43100 Professional Services

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

City Manager Hodgen presented a supplemental request for the Parks and Recreation Department. These funds are a reimbursement to the department budget for expenses incurred for repair of a City vehicle that was involved in an accident. The City driver was not at fault and the funds in question are proceeds from the “at fault” driver’s insurance. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$3,629.91 chge. to: 1000-31010 Amount from Fund Balance

\$3,629.91 approp. to: 1000-710171-43330 Maint. & Repair/Machinery & Equipment

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

City Manager Hodgen presented a request to transfer funds from one Parks and Recreation capital projects fund to another fund. The money will be transferred from the Ralph Sampson Park Improvements Capital Projects Fund to the First Tee Building Capital Projects Fund. Council Member Wiens offered a motion to approve transferring these funds, and that:

\$19.24 chge. to: 1310-910141-48719 Ralph Sampson Park Improvement

\$19.24 approp. to: 1310-910141-48720 First Tee Building

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

At 8:29 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration personnel, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) 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  
Vice-Mayor Baugh  
Council Member Frank  
Council Member Byrd  
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

July 27, 2010

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.

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

Vice-Mayor Baugh representing the State Transportation Safety Board presented Master Police Officer Michael R. Gangloff with a State Award in the category of Law Enforcement. Also, he stated that the area won 2 of the 15 awards went to the Harrisonburg area.

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, Tourism and Visitor Services, and Emergency Communications Center. The motion also included amending Section 10-1-135 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 Frank  
Council Member Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

Vice-Mayor Baugh offered a motion to adopt the “Bicycle and Pedestrian Plan-2010” as presented. 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

City Manager Hodgen presented the following resolution for Council’s consideration.

**A RESOLUTION ENDORSING THE SUBMISSION OF A TIGER II GRANT  
APPLICATION  
FOR THE ERICKSON AVE-STONE SPRING RD/SOUTHEAST CONNECTOR**

**WHEREAS, the TIGER II (Transportation Investment Generating Economic Recovery) program 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 II 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**

**WHEREAS, TIGER II Discretionary Grants may be used for up to 80 percent of the costs of a project, but priority must be given to projects for which Federal funding is required to complete an overall financing package; and**

**WHEREAS, an active partnership between the City of Harrisonburg, County of Rockingham, Virginia Department of Transportation, Federal Highway Administration and the Stone Spring Consortium which have contributed a total of \$47.9 million constituting 42.2% of the total project cost thereby meeting the 20% match requirement;**

**NOW, THEREFORE BE IT RESOLVED that the *Harrisonburg City Council* hereby endorses the TIGER II Grant application and request of \$51.5 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.**

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2010

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

**Kai Degner, Mayor**

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

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

Council Member Byrd offered a motion to adopt the “Resolution TIGER GRANT II”. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

City Manager Hodgen presented a request to authorize the re-appropriation of several encumbrances that were outstanding at June 30, 2010. Mr. Hodgen said the purchase orders were for goods and services which were contracted for but not received prior to June 30, 2010. These funds are predominantly for paving projects and transit bus purchases that were not completed at fiscal year-end. The 2010-2011 budget will increase by \$2,942,682.73. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,234,865.88 chge. to: 1000-31010 Amount from fund balance  
150,534.90 chge. to: 1111-31010 Amount from fund balance  
22,505.95 chge. to: 2011-31010 Amount from fund balance  
27,099.00 chge. to: 2012-31010 Amount from fund balance  
54,375.00 chge. to: 2013-31010 Amount from fund balance  
1,439,612.00 chge. to: 2013-33305 Transit-Capital grant for buses  
13,690.00 chge. to: 2013-33306 Transit – Operational

\$ 825.00 approp. to: 1000-121313-45530 Training and travel  
1,529.58 approp. to: 1000-121313-46010 Office supplies  
1,954.80 approp. to: 1000-121313-46152 Tags decals stamps – resale  
4,725.00 approp. to: 1000-121313-48121 Furniture and fixtures  
3,712.12 approp. to: 1000-122011-43320 Service contract  
4,765.00 approp. to: 1000-310231-48111 Machinery and equipment  
7,900.12 approp. to: 1000-310431-48171 Hardware  
90,236.01 approp. to: 1000-310431-48272 Hardware  
83,310.99 approp. to: 1000-310431-48273 Software  
6,516.42 approp. to: 1000-310631-46100 Police supplies  
9,098.00 approp. to: 1000-320232-48113 Equipment  
8,536.33 approp. to: 1000-350532-48113 Equipment  
1,000,737.32 approp. to: 1000-410241-43372 Main & repairs-allowable  
1,685.40 approp. to: 1000-710271-48184 Improvements  
3,413.60 approp. to: 1000-710671-43320 Service contracts

5,920.19 approp. to: 1000-710671-43700 Contracted services  
99,845.55 approp. to: 1111-111114-40610 Instruction  
6,990.00 approp. to: 1111-111114-40620 Admin-Attend-Health ser.  
39,693.75 approp. to: 1111-111114-40640 Operations & maintenance  
4,005.60 approp. to: 1111-111114-40680 Technology  
5,005.95 approp. to: 2011-332061-43100 Professional services  
17,500.00 approp. to: 2011-372061-48181 Buildings and grounds  
7,500.00 approp. to: 2012-432061-43100 Professional services  
12,175.00 approp. to: 2012-472061-48181 Buildings and grounds  
7,424.00 approp. to: 2012-472061-48225 Radio meters  
13,690.00 approp. to: 2013-872081-48156 Automotive equipment  
1,493,987.00 approp. to: 2013-872081-48253 Transit buses

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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

City Manager Hodgen presented for Council consideration's enacting Section 16-4-19 of the Harrisonburg City Code. This ordinance was recommended to the City by the Commonwealth Attorney's office and will provide a mechanism for the Police Department and private property owners to use in dealing with trespassing and bad behavior. Mr. Hodgen also said that Staff continues to work with appropriate agencies and other entities to develop additional tools to address issues that could limit and/or reduce the likelihood of a recurrence of the events of April 10. Council Member Byrd 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 - Vice-Mayor Baugh  
Council Member Frank  
Council Member Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

Chief of Police Donald Harper presented a supplemental request for the Police Department. These funds are a reimbursement for members of the SWAT team who attended a SWAT competition. The Harrisonburg team finished the competition in second place. Council Member Byrd offered a motion to approve this request for the first reading, and that:

\$1,380.68 chge. to: 1000-31901 Recoveries

\$1,380.68 approp. to: 1000-310631-45530 Training/Travel

This 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

Council Member Byrd offered a motion that Bonnie Keppel, H.R.D. Manager RMH, and David Holsinger, Vice-President Valley Blox, be appointed to a second term on the Shenandoah Valley Workforce Investment Board to expire June 30, 2014. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

At 7:33 p.m., Vice-Mayor Baugh offered a motion that Council enter into a closed session for consultation with legal counsel 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 Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:00 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.

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, RATIFYING THE ACTIONS OF THE  
MAYOR AND CITY ATTORNEY IN FILING AN ANSWER TO THE  
GENERAL EXCAVATION SERVICES, INC. PROTEST OF JULY 16, 2010**

**WHEREAS, on July 16, 2010 General Excavation Services, Inc. (GEI) filed a protest to the awarding of a contract for the Erickson Ave/Stone Spring Road Phase II project; and**

**WHEREAS, the City of Harrisonburg had ten days to file an answer to the GEI protest; and**

**WHEREAS, the answer to the protest needed to be filed prior to the city council's next meeting on July 27, 2010; and**

**WHEREAS, the Mayor and the City Attorney prepared and filed an answer to the GEI protest on July 23, 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, does hereby ratify and confirm the actions of the Mayor and City Attorney in promptly filing an answer to the GEI protest and further agrees that the response to the GEI protest was proper and correct.**

**Approved: July 27, 2010.**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Vice-Mayor Baugh offered a motion to adopt the resolution. 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None



At 8:05 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 10, 2010

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 Police Captain Dan Claytor. Absent: Police Chief Donald Harper.

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

Bucky Berry gave his support for the Lucy Simms Center and the shower usage. He would like us to utilize the building for the community, but screen those who are able to use the showers.

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 re-appropriation of encumbrances outstanding at June 30, 2010. The motion also included enacting Section 16-4-19 of the Harrisonburg City Code. 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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

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 30, 2010, it is considered approved. Council Member Frank offered a motion to approve the FY 2011 State Performance Contract for the Harrisonburg-Rockingham Community Services Board. 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 Byrd  
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 OF HARRISONBURG, VIRGINIA  
REGARDING THE PURCHASE OF THE HISTORIC COMPONENT  
OF THE LUCY F. SIMMS CONTINUING EDUCATION CENTER**

**WHEREAS, the City of Harrisonburg, Virginia (the "City"), in cooperation with the Harrisonburg Redevelopment and Housing Authority (the "Authority"), the Boys & Girls Club of Harrisonburg and Rockingham County (the "Boys & Girls Club"), and the Harrisonburg-Rockingham Association For Retarded Children, Inc. ("ARC") has assisted in the renovation of the original, historic portion of the Lucy F. Simms Continuing Education Center (the "Historic Component"); and**

**WHEREAS, the City sold the Historic Component to Lucy F. Simms, L.P. (the "Partnership") pursuant to a purchase agreement entered into between the City and the Partnership on January 20<sup>th</sup>, 2005 (the "City Purchase Agreement") so that the Partnership could utilize the Historic Component as a community education center in order to promote life-long learning and to enhance the health, safety, and welfare of the citizens of the Harrisonburg/Rockingham County community; and**

**WHEREAS, a portion of the purchase price of the Historic Component was paid in the form of a promissory note by the Partnership to the City (the "Partnership Note"). Payments of principal and interest on the Partnership Note were deferred for twenty years, and such Partnership Note is still outstanding and owed to the City. The remainder of the consideration paid by the Partnership to the City is set forth in the City Purchase Agreement; and**

**WHEREAS, the City has the option to purchase the Historic Component back from the Partnership pursuant to an option agreement with the Partnership dated January 20<sup>th</sup>, 2005 (the "Option Agreement"); and**

**WHEREAS, the City has decided to exercise the Option Agreement in order to purchase the Historic Component from the Partnership; and**

**WHEREAS, the Authority is the Manager of the General Partner of the Partnership and Michael G. Wong, Executive Director of the Authority, has been vested with the Authority's powers as Manager of the General Partner and has undertaken the duties of the Manager on behalf of the Authority; and**

**WHEREAS, the City has guaranteed certain obligations of the General Partner pursuant to an agreement dated January 20<sup>th</sup>, 2005 (the "Simms Guaranty Agreement").**

**WHEREAS, two of the limited partners of the Partnership wish to withdraw from the Partnership and a new limited partner will join the Partnership prior to the sale of the Historic Component to the City pursuant to an Agreement for Admission, Withdrawal and**

**Redemption of Interest dated August 26, 2010 (the “Withdrawal Agreement”), the substantially final form of which has been presented to this meeting.**

**WHEREAS, because of the Simms Guaranty Agreement and for other reasons set forth in the Withdrawal Agreement, the City must consent to and be a party to such Withdrawal Agreement.**

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

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

**2. The City shall exercise the Option Agreement and purchase the Historic Component, as further described in the City Purchase Agreement, on such terms as described in the Option Agreement and as are deemed satisfactory to the City Manager, Mayor or Vice-Mayor, any of whom may act. Such purchase consideration shall include but is not necessarily limited to the forgiveness of the debt evidenced by the Partnership Note and may include the City’s agreement to pay a portion of the Developer Fee owed by the Partnership to the Harrisonburg Redevelopment and Housing Authority. Such Developer Fee is as defined in the Agreement of Limited Partnership dated January 20, 2005.**

**3. The City approves the signing of the Withdrawal Agreement relating to such sale, and authorizes and directs the City Manager, Mayor or Vice-Mayor, any of whom may act, to execute and deliver the Withdrawal Agreement in substantially the form submitted to the City, with such changes and additions as may be approved by the City Manager, Mayor or Vice-Mayor, any of whom may act.**

**4. The City authorizes and directs the City Manager, Mayor and Vice-Mayor, any of whom may act, to take all actions necessary to perform the tasks and achieve the objectives set forth in this Resolution. Such authorization and direction includes but is not limited to: (a) exercising the option set forth in the Option Agreement and effectuating the purchase of the Historic Component from the Partnership, (b) taking such actions as are necessary to ensure that the Withdrawal Agreement is executed and enforceable, (c) accepting the release of the Partnership Note as partial or full payment to the Partnership for the Historic Component and providing such other consideration to the Partnership as is necessary in their judgment to obtain the Historic Component, including but not limited to assuming the obligation for the City to pay a portion of the Developer Fee (d) signing a Closing Agreement and/or other agreements concerning the purchase of the property and (e) signing a Certificate and Affidavit of Satisfaction or other document releasing the Partnership Note.**

**5. The City Manager, Mayor and Vice-Mayor, any of whom may act, are also authorized to take such other actions and to execute such other documents as are necessary to achieve the purposes set forth in this Resolution.**

6. The Resolutions passed by the City Council on March 25, July 22, September 23, November 11 and November 25 of 2003 and June 22 and November 23 of 2004 shall continue in full force and effect, as modified by this Resolution.

This Resolution shall take effect immediately upon its adoption.

**READ AND ADOPTED: August 10, 2010**

**CERTIFICATE**

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading of a resolution titled "RESOLUTION OF THE CITY OF HARRISONBURG, VIRGINIA REGARDING THE PURCHASE OF THE HISTORIC COMPONENT OF THE LUCY F. SIMMS CONTINUING EDUCATION CENTER," taken at a regular meeting of the City Council held on August 10, 2010:

	AYE	NAY	ABSTAIN	ABSENT
Kai Degner, Mayor	X			
Richard Baugh, Vice Mayor	X			
Ted Byrd	X			
Carolyn Frank	X			
David Weins	X			

**Dated: August 10, 2010**

**By: \_\_\_\_\_**

**Mayor or Vice Mayor,  
City of Harrisonburg, Virginia**

(SEAL)

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

Michael Wong, Executive Director, of the Harrisonburg Redevelopment and Housing Authority, spoke in regards to the transfer of the Lucy Simms Center. He provided a City Resolution regarding the purchase of the historic component of the building, Agreement for Admission, Withdrawal and Redemption of Interest, (the "Withdrawal Agreement"), the Simms Guaranty Agreement, a Closing Agreement, Deed, and Certificate of Affidavit and Satisfaction. The Resolution provides that the Withdrawal Agreement is to be presented at the City Council meeting in its substantially final form. A blank is in the Withdrawal Agreement concerning a cost reimbursement to the withdrawing limited partners to be paid by Lucy F. Simms, L.P. that will be filled in prior to its being signed.

Council Member Frank offered a motion to approve the resolution of the City of Harrisonburg, Virginia regarding the purchase of the Historic Component of the Lucy F. Simms Continuing Education Center. 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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Mayor Degner presented an agreement allowing Our Community Place to have use of the shower facilities at the Lucy Simms Center.

City Manager Hodgen spoke on behalf of a request the Parks and Recreation Department has received from Ron Copeland of “Our Community Place” (OCP) to formalize an agreement with the City to continue allowing the use of the shower facilities at the Simms Center by OCP clients. OCP was allowed to utilize the facility while it was under the ownership/direction of the Harrisonburg Redevelopment and Housing Authority. There are specific provisions in the agreement for supervision of those clients using the facilities by OCP staff. As this request involves the use of public facilities by a private entity, the City Attorney has recommended that the agreement be presented for Council approval.

Council Member Byrd offered a motion to approve the agreement allowing Our Community Place to have use of the shower facilities at the Lucy Simms Center, with the hours at the discretion of the Parks and Recreation Department. 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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

City Manager Hodgen presented a request to increase the General Fund and Water Capital Projects Fund budgets. The City received an Energy Efficiency Conservation Block Grant. The funds in the general fund will be spent on the completed energy audit that was done by Linc Services and energy efficiency improvements at the Community Activities Center. Funds in the Water Capital Projects will be spent on a pump optimization study and efficiency improvements to the Tower Street and Garber’s Church Road water pump stations. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$184,200.00 chge. to: 1000-31010 Amount from Fund Balance  
22,000.00 chge. to: 1321-31010 Amount from Fund Balance

\$ 12,000.00 approp. to: 1000-430221-43100 Professional Services  
172,200.00 approp. to: 1000-710471-48181 Buildings & Grounds  
22,000.00 approp. to: 1321-910161-48635 Watermain Upgrades

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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

City Manager Hodgen presented for Council's consideration in amending and re-enacting Section 7-3-81 and enacting Section 7-4-1(f) of the Harrisonburg City Code for Council's consideration of approval. The attached ordinance changes are in support of pending and potential "green/environmental" projects. The amendment to Section 7-3-81 allows the director of public utilities to grant an exception for environmental projects ("green water") intended to utilize storm water and surface water for non-potable uses such as sanitary conveyance. Under arrangements where "green water" is used in conjunction with water supplied from the city system, all conditions of the ordinance shall apply except that the metered non-potable "green water" shall be billed a specific water rate that has been determined to provide the city with sufficient revenue to fund typical fixed costs, but to also provide the customer with a reduced rate. Appropriate backflow prevention shall be required to prevent the cross connection of "green water" with potable city water. A "blackline" and "clean" copy of this ordinance change was included in Council agenda materials so the changes would be easier to note. The second amendment, to Section 7-4-1(f), establishes "green water" rates and charges.

Michael Collins, Public Utilities Director, explained further that this ordinance is being considered to help Public Utilities in the future to help the "green world". James Madison University (JMU) came to them with an idea of using rain off the roof to use in flushing of toilets in one of their new buildings. The Public Utilities Department bills by water and not by sewer, and the accuracy limits and the requirements that AWWA recommends for metering are very strict. To overcome the technical side of things the water that is being put in will have to be measured by a water meter. The current policy for water and sewer ordinances is that if you want water you also take sewer. For this ordinance Public Utilities will give credit for when you are able to use "green water", but still have a charge to the remainder of the City water when unable to produce "green water". This way we can reduce their costs by what we save when they use "green water", but we are able to cover the fixed costs of the assets to have access for them when they need water. JMU is the first to try and use "green water", but Public Utilities Director Collins sees more "green water" users in the future.

Council Member Byrd offered a motion to approve this ordinance; 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 Byrd  
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**

**WHEREAS, Rockingham Memorial Hospital, a not-for-profit Virginia nonstock corporation (“RMH”), owns and operates hospital facilities in Rockingham County, Virginia;**

**WHEREAS, Rockingham Health Care, Inc., a not-for-profit Virginia nonstock corporation (“RHC” and together with RMH, the “Corporations”) is the corporate parent of RMH;**

**WHEREAS, the Industrial Development Authority of the City of Harrisonburg, Virginia (the “Authority”), has previously issued its revenue bonds for the benefit of the Corporations to finance the costs of acquiring, constructing and equipping a replacement hospital facility for the Corporations containing approximately 234 beds located on 254 acres along Port Republic Road, between Reservoir Street and Boyers Road, in Rockingham County and related equipment and capital improvements (collectively, the “New Hospital”);**

**WHEREAS, the Corporations have requested that the Authority issue additional revenue bonds (the “Bonds”), pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), in one or more series, in an amount not to exceed \$75,000,000;**

**WHEREAS, the proceeds of the Bonds will be used to finance or refinance (1) costs to complete the New Hospital and related projects, (2) costs of routine capital expenditures, (3) all or a portion of the costs of issuance of the Bonds, (4) the cost of credit enhancement, if any, for the Bonds, (5) interest on the Bonds for the period of acquisition and construction of the projects financed with the proceeds of the Bonds and for up to one year thereafter, and (6) a debt service reserve fund for the Bonds (collectively, the “Project”);**

**WHEREAS, the Authority, on August 5, 2010, held a public hearing on the issuance of the Bonds;**



**WHEREAS, Section 147(f) of the Internal Revenue Code, as amended (the “Code”), and Section 15.2-4906 of the Act require that the governmental unit on behalf of which the Authority will issue the Bonds approve the issuance of such bonds;**

**WHEREAS, the Corporations have requested the City Council of the City of Harrisonburg, Virginia (the “Council”), approve the issuance of the Bonds to comply with Section 15.2-4906 of the Act and Section 147(f) of the Code;**

**WHEREAS, a copy of the Authority’s resolution of August 5, 2010, approving issuance of the Bonds, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Council; and**

**WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act.**

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

**1. The Council hereby approves the issuance of the Bonds by the Authority for the benefit of the Corporations, as required by Section 147(f) of the Code and Section 15.2-4906 of the Act.**

**2. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the Corporations. The Bonds shall provide that neither the City of Harrisonburg, Virginia, nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from revenues and moneys pledged therefore, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the City of Harrisonburg, Virginia, or the Authority shall be pledged thereto.**

**3. All acts and doings of the officers and members of the Council that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.**

**4. This resolution shall take effect immediately upon its adoption.**

**CERTIFICATE**

**The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the “Council”), hereby certifies that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the Council present and voting at a regular meeting duly called and held on August 10, 2010, in accordance with law.**

**WITNESS the following signature and the seal of the Council this \_\_\_\_ day of August, 2010.**

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

Council Member Byrd offered a motion to approve the issuance of revenue bond on behalf of Rockingham Memorial Hospital by the Industrial Development Authority of the City of Harrisonburg, Virginia. 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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

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

**A RESOLUTION SEEKING ACTION BY THE  
GENERAL ASSEMBLY AND GOVERNOR  
TO PROHIBIT ALL PREDATORY, USURIOUS LENDING PRACTICES  
IN THE COMMONWEALTH OF VIRGINIA**

**WHEREAS, the Harrisonburg City Council, represents the citizens of Harrisonburg, Virginia; and**

**WHEREAS, the Council believes the citizens of Harrisonburg remain concerned over what are perceived to be predatory, usurious lending practices in the City and elsewhere in the Commonwealth, including practices that can exploit dedicated, brave women and men called to serve in the United States armed services;**

**WHEREAS, the Council shares these continuing concerns and intends through this Resolution to express the collective sentiments and will of Harrisonburg citizens that the General Assembly and Governor of Virginia need to take action to prohibit all predatory, usurious lending practices; and**

**WHEREAS, it is essential that the General Assembly and the Governor of Virginia address this matter as a high priority at the next legislative session, leading to enactment of laws strictly prohibiting and deterring all predatory, usurious lending practices in the Commonwealth of Virginia.**

**NOW, THEREFORE, BE IT RESOLVED by the City Council of Harrisonburg, Virginia that, at the next legislative session, the General Assembly and the Governor of the Commonwealth of Virginia are hereby requested to enact laws strictly prohibiting and**

**detering all predatory, usurious lending practices, including but not limited to provisions that would:**

- 1. Impose an interest rate cap of thirty-six percent (36%), calculated as an effective annual percentage rate including all fees or charges of any kind, for any consumer credit extended in the Commonwealth of Virginia;**
- 2. Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly, to gain access to a consumer's bank account; and**
- 3. Incorporate into the Virginia Code the protections regarding consumer credit to military personnel as reflected in the Military Lending Act, 10 United States Code Section 987.**

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2010

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

**Kai Degner, Mayor**

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

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

Mayor Degner accepted brief comments on this resolution.

John Whitfield: He is a citizen of Staunton, but has a law practice here in Harrisonburg. He is urging Council to adopt this resolution to help protect citizens who are overwhelmed by the debts that come from these lenders.

Grant Penrod: Local attorney and native of Harrisonburg. He is urging Council to adopt this resolution to help those who become trapped under payday loans. The people that are getting caught in these loans are hardworking and honest people who want to pay their bills off and that is how the lenders get this much interest out of them. He also stated that passing this resolution could have a real impact and help move some of the lending companies out of our city and hopefully state.

Stan Farthing: He came to speak as a citizen of the Commonwealth and a Representative of the Virginia Interfaith Center for Public Policy of which he serves as a board member. The demand for loans is high but alternatives like small loan programs that have been provided and offered to state employees through their Credit Union have proved a more reasonable outcome. He also noted that these "Predatory" Lending Practices are located outside of the Commonwealth and taking the money elsewhere. He also is urging Council to adopt this resolution and encourage the General Assembly to act.

After further comments from the Council, Council Member Frank offered a motion to approve the resolution seeking action by the General Assembly and Governor to prohibit "Predatory" Lending Practices. 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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

City Manager Hodgen presented a request for supplemental appropriations for the Police Department. Vice-Mayor Baugh offered a motion to approve the supplemental appropriations as presented to Council in agenda items thirteen through sixteen for the first reading, and that:

The funds were received from a Federal grant through Rockingham Memorial Hospital for drug/alcohol enforcement.

\$1,803.67 chge. to: 1000-31901 Recoveries/rebates

\$1,803.67 approp. to: 1000-310231-41020 Salaries/wages OT

The funds were received from an Alcoa grant. Some of the funds were used in the FY 2008-2009 budget and the remainder will be spent in the FY 2010-2011 budget.

\$2,570.00 chge. to: 1000-31010 Amount from fund balance

\$2,570.00 approp. to: 1000-48211 Machinery and equipment

The funds were received from state asset seizure money and will be used to purchase advanced tasers for the Police Department.

\$4,049.75 chge. to: 1000-31010 Amount from fund balance

\$4,049.75 approp. to: 1000-310631-46100 Police supplies

The funds were received through the Federal Justice Assistance Grant. The funds will be used to purchase license plate readers for the Police Department.

\$23,808.00 chge. to: 1000-31010 Amount from fund balance

\$23,808.00 approp. to: 1000-310631-48111 Machinery and equipment

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 Byrd  
Council Member Wiens

Vice-Mayor Baugh  
Mayor Degner

Absent – None

City Manager Hodgen provided an update about the intersection of Chicago Avenue and Mt. Clinton Pike. The Public Works Department has a General Services Consultant who will do engineering studies of varying degrees at our request. We are planning to do a study on Chicago Avenue and we can incorporate the intersection as well.

City Manager Hodgen invited the City Council members to the Erickson Avenue & Stone Spring Road project's ribbon cutting on August 18, 2010 at 10:30 a.m.

Vice-Mayor Baugh offered a motion that Elizabeth Gallon Howley, 138 Lynden Place, be appointed to a term on the Rockingham/Harrisonburg ASAP to expire on December 31, 2015. The motion was seconded by Council Member Byrd and approved with a unanimous voice vote.

At 8:05 p.m., Vice-Mayor Baugh offered a motion that Council enter into a closed session for discussion and consideration of the disposition of real estate, 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 personnel, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) 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 Byrd  
Council Member Wiens  
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 9:05 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 24, 2010

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.

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

Mike Layman introduced Wes Riddle, a participant and a volunteer in the First Tee Program. Wes gave an invitation to Council Members for the First Tee Annual Par 3 Tournament at Heritage Oaks Golf Course on Saturday, August 28, 2010.

Bucky Berry suggested a study to be done on false alarms in the City. He suggested charging fees for those false alarms to help revenue for the City.

Council Member Frank 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 amending and re-enacting Section 7-3-81 and enacting Section 7-4-1 of the Harrisonburg City Code. 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 Wiens  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

Zenaida Hall, Marketing Coordinator, of the Harrisonburg’s Visitor’s Center presented the following resolution for Council’s consideration of approval:

### **A RESOLUTION IN SUPPORT OF VIRGINIA BYWAYS AND NATIONAL BYWAYS DESIGNATION FOR THE WILDERNESS ROAD**

**WHEREAS: From 1775-1810 an estimated 300,000 settlers traveled through Virginia to the Cumberland Gap. This migration and western movement is a significant point of Virginia history and to the development of the United States of America. Today, an estimated 43 million Americans can trace their ancestors to the migration through Virginia along the Wilderness Road: Virginia’s Heritage Migration Route; and**

**WHEREAS: The historical migration of early settlers and pioneers to Virginia followed closely to what is now Route 11, 58 and 23 from Winchester to Cumberland Gap**

(including the Daniel Boone Wilderness Trail – Route 58 from Moccasin Gap to Cumberland Gap), but also followed other “spur” migration routes such as the Carolina Road along Route 220 and the Fincastle Turnpike along Routes 42,61,19,460, 65/71 and 72; and

**WHEREAS:** These migration routes are now being developed as driving routes/trails to preserve, interpret and promote the history, heritage and culture of the early pioneer settlement and migration through Virginia, and the role that Virginia played in the migration of settlers through Virginia and to other states of our nation; and

**WHEREAS:** The Wilderness Road organization has been formed as a recognized non-profit organization under the leadership and guidance of the Virginia Tourism Corporation, in partnership with tourism representatives from 28 tourism localities and 12 state/federal partners, to develop and promote the driving route of the Wilderness Road: Virginia’s Heritage Migration Route, and spurs known as The Carolina Road, and The Fincastle/Cumberland Gap Turnpike, connecting with the Daniel Boone Wilderness Trail, and individual community loops for each locality; and

**WHEREAS:** The mission of the Wilderness Road organization is to develop a new tourism product to increase economic growth, and tourism spending in the region. The purpose of the organization is to promote *The Wilderness Road: Virginia’s Heritage Migration Route* from Winchester to Cumberland Gap in a way that preserves and interprets the heritage of the migration era from the 1700s to the mid 1800s, to increase tourism visitation and economic impact of tourism spending; and

**WHEREAS:** The Commonwealth of Virginia has recognized the driving route as *The Wilderness Road: Virginia’s Heritage Migration Route*, which shall not affect any other designation heretofore or hereafter applied to this route or any portions thereof; and

**WHEREAS:** There are more than 2,700 miles of roads designated as Virginia Byways, to help attract visitors and support economic development through tourism, and the Virginia Department of Transportation (VDOT), the Virginia Tourism Corporation (VTC), the Virginia Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CTB), encourages local governments to nominate roads for Virginia Byway designation; and

**WHEREAS:** The United States Secretary of Transportation recognizes certain roads (including multi-state) as All-American Roads or National Scenic Byways based on one or more archeological, cultural, historic, natural, recreational and scenic qualities, with the Wilderness Road: Virginia’s Heritage Migration Route, (including the Daniel Boone Wilderness Trail), and applicable spurs known as The Carolina Road, and The Fincastle/Cumberland Gap Turnpike include each of these intrinsic qualities: and

**WHEREAS:** The National Scenic Byways Program is part of the U.S. Department of Transportation, Federal Highway Administration, and the program is a grass-roots collaborative effort established to help recognize, preserve and enhance selected roads throughout the United States; and

**WHEREAS:** Since 1992, the National Scenic Byways Program has provided funding for almost 1500 state and nationally designated byway projects in 48 states.

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Harrisonburg expresses its support to the Virginia Department of Transportation and the General Assembly of the Commonwealth of Virginia to provide Virginia Byway designation of the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail), and the Fincastle Turnpike and Carolina Road spur routes.

**BE IT FURTHER RESOLVED** that the City Council expresses its support to the U.S. Department of Transportation, Federal Highway Administration, and United States Secretary for National Byway Designation of the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail) , and the spur Fincastle Turnpike and Carolina Road routes.

**FINALLY BE IT RESOLVED** that the City Council fully supports the efforts of the Wilderness Road organization to develop and promote the Wilderness Road: Virginia's Heritage Migration Route (including the Daniel Boone Wilderness Trail), and the spur Fincastle Turnpike and Carolina Road routes, as Virginia Byway(s) and National Scenic Byway(s).

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2010

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

**Kai Degner, Mayor**

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

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

Council Member Frank offered a motion to approve the Virginia Byways and National Byways Designation for the Wilderness Road Resolution. 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 Wiens  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

Drew Williams, Assistant Public Works Director, presented an update on plans that McCormick Taylor, our consulting engineer has prepared for widening Reservoir Street between University Boulevard and the South City Limits. This project has been identified in both the City's 2004 Comprehensive Plan and the Capital Improvement Program (CIP). At the July 22, 2008, Council presentation, staff presented a summary of the design plans and the results of two public involvement meetings held earlier in the year. Council approved the conceptual alignment at that time to widen Reservoir Street to five lanes, with major utility relocations, and inclusion of bicycle/pedestrian facilities. Since that time, engineering work has continued and staff recognized a need to add a dedicated right turn lane on Reservoir Street at



Neff Avenue. Staff has met with these affected property owners whom have agreed conceptually to this alteration. Additionally, staff recognized the benefit associated with constructing a raised median with turn lanes/crossovers at certain intersections. Access management would provide a safer facility that should maintain the long-term integrity of Reservoir Street from a traffic capacity standpoint. Public Works is proposing a two phase approach to the project. First phase would involve University Boulevard (South Bound) to the intersection at Woodland Drive. Second phase would be the balance of the remaining roadway, due to congestion on the roadway.

Vice-Mayor Baugh offered a motion to approve the endorsement of the City's Major Street Plan to include the right of way plans for Reservoir Street Widening Project. 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 Wiens  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

Council Member Wiens requested that City Council consider establishing a committee that would focus on coming up with recommendations on how to improve the financial performance of the golf course. The committee concept has received the endorsement of the Parks and Recreation Advisory Commission. After discussion, the Mayor would like something in a form of a Resolution brought to the next meeting to establish a temporary committee for the Heritage Oaks Golf Course Study. After a Resolution has been adopted and the committee officially established citizens will have a chance to apply or be nominated for the Committee.

Yvonne Ryan, City Clerk, MMC, brought attention to the Mayor and Council that an item needed to be addressed in tonight's meeting even though it wasn't on the agenda. Mayor Degner approved the opportunity for Mr. and Mrs. Dan Halling to speak under Other Matters on the agenda. Dan and Allison Halling, citizens at 1207 South Dogwood Drive, came tonight thinking their issue had been placed on the agenda, when arriving they had found out that it wasn't. Mr. Dan Halling explained that their well and septic system had failed and they need to connect to the City's water and sewer. When speaking to their attorney and other personnel at the City they learned that they needed Council's approval to obtain an easement to run through Hillandale Park to connect with the City's water supply. Mr. Dan Halling is requesting an easement for their private water line that would run through Hillandale Park. It was pointed out that the City Manager is unable to grant an easement without Council's approval.

Council Member Byrd offered a motion to grant the private water line easement upon the approval of City Manager Hodgen. 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 Wiens  
Vice-Mayor Baugh  
Council Member Frank  
Mayor Degner

Absent – None

Council Member Wiens made a motion that Grant Holsinger be appointed to replace Aaron Smith-Walter as an alternate for Reggie Smith on the MPO TAC Committee. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

At 8:05 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 14, 2010

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Anne C. Lewis; 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.

Mayor Degner welcomed new Assistant City Manager Anne C. Lewis to Harrisonburg.

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

Greg Coffman presented a three part resolution to solve the concerns of the golf course. First, evaluate the Golf Course using a Committee. Second, bring all information to the public and hold a Public Hearing. Third, have a ballot with options, not yes or no for the citizens to vote on.

Bucky Berry raised concern about Kelly Street and all of the recent events. He would like more money put into the Boys and Girls Club and utilize the Simms Center.

Council Member Byrd offered a motion to approve the minutes on the consent agenda and to dispense with the reading of the minutes from the previous meeting. 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 Frank  
Council Member Byrd  
Mayor Degner

Absent – None

City Manager Hodgen presented to Council that the City has recently completed a \$43,270,000 bond issue. The proceeds from this bond issue were used to fund the refunding of several outstanding bond issues and provide 9.5 million for the Erickson Avenue/Stone Spring Road construction. A grant fund in the amount of \$5,120 was received from Canaan Valley Institute for interpretive signage for the Purcell Park stream bank restoration project. It is requested that City Council increase the current budget to account for the receipt and disbursement of these funds. Amount of this request will increase the 2010-2011 budget by \$44,971,679.

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 Saturday, September 4, 2010.

**NOTICE OF PUBLIC HEARING**

A public hearing will be held by the Harrisonburg City Council on Tuesday, September 14, 2010 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. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2010-2011 budget in the amount of \$44,971,679. The funds will be used to construct Erickson Avenue/Stone Spring Road, refund several outstanding bond issues and signage for Blacks Run. The expenditures will be funded by the proceeds from funds that were received from a recently completed bond issue and a grant from Canaan Valley Institute.

The budget increases will be as noted below:

**Revenues:**

**General Fund:**

Premium on long term debt	233,483
Refunding bond proceeds	5,691,105
Donation-Blacks Run Greenway	5,120

**General Capital Projects Fund:**

Premium on long term debt	129,424
Bond proceeds	9,515,000

**Water Fund:**

Premium on long term debt	195,277
Refunding bond proceeds	9,570,000

**Sanitation Fund:**

Premium on long term debt	1,138,375
Refunding bond proceeds	<u>18,493,895</u>

**Total revenues** **44,971,679**

**Expenditures**

**General Fund:**

Bond issuance costs, etc.	77,341
Deposit to escrow agent	5,847,247
Other operating supplies	5,120

**General Capital Projects Fund:**

Erickson Avenue/Stone Spring Road	9,644,424
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**Water Fund:**

Bond issuance costs, etc.	130,054
Deposit to escrow agent	9,635,223

**Sanitation Fund:**

Bond Issuance costs, etc.	251,327
Deposit to escrow agent	<u>19,380,943</u>

**Total expenditures**

**44,971,679**

**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 2010-2011 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. Vice Mayor Baugh offered a motion to approve this request for a first reading, and that:

\$ 233,483 chge. to: 1000-34013 Premium on long term debt  
5,691,105 chge. to: 1000-34114 Refunded bond proceeds  
129,424 chge. to: 1310-34013 Premium on long term debt  
9,515,000 chge. to: 1310-34110 Bond proceeds  
195,277 chge. to: 2011-34013 Premium on long term debt  
9,570,000 chge. to: 2011-34114 Refunded bond proceeds  
1,138,375 chge. to: 2014-34013 Premium on long term debt  
18,493,895 chge. to: 2014-34114 Refunded bond proceeds

\$ 77,341 approp. to: 1000-980142-49550 Bond issuance costs, etc.  
5,847,247 approp. to: 1000-980142-49555 Deposit to escrow agent  
9,644,424 approp. to: 1310-910141-48636 Erickson Avenue/Stone Spring Road  
130,054 approp. to: 2011-382061-49550 Bond issuance costs, etc.  
9,635,223 approp. to: 2011-382061-49555 Deposit to escrow agent  
251,327 approp. to: 2014-982042-49550 Bond issuance costs, etc.  
19,380,943 approp. to: 2014-982042-49555 Deposit to escrow agent

\$ 5,120.00 chge. to: 1000-31823 Donations-Blacks Run Greenway Fund

\$ 5,120.00 approp. to: 1000-710971-46140 Other Operating 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  
Vice-Mayor Baugh  
Council Member Frank  
Council Member Byrd  
Mayor Degner

Absent – None

The next item of business was recognizing Harrisonburg's Deputy Commissioner of the Revenue Kelly Whetzel. Commissioner of the Revenue June W. Hosaflook said it was a pleasure to recognize Mrs. Whetzel for her professional achievements and contributions. The Commissioners Career Development Program was developed by the Commissioners of the Revenue of 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. Mrs. Whetzel has worked in the Harrisonburg Commissioner's office since 2006. Kelly thanked City Council for the chance to participate in the certification program for the Commissioner of the Revenue office.

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 2010**

**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 2010 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 2010 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 14, 2010.**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Commissioner of the Revenue June Hosaflook stated the annual resolution to set the percentage of personal property tax relief for the year 2010 pursuant to Article J of Title 4, Chapter 2 of the Harrisonburg City Code. The commissioner of the revenue's office has determined the final percentage to be forty-two percent (42.0%). Council Member Byrd offered a motion to adopt the resolution setting the percentage of personal property tax relief for the year

2010 at 42.0%. 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

Michael Wong, Harrisonburg Redevelopment and Housing Authority Executive Director, presented the following resolution for Council’s consideration of approval:

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

**WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the “Authority”) has decided (either directly or through its solely owned subsidiary, Franklin Heights, LLC, a Virginia limited liability company) to purchase several parcels of real property most of which are improved by residential buildings from Forkovitch Family II, LLC, Forkovitch Family III, LLC, Forkovitch Family IV, LLC, and Forkovitch Family V, LLC which property is located next to or in the vicinity of other properties owned by the Authority in the City of Harrisonburg (hereinafter “the Property”); and,**

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

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

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

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

**2. The City authorizes and approves the purchase of the Property by the Authority and the Authority’s utilization of such Property as a housing project or for such other uses as the Authority shall deem appropriate and which is permitted by law.**

3. This authorization and approval applies only to the Authority's obligation to obtain City approval pursuant to Code of Virginia Section 36-19.2 and does not constitute a waiver of any City ordinance with respect to the Property, including but not limited to compliance with City zoning and building codes.

This resolution shall take effect immediately upon its adoption.

**READ AND ADOPTED: September 14, 2010**

**CERTIFICATE**

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY" taken at a regular meeting of the City Council held on September 14, 2010:

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

**Dated: September 14, 2010**

(SEAL)

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

**ATTEST:**

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

The Authority is planning to purchase several parcels of property in the City next to or in the vicinity of properties it currently owns in support of its mission to provide housing to persons of low income. Following further discussion and comments, Council Member Wiens made a motion to approve the resolution authorizing the purchase of Certain Real Property by the Harrisonburg Redevelopment and Housing Authority. 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

Greg Campbell, Executive Director of Shenandoah Regional Airport Commission presented the following resolution for Council’s consideration for approval:

**A RESOLUTION AUTHORIZING THE ISSUANCE OF REVENUE BONDS  
BY SHENANDOAH VALLEY REGIONAL AIRPORT**

**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”), to have and exercise, on behalf of such Member Localities, the power and authority to operate the Shenandoah Valley Regional Airport (“SVRA”) located in Augusta County, Virginia; and

**WHEREAS**, the Commission has determined that it is necessary and desirable to issue and sell its aggregate up to \$400,000 taxable airport revenue bond, in one or more series, including an interim financing therefore, if deemed necessary or convenient by the Commission (collectively, the “Local Obligation”), in order to finance any one or more of the following capital costs to: (i) acquire, construct and equip site improvements in connection with taxi lane pavement rehabilitation near aircraft hanger facilities at SVRA, (ii) acquire, construct and equip all or any portion of the main terminal facilities of SVRA, (iii) pay engineering, design planning, and other preliminary costs with respect to fuel farm facilities at SVRA, and (iv) pay issuance costs (collectively, the “Project”); and

**WHEREAS**, it is reasonably anticipated that the Commission shall obtain interim financing from a local commercial bank, with the long-term permanent financing for the costs of the Project to be provided by (i) the United States of America, acting through Rural Housing Service, an Agency of United States Department of Agriculture (USDA- Rural Development), or (ii) Virginia Resources Authority (VRA) under the Virginia Airport Revolving Fund or any other applicable financing program administered or otherwise offered from time to time by VRA, or (iii) any other financial institution or financing program as the Commission may deem advisable; and

**WHEREAS**, the Commission desires to obtain the approval of each of the governing bodies of its Member Localities with respect to the incurrence of indebtedness to pay the costs of the Project, subject to the Commission’s final determination of the form and details thereof (all such undertakings by the Commission to finance the Project, including any interim financing, being collectively referenced herein as the “Loan”).

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Harrisonburg, Virginia (the “Council”), as follows:

1. The incurrence of the 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 is or shall be deemed to be a debt of the City of Harrisonburg, Virginia (the "City") or a pledge of the faith and credit or the taxing power of the City, and nothing herein or therein shall legally bind or obligate the Council or any future Council of the City to appropriate funds for such purposes.

The indebtedness of the Commission represented by the Local Obligation (or otherwise in connection with the Project and the Loan) shall not be deemed to constitute a debt or pledge of the faith and credit of the taxing power of the City, and neither the faith and credit nor the taxing power of the City shall be pledged for the payment of the principal of, premium, if any or interest on the Local Obligation or any other obligation of the Commission in connection with the Project or the Loan, or any other costs incident thereto.

3. The Mayor and Vice Mayor, and the City Manager, any one or more of whom may act, and such officers, employees, and agents of the City as any of them may designate, are each authorized and directed to take all such further actions and to execute and deliver any and all instruments, certificates and other documents (if any), in order to carry out the purposes hereof and in furtherance, otherwise, of the financing (including the interim financing) of the Project by the Commission, as described herein.

4. This Resolution shall be effective immediately.

Adopted: September 14, 2010

CITY OF HARRISONBURG, VIRGINIA

CERTIFICATE OF VOTES

The undersigned hereby certifies that the foregoing Resolution constitutes a true and correct copy thereof, duly adopted by the City Council of the City of Harrisonburg, Virginia, at its regular meeting duly held on the date hereof, and that the recorded roll-call vote of the Council 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			

**Dated: September 14, 2010**

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**Mayor**

**ATTEST:**

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**Clerk of City Council**

Mr. Campbell stated Harrisonburg is one of five member localities of the Commission. All members have been asked to approve the resolution which would authorize the Shenandoah Valley Regional Airport Commission (SVRAC) to issue a taxable airport revenue bond in an amount up to \$400,000.00. Proceeds would be used to finance pavement rehabilitation, improvements to the main terminal facilities, and engineering and design costs for “fuel farm” facilities at the airport. It is likely that interim financing will be obtained from a local bank, with subsequent long-term, permanent financing provided through USDA – Rural Development. Council Member Wiens made a motion to approve the resolution authorizing the issuance of revenue bonds by Shenandoah Valley Regional Airport Commission (SVRAC). 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

Ande Banks, Director of Special Projects and Grants, presented Council on a City application that was completed for a USDA Rural Business Enterprise Grant (RBEG). Funds received from USDA, if approved, will be used to capitalize a revolving loan fund within the Economic Development Department. The revolving loan fund will be used to aid with the creation and expansion of small businesses within the City. The application is for those cities and towns of less than 50,000 citizens. If the funds are received, Brian Shull, Economic Development Director, agreed to provide 25% matching funds of already budgeted money to help create the capitalization of these funds. Mr. Banks stated that ultimately Harrisonburg Economic Development would be creating a Revolving Loan Fund with the total assets of approximately \$124,000.00. The proposal went in August 27, 2010 and will be reviewed and scored by the State Director for Rural Development. Consideration for this grant could take up to twelve (12) months.

City Manager Hodgen requested consideration for Council to approve the “Block Party In The ‘Burg” event. Harrisonburg Downtown Renaissance (HDR) has requested closing the North West corner of Court Square from Cally’s Restaurant to the South East corner of Court Square at Bank of America for an the event to be held on Friday, October 1, 2010 from 4:00 – 8:00 p.m. Closure will be from 2:00 – 9:30 p.m. This event is an annual event to welcome College Students back to the Harrisonburg area. Council Member Wiens made a motion to approve the

“Block Party In The ‘Burg” event. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

Mayor Degner presented for Council’s consideration to authorize the City Manager to enter into agreement with responsible, responsive low bidder for “Safe Routes to Schools – Keister Elementary School Project”. The Department of Public Works applied for a Safe Routes to Schools grant through VA Department of Transportation (VDOT) in 2007 and was subsequently awarded an infrastructure grant in the amount of \$455,330. This is a federally funded grant, with no local match required. The Department of Community Development developed the project documents and plans. The project consists of the following: sidewalk on both sides of South Avenue between Walker Street and South High Street, sidewalk on the north side of South Avenue between South High Street and Dogwood Drive, sidewalk construction on south side of Maryland Avenue between South High Street and Dogwood Drive, sidewalk construction on portions of Central Avenue. A prebid meeting was held at the Public Works Department on Wednesday, August 31, 2010 at 10:00 a.m. and bids were opened at the same location on Friday, September 10, 2010 at 10:00 a.m. Contracting Unlimited was awarded the project with a bid \$444,222.07. Council Member Wiens made a motion to authorize the City Manager to enter into an agreement with Contracting Unlimited for “Safe Routes to Schools – Keister Elementary School Project. 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

City Manager Hodgen presented a draft outline of the Golf Course Study Committee’s anticipated tasks. Once the committee is formed, they will be able to make further elaborations on any the five areas or may even have some other suggestions to incorporate to the outline for the Golf Course Study Committee. He also stated that when Council is ready to make appointments to the Committee that it should be by a resolution, which will also establish the general tasks for the Committee. Mayor Degner read the main areas of the draft and they are as follows: existing facilities, marketing efforts, operation & maintenance practices, course comparisons/current trends in golf, and projections. Applications for this committee will be accepted until 5:00 p.m. on Friday, September 17, 2010.

City Manager Hodgen requested Council’s consideration of appointment of Assistant City Manager, Anne C. Lewis to Boards and Commissions. He stated that an alternate for the City Manager needs to be appointed for both the Harrisonburg/Rockingham Regional Sewer Authority and the Metropolitan Planning Organization. Council Member Byrd made a motion to appoint, Assistant City Manager Lewis to both the Harrisonburg/Rockingham Regional Sewer Authority and the Metropolitan Planning Organization. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

Mayor Degner congratulated Coach Matthew's and the James Madison University Football Team for their recent win against Virginia Tech this past Saturday.

At 7:48 p.m., Council Member Wiens offered a motion that Council enter into a closed session for discussion and consideration of the acquisition and of real estate, used for public purposes, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, as amended. Discussion and consideration of personnel, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) 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  
Vice-Mayor Baugh  
Council Member Frank  
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 9:05 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 28, 2010

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 Anne C. Lewis.

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

Kim Sandum – Presented a four page document with information about the U.S. Forest on the George Washington National Forest. The U.S. Forest Service Plan is being revised and on October 5, 2010 they will reveal their draft and there will be opportunities for public comment. Ms. Sandum is hoping that the City of Harrisonburg will make comments specifically about hydraulic fracturing and express concern particularly towards our water supply.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of the appropriations that were received when the \$43,270,000 bond issue was completed on 8/11/10. 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

Alexis Morehouse, Senior Promotions Manager presented the Harrisonburg Downtown Renaissance (HDR) quarterly report. Statewide attention is being brought by other Main Street Communities. Other Main Street Programs are using Harrisonburg Programs as models for their own. Using the Shopping and Dining Guide and Business Resource Brochure provides notifications to businesses of support programs, promotional events, community festivals, as well as letting them know how they can support HDR in return. HDR also has started a program called Fam Tours, this is an opportunity to familiarize Front Desk Staff about all the activities, events, and food provided in Downtown. Taste of Downtown has been a successful event once again and now HDR is looking forward to the spin off program for the Retail Stores. HDR has teamed up with Shenandoah Valley Business Development Center to provide workshops and business consultations to local businesses to help in providing better customer service and provide marketing ideas.

Kris Hensley Ludwig, Special Events Manager from HDR presented upcoming events for Downtown during the Fall/Winter Season. Upcoming events include Block Party in the ‘Burg, Halloween on the Square, Veteran’s Day Parade, Holidays on Main Street, and First Night.

Ms. Ludwig requested street closures for the upcoming events of the Veteran’s Day Parade (November 7, 2010), Holiday Parade (December 3, 2010), and First Night (December 31, 2010). Council Member Byrd offered a motion to approve the street closures that were requested. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

Mayor Degner presented to Council for consideration of authorizing the City Manager to enter into agreement with the low bidder, A&J Excavating for “East Market Street Sidewalk Phase II” project. City Manager Hodgen stated that Public Works applied for a Highway Safety Improvement Fund grant through VDOT and was awarded a grant in the amount of \$166,122. This is a federally funded grant which requires a 10% locality match. The total locality match required is \$18,458. Community Development developed the project documents and plans. The project consists of a 10-ft. wide sidewalk with 5-ft. utility strip and a bus pad (for bus shelter by Public Transit). A pre-bid meeting was held at the Public Works Department on Wednesday September 15, 2010 at 10:00 a.m. and bids were opened at the same location on Wednesday, September 22, 2010 at 10:00 a.m. Council Member Byrd offered a motion for the City Manager to enter into an agreement with A&J Excavating for the “East Market Street Sidewalk Phase II” project. 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

City Manager Hodgen presented a request for supplemental appropriations for General Fund, Water Fund, and Transportation Fund. Vice-Mayor Baugh offered a motion to approve this request for the first reading, and that:

\$419.27 chge. to: 1000-31828 VML Safety Grant  
\$3080.74 chge. to: 2011-31828 VML Safety Grant  
\$499.99 chge. to: 2013-31828 VML Safety Grant

\$419.27 approp. to: 1000-120511-48121 Furniture and Fixtures  
\$3080.74 approp. to: 2011-332061-43100 Professional Services  
\$499.99 approp. to: 2013-872081-48271 EDP Equipment

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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

Colonel Donald Harper presented a request for supplemental appropriations to the Police Department budget in the amounts of \$4,522.75 and \$12,887.00. Council Member Byrd offered a motion to approve this request for the first reading, and that:

\$12,887.00 chge. to: 1000-31010 Amount from fund balance

\$12,887.00 approp. to: 1000-310331-48211 Machinery and Equipment

\$4,522.75 chge. to: 1000-33524 DMV Federal Grant

\$579.67 approp. to: 1000-310231-45530 Training/Travel

\$694.61 approp. to: 1000-310631-41020 Salaries/Wages OT

\$3,248.47 approp. to: 1000-310231-41020 Salaries/Wages OT

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

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

Absent – None

Mayor Degner brought to attention of good attendance by City Council, Police Department, Commonwealth Attorney, and other Community Leaders for NE Association Meetings. The Community is very engaged with conversation about doing practical items to reduce crime and violence.

At 7:28 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. Consultation with legal counsel 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. Discussion and consideration of personnel, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) 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 - Vice-Mayor Baugh  
Council Member Frank  
Council Member Byrd  
Council Member Wiens  
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.

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, APPOINTING THE  
GOLF COURSE STUDY COMMITTEE**

**WHEREAS, the City Council is interested in determining if there are methods, facilities, operations or practices that might improve the financial performance of the Heritage Oaks Golf Course; and**

**WHEREAS, the City Council wishes to appoint a citizen committee to make recommendations on how to improve the financial performance of the Heritage Oaks Golf Course; and**

**WHEREAS, this citizen committee shall consider the points set forth in the attached outline and make recommendations to be considered by the City Council in the operation of the Heritage Oaks Golf Course;**

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

- 1. The following citizens are appointed to the Golf Course Study Committee (the "Committee"): Wilma Bowers, Susie Dinsmore, Donald J. Ford, Bill Jones, John Monger IV, David I. Walsh, Stephen T. Young and a non-voting ex officio member City Councilman Ted Byrd.**

2. **The Committee shall meet as soon as possible and as often as is necessary to consider the points set forth in the attached outline and make recommendations to the City Council that it determines would possibly improve the financial performance of the Heritage Oaks Golf Course.**
3. **The recommendations of the Committee shall be presented to the City Council at its regular meeting to be held on January 25, 2011.**

**Approved: September 28, 2010.**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Council Member Byrd offered a motion to adopt the Golf Course Study Committee Resolution. 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

At 9:05 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 12, 2010

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 Anne C. Lewis.

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

Quiet T. Please felt that the City should give a portion of Third Street to Red Front Supermarket to alleviate traffic off the road, make less congestion, and be safer for ones shopping at the grocery store. Mr. Please also heard that the City was eligible for Federal Funds for dual purpose bicycle/walkway paths.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of the appropriations that were received to the Police Department in the amounts of \$4,522.75 and \$12,887.00 and for General Fund, Water Fund and Transportation Fund in the amount of \$4,000.00. 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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

School Board Finance and Technology Director, Dee Dee Dawson, presented a request for supplemental appropriations for the School Board Operating budget in the amount of \$41,656.00. Mrs. Dawson said that these funds represent reimbursable grant receipts from state and federal sources. No additional local dollars are required from the City Council for the school division to receive these funds. Council Member Byrd offered a motion to approve this request for the first reading, and that:

\$13,112.00 chge. to: 1111-33301 School Revenue - Federal  
\$28,544.00 chge. to: 1111-32442 School Revenue - State  
  
\$24,734.00 approp. to: 1111-111114-40610 Instruction  
\$7,214.00 approp. to: 1111-111114-40630 Transportation  
\$9,708.00 approp. to: 1111-111114-40680 Technology

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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Colonel Donald Harper presented a request for supplemental appropriations to the Police Department. Council Member Byrd offered a motion to approve the supplemental appropriations as presented to Council in agenda items seven and eight for the first reading, and that:

These funds were received through a grant from the VA Department of Alcoholic Beverage Control and will be used for officers' overtime for underage drinking issues.

\$5,000.00 chge. to: 1000-33562 ABC Grant

\$5,000.00 approp. to: 1000-310231-41020 Salaries & Wages – O/T

These funds were received as reimbursement from Rockingham Memorial Hospital for drug/alcohol violation overtime for officers.

\$2,920.73 chge. to: 1000-31901 Recoveries/rebates

\$2,920.73 approp. to: 1000-310231-41020 Salaries & Wages – O/T

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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Council Member Byrd reported a successful first meeting of the Golf Course Study Committee that was held on Monday, October 11, 2010. The Committee is requesting more information and that City Staff from Parks and Recreation come to the next meeting that will be held on Tuesday, October 19, 2010 at 7:00 p.m. Council Member Byrd also stated there is a lot of work ahead for this Committee, but hopes to have a recommendation in January for Council.

Council Member Byrd requested City Manager Hodgen get a timeline of when the temporary stop light at the intersection of Pear Street and Route 42 is going to be removed.

Mayor Degner gave a brief report about the trip to Virginia Municipal League (VML) Annual Conference that was made by Council Members and some City staff. Mayor Degner stated that they attended multiple workshops that covered many different issues that provided them with information and practices from other localities in the Commonwealth.

Vice-Mayor Baugh brought information to Council's attention about a solar project that is going on at Eastern Mennonite University (EMU). EMU has some concerns that, with the changes, they will be subject to personal property tax. In research of this issue, it seems that EMU might not be charged. EMU has asked that, if in the coming weeks, the City finds that they are subject to personal property tax, then they would like to be put on the next City Council agenda.

Vice-Mayor Baugh offered a motion that Steven Hottle, 267 Campbell Street, Carl Wassum, 1169 Westmoreland Drive, and Craig Miller, 2821 Osceola Springs Road, be appointed to a fourth term on the Building Code Board of Appeals. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

Council Member Byrd offered a motion that Russell Presnell, 93 Shenandoah Avenue, be appointed to the Harrisonburg Transportation Safety and Advisory Commission. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

At 7:22 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and/or consider consultation with legal counsel 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 Frank  
Council Member Byrd  
Council Member Wiens  
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 9:02 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 26, 2010

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Anne C. Lewis; 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.

Mayor Degner presented a Proclamation recognizing Monday, November 22, 2010 as National Philanthropy Day.

Mayor Degner presented a second Proclamation declaring the month of October as Employee Ownership Month and October 29, 2010 as ComSonics, Inc. Employee-Owner Day in the City of Harrisonburg.

Fred Kniss - Provost, from Eastern Mennonite University, wanted to thank City Council and staff for their support in the Solar Power Project. Mr. Kniss spoke on behalf of Eastern Mennonite University stating that the University is nearing completion in the first phase of the solar array on the roof of their library. The array goes online in a few weeks and it will be largest solar power installation in the state of Virginia. He stated this will position the City of Harrisonburg as a leader in alternative energy. Eastern Mennonite University is currently in the planning process for an even larger project and is requesting Council’s support in the development of the necessary ordinance, to provide property tax abatement on solar facilities, for all city residents and businesses. Eastern Mennonite University would like to join hands with the City of Harrisonburg to help make renewable energy a more viable option. Mr. Kniss would also like to invite Council members to the dedication of the Solar Power Project at Eastern Mennonite’s Campus Center on November 15, 2010 at 1:30 p.m.

Tony Smith – Co-Director of MBA Program, Eastern Mennonite University, brought to Council’s attention that Community Solar owns and operates the Solar Power Project, now under construction on Eastern Mennonite University’s campus, through a twenty year Power Purchase Agreement with Eastern Mennonite University. The University is serving as the host customer for the facility and, with pre-paying ten years of the electricity, Eastern Mennonite University effectively helped to finance the first phase of the project. Mr. Smith feels that both the University and the City are unique with a financing approach to what normally would be a fifteen to twenty year payback for solar power systems. Mr. Smith also stated that Community Solar affirms Eastern Mennonite University’s request to support an ordinance for solar property tax abatement that is comprehensive and permanent.

Tom Domonoski – Resident of the City of Harrisonburg, stated he and his wife installed an affordable tank system and a hot water solar system on the roof of their home. Mr. Domonoski stated that they have two different types of panels on the roof of their home and the

systems provide his electricity, heat domestic water usage, and provide the hot water for radiant floor heating system under their home. Mr. Domonoski gave an example of his negative five dollar credit on his electric bill last month that will apply to a later month when they use more power than they make. Mr. Domonoski has spoken with several people about why they should invest and adopt this technology on their house. Mr. Domonoski feels that his conversations would be more effective if he could tell them that the City of Harrisonburg supports solar power and, if they invest in global energy by adding these improvements to their home, then their residential tax bill will not go up. Mr. Domonoski urges City Council to adopt a tax abatement of 100% that applies to solar equipment for the life of the solar equipment.

Marsha Smith – Executive Director, Central Valley Habitat for Humanity, spoke on behalf of homeowners. Central Valley Habitat for Humanity does all within its power to provide affordable housing for the work force families in the City of Harrisonburg. With volunteers and sweat equity from future homeowners, Central Valley Habitat for Humanity creates housing opportunities for families who typically wouldn't qualify for a conventional loan. Mrs. Smith stated by these families owning their home not only do families create a place of stability and well being for their immediate families, but they also promote stability for the communities on which they live and add to the tax base of the City of Harrisonburg. Making the Habitat homes work financially for partner families requires creative thinking. In an effort to make home expenditures for families more predictable and secure, Central Valley Habitat for Humanity started installing solar hot water systems in houses. Mrs. Smith also stated that by lowering utility payments, they are not only making it more feasible for families, but also making the City of Harrisonburg become a leading example of what a city can do to promote sustainability for its citizens. Mrs. Smith once again urged Council to adopt an ordinance for tax abatement on the life of the solar systems.

Mayor Degner stated that with these requests, the City will begin a deliberation.

Vice-Mayor Baugh would like staff to move forward with these requests.

City Manager Hodgen stated the staff has already started gathering information from other localities that have ordinances and will use those to prepare a draft ordinance.

Council Member Byrd suggested not only Council have a vote, but to hold a Public Hearing to give citizens a chance to speak.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of the appropriations that were received to the School Board Operating budget in the amount of \$41,656.00 and for the Police Department in the amount of \$5,000.00 and \$2,920.73. 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 Wiens  
Vice-Mayor Baugh  
Council Member Frank



## Mayor Degner

Absent – None

James “Bucky” Berry spoke briefly to Council on the schedule and details of the upcoming food drive that will be held this November to benefit the Salvation Army and the Boys and Girls Club. Mr. Berry stated that this is the first year that the Salvation Army and the Boys and Girls Club has teamed up for this event. Mr. Berry would like Council to have a Proclamation to be read on November 19, 2010 to open the food drive at Best Buy and kick off the thirty-six hour event. Mr. Berry introduced Council to his son Brent Berry who had a prepared speech. Brent Berry introduced himself to Council as a student at Thomas Harrison Middle School and would like to take this time to show his support toward the food drive. Brent stated that the Salvation Army in Harrisonburg sells 100 family food baskets which will serve 400 people in a month. This Thanksgiving, over 997 families have signed up for food baskets. Brent also stated of those families that have signed up 65% of those are from the City of Harrisonburg. Brent stated that when food is unavailable at the Salvation Army, the families have to go purchase food from the Blue Ridge Area Food Bank which charges \$0.16 per pound of food. Brent closed with a statement asking for City Council’s support to help make the food drive a success.

Brad Reed, Transportation Planner presented a request for a traffic signal removal at the intersection of South Mason Street and East Bruce Street. The traffic signal was installed when Mason Street was part of the city’s truck route. The truck route has since shifted and the signal is no longer warranted as stated in the Federal Traffic Signal Warrant Study performed by Public Works in September and October of 2010. The Transportation Safety and Advisory Commission recommended removal of the signal at their October meeting, as did the Old Town neighborhood as part of their preliminary traffic calming plan. Benefits to removing this signal include reduction of vehicular delay, decrease in maintenance costs, and encouragement of vehicular travel on Mason Street rather than cutting through the Old Town neighborhood. This issue was presented to Council in 2008, but tabled due to concerns regarding a lack of safe pedestrian crossing locations on South Mason Street and the use of this signal by transit buses originating from the transfer station at the Hardesty-Higgins House. Pedestrian safety and visibility is being addressed through the installation of nine new east-west crosswalks on South Mason Street between East Grattan Street and East Water Street, including the addition of a fourth crosswalk leg to the South Mason Street and East Bruce Street intersection. Traffic analysis indicates the availability of acceptable gaps in traffic for pedestrian crossings without the need for signalization. The Department of Public Transportation is currently looking into a more suitable location for their bus transfer station so they may better serve their customer base. Council Member Wiens made a motion for removal of the South Mason Street and East Bruce Street traffic signal. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

City Attorney Thumma presented for Council consideration’s amending and re-enacting Section 4-2-90 (regarding meals tax) of the Harrisonburg City Code. This item is to conform to state law due to the General Assembly passing legislation that determined that in cases where a tip, gratuity, or service charged is added to the price of a meal by the seller, and required to be

paid by the purchaser, and portion of that tip, gratuity, or service charge that exceeds twenty percent (20%) is considered part of the sales price and is subject to the meals tax.

City Attorney Thumma also presented for Council consideration's amending and re-enacting Section 12-1-3.1 (BPOL Licenses) of the Harrisonburg City Code. This item is to conform to state law due to the General Assembly passing legislation that requires business license applicants to furnish evidence that all delinquent business license, personal property, meals, transient occupancy, and admissions taxes owed by the business to the City have been paid that have been properly assessed against the applicant by the City.

Vice-Mayor Baugh offered a motion to approve amending and re-enacting Section 4-2-90 (regarding meals tax) and amending and re-enacting Section 12-1-3.1 (BPOL Licenses) of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call as follows:

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

Absent – None

At 7:40 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and/or consider the acquisition 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 and consultation with legal counsel 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 Frank  
Council Member Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

At 9:30 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 9:32 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

November 9, 2010

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 Police Captain Daniel L. Claytor. Absent: Assistant City Manager Anne C. Lewis and Chief of Police Donald Harper.

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

Quiet T. Please – Mr. Please brought concerns to City Council about Chicago Avenue and Waterman Drive. Mr. Please was concerned about safety on those specific roads for both motorists and bicyclists. He wants Council to put pressure on those responsible for improving conditions around that specific area before a more serious accident happens.

Michael Wong - Executive Director of Harrisonburg Redevelopment and Housing Authority reported to City Council that Franklin Heights, the residential housing units that opened this past June, received an award for Best Housing Development in the Commonwealth of Virginia for 2010. Mr. Wong invited City Council to attend the awards ceremony that will be held at the Governor’s Housing Conference on Thursday, November 18, 2010.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading to consider amending and re-enacting Section 4-2-90 and Section 12-1-3.1 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

Planning and Community Development Director Turner presented a request from James L. Eby for a special use permit to allow a religious use within the M-1, General Industrial District. The property is located at 1560 North Liberty Street and can be found on tax map 45-D-8. The Comprehensive Plan designates this area as General Industrial. Mrs. Turner reviewed the surrounding property uses in the area. If approved, New Life Church of the Shenandoah Valley will work with the property owner to occupy the structure by January or February 2011.

Mrs. Turner stated the church utilizes the Lucy F. Simms Center for Continuing Education’s auditorium for Sunday morning worship services and would continue to do so if the

special use permit is granted. The applicant desires to utilize the subject property for church offices and small church group meetings of 10 to 20 persons, which would meet during weekday mornings and evenings and on weekends. However, there is potential to have larger assembly gatherings inside and/or outside or perhaps within an accessory building or within an addition to the existing structure. Staff suggested that the existing structure would only be used for specified uses.

If the request is granted the applicant has been informed they would need to apply for a change of use permit. Also, the applicant has been informed that all required parking for the church use must be provided on site. The applicant also understands that other, more intense industrial uses could locate on the vacant land surrounding this property.

Mrs. Turner stated as a final note, staff made the applicant aware that the authorized special use permit will be established, constructed, or commenced and diligently pursued within twelve (12) months from the approval date of the permit, unless otherwise specified by City Council.

Planning Commission recommended approval of the special use permit request with the following two conditions: 1) to limit the uses to the church offices and small group meetings as specified, 2) that the use be granted only for the existing building, and 3) there be a minimum of ten parking spaces be provided.

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 Monday, October 25, and Monday, November 1, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, November 9, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Special Use Permit – 1560 North Liberty Street (New Life Church)***

**Public hearing to consider a request from James L. Eby with representative Webb Hypes 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 1560 North Liberty Street and can be found on tax map 45-D-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 (5) five days prior to the date of the meeting.**

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

Mayor Degner called on anyone desiring to speak for or against the Special Use Permit for 1560 North Liberty Street (New Life Church). There being no one 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 Planning Commission's recommendation 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 Frank  
Council Member Byrd  
Mayor Degner

Absent – None

Mayor Degner announced that agenda items #7 and #8 regarding an alley closing and rezoning amending proffers on three parcels zoned R-2C located at 1043, 1045, and 1047 Virginia Avenue will be covered by one staff presentation. Mrs. Turner reviewed the surrounding property uses in the area.

Planning and Community Development Director Turner presented a request to Council to close 759 +/- square feet of an undeveloped portion of an alley and to rezone approximately 21,766 +/- square feet by amending proffers on three parcels zoned R-2C located at 1043, 1045, and 1047 Virginia Avenue. The properties are located along Virginia Avenue between the block of the undeveloped 6<sup>th</sup> and 7<sup>th</sup> Streets. Mrs. Tuner said the Comprehensive Plan designates this area as Neighborhood Residential.

Mrs. Turner stated that in November 2005, the subject properties were rezoned from M-1 to R-2C. The existing proffers limit the uses of the properties as well as regulate specifics regarding ingress and egress. Below are the existing proffers, written verbatim: 1) only one single family detached dwelling would be constructed on each lot or one duplex which would be constructed on two lots or a combination of these two, 2) site entrance will meet the distance established by the Design and Construction Standards Manual with the understanding that this distance is currently meeting approval from your office, and 3) there will be one shared ingress and egress onto Virginia Avenue with a shared maintenance and access agreement easement among the three lots.

Mrs. Turner stated since the 2005 rezoning, a minor subdivision has occurred and a duplex was constructed on lots 39-K-4 & 5, currently addressed as 1043 and 1045 Virginia Avenue. Each unit is independently owned. The units share a single driveway that snakes up the steep topography from the street. With the construction of the duplex, the proffers limit the use

of tax map 39-K-6 to one, single family detached dwelling. The applicant would like to amend the proffers by eliminating the restriction of building only a single family home to permit the construction of a duplex.

The applicant would like to amend the proffers to permit the construction of a duplex; in particular, he has proposed to eliminate proffer #1 and he has amended the language within the existing proffer #3 to ensure that all units share and maintain the ingress and egress. The applicant proposes the proffers to be amended and approved as follows: 1) site entrance will meet the distance established by the Design and Construction Standards Manual with the understanding that this distance is currently meeting approval from your office; and 2) There will be one shared ingress and egress onto Virginia Avenue with a shared maintenance and access agreement easement for all units built on the subject properties.

Mrs. Tuner stated along with the rezoning request, the applicant is requesting to close a 759 +/- square foot portion of an undeveloped alley located between the undeveloped sections of 6<sup>th</sup> and 7<sup>th</sup> Streets. If approved, the applicant would add the area to his undeveloped property, which is located at 1047 Virginia Avenue. The applicant's reasoning for closing the alley is to add more square footage to his property to build a duplex. Currently, his property, which fronts Virginia Avenue and is identified as tax map 39-K-6, has 10,766 square feet; 234 square feet short of the 11,000 square foot required minimum to build a duplex in the R-2, Residential District.

Mrs. Turner stated that as with all street and alley closing applications, if City Council approves the request, each adjoining property owner of the area to be closed would have the option to purchase up to half of the area immediately adjacent to their property. If the applicant's neighbors choose to purchase their half, the applicant would still acquire enough area to meet the 11,000 square foot minimum.

Mrs. Turner also stated that closing the alley and acquiring the additional square footage is not the only obstacle for the applicant to build a duplex. Currently, his property is zoned R-2C with an existing proffer that limits his construction to building only a detached single family home. Therefore, immediately following this alley closing request, the applicant is requesting to amend the regulating proffers to permit the construction of a duplex.

Mrs. Turner stated as described above, the alley is undeveloped and is located between the undeveloped portions of 6<sup>th</sup> and 7<sup>th</sup> Streets. The City has no plans to develop the streets or the alley. The northern portion of this alley is heavily vegetated and would be difficult and costly to build and maintain due to the steep topography.

Mrs. Turner also stated that the alley is not utilized by City Departments for trash collection or emergency services. The only utilities that exist within this area are overhead power lines and communications equipment; thus if City Council approves the closing, the Harrisonburg Electric Commission (HEC) has requested the City Attorney to reserve an easement to allow them continued access to maintain their equipment. An easement over this area would prohibit structures from being developed within what is now the undeveloped alley.

Mrs. Turner also stated if the request is approved, the applicant, and any interested adjoining property owners must pay the City for the area they wish to purchase and also supply a survey of how the property is to be deeded.

Planning Commission recommends closing this section with a reserved easement over the entire area for HEC.

The following discussion by Council Members included: Do we know where the other landowners stand on wanting or not wanting a portion of the alley? If this portion of the alley closes, will the whole alley be useless, so do we want to offer the rest of the alley to the landowners if they are interested? There seems to be some purpose further south of the alley with landowners using their alleys. The alley designated when the subdivision was platted many years ago, and it was a common practice at that point to establish alleys.

At 7:32 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 Monday, October 25, and Monday, November 1, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, November 9, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Alley Closing – Adjacent to 39-K-6, 12, & 13 (Hostetter)***

**Consider a request from Steven E. Hostetter to close a 757 +/- square foot undeveloped portion of an alley located within the block bounded by Virginia Avenue, undeveloped 6<sup>th</sup> Street, Lee Avenue, and undeveloped 7<sup>th</sup> Street.**

***Rezoning – Proffer Amendment 1043, 1045, & 1047 Virginia Avenue (Hostetter)***

**Public hearing to consider a request from Steven E. Hostetter to rezone approximately 21,766 +/- square feet by amending proffers on three parcels zoned R-2C, Residential District Conditional. The properties are located at 1043, 1045, and 1047 Virginia Avenue and can be found on tax maps 39-K-4, 5, & 6. The Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots. 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.**



**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 (5) five days prior to the date of the meeting.**

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

Mayor Degner called on anyone desiring to speak for or against the alley closing and rezoning. David Nam, an attorney for the applicant, stated that Mr. Hostetter is not interested and would not be able to build anything in the alley. The alley is serving the purpose of providing Mr. Hostetter with enough land to build a duplex on his adjoining property. Mr. Nam also stated that he believes it is Mr. Hostetter's intension to leave the trees that exist in the alley and to try and maybe plant more to make a noise barrier. He also stated the Mr. Hostetter's desire is to do something beneficial for the location.

Kay Estep – Mrs. Estep lives directly behind the alley and the lot where the proposed duplex is going to be built. Mrs. Estep stated she would prefer a single-family home instead of a duplex. Mrs. Estep is concerned about her views from her home. She also feels that a duplex will have more noise, cars, people, and a structure much larger than a house. She also stated that a duplex will generate more taxes for the City, however she feels that the alley should remain open since it allows access to utility lines. Mrs. Estep requested that Council deny the request.

Darlene Newman – Mrs. Newman stated that she was present at the meeting in 2005 when some of the same issues were discussed and disapproved. Mrs. Newman stated she agreed with outcome of 2005 and the property should remain the same. Mrs. Newman also stated that she currently owns the property that has a duplex built on it and would like to see the property next door remain as it was proposed for a single-family home.

Bill and Karen Dean – Mrs. Newman read a letter on their behalf due to a prior commitment. Mr. & Mrs. Dean stated that they were not in approval of the first duplex that was built. They stated that the noise increased since the duplex went up. Mr. & Mrs. Dean stated that they understood that Mr. Hostetter would build regardless of how they feel about it, but would be more comfortable with a single-family home instead of a duplex. They stated that they were aware that the Planning Commission gave approval for the alley to be closed to give adequate yardage to build this duplex. Mr. & Mrs. Dean stated that they bought their home because of the neighborhood and the area surrounding their lot. Mr. & Mrs. Dean would like Council to consider the thoughts and feelings of the surrounding property owners and restrict the construction to a single-family home.

Dean Hayward – Mr. Hayward stated that he did not intend to speak at tonight's meeting, but that he came because he thought there was a proposal to close 6<sup>th</sup> Street. Mr. Hayward, however, did state that a few years ago he tried to purchase his portion of an alley, and it was denied because the City wanted access to the alley. Mr. Hayward was concerned because he was refused his portion of the alley because the City wanted to have access to the alley for emergency purposes, what he is questioning if the City wanted the alley then, why wouldn't the City want it

now. Mr. Hayword stated that he did not see much purpose for the alley, except for when the utility company and cable company needed access to their equipment. Mr. Hayword also stated that he feels that Mr. Hostetter should just build a single-family home on the property.

Steve Hostetter – Mr. Hostetter stated that he plans to build the duplex and hold onto the property and to rent it. He also stated that he plans to keep as many trees as possible. Mr. Hostetter did state that the trees are cedar and keep falling over because when a dense cedar grows they become weak because they support each other. Mr. Hostetter stated that he understood the homeowners' feelings when the property around their homes is being developed around their own. Mr. Hostetter also stated that when he purchased the property it was for investment. Mr. Hostetter also stated that if he would build a single-family that it would have to be a two-story home.

Mayor Degner declared the public hearing closed at 7:48 p.m., and the regular session reconvened. Vice-Mayor Baugh offered a motion to approve the alley closing, rezoning, and easements that are described in agenda items # 7 and #8 as presented.

The following discussion by Council Members included: The alley is currently being used to access utility lines. Does the City have a duty to keep alleys open? This particular alley is at a dead end. The height of the home will be the same regardless of a single-family or duplex being built. The only thing that has changed since 2005 was that there wasn't enough space to build a duplex and the idea closing the alley never came up. Mr. Hostetter was not the owner in 2005. There is a Comprehensive Plan in place and this fits along the guidelines for the Comprehensive Plan. Another concern included taking this situation to another location, with one party interested and the other party not in closing an alley will this decision affect future alley closings. With Mr. Hostetter even purchasing half the lot, if the adjacent property owner would be interested he would still have enough property to build a duplex. Since the adjacent property owner is not interested in purchasing their portion, Mr. Hostetter has to purchase the whole alley described adjacent to his 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  
Mayor Degner

No - Council Member Byrd

Absent – None

Director of Special Projects and Grants Ande Banks presented to City Council the amendment to the FY 2010-2011 Action Plan. Mr. Banks stated that there will be a change in the Annual Action Plan and U.S. Department of Housing and Urban Development (HUD) requires that if a change is being made, it needs to go through an amendment process which includes a Public Hearing. Mr. Banks stated Public Works requested that the funds for Pleasant

Hill Road shoulder construction and the West Bruce Street sidewalk project be reallocated toward a new sidewalk along West Washington Street. He also stated the entire \$147,000.00 would be applied to the West Washington Street project. Mr. Banks stated that this Public Hearing serves as the opening of a 30-day Public Comment Period, which will then close with a final approval at the December 14, 2010 Council meeting.

At 8:09 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 Tuesday, October 26, 2010.

**PUBLIC HEARING NOTICE  
CITY OF HARRISONBURG  
AMENDMENT TO 2010 ACTION PLAN  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**PUBLIC HEARING - The City of Harrisonburg will hold a public hearing on Tuesday, November 9, 2010 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 2010 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:**

- **\$120,000 that was allocated to the Public Works Pleasant Hill Road shoulder construction and reconstruction project (11CDBG05) will be moved to the NEW 2010-2011 Public Works West Washington Street (11AMEND1).**
- **\$27,000 that was allocated to the Public Works West Bruce Street Sidewalk Project (11CDBG06) will be moved to the NEW 2010-2011 Public Works West Washington Street (11AMEND1).**

**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 Ande Banks, at [ande.banks@harrisonburgva.gov](mailto:ande.banks@harrisonburgva.gov) or 540-432-8923 with questions. Written comments may also be mailed to Ande Banks, Director of Special Projects and Grant Management, Office of the City Manager, 345 South Main Street, Harrisonburg, VA 22801. All comments must be received by 9:00 a.m. on December 10, 2010.**

Mayor Degner called on anyone desiring to speak for or against the FY 2010-2011 Action Plan. There being no one desiring to be heard, the public hearing was declared closed at 8:10 p.m., and the regular session reconvened.

Director of Special Projects and Grants Ande Banks presented to City Council the Community Development Block Grant (CDBG) 2009-2010 Consolidated Annual Performance Evaluation Report (CAPER). Mr. Banks stated that this is a self evaluation process that we have to do as an Entitlement Community where we look back on the previous program year and report the successes to U.S. Department of Housing and Urban Development (HUD). Mr. Banks stated that this Public Hearing will commence a 15 day public comment period, which will end at 9:00 a.m. on November 25, 2010.

At 8:11 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 Tuesday, October 26, 2010.

**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 09-10.**

**Comments may be submitted during the CDBG / CAPER Public Hearing portion of the regular City Council meeting on November 9, 2010, 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 25, 2010, at 9:00 A.M. Comments may be submitted to Ande Banks, Director of Special Projects and Grants Management, at 345 South Main Street, Harrisonburg, Virginia 22801, [ande.banks@harrisonburgva.gov](mailto:ande.banks@harrisonburgva.gov), or (540) 432-8923.**

**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 2009, the City was awarded \$539,947 in CDBG entitlement funds. An additional \$90.96 was added to this amount from previous award years, bringing the total to \$540,037.96. 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	\$155,000	\$155,000	\$0

<b>Community &amp; Public Facilities</b>	<b>\$202,541.96</b>	<b>\$142,262.49</b>	<b>\$60,279.47</b>
<b>Administration</b>	<b>\$107,996</b>	<b>\$1,846.48</b>	<b>\$106,149.52</b>
<b>Public Services</b>	<b><u>\$74,500</u></b>	<b><u>\$60,352.79</u></b>	<b><u>\$14,147.21</u></b>
<b>Total</b>	<b>\$540,037.96</b>	<b>\$359,461.76</b>	<b>\$180,576.20</b>

Mayor Degner called anyone desiring to speak for or against the CDBG 2009-2010 Consolidated Annual Performance Evaluation Report (CAPER). There being no one desiring to be heard, the public hearing was declared closed at 8:12 p.m., and the regular session reconvened.

City Manager Hodgen presented to City Council that in December 2007, City Council voted to limit the repayment of the ARC's debt of \$500,000 to the \$262,850.00 that they had paid at the time. City Manager Hodgen stated the debt was associated with the Lucy F. Simms Center renovation and expansion project. He also stated that due to possible tax credit issues, the City could not officially release or forgive the remaining balance due until the City assumed full ownership of the building, which occurred in September of this year. With that being said, City Manager Hodgen presented the following resolution for Council's consideration:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, FORGIVING THE BALANCE DUE ON  
THE ARC OF HARRISONBURG AND ROCKINGHAM, INC. NOTE**

**WHEREAS, The ARC of Harrisonburg and Rockingham, Inc., a Virginia non-profit corporation executed a note in the original amount of Five Hundred Thousand Dollars (\$500,000.00) payable to the City of Harrisonburg for the Lucy F. Simms School renovation project; and**

**WHEREAS, the Lucy F. Simms School renovation project was completed and the property has been re-conveyed to the City of Harrisonburg; and**

**WHEREAS, The ARC of Harrisonburg and Rockingham Inc. has repaid to the City of Harrisonburg Two Hundred Sixty Two Thousand Eight Hundred Fifty Dollars (\$262,850.00) of the original Five Hundred Thousand Dollar (\$500,000.00) amount; and**

**WHEREAS, The ARC of Harrisonburg and Rockingham, Inc. has requested that the City Council forgive the balance due under the original note;**

**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 forgives the balance due, in the amount of Two Hundred Thirty Seven Thousand One Hundred Fifty Dollars (\$237,150.00) and that The ARC of Harrisonburg and Rockingham, Inc., a Virginia non-profit corporation, is hereby released from its obligation to repay to the City of Harrisonburg, the balance due under the original note. .**

**Approved: October 26, 2010**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Council Member Byrd offered a motion to approve the Resolution releasing The ARC of Harrisonburg and Rockingham from financial obligation to the City. 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 Frank  
Council Member Byrd  
Mayor Degner

Absent – None

City Manager Hodgen presented to Council for consideration an addendum to lease agreement between the Arts Council of the Valley, Harrisonburg Redevelopment and Housing Authority and City of Harrisonburg for the Court Square Theater. City Manager Hodgen stated that the original lease agreement was between the Arts Council, Harrisonburg Redevelopment and Housing Authority and the City of Harrisonburg for the Council's use of the Court Square Theater that was signed in 2001 and had a 10 year term. The Arts Council has requested a 3 year extension to that agreement for continued use of the Theater. The original agreement also included a monthly grant to the Council for support of Theater operations and in recognition of its role in the promotion of Downtown Harrisonburg through exhibits and programs of the highest possible quality. The addendum proposes a monthly grant of \$5,000.00 for the three year period beginning July 1, 2011.

Vice-Mayor Baugh offered a motion to approve the addendum to the lease agreement between the Arts Council of the Valley, Harrisonburg Redevelopment and Housing Authority and City of Harrisonburg for Court Square Theater. 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  
Mayor Degner

Abstain – Council Member Byrd

Absent – None

Michael Wong, Executive Director of the Harrisonburg Redevelopment and Housing Authority and Chairman of the Plan Steering Committee, presented the Ten Year Plan to End Homelessness in Harrisonburg and Rockingham County. Mr. Wong also presented to Council the following resolution:

**A RESOLUTION ADOPTING “ENDING HOMELESSNESS IN TEN YEARS:  
HARRISONBURG AND ROCKINGHAM COUNTY- A PLAN”**

***WHEREAS***, homelessness is a serious community problem in Harrisonburg and Rockingham County, with 163 people, including 66 children, identified as homeless in a “Point in Time” survey conducted in January 2010, and with more at risk of being homeless; and

***WHEREAS***, our community is committed to a coordinated effort to eliminate homelessness in Harrisonburg and Rockingham County, with a focus on working with homeless individuals and families from our community who share a personal commitment to achieving self-sufficiency to the best of their abilities; and

***WHEREAS***, the community, including local governments, the Harrisonburg Redevelopment and Housing Authority, the Harrisonburg-Rockingham Department of Social Services, the Harrisonburg-Rockingham Community Services Board, the United Way of Harrisonburg and Rockingham County, non-profit organizations, the faith community, and individual citizens concerned with this issue have collaborated over the last several months to develop a plan to coordinate efforts to eliminate homelessness in our community; and

***WHEREAS***, the Harrisonburg City Council understands the importance in a collaborative initiative to address this issue;

***NOW, THEREFORE, BE IT RESOLVED***, that the Harrisonburg City Council concurs with the findings outlined in the attached 10 year plan to end homelessness for residents of the Harrisonburg and Rockingham County community, “Ending Homelessness in Ten years: Harrisonburg and Rockingham County - A Plan” and endorses the Plan’s goals and objectives; and,

Be it further resolved that, the Council agrees to work with the Plan’s Steering Committee to implement this plan over the next ten years, to appoint a representative to serve on the Steering Committee, and to work with the Committee and the community to seek additional resources to meet the goals included in the plan.

***RESOLVED*** this 9<sup>th</sup> day of November, 2010.

**Kai Degner,  
Mayor**

**Richard A. Baugh,  
Vice-Mayor**

**Ted Byrd,  
Council Member**

**Carolyn W. Frank,  
Council Member**

**David Wiens,  
Council Member**

**Attest:**

**Kurt Hodgen,  
City Manager**

Council Member Wiens offered a motion to approve the resolution for the Ten Year Plan to End Homelessness in Harrisonburg Rockingham County. 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

City Manager Hodgen presented to Council's consideration of approving the contract to purchase 1530 Country Club Road in the City of Harrisonburg. The City Manager and the Public Works Department recommended the purchase of 1530 Country Club Road for purposes of future improvements to County Club Road as well as an entrance off the same and for future storm drainage improvements in that area. City Manager Hodgen also stated the purchase price of \$150,300.00 is the same as the assessed value of the real estate. Funds are available for this acquisition in the Country Club Road capital project account. The contract is contingent on approval by the City Council in open session.

Council Member Byrd offered a motion to approve the contract of purchasing 1530 Country Club Road in the City of Harrisonburg. 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

City Manager Hodgen presented two separate requests for supplemental appropriations for the Police Department's budget in the amount of \$200,000.00. City Manager Hodgen stated that these funds were a reimbursement from a Federal DMV grant that paid 75% for a Criminal Justice Records System, which the City was required to match 25% of the total for the new software and hardware.



\$150,000.00 chge. to: 1000-33550 Criminal Justice Records System Localities  
50,000.00 chge. to: 1000-31010 City's match amount from fund balance

\$174,800.00 approp. to: 1000-310431-48273 Software  
25,200.00 approp. to: 1000-310431-48272 Hardware

City Manager Hodgen presented a request for supplemental appropriations for the Police Department's budget in the amount of \$4,593.15. City Manager Hodgen stated that these funds were a reimbursement from a Federal DMV grant for overtime for police officers.

\$4,593.15 chge. to: 1000-33524 Federal DMV grant

\$4,104.11 approp. to: 1000-310231-41020 Salaries/Wages OT  
489.04 approp. to: 1000-310631-41020 Salaries/Wages OT

Vice Mayor Baugh made a motion to approve both Police supplemental appropriations that were presented at tonight's meeting. 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

City Manager Hodgen presented a request for supplemental appropriations for the Public Work's budget in the amount of \$66,096.00. City Manager Hodgen stated that these funds were a reimbursement of funds received from James Madison University (JMU) and Eastern Mennonite University (EMU) for the installation of crosswalks on South Main Street and Park Road. The projects were paid for "in advance" by the City of Harrisonburg, so these funds will reimburse the capital projects fund line item. Council Member Byrd offered a motion to approve this request for the first reading, and that:

\$66,096.00 chge. to: 1310-31914 Recovered Cost

\$66,096.00 approp. to: 1310-910141-48663 New Sidewalk/Trail 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  
Vice-Mayor Baugh  
Council Member Frank

Council Member Byrd  
Mayor Degner

Absent – None

City Manager Hodgen stated that the Fire Chief was advised of additional funding that the Fire Programs will receive from a grant provided from an annual funding of the Department of Emergency Management. City Manager Hodgen stated that the City has deferred installing additional Opticom Systems, a traffic signal intervention system that lets police, fire, and rescue change signals to travel through the intersection, in our traffic signals. City Manager Hodgen stated that Fire Chief Shifflett is proposing to use the additional funds to install the Opticom equipment in the corridor along Maryland Avenue and Port Republic Road to the new hospital. He also stated that Rockingham County has already agreed to fund the traffic signal at Port Republic Road and Reservoir Street. City Manager Hodgen stated that there are other signals in the City that we would like to do in the future.

City Manager Hodgen stated the initial planning and basic design of improvements for Waterman Drive and Mount Clinton Pike is underway and should be completed in the spring. City Manager Hodgen also stated with that being said, it will begin a plan of what the City needs to do to improve the road, and from there the City will then begin a preliminary engineering report document.

City Manager Hodgen stated that the City met with the School Liaison Committee last week and they stated they were planning to grant a December bonus to employees instead of a pay increase for the year. City Manager Hodgen stated the School Board is using some of the Jobs Bill funding that the Federal government provided. He also stated it is a one-time issue of money that will not be added to salaries or retirement. City Manager Hodgen stated that if giving a bonus to City employees is something Council would be interested in doing, an ordinance would need to be passed.

At 9:00 p.m., Vice-Mayor Baugh offered a motion that Council enter into a closed session for discussion and/or consider the 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 and consultation with legal counsel 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 Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:30 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 9:32 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

November 23, 2010

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Anne C. Lewis; 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 Sergeant William W. Keller. Absent: Chief of Police Donald Harper.

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

Rhonda Copper, Laura Hedrick, and Alton Marston received a “Saved by the Belt” award as part of the “Click It or Ticket It” program. It was noted that these individuals’ lives were saved because they were wearing their seat belt prior to being involved in an accident.

James “Bucky” Berry presented an update to Council on the success of the “Brent Berry Food Drive” that started on November 19, 2010. Mr. Berry also wanted to thank Council and the City for their support.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading to consider supplemental appropriation to the Police Department in the amount of \$200,000.00 and in the amount of \$4,593.15, and to the Public Works Department in the amount of \$66,096.00, and the request from Steven E. Hostetter to rezone approximately 21,766 +/- square feet by amending proffers on three parcels zoned R-2C located at 1043, 1045 & 1047 Virginia Avenue. 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

Andrew Williams, Assistant Director of Public Works, presented a supplemental appropriation to Council to increase the Stone Spring Project budget. The expenditures will be funded by the proceeds from funds that were received from the Commonwealth and Federal Government.

At 7:14 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 Monday, November 15, 2010.

## NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, November 23, 2010 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. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2010-2011 budget in the amount of \$9,411,229.00. The funds will be used to construct Erickson Avenue/Stone Spring Road. The expenditures will be funded by the proceeds from funds that were received from the Commonwealth and Federal Government.

The budget increases will be as noted below:

### General Capital Project Fund:

#### Revenues:

Street and Highway Construction – Commonwealth	1,452,170.80
Revenue Sharing	1,460,904.00
Street and Highway Construction – Federal	<u>6,498,154.20</u>
<b>Total Revenues</b>	<b><u>9,411,229.00</u></b>

#### Expenditures:

Erickson Avenue/Stone Spring Road	<u>9,411,229.00</u>
<b>Total expenditures</b>	<b><u>9,411,229.00</u></b>

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 increase in the City's 2010-2011 budget. There being no one desiring to be heard, the public hearing was declared closed at 7:15 p.m., and the regular session reconvened.

Council Member Byrd offered a motion to approve the increase in the City's 2010-2011 budget 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

City Manager Hodgen noted to Council that agenda item #7, a presentation of the City's Comprehensive Annual Financial Report (CAFR), would be presented at the December 14, 2010 meeting.

Reggie Smith, Director of Transportation, presented to Council to consider a Certificate of Public Convenience and Necessity for Taxi Cab Services for Checkered Cab. Mr. Smith provided Council a recommendation to approve the certificate be granted to Russell Edward Presnell owner of Checkered Cab. Mr. Smith also noted that both Colonel Harper and he reviewed Mr. Presnell's application and stated that Mr. Presnell has followed the proper paper work and procedures while applying for this certificate.

Vice-Mayor Baugh offered a motion to approve Russell Edward Presnell's request and grant a Certificate of Public Convenience and Necessity for Taxi Cab Services to Checkered Cab. 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

Michael Collins, Director of Public Utilities, presented to Council an overview and update on the City's efforts with regard to the mandated local and regional water supply plan. These plans are an effort to be proactive in cases of drought or other unknown circumstances that the City of Harrisonburg would have access to other sources to get water supply at a short notice. Mr. Collins stated that the Public Utilities Department is using the Upper Shenandoah Water Supply Plan. The plan includes 11 elements and we have accomplished four of the elements. Mr. Collins stated that he wanted to bring this plan and schedule to Council because in the next few months more details will be completed, public hearings will be held, and decisions will have to be made.

Mr. Collins stated in order to proceed with the elements of the Upper Shenandoah Water Supply Plan, he is requesting amending and re-enacting Section 7-2-19 of the Harrisonburg City Code. Mr. Collins stated that this is essentially a re-write of the entire existing ordinance regarding conservation of water during emergencies or droughts. He stated the reason for the re-write of the ordinance is to provide the Public Utilities Department with the ability to act in a timely manner and/or in emergency situations.

Council Member Byrd offered a motion to approve amending and re-enacting Section 7-2-19 of the Harrisonburg City Code 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

Michael Collins, Director of Public Utilities is requesting to write-off uncollected accounts receivable accounts that are one year or older. The total value of the accounts is \$5,080.21. This is 1% of the total billed (\$379,246.28) during the same time period. Mr. Collins stated the collection agency will still pursue the funds, but this action is for accounting purposes only.

Vice-Mayor Baugh offered a motion to approve the request of the Public Utilities Director to write-off uncollected accounts in the total of \$5,080.21. 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

City Manager Hodgen presented Council an ordinance to pay City of Harrisonburg employees a one-time bonus. City Manager Hodgen stated that no new funds will be required for this action due to unanticipated savings that have been achieved this year through bond refinancing and lower-than-expected costs for a new bond issued.

Council Member Wiens offered a motion to approve the ordinance to pay a one-time bonus to City employees. 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 Byrd  
Council Member Wiens  
Mayor Degner

Absent – None

The one-time bonus ordinance is as follows:

**ORDINANCE TO PAY A BONUS  
TO BOTH FULL-TIME AND PART-TIME EMPLOYEES  
OF THE  
CITY OF HARRISONBURG**

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

**That all full-time and part-time employees of the City of Harrisonburg,  
Virginia, who were employed on December 1, 2010, are hereby awarded a one-time bonus,  
to be paid with the December 17, 2010 payroll as follows:**

<b>Full-Time Employees</b>	<b>\$500.00</b>
<b>Part-Time Employees</b>	<b>\$250.00</b>

**This ordinance shall be effective on the date of its passage.**

**ADOPTED and APPROVED this 14th day of December, 2010.**

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**MAYOR**

**ATTESTE:**

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**Clerk of the Council**

Council Member Wiens made a motion to cancel the December 28, 2010 Council meeting. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

Council Member Byrd presented to Council a follow-up to the North East Neighborhood Association about signage for a Drug-Free School Zone around the Lucy Simms Center. He stated that he has spoken with the Harrisonburg Police Department, the Commonwealth Attorney, and the Harrisonburg City School Board and they are all in favor of posting the Drug-Free School Zone and would like signs to go up, which will also increase penalty since the Lucy Simms Center is used as a Monday through Friday Day Report Center.

Council Member Byrd offered a motion that Ronnie L. Arnold, 1141 South High Street, be appointed to fill an unexpired term through June 30, 2012 to the Community Services (Chapter 10) Board. The motion was seconded by Vice-Mayor Baugh and approved with a unanimous voice vote.

At 7:55 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and/or consider the 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, as amended. Discussion concerning a prospective business where no previous announcement has been made the business' interest in expanding its facilities within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia and discussion concerning appointment of specific public officers, appointees or employees of the public body, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(1) 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  
Council Member Byrd  
Council Member Wiens  
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.

Vice-Mayor Baugh offered a motion that Thomas J. Dawson, 1160 Decca Drive and Elroy Miller, 1604 Hillcrest Drive, be appointed to a first term on the Harrisonburg Redevelopment and Housing Authority to expire November 29, 2014. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

At 9:02 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 14, 2010

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Anne C. Lewis; 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 Troop 42 led everyone in the Pledge of Allegiance.

Mayor Degner read a resolution and expressed his gratitude to Council Member Frank as she departs as a member of City Council.

Mayor Degner read a resolution and expressed his gratitude to City Clerk, Yvonne “Bonnie” Ryan as she retires at the end of this year. He thanked her for her 17 years of service and dedication to the City of Harrisonburg.

James “Bucky” Berry came to thank the City Council, City employees, and the City of Harrisonburg community for their support of the “Brent Berry Food Drive”.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading to consider supplemental appropriation to the Public Works Department in the amount of \$9,411,229.00, amending and re-enacting Section 7-2-19 of the Harrisonburg City Code, and to pay one-time bonuses. 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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Planning and Community Development Director Turner presented a request from Mountain View Apartments, LLC, with representative Harrisonburg Redevelopment and Housing Authority to rezone 3.1 +/- acres from R-3C, Medium Density Residential District to B-2C, General Business District Conditional. The property is located along Port Republic Road and can be found on tax map 88-G-7. The Comprehensive Plan designates this area as Low-Density Mixed Residential. Mrs. Turner stated that the large undeveloped areas located at the edge of the city are planned for residential development containing a mix of large and small-lot single family detached dwellings and attractive green spaces.

Mrs. Turner stated that the applicant is aware that if they wanted to build only the Harrisonburg Community Health Center, they could do it by right with the existing proffers, but they would be limited to only one story. The proffers that are being presented would strictly control the type of B-2 uses that would be permitted. Essentially, every B-2 use was removed except pharmacy related retail uses, and governmental, business, and professional offices. The language used in the first proffers limits the functions and types of pharmacy uses thus eliminating CVS, Rite-Aid, or Walgreen-type stores from operating on this site. The submitted proffers slightly broaden the uses to allow the limited pharmacy use and governmental and business offices while also allowing educational functions that are related to the uses. Mrs. Turner disclosed that with allowing the limited pharmacy use, this would allow Williamson Hughes' Pharmacy to move into the building with the Community Health Center.

Mrs. Turner explained that the property owner is also requesting a special use permit per Section 10-3-91 (8) for reduced parking areas in the B-2 zoning district. Mrs. Turner stated that the City's parking regulations would require the planned uses to provide a combined total of 78 parking spaces; however, the applicant believes their uses would not necessitate such a large quantity. The applicant would like to lessen the impact on the surrounding residential area while also conserving open, green space on their site. Mrs. Turner stated that for these reasons, the applicant would like to provide 66 spaces; a reduction of 12 parking spaces. The special use requires that open, green space be provided equal to the amount that would have been used for parking in case that area is needed for parking in the future. If approved, the property owner shall note in the deed to the property that this open space shall remain in place and that it shall not be used to meet any conflicting requirements of the Zoning Ordinance.

Mrs. Turner affirmed that staff has worked closely with the applicants during the review process; they were open to each suggestion that staff recommended they consider to help lessen the impact that such a development could have on this section of Port Republic Road and within the Ashby Meadows Subdivision and the surrounding residential neighborhoods. She also stated that staff believes the submitted proffers contain the characteristics that, if approved, will offer the City a positive result and be consistent with the kind of development the City desires along this section of Port Republic Road. Mrs. Turner reported that City Planning Commission voted in favor of the motion to recommend approval of the rezoning request and the special use request with the parking condition.

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 Monday, November 29, 2010 and Monday, December 6, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, December 14, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Rezoning – Harrisonburg Community Health Center R-3C to B-2C***

**Public hearing to consider a request from Mountain View Apartments, LLC, with representative Harrisonburg Redevelopment and Housing Authority to rezone 3.1 +/- acres from R-3C, Medium Density Residential District Conditional to B-2C, General Business District Conditional. The property is located along Port Republic Road and can be found on tax map 88-G-7. The Comprehensive Plan designates this area as Low-Density Mixed Residential. These large undeveloped areas located at the edge of the city are planned for residential development containing a mix of large and small-lot single family detached dwellings and attractive green spaces. The Zoning Ordinance states that the R-3, Medium Density Residential District is intended for medium 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; townhouses, 2,000 sq. ft. minimum per unit; other uses, 6,000 sq. ft. minimum and by special use permit multi-family, 3,000 sq. ft. minimum per unit. 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.**

***Special Use Permit – Harrisonburg Community Health Center (10-3-91 (8))***

**Public hearing to consider a request from Mountain View Apartments, LLC, with representative Harrisonburg Redevelopment and Housing Authority for a special use permit per Section 10-3-91 (8) of the Zoning Ordinance to allow the reduction of required parking areas in the B-2, General Business District. The property is located along Port Republic Road and can be found on tax map 88-G-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 (5) five 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 request from Mountain View Apartments.

Jane Perouse, Member of Board of Directors for the Community Health Center, spoke on behalf of the Board encourages Council to endorse this proposal for construction of the new facility at the location on Port Republic Road. Mrs. Perouse reminded Council that the Community Health Center is a non-profit 501-C federally qualified health center and it is a community based organization committed to providing comprehensive primary care to the residence of Harrisonburg to Rockingham County and the surrounding areas, with that regard to their ability

to pay. The Community Health Center increasingly important primary health care services to a growing volume of patients. Mrs. Perouse remarked that adequate and accessible health care services are critically important to the citizens and businesses in our community. The vision of the Community Health Center includes both clinical health care services for all residents, plus additional health care services that are needed in the broader community. Mrs. Perouse also stated the primary focus is to provide clinical health care services for the vulnerable populations. Mrs. Perouse thanked and asked Council to consider this location for the Community Health Center.

Council Member Wiens asked Mrs. Perouse why the Community Health Center picked this location. Mrs. Perouse responded stating they had checked out multiple locations and they felt that this location best fit their needs and the communities' needs. She stated that the Community Health Center is located on Neff Avenue currently and this location is not too far from that location and the Community Health Center depends on the Harrisonburg Transit which they will be accessible at this location as well.

Michael Wong, Executive Director of the Harrisonburg Redevelopment and Housing Development, stated that the Community Health Center presented the Board of Commissioners and they authorized the Harrisonburg Redevelopment and Housing Development to work with them to help them find a new location and facility. Mr. Wong stated they looked at several locations. He said they did try to engage in a contract but was unsuccessful. Mr. Wong informed Council if they had any other concerns or questions the owner of the property and the design team is present to answer them. He informed Council that the Harrisonburg Redevelopment and Housing Authority will purchase and be the owners of the property and will lease it to the Community Health Center and once the lease is completed, they will have an opportunity to purchase the property.

Mayor Degner declared the public hearing closed at 7:35 p.m., and the regular session reconvened.

Council Member Byrd asked if a bus stop is one of the proffers. Mrs. Turner stated that it isn't, but the Public Works and the Department of Transportation had a bus stop there in their plans. Reggie Smith, Transportation Director stated that there is a bus stop across the street, and putting a bus stop in their wouldn't be a problem, because it is on a regular route and they were hoping to have more interest out on Port Republic Road. Mr. Smith did state however, that he would like the applicant to add a platform for a bus stop in their plan.

After short discussion, Vice-Mayor Baugh offered a motion to approve both the rezoning request and special use permit 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 Frank  
Council Member Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Mrs. Turner, Planning and Community Development Director, presented Council with the 2011-2012 through 2015-2016 Capital Improvement Plan. This is a budgeting tool for all departments to use for their capital projects that are valued at \$30,000.00 or greater that are needed in the City. She stated that some projects that are of a reoccurring nature even though above the \$30,000.00 are not a part of this plan. Mrs. Turner also noted that this plan is not a part of the actual budget, but this budgeting tool will affect the upcoming budget. Mrs. Turner reported that City Planning Commission voted in favor of the Capital Improvement Plan.

At 7:43 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 Saturday, December 4, 2010 and Saturday, December 11, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 14, 2010, 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 2011-2012 through 2015-2016. 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 the Capital Improvement Plan. There being no one desiring to be heard, the public hearing was declared closed at 7:44 p.m., and the regular session reconvened.

With a short discussion, Vice-Mayor Baugh offered a motion to approve the 2011-2012 through 2015-2016 Capital Improvement Plan. 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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Megan Argenbright, auditor from Brown, Edwards, & Company, LLP, stated that the Comprehensive Annual Financial Report (CAFR) is prepared by the City's Finance Department annually and she would like to report to Council that the City received an unclaimed opinion, which is the best opinion you can receive. Ms. Argenbright announced that the City of Harrisonburg once again received the Government Finance Officers Association (GFOA) Award for the sixteenth consecutive year.

Edwin "Eddie" Bumbaugh, Downtown Renaissance Director, presented progress and accomplishments of Downtown Renaissance. Mr. Bumbaugh provided an update to Council about the Virginia Main Street Grant and programs like Fam Tours that were used with the money. Mr. Bumbaugh remarked another great program is the Façade Enhancement Grant, which five different businesses downtown were awarded with funds to help renovate their facility. He also gave a report on all the new businesses that have moved around or into the Downtown area and the services provided from those businesses. Mr. Bumbaugh presented to Council the Business Recruitment Guide which is geared toward new businesses and the advantages to move Downtown. He also informed Council that a landscape committee of businesses owners and volunteers decided on a plan for the beautification of the planters that are located around Court Square. Mr. Bumbaugh voiced his excitement of the progress of Streetscape and is looking forward to many more changes.

Mr. Bumbaugh expressed his disappointment of First Night Board of Directors making the decision of cancelling First Night. He mentioned that First Night is a national organization that sets standards, and with the lack of volunteers and funding this year that the celebration could not happen. Mr. Bumbaugh stated that he is hopeful in the upcoming months that he and others will start communicating with First Night and other organizations to see the desire of the community next year. He stated that Downtown Renaissance is supporting local businesses to have celebrations on site. Mr. Bumbaugh thanked both Bonnie and Council Member Frank for their support of Downtown Renaissance over the years.

Trisha Blosser, Program Manager, presented to Council events that the Organization Committee hosted over the past few months Downtown.

Ande Banks, Director of Special Projects and Grants, reported that December 10, 2010 at 9:00 a.m. concluded the 30 day Public Comment Period for the FY 2010-2011 Community

Development Blocks Grant (CDBG). Mr. Banks stated there were no comments received and staff recommends approval of the 2010-2011 CDBG Amendments. He reviewed the proposal of \$120,000 that was allocated to the Public Works Pleasant Hill Road shoulder construction and reconstruction project be moved to the new 2010-2011 Public Works West Washington Street, and \$27,000 that was allocated to the Public Works West Bruce Street Sidewalk Project be moved to the new 2010-2011 Public Works West Washington Street. Council Member Frank offered a motion to approve the 2010-2011 CDBG Amendments 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 Frank  
Council Member Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Mr. Banks presented to Council information about becoming a part of the Appalachian Trail Community. He stated that an Advisory Committee composed of city officials, small business leaders, non-profit organizations and private citizens formed to help become and continue guide the community to meet the standards to become an Appalachian Trail Community. Mr. Banks stated as part of the designation our community will include an annual event, hosted by Harrisonburg Downtown Renaissance, to which hikers will be included. He also stated that an educational program will be coordinated through Harrisonburg City Schools. Becoming a part of the Appalachian Trail Community will raise awareness to the City of Harrisonburg as a destination to the thousands of Appalachian Trail hikers that currently pass through our area each year. Mr. Banks presented the following resolution for Council's consideration of approval:

**Appalachian Trail Community Designation  
December 2010**

**Whereas, the Appalachian Trail (A.T.) traces its roots to the 1920's and was designated America's first national scenic trail in 1968; and**

**Whereas, today through the efforts of volunteers, clubs and agency partners, the Appalachian Trail extends more than 2,175 miles from Maine to Georgia within a protected 250,000 acre greenway; and**

**Whereas, towns, counties, and communities along the Trail's corridor are considered an asset by A.T. hikers and many of these towns act as good friends and neighbors to the Trail; and**

**Whereas, designation as an Appalachian Trail Community™ and participation in the program is designed to act as a catalyst for enhancing economic development, engaging**



**community citizens as Trail visitors and stewards and helping local community members to see the Trail as an educational and environmental resource and asset; and**

**Whereas, the City’s application to seek this designation has support from Harrisonburg Downtown Renaissance, Harrisonburg Tourism and Visitor Services, the Sole Source shoe store, Shenandoah Bicycle Company, the Shenandoah Group of the Sierra Club, the Harrisonburg-Rockingham Chamber of Commerce, the Virginia Wilderness Committee, Downtown Dining Alliance and private citizens; and**

**Now Therefore, the City Council of Harrisonburg, does hereby resolve to support the efforts to be designated an Appalachian Trail Community and participate in this program for no less than five (5) years by serving as a member of the Advisory Committee formed to guide the community’s activities in conjunction with the Appalachian Trail Conservancy.**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Kai Degner, Mayor**

Attest:

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

Council Member Wiens offered a motion to approve the Appalachian Trail Community Designation Resolution as presented to Council. 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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Brian Shull, Economic Development Director, presented to Council’s consideration of refunding PPEA Proposal Fees for the Public Safety Parking Deck and One Court Square. Mr. Shull stated that three development team submitted PPEA proposals on City property adjacent to the Public Safety Building and situated between Elizabeth and Wolfe Street. City staff analyzed the proposals and investigated numerous potential revenue sources. He also stated that given changing conditions and priorities, staff recommends that the City not move forward with any of the three proposals at this time. The three development teams agreed in advance to share the cost of the geotechnical report, with the funding to be taken from the submitted fees, but each team submitted \$20,000.00 fee in accordance with PPEA procedures. The City did not charge any additional fees; therefore City staff recommends that Donley’s, Nielsen Construction, and Lantz Construction each receive of the submitted fees in the amount of \$17,450.00.

Mr. Shull also stated that the City received two proposals regarding the One Court Square building. He stated that recognizing that these proposals do not fully address the City's goals for the disposition and/or redevelopment of this property, staff recommends a full refund of \$5,000 to Moreland Property Group, Inc. and Brian Wishneff & Associates that was submitted with their proposal. Council Member Byrd offered a motion to approve the refunding the PPEA Proposal Fees. 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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

City Manager Hodgen stated that the City endorsed a "Ten-Year Plan to End Homelessness in Harrisonburg and Rockingham County", and as part of that endorsement Council also agreed to appoint two representatives to the Steering Committee that is charged with implementing the plan. City Manager Hodgen spoke on behalf of both Mayor Degner and Director of Special Projects and Grant Management Ande Banks their willingness to serve on the committee. Vice-Mayor Baugh offered a motion to approve appointing both Mayor Degner and Ande Banks to the Steering Committee. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

City Manager Hodgen presented a request for a supplemental appropriation for the Public Utilities Department's budget in the amount of \$500.00. City Manager Hodgen stated that these funds were utilized to offset expenses associated with attendance at the 2010 AWWA Water Conference. Public Utilities Department was awarded the 2010 Utility Travel Grant as offered by the Virginia chapter of the AWWA to cover the expenses. Council Member Byrd made a motion to approve this request for the first reading, and that:

\$500.00 chge. to: 2011-31901 Recoveries and Rebates

\$500.00 approp. to: 2011-312061-4553 Training and Travel

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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Larry Shifflett, Fire Chief, presented a request for supplemental appropriations for the Fire Department in the amount of \$265,038.39. He stated that this request is to bring forward funds from Assistance to Firefighters Grants from last year into this year's budget, and funds will be utilized for grant-eligible purposes. Council Member Byrd made a motion to approve this request for the first reading, and that:

\$96,850.74 chge. to: 1000-31010 Unappropriated Fund Balance  
\$168,187.65 chge. to: 1000-33536 Assistance to Firefighters

\$68,092.29 approp. to: 1000-320232-48203 Fire Programs Fund  
\$28,758.45 approp. to: 1000-350532-46155 Four for Life  
\$31,091.32 approp. to: 1000-350532-48113 DOHS 16 Equipment  
\$3,566.08 approp. to: 1000-350532-48113 DOHS 17 Equipment  
\$13,292.59 approp. to: 1000-350532-48113 DOHS 18 Equipment  
\$98,571.00 approp. to: 1000-350532-48113 DOHS 20 Equipment  
\$21,666.66 approp. to: 1000-350532-48113 DOHS 21 Equipment

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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

City Manager Hodgen presented a request to transfer funds for the Public Works Department in the amount of \$175,331.00. These funds will cover planning and engineering cost for corridor study and preliminary engineering plans for improvements to Chicago Avenue and Mount Clinton Pike. Council Member Wiens made a motion to approve this transfer, and that:

\$175,331.00 chge. to: 1310-910141-48611 West Elizabeth Bridge

\$175,331.00 approp. to: 1310-910141-48726 Chicago Ave./Mt. Clinton Pike  
Improvement

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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

City Manager Hodgen presented a request to transfer funds for the Public Works Department in the amount of \$75,000.00. These funds are to cover emergency repairs to the Elizabeth Parking Deck beam and resealing joints in the Water Street Parking Deck. Council Member Byrd made a motion to approve this transfer, and that:

\$75,000.00 chge. to: 1310-910141-48611 West Elizabeth Bridge

\$75,000.00 approp. to: 1310-910141-48653 Rehab. Parking Deck

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 Byrd  
Council Member Wiens  
Vice-Mayor Baugh  
Mayor Degner

Absent – None

Council Member Byrd offered a motion to recommend Earl A. Budd to the Circuit Court for appointment to the Board of Equalization to expire on December 31, 2011. The motion was seconded by Council Member Frank and approved with a unanimous voice vote.

Vice-Mayor Baugh offered a motion that Marsha Garst and Elsie Ziegenfus be reappointed to the Rockingham/Harrisonburg ASAP Commission to expire on December 31, 2015. The motion was seconded by Council Member Byrd, and approved with a unanimous voice vote.

At 8:34 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and/or consider the 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, as amended. Discussion concerning a prospective business where no previous announcement has been made the business' interest in expanding its facilities within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia and discussion concerning appointment of specific public officers, appointees or employees of the public body, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(1) 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  
Council Member Byrd  
Council Member Wiens

Vice-Mayor Baugh  
Mayor Degner

Absent – None

At 10:00 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.

Council Member Frank offered a motion that Judith Dilts, 346 Franklin Street, be appointed to the City Planning Commission to expire December 31, 2014. The motion was seconded by Council Member Wiens, and approved with a unanimous voice vote.

At 10:02 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