

REORGANIZATION MEETING

January 3, 2011

At the reorganization meeting held in the Council Chamber at 10:00 a.m., there were present: City Manager Kurt D. Hodgen; Assistant City Manager Anne C. Lewis; City Attorney Earl Q. Thumma, Jr.; Council Members Richard A. Baugh, Ted Byrd, Charles Chenault, Kai Degner, and David Wiens; and Chief of Police Donald Harper.

The following reorganization meeting agenda was presented:

1. Call to order.
2. Oath prescribed by Law, Section of the City Charter.
3. Re-organization of City Council:
 - a. Election of MAYOR, 2-year term (Section 7 City Charter).
 - b. Election of VICE-MAYOR, 2-year term (Section 7 City Charter).
 - c. Appoint CITY ATTORNEY, 2-year term (City Code Section 3-2-1).
 - d. Appoint CITY MANAGER
 - e. Appoint CITY CLERK
 - f. Appoint one member of Council to Planning Commission, (City Code Section 10-1-2(c)).
 - g. Appoint one member of Council to Parks and Recreation Commission (City Code Section 9-1-1).
 - h. Appoint one member of Council to the Harrisonburg-Rockingham Chamber of Commerce Board.
 - i. Appoint two members of Council to the Central Shenandoah Planning District Commission.
 - j. Appoint one member of Council to the Community Criminal Justice Board.
 - k. Appoint one member of Council to the Deer Population Task Force.
 - l. Liaison of Council to the Advisory Board for Jail Facility.
 - m. Liaison (2) of Council to the Social Services Advisory Board.
 - n. Liaison (2) of Council to the City/County Liaison Committee.
 - o. Liaison (2) of Council to the School Liaison Committee.
 - p. Liaison (2) of Council to the JMU Liaison Committee.
 - q. Representative of City Council to the Harrisonburg Downtown Renaissance Board of Directors.
 - r. Appoint members to the Metropolitan Planning Organization. (3 Council members and 2 staff).
 - s. Appoint two members of Council to the Finance Committee.
 - t. Appoint one member to the Downtown Parking Committee.
 - u. Consider approval of 2011 Legislative program.
 - v. Consider ordinance amending and re-enacting Section 3-3-1 of the City Code.
 - w. Consider ordinance amending and re-enacting Section 3-3-10 of the City Code.

4. Designate regular time and dates (currently 2nd and 4th Tuesday of each month at 7:00 p.m.). Changing time and/or date requires an amendment to the City Code Section 2-2-5.
5. Other Matters
6. Boards and Commissions
 - a. Parks & Recreation Commission – William K. Latham second term will expire on December 31, 2010.
 - b. Planning Commission – Vacancy (Charles Chenault (Vice-Chair)).
 - c. Planning Commission – Debra Stevens Fitzgerald unexpired term will end on December 31, 2010.
 - d. Harrisonburg Electric Commission – Price Lineweaver second term will expire on December 31, 2010.

City Manager Hodgen called the meeting to order at 10:00 a.m.

Circuit Court Clerk Chad Evans-Haywood administered the “Oath of Office” to Ted Byrd and Charles Chenault.

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

Council Member Degner offered a motion that Richard Baugh be appointed as Mayor of the City of Harrisonburg and it was approved with a unanimous voice vote.

Council Member Degner offered a motion that Ted Byrd be appointed as Vice-Mayor of the City of Harrisonburg and it was approved with a unanimous voice vote.

Council Member Wiens offered a motion that Earl Q. Thumma, Jr. be re-appointed as the City Attorney of the City of Harrisonburg and it was approved with a unanimous voice vote.

Vice-Mayor Byrd offered a motion that Kurt D. Hodgen be re-appointed as the City Manager of the City of Harrisonburg and it was approved with a unanimous voice vote.

Council Member Degner offered a motion that Erica S. Kann be appointed as City Clerk of the City of Harrisonburg and it was approved with a unanimous voice vote.

Council Member Wiens offered a motion that Charles Chenault be appointed to a term on the Harrisonburg Planning Commission and it was approved with a unanimous voice vote.

Council Member Chenault offered a motion that David Wiens be re-appointed to the Harrisonburg Parks and Recreation Commission and it was approved with a unanimous voice vote.

Vice-Mayor Byrd offered a motion that Kai Degner be re-appointed to the Harrisonburg-Rockingham Chamber of Commerce Board and it was approved with a unanimous voice vote.

Vice-Mayor Byrd offered a motion that Charles Chenault and Kai Degner be appointed to a term on the Central Shenandoah Planning District Commission and it was approved with a unanimous voice vote.

Council Member Degner offered a motion that David Wiens be re-appointed to the Community Criminal Justice Board and it was approved with a unanimous voice vote.

Vice-Mayor Byrd offered a motion that Charles Chenault be appointed to a term on the Deer Population Task Force and it was approved with a unanimous voice vote.

Council Member Chenault offered a motion that David Wiens be re-appointed as the Advisory Board for Jail Facility Liaison and it was approved with a unanimous voice vote.

Council Member Degner offered a motion that David Wiens be re-appointed to the Social Services Advisory Board and it was approved with a unanimous voice vote.

Council Member Degner offered a motion that Richard Baugh and Ted Byrd be appointed to the City/County Liaison Committee and it was approved with a unanimous voice vote.

Vice-Mayor Byrd offered a motion that Richard Baugh and Charles Chenault be appointed as the Harrisonburg School Board Liaison and it was approved with a unanimous voice vote.

Council Member Degner offered a motion that Richard Baugh and Ted Byrd be appointed to the James Madison University Liaison Committee and it was approved with a unanimous voice vote.

Council Member Chenault offered a motion that David Wiens be appointed to the Harrisonburg Downtown Renaissance Board of Directors and it was approved with a unanimous voice vote.

Council Member Chenault offered a motion that Ted Byrd, Charles Chenault, and Kai Degner be appointed as Council representatives and City Manager Kurt Hodgen, and Director of Transportation Reggie Smith as staff representatives on the Metropolitan Planning Organization and it was approved with a unanimous voice vote.

Council Member Chenault offered a motion that Richard Baugh and Ted Byrd be re-appointed to the Finance Committee and it was approved with a unanimous voice vote.

Council Member Chenault offered a motion that Richard Baugh be re-appointed to the Downtown Parking Committee and it was approved with a unanimous voice vote.

City Manager Hodgen presented to Council the 2011 Legislative Program seeking approval to forward the information to our delegation in the General Assembly and the Governor's Office. Council Member Degner offered a motion to approve the 2011 Legislative Program. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented the following two ordinances to Council for consideration:

**ORDINANCE AMENDING AND RE-ENACTING SECTION 3-3-1
OF THE
HARRISONBURG CITY CODE**

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

That Section 3-3-1 be amended and re-enacted as follows:

Section 3-3-1. Election by council; supervision by city manager and term of office.

The city council shall elect a city clerk, who shall work and be supervised by the city manager and shall hold office at the pleasure of the city manager.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION 3-3-10
OF THE
HARRISONBURG CITY CODE**

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

That Section 3-3-10 be amended and re-enacted as follows:

Section 3-3-10. Additional duties.

The city clerk shall perform generally all duties properly appertaining to the office of the city clerk and all duties required or assigned by the city manager.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Council Member Wiens offered a motion to approved amending and re-enacting Section 3-3-1 and Section 3-3-10 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Chenault offered a motion that City Council meet each month on the 2nd and 4th Tuesday of each month at 7:00 p.m. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

Mayor Baugh brought to Council’s attention three other boards and commissions that needed appointments.

Vice-Mayor Byrd offered a motion that Brian Shull, Economic Development Director, be re-appointed to the Massanutten Regional Library Board of Trustees to expire September 30, 2011 and it was approved with a unanimous voice vote.

Council Member Chenault offered a motion that Kai Degner be appointed to the Virginia First Cities Board of Directors and it was approved with a unanimous voice vote.

Council Member Degner offered a motion that Kurt Hodgen be appointed to the Virginia First Cities Board of Directors and it was approved with a unanimous voice vote.

Council Member Degner offered a motion the Ted Byrd be re-appointed as the ex officio to the Golf Course Study Committee and it was approved with a unanimous voice vote.

Council Member Chenault offered a motion that Debra Stevens Fitzgerald, 93 Middlebrook Street, be appointed for a first term on the City Planning Commission to expire on December 31, 2014. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

Council Member Chenault offered a motion that Kevin M. Rose, 286 Campbell Street, be appointed to a first term on the Harrisonburg Electric Commission to expire on December 31, 2013. The motion was seconded by Vice-Mayor Byrd and approved with a unanimous voice vote.

At 10:35 a.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

January 11, 2011

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

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

James “Bucky” Berry stated that roughly \$20,000 worth of food was raised with the efforts of “Brent Berry Food Drive”. Mr. Berry also stated that he would like Council to eliminate City decals.

Diane Spresser read a letter from her and some of her neighbors, voicing their concern about the lack of regulations for communication facilities. Ms. Spresser stated that one location included the City owned property that holds the water tower in the northeast. Ms. Spresser and her neighbors would like Council to take the necessary steps to put in place a comprehensive set of regulations for communication facilities to include the following: towers, antenna, and supporting structures.

Vice-Mayor Byrd offered a motion to approve the consent agenda, including approval of the minutes of the previous meeting and reorganization meeting, the second reading to consider supplemental appropriation to the Public Utilities Department in the amount of \$500.00, second reading to consider supplemental appropriation to the Fire Department in the amount of \$265,038.39, amending and re-enacting Section 3-3-1 and Section 3-3-10 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 Wiens
Council Member Chenault
Vice-Mayor Byrd
Mayor Baugh

Absent – Council Member Degner

Vice-Mayor Byrd offered a motion to approve the remainder of the consent agenda, including approval of the request from Mountain View Apartments to rezone 3.1 +/- acres from R-3C to B-2C for property located along Port Republic Road and the request from Mountain View for the special use permit to reduce required parking on property located along Port Republic Road. 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 Byrd
Mayor Baugh

Abstain – Council Member Chenault

Absent – Council Member Degner

Ande Banks, Director of Special Projects and Grants, presented to Council a mandatory public hearing and corresponding comment period associated with the beginning of a new program year for Community Development Block Grant (CDBG). Mr. Banks stated that the CDBG provides direct grants that can be used to revitalize neighborhoods, expand affordable housing, improve community facilities and services, and/or for economic opportunities. Mr. Banks also noted that there are US Department of Housing and Urban Development (HUD) regulations and organizations should contact him so he can help mold organization's ideas and projects to meet those HUD regulations. Mr. Banks stated that every three to five years the City develops and updates the CDBG Strategic Plan, which helps the City identify needs within our City and prioritizes them into low, medium, or high categories.

At 7:08 p.m., Mayor Baugh closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record Wednesday, December 22, 2011.

**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 11, 2011 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 2011-2012 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 2011-2012 CDBG Program. The City’s CDBG Program is funded by an annual entitlement from HUD. The entitlement amount for FY 11-12 has not yet been announced by HUD, but will likely be approximately \$583,140. 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 2011-2012 CDBG Application package is available on the City website at www.harrisonburgva.gov. Applications are due no later than 5:00 pm on Thursday, February 10, 2011. Late applications will not be accepted.

Please contact Ande Banks at 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 Baugh called on anyone desiring to speak for or against the funding priorities for the CDBG Program.

Catherine Galvin, Valley Program for Aging Services (VPAS), stated that the VPAS receives funding from CDBG for Meals on Wheels. Ms. Galvin wanted to come and thank Council and staff for their support over the years, and she shared a card from one of the receiving parties for this program. Ms. Galvin stated that she wanted to present this card to Council and staff to let them know that their efforts are being appreciated.

Mayor Baugh declared the public hearing closed at 7:10 p.m., and the regular session reconvened.

Greg Campbell, Executive Director of Shenandoah Valley Regional Airport, presented to Council an annual update of the airport and spoke on the following topics: Overview of the Airport, General Aviation, Commercial Air Service, and Capital Improvement Program for previous and current years.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department’s budget in the amount of \$480.56. Police Chief Harper stated that these funds were

received from Rockingham Memorial Hospital for overtime worked by officers through a reimbursement Alcohol/Drug Enforcement Grant.

\$480.56 chge. to: 1000-33563 Drug Free Community Grant

\$480.56 approp. to: 1000-310231-41020 Salaries/Wages Overtime

Police Chief Harper presented a request for a supplemental appropriation for the Police Department's budget in the amount of \$414.06. Police Chief Harper stated that these funds were received through the US Marshall's Services for an assistance grant for overtime worked by investigators to assist the Marshall's Services.

\$414.06 chge. to: 1000-33546 Justice Assistance Grant

\$414.06 approp. to: 1000-310531-41020 Salaries/Wages Overtime

Vice-Mayor Byrd offered a motion to approve both supplemental appropriations for the Police Department in the amount of \$480.56 and \$414.06. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Degner

Vice-Mayor Byrd stated that he was approached by a citizen with a concern about the change in pickup schedule of yard waste. Public Works changed the pickup schedule from once a week to twice a month and he was wondering if they would increase the number of bins citizens would be able to put out. City Manager Hodgen stated that he would work with the Public Works Department to increase the number of bins to be set out for the yard waste pickup dates.

City Manager Hodgen presented Council with some updates concerning different departments in the City. City Manager Hodgen stated that on January 21, 2011 bids will be opened for One Court Square for the possible renovation for the School Board offices, and Council might have to take action to move the project forward at the January 25, 2011 meeting. He also brought to Council's attention that Ande Banks received news that the Tiger II Grant which we applied for was not funded. City Manager Hodgen stated on January 10, 2011, Public Works placed the traffic signal at Warsaw & Harrison (in front of the new parking deck at James Madison University) into flash mode to start a 30-day study. He also stated that the signal doesn't seem to be warranted, and at the end of the 30-day study Public Works might be looking at removal of the signal. City Manager Hodgen reminded Council that the Virginia Municipal League (VML) is holding its Legislative Day in Richmond on Thursday, February 3, 2011.

Council Member Wiens offered a motion that Joseph Riley, 221 Divot Drive, be appointed to a first term to the Parks and Recreation Commission to expire on December 31, 2014. The motion was approved with a unanimous voice vote.

Council Member Chenault offered a motion that Henry Way, 288 Franklin Street, be appointed to the Planning Commission to fill an unexpired term to expire on December 31, 2011. The motion was approved with a unanimous voice vote.

At 7:40 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and/or consider a prospective business and an existing 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 and for consultation with legal counsel requiring the provision of legal advice by 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 Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Degner

At 8:25 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

Following brief discussion concerning economic activity in the Harrisonburg/Rockingham metropolitan area, the meeting was adjourned at 8:30 p.m., there being no further business and on motion adopted.

CITY CLERK

MAYOR

REGULAR MEETING

January 25, 2011

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

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

Bethany Houff, Director of Music for the Harrisonburg High School's musical, shared with Council and community members that the musical this year is *How to Succeed in Business without Really Trying* and provided the performance dates of Thursday, February 17 through Sunday, February 20, 2011. She introduced cast members Dorrall Price, Maggie Siciliano, and Kirsten Ferguson who performed the song "Been a Long Day" from the upcoming musical.

Vice-Mayor Byrd offered a motion to approve the consent agenda, including approval of the minutes of the previous meeting, the second reading to consider supplemental appropriation to the Police Department in the amount of \$480.56 and in the amount of \$414.06. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No - None

June Hosaflook, Commissioner of Revenue, gave an overview of the 14 month cycle of the real estate reassessment process. She also stated that the question has come up "should the City continue to spend money on the reassessment process during the recession"? Mrs. Hosaflook feels that we should continue to do a yearly reassessment because it is a way for us to serve our taxpayers with controlling the percentage of change each year and the City is served with a dependable program.

Lisa Neunlist, Real Estate Director, began by informing Council that another successful reassessment has been completed. She provided more details on the reassessment process and how she obtains her numbers and information. She also stated that her staff's education is a factor to that success and thanked Council for their

continued support. Mrs. Neunlist noted that there was a decrease in the reassessment for the previous year.

David Walsh, Golf Course Study Committee member, presented Council with the findings and recommendations that the Committee has developed since October 2010. Mr. Walsh stated that the Committee feels that a General Manager position needs to be utilized and available at the Heritage Oaks Golf Course, not devoting all of his time to the golf course, but to be available at the golf course. He noted that they aren't suggesting hiring a General Manager, but rearranging current personnel of the Parks and Recreation Department. The General Manager would handle administrative matters and coordinate the operation of the Golf Course. With a General Manager in place, they feel the Golf Pro and Director of First Tee can utilize his/her time more effectively. The Committee also feels that the First Tee Foundation can be an advisor to the General Manager. The Committee recommended that the position of the Assistant Golf Professional be eliminated and replaced by a Program Manager/Marketing Director that would know how to market a golf course and attract new golfers. One key update mentioned was to make changes to the current website. The City could utilize James Madison University students to design an up-to-date website if the City doesn't have the ability to keep it updated. Another key improvement needed is the enhancement of customer service with lines of communication which they feel will be solved with the creation of the General Manager and staff training. Further, they suggested establishing a Golf Course Committee with guidelines set to make sure that recommendations would be processed and carried out. The Committee also recommended a 10% decrease in expenses in the Pro Shop in addition to the following ideas: reduce inventory, Rangers' (players' assistance) be made up as volunteers for the exchange of free golf, cut back part-time employees, and use staff that is on hand to multitask. Mr. Walsh also stated a recommendation to reduce the maintenance budget by reducing payroll, but would not cut corners on maintenance which could result in less than favorable course conditions. The Committee recommended that food and beverage be available for the golfer before and after a round of golf. They suggested that the existing cart shed become a spot for food and beverage and that the City build a new cart shed, and extend a deck off the existing facility that overlooks the Golf Course. They also feel that as population grows and the facilities grow, more rounds of golf will be played and the expenditure and revenue will start to even out. The Committee also recommended changes to the course such as adding water to Hole 14 and add a "wow factor". They recommended that volunteer groups such as garden clubs, men's group, and women's group help beautify the Golf Course. The Committee believes that the Golf Course has already been a success; it is a great amenity and it adds to the quality of life and enjoyment of our community.

Todd Bale, Executive Director of the Boys and Girls Club, updated Council on the past year's activities of the Club. Mr. Bale stated that the Boys and Girls Club provides youth development and stated the mission of the organization. He stated that the youth are being served at the Simms Center with programs such as Teen's Center and the partner collaboration in City Schools. The Club has served 780 youth this year. Mr. Bale stated that due to recent tragedy in the community, the community asked for

Saturday hours, a Boy Scout Troop, and art programs for the kids. He also reported that for the first time in four years, they were able to balance their budget. Mr. Bale asked Council to consider restoring \$8,000.00 to fund the additional programs that were recently added. He also introduced a member that joined the Boys and Girls Club six years ago, Brent Berry.

Brent Berry, read a speech about how the Boys and Girls Club accepted him when no one else would, his enjoyment of the Club, and how his special needs are met at the facility.

Mr. Bale concluded by thanking Council for their support, facility, and investment.

Karen Thomas, President of the Northeast Neighborhood Association, spoke on behalf of the association and said they show full support of the Boys and Girls Club. She stated that they have great programs that are geared toward at-risk youth of the City. Ms. Thomas again asked Council to consider making minimal funds available to help keep the Saturday hours for the Boys and Girls Club. She closed by thanking Council for their ongoing support towards the Club and the Association.

Council Member Chenault offered a motion to restore \$8,000.00 to the Boys and Girls Club for the newly added programs. Council Member Wiens seconded the motion. However, after further discussion, the motion and second were withdrawn until Mr. Bale provided exact numbers for the programs.

City Manager Hodgen stated that bids were open for the School Board project this past Friday, January 21, 2011 for the renovation of One Court Square and five bids were received. The lowest bid was \$2,801,650.00 which is lower than the one received in 2007 and includes renovation of all the floors including the basement. City Manager Hodgen stated that the bids are good for 30 days, so there is no need for a decision by Council tonight. However, he did state that the School Board Liaison Committee will meet February 1, 2011 to discuss these matters.

Mayor Baugh presented Council two requests for street closures. The first one was for the Harrisonburg Education Foundation to close Garbers Church Road on May 14, 2011 for the Sherry Burcham Anderson Memorial 5k Run/Walk. The second was for the closing of Park Road during the Commencement Exercise for Eastern Mennonite University on May 1, 2011. Vice-Mayor Byrd offered a motion to approve both Garbers Church Road and Park Road street closures. The motion was seconded by Council Member Chenault and approved with a unanimous voice vote.

City Manager Hodgen reported that he, Jim Baker, Drew Williams, Mayor Baugh, and Council Member Chenault went down to Richmond today and met with the Deputy Secretary of Transportation about an allocation for Phase 3 of Stone Spring/Erickson Project. City Manager Hodgen stated that he feels that it was a positive meeting and they

hope to have the project will stay on the list of the Governor's Transportation Plan to receive funding.

Council Member Chenault made a recommendation that staff look at the possibility of eliminating City stickers, but keeping the revenue of the stickers. City Manager Hodgen stated that he would check with the Police Department and the Treasurer's office to see what impact, if any, they would see from this.

At 8:20 p.m., Vice-Mayor Byrd offered a motion that Council enter into a closed session for discussion and consideration of the acquisition and 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. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes -	Mayor Baugh Vice-Mayor Byrd Council Member Degner Council Member Chenault Council Member Wiens
No -	None

At 8:35 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 8:37 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

February 8, 2011

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

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

Joseph Liskey stated that he recently returned from Afghanistan to a notice for past due personal property tax. Mr. Liskey stated that he came to pay and was informed he was going to be charged for the interest for the past due bill. Mr. Liskey's concern was that, under the Servicemembers Civil Relief Act, he should not be charged the interest and he came to council seeking answers.

Council thanked him for his service, apologized, and told Mr. Liskey to come to the City Manager's office the next day to get the issue resolved. Council had a brief discussion about the issue, Mayor Baugh reminded other citizens with concerns such as these that they should not hesitate to contact them before council meetings.

James "Bucky" Berry stated that his son went to the new program offered at the Boys and Girls Club this past Saturday and would like council to provide funding for the programs.

Lindsay Cockburn, member of Strong Families/Great Youth Coalition of Harrisonburg and Rockingham County, invited council to Court Square Theater on Monday, February 21, 2011 for the premier showing of "It's A No-Brainer" at 7:00 p.m.

Timothy Ruebke, Executive Director of Fairfield Center, thanked council for their continued support for the center and provided a brief update on a new service now being offered through Restorative Justice Initiatives (RJI) at the center. Mr. Ruebke also stated that the center recently submitted funding request to the city, asking for more funding for RJI which has programs that were developed in partnership with the Northeast Community Association.

Vice-Mayor Byrd offered a motion to approve the consent agenda, including approval of the minutes of the previous meeting. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh
Vice-Mayor Byrd
Council Member Degner

Council Member Chenault
Council Member Wiens

No – None

City Manager Hodgen spoke on behalf of the Boys and Girls Club and provided an update of the discussion from the previous council meeting. City Manager Hodgen stated that the Saturday program will cost the club an additional \$7,640.00. The request from the previous council meeting was for council to consider additional funding, and Council requested that exact figures be provided. City Manager Hodgen stated that the funds would be transferred from the Parks and Recreation Athletics Division budget to the Boys and Girls Club line item. Council Member Degner offered a motion to approve the request for additional funding to support the new Saturday program at the club in the amount of \$7,640.00. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No - None

City Manager Hodgen requested that council take action directing the Harrisonburg Redevelopment and Housing Authority (HRHA) to award the low bidder for the One Court Square renovation. City Manager Hodgen stated that the lowest bid was \$2,801,650.00 and the school board has some money in their capital project fund. City Manager Hodgen also stated that the HRHA has a little over \$250,000.00 to possibly contribute towards the project which would leave the city with about \$431,650.00 to appropriate to the project. City Manager Hodgen provided council with the recommendation to appropriate city funds at this time from the undesignated fund balance with the intent to monitor other expenses in existing current budget line items for the city from now until the end of the year and make up the difference to restore the amount of \$431,650.00. After short discussion, Vice-Mayor Byrd offered a motion to accept the lowest bid for the renovations of One Court Square. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated that several months ago, Public Works requested transfer of capital project line items into an Elizabeth Street parking deck line item. City Manager Hodgen reminded council that this includes money that was already budgeted. City Manager Hodgen stated that bids were opened at Public Works on February 1, 2011 and came in \$9,000.00 less than the engineers estimate and recommended that the bid be awarded to Virginia Infrastructure, Inc. in the amount of \$51,699.19. Vice-Mayor Byrd offered a motion to authorize the City Manager to enter into contract with Virginia Infrastructure, Inc. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen presented a request to transfer funds from the water fund to the general fund in the amount of \$1,191.85. These funds were unused funds by the Public Utilities Department, which needed to be reallocated to the general fund to be applied to the costs associated with the energy efficiency improvements completed at the Cecil F. Gilkerson Community Activities Center. City Manager stated that the amount is grant funds so they have to be expended on eligible project cost. Council Member Degner offered a motion to approve this transfer, and that:

\$1,191.85 chge to: 1000-31010 Amount from Fund Balance
\$1,191.85 chge to: 1321-910161-48635 Water Main Upgrades

\$1,191.85 approp. to: 1000-710471-48181 Building & Grounds
\$1,191.85 approp. to: 1321-31010 Amount from Fund Balance

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

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

No – None

City Manager Hodgen presented a request to transfer funds for Cantrell Avenue improvements in the amount of \$28,421.98. These funds would be transferred from two

capital projects line items from projects that have been completed. These funds would be for changes the city is considering to improve traffic flow in the intersection of Cantrell Avenue and Main Street. Council Member Degner offered a motion to approve this transfer, and that:

\$11,175.57 chge to: 910141-48669 Retaining Wall – Noll & Gay
\$17,246.41 chge to: 910141-48704 Betts Road Improvements

\$28,421.98 approp. to: 910141-48729 Cantrell Avenue Improvements

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

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

No – None

Council Member Wiens asked council where they stood on matters pertaining to the Golf Course Committee Study presentation. City Manager Hodgen stated staff is waiting for directions from council and that unless given other direction, the city would use the recommendations the committee presented. Council Member Wiens and other members of the council would like staff to present a timeline for the implementation for the golf course from what the committee presented.

Council Member Degner stated that he had been contacted by the individuals representing the Secure Future's from Eastern Mennonite University and how their solar panels would be taxed. City Manager Hodgen stated that a draft ordinance was assembled, but all parties didn't come to an agreement. Vice-Mayor Byrd suggested council use the draft ordinance already in place to work from. Mayor Baugh stated that one part of the original request was to completely tax exempt the solar panels and when the ordinance didn't provide that, Secure Future didn't know how much the ordinance would benefit them. Mayor Baugh also stated staff concerns included what incentives would be provided to or for other businesses. Council stated that they would be happy to address this concern at a future meeting.

City Manager Hodgen added another piece of information for the One Court Square building. He stated that the transition of the current building is still to be determined, but the building will be returned to the city. He also stated that the payment for the expenses of the project also would need to be determined. City Manager Hodgen stated that these pieces aren't included in the lowest bidder process, but will be issues to be determined and he would keep council posted.

City Manger Hodgen announced that the new census numbers were available and the city is fast approaching 50,000 people. He also stated that the City of Harrisonburg is now the 12th largest city in Commonwealth. City Manager Hodgen informed council that the population will possibly affect the budget due to more individuals using services the city provides.

At 7:35 p.m., Council Member Degner offered a motion that council enter into a closed session for discussion and/or consideration of the expansion of an existing business within the city where no previous announcement has been made of the business' interest in expanding its facilities within the city, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

At 7:58 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 8:00 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

February 22, 2011

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

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

Mayor Baugh declared the month of March as Youth Art Month with the following proclamation:

A PROCLAMATION DECLARING MARCH AS YOUTH ART MONTH

WHEREAS, art education contributes powerful educational benefits to all elementary, middle and secondary students including the following;

- **Art education develops students' creative problem-solving and critical thinking abilities;**
- **Art education teaches sensitivity to beauty, order, and other expressive qualities;**
- **Art education gives students a deeper understanding of multi-cultural values and beliefs;**
- **Art education interrelates student learning in art production, art history, art criticism, and aesthetics, and**

WHEREAS our national leaders have acknowledged the necessity of including arts experiences in all students' education,

THEREFORE, BE IT RESOLVED that support should be given to art teachers as they attempt to strengthen art education in their schools and communities.

NOW, THEREFORE, it is proclaimed that March be observed as YOUTH ART MONTH.

All citizens are urged to take interest in and give full support to quality school art programs for children and youth.

NOW, THEREFORE, I Richard Baugh, Mayor of the City of Harrisonburg, Virginia, do hereby proclaim March 2011 as YOUTH ART MONTH.

BY: _____

Richard Baugh, Mayor

Attest: _____
Erica S. Kann, City Clerk

Don Showalter, cab driver of Harrisonburg, would like council to consider increasing the rate for cab meters in the City of Harrisonburg, due to increasing gas prices.

James “Bucky” Berry would like to see HUD money used to make a park out near the Salvation Army on land that the city owns. Also, Mr. Berry would like to see city decals no longer used.

Steven Daniels, business owner for Reading of Harrisonburg, would like council to consider lowering the flat rate yearly fee that he pays each year for his business license.

Council Member Degner offered a motion to approve the consent agenda, including approval of the minutes of the previous meeting. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

Stacy Turner, Planning and Community Development Director, presented a request from Sonya Shaver, Andrew Collins, Wilson Ewing, and Nancy Wheelbarger to rezone five lots from B-2, General Business District to R-2, Residential District. The properties are located at 724, 728, 732, and 740 Grant Street and can be found on tax maps 39-RR-10, 11, 12, 13, & 14. The Comprehensive Plan designates the area as neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Mrs. Turner stated that these were older neighborhoods, which can be characterized by large housing units on small lots.

Mrs. Turner stated that one of the property owners approached the city about renovating and constructing an addition onto their home; however, because it is zoned B-2 and is non-conforming to use, due to changes made in 1969 as part of a Comprehensive Plan, staff informed the owner that renovations would be limited.

Mrs. Turner affirmed that staff and Planning Commission recommended approval of the rezoning, which would change the above tax map parcels’ zoning from B-2,

General Business District to R-2, Residential District. The Comprehensive Plan Land Use Guide designates this area as Neighborhood Residential, which supports the rezoning change to R-2. If approved, the subject parcels' zoning would be consistent with the zoning of the properties on the opposite side of this block, which front Stuart Street and are located between 3rd and 4th Streets – all zoned R-2. Mrs. Turner did note that within the packet that the adjoining property owners, along Stuart Street, submitted a letter of support for this rezoning request.

At 7:09 p.m. Mayor Baugh closed the regular session and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record Monday, February 7, 2011 and Monday, February 14, 2011.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, February 22, 2011 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the following:

Rezoning – 724 Through 740 Grant Street (B-2 to R-2)

Public hearing to consider a request from Sonya Shaver, Andrew Collins, Wilson Ewing, and Nancy Wheelbarger to rezone five lots from B-2, General Business District to R-2, Residential District. The properties are located at 724, 728, 732, and 740 Grant Street and can be found on tax maps 39-RR-10, 11, 12, 13, & 14. 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 B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, and miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District. The R-2, Residential District is intended for medium-density, single-family and duplex residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and duplex, 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 five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager

Mayor Baugh called on anyone desiring to speak for or against the request to rezone the five stated lots.

Sonya Shaver, 740 Grant Street, stated that she was the one who started the process of rezoning these lots and would like council to consider and approve this request.

Mayor Baugh declared the public hearing closed at 7:10 p.m., and the regular session reconvened.

Council Member Wiens offered a motion to approve the request to rezone all five lots as presented. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen brought to council's attention that the Police Department received a Department of Justice Grant last year and in order for the Police Department to obtain these funds in the amount of \$25,283.00 a Public Hearing had to be held. The funds were used to purchase in-car video cameras for police vehicles.

At 7:13 p.m., Mayor Baugh 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 14, 2011.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, February 22, 2011 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the following:

Enhancing Law Enforcement

Public hearing to consider a request from the Harrisonburg Police Department for supplemental appropriation in the amount of \$25,283.00 for a grant to be received through the Department of Justice Grant. The funds will be received through FY

2010 Justice Assistance Grant Program and will be used to purchase in-car video cameras for police vehicles.

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

CITY OF HARRISONBURG

Kurt D. Hodgen

City Manager

Mayor Baugh called on anyone desiring to speak for or against the supplemental appropriation for the Police Department. There being no one desiring to be heard, the public hearing was declared closed at 7:13 p.m., and the regular session reconvened. No further action was required.

Mrs. Turner stated that Virginia Mennonite Retirement Community (VMRC) would like council to consider approval of the request to change to the current ordinance of amending and re-enacting Section 11-7-4 of the Harrisonburg City Code. VMRC understands with approval of this ordinance that their signage still needs to be submitted and approved through the comprehensive sign package. Mrs. Turner presented the following ordinance to council for consideration:

**ORDINANCE AMENDING AND RE-ENACTING SECTION 11-7-4
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

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

That Section 11-7-4. Special Regulations for the R-1, Single-family Residential District; R-2, Residential District; R-3, Multiple Dwelling and Medium Density Residential Districts; and R-4, Planned Unit Residential District shall be amended as shown:

(7) Through a comprehensive sign plan approved by City Council, colleges, universities, hospitals, private schools having a function substantially the same as a public school, and uses permitted by right in the I-1, Institutional Overlay District, can have signs that shall be limited to a total sign area of not more than one-half (0.5) square feet for every lineal foot of site frontage parallel to the principal street, provided no single freestanding sign exceeds an area of two hundred (200) square feet, or a maximum height of eight

(8) feet above grade. The comprehensive sign plan request shall present all planned signs, which may include more than one (1) sign of each type.

The remainder of Section 11-7-4 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the ____ day of _____, 2011.

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF COUNCIL

Council Member Degner offered a motion to approve amending and re-enacting Section 11-7-4(7) of the Harrisonburg City Code. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

Mrs. Turner presented council with a summary of the Planning Commission's 2010 Annual Report for all activities that were conducted in 2010.

Council Member Chenault recused himself from the meeting for agenda item number eleven pertaining to the Harrisonburg Redevelopment and Housing Authority.

Michael Wong, Harrisonburg Redevelopment and Housing Authority (HRHA) Executive Director, presented council the following resolution for council's consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HARRISONBURG, VIRGINIA APPROVING THE ISSUANCE
OF TAX-EXEMPT REVENUE BONDS TO FINANCE THE
HARRISONBURG COMMUNITY HEALTH CENTER PROJECT**

WHEREAS, pursuant to the Virginia Housing Authorities Law, Chapter 1, Title 36, Code of Virginia of 1950, as amended, (the "Act") the Harrisonburg

Redevelopment and Housing Authority (the “Authority”) has approved the issuance of its Tax-Exempt Revenue Bonds (Harrisonburg Community Health Center Project) Series 2011 (the “Bonds”), the proceeds of which are to be used to finance a portion of the cost of i) acquisition of a 3.106 acre parcel located on Little Sorrell Drive in Harrisonburg, Virginia, designated as Lot 2 of Ashby Meadows, Section Two, (the “Project Land”), and ii) construction and equipping of an approximately 21,000 square foot building on the Project Land (collectively, the “Project”) at the request of the Harrisonburg Community Health Center, Inc. (the “Center”), a Virginia non-profit corporation. Pursuant to the plan of financing, the Center will provide the remaining funds necessary to complete the Project, and will lease the Project from the Authority to carry on its charitable purpose of providing outpatient primary care and preventative care, among other services, to medically underserved and low-income or indigent patients (“Patients”). The Center will sub-lease a portion of the Project to a private pharmacy whose activities will include the provision of reduced cost prescription and non-prescription medications for the convenience of Patients as a result of the Center’s eligibility under a 340B Drug Pricing Program applicable to community-based Federally Qualified Health Centers; and

WHEREAS, the Center has requested that the Authority issue its bonds in an amount not to exceed \$1,400,000 and use the funds thereof for the purpose of financing a portion of the Project; and

WHEREAS, with respect to such proposed plan of financing, the Authority has caused a notice of public hearing to be published in a newspaper of general circulation in the City of Harrisonburg, Virginia (the “City”) and has, on February 16, 2011, held a public hearing, all in accordance with the provisions of §147(f)(2) of the Internal Revenue Code of 1986, as amended, and the regulations, rulings and proclamations promulgated or proposed thereunder (collectively, the “Code”) and other applicable laws of the Commonwealth of Virginia (the “Commonwealth”); and

WHEREAS, the Authority has recommended that the City Council of the City (the “City Council”) approve the issuance of the Bonds to comply with Section 147(f)(2) of the Code and Section 36-19.2 of the Act; and

WHEREAS, the City Council is requesting that the Authority acquire and develop the Project pursuant to Section 36-19 of the Act; and

WHEREAS, copies of the Authority’s February 16, 2011 Resolution recommending such approval by the City Council and approving the issuance of the Bonds, subject to terms agreed upon, a record of the public hearing and a “fiscal impact statement” with respect to the Project have been filed with the City Council; and

WHEREAS, the Bonds shall not constitute a debt or a pledge of the faith and credit of the Commonwealth, or any political subdivision thereof (other than the Authority), including but not limited to the City, but shall be paid solely from the revenues of the Project and other collateral required by the lender which may include a deed of trust lien on the Project.

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

1. The City Council requests that the authority acquire and develop the Project pursuant to Section 36-19 of the Act and approves the issuance of the Bonds by the Authority for the benefit of the Center to the extent required by Section 147(f)(2) of the Code and Section 36-19.2 of the Act to permit the Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds, as required by Section 147(f)(2) of the Code does not constitute an endorsement of the Bonds or the creditworthiness of the Center, but, as required by Section 36-29 of the Act, the Bonds (and such Bonds shall so state on their face) shall not be debt of the City, the Commonwealth or any political subdivision thereof (other than the Authority) and neither the City, nor the Commonwealth or any political subdivision thereof (other than the Authority) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the Authority specifically pledged thereto. The Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

3. The City Manager, the Mayor and the Vice-Mayor are each authorized to take such other actions and to execute such documents as are necessary to achieve the purposes set forth in this Resolution.

4. This Resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: February 22, 2011

CERTIFICATE

A record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon the reading of a resolution titled "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA APPROVING THE ISSUANCE OF TAX-EXEMPT REVENUE BONDS TO FINANCE THE HARRISONBURG COMMUNITY HEALTH CENTER PROJECT" taken at a regular meeting of the City Council held on February 22, 2011:

	AYE	NAY	ABSTAIN	ABSENT
Richard Baugh, Mayor				
Ted Byrd, Vice Mayor				

Charles R. Chenault				
Kai Degner				
David Wiens				

Dated: February 22, 2011

By: _____
Mayor or Vice Mayor,
City of Harrisonburg, Virginia

(SEAL)

ATTEST: _____
Clerk, City Council of the City of
Harrisonburg, Virginia

CERTIFICATE

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the “City Council”) hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on February 22, 2011, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Harrisonburg, Virginia this _____ day of _____, 2011.

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

Mr. Wong stated that this resolution involves issuance of tax-exempt revenue bonds to finance the Harrisonburg Community Health Center Project. The HRHA is proposing issuing \$1,400,000.00 of bond issuance for construction of the Community Health Center. Mr. Wong informed council that a public hearing was held the previous Wednesday at the HRHA Board of Commissions and no comments were made.

Council Member Wiens offered a motion to approve the resolution approving issuance of bonds by the HRHA as presented. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

Abstain – Council Member Chenault

Drew Williams, Assistant Director of Public Works, reminded council of an incident that occurred last summer at the intersection of Ott and Franklin Street. Mr. Williams stated that council directed Public Works to start working with residents of the neighborhood. Public Works felt the Neighborhood Traffic Calming Program would be the best program to utilize in order to obtain a solution for the neighborhood. The neighborhood got together and submitted a petition to the city expressing concern over speeding and cut-through traffic in the Old Town Neighborhood. Mr. Williams stated that Public Works performed traffic study data and the neighbors worked together over several meetings to develop traffic calming solutions. He mentioned that while all of the behind scene meetings were happening, new speed limit signs, orange placards, and crosswalks had been installed by Public Works and the Police Department continued to patrol and conduct radar enforcement in the neighborhood. Mr. Williams also stated that this plan had been reviewed and recommended by the Harrisonburg Transportation and Advisory Commission.

John McGhee, Old Town Area Neighborhood Traffic Calming Plan member, presented the Old Town Area Neighborhood Traffic Calming Plan, cost estimates, and the priorities of the proposed improvements. Mr. McGhee asked council to consider the adoption and funding of their plan on behalf of the Old Town Neighborhood.

Council requested a line item to enter the budget for Neighborhood Traffic Calming Programs. Mayor Baugh asked Mr. Williams about the overall Traffic Calming Program and where the program would go after approval of the plan? Mr. Williams stated that Public Works is currently working on the next step being graduation from the program, and graduation would act as the problem is solved. Vice-Mayor Byrd asked Public Works to run the plan by the Fire Department as well to see if there were any safety concerns. After discussion, Council Member Degner offered a motion to approve the plan as presented, integrate the plan into the overall street and sidewalk plan, and Public Works to present council with an update in three months on progress of the plan. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Brad Reed, Transportation Planner, presented to council that Public Works plans to take action the second week of March to install delineators on the double yellow line of Vine Street in front of Sheetz's northern entrance to eliminate unsafe ingress and egress left turn maneuvers. Mr. Reed stated that this is the second step of a three step process of trying to eliminate left turns out of Sheetz. He also noted that this was the last step the city can proceed in attempting to stop left turns without Sheetz's cooperation. He also stated the Transportation Safety and Advisory Commission has given recommendation to this action.

City Manager Hodgen presented a request for supplemental appropriation to the Emergency Communications Center's (ECC) budget in the amount of \$302,820.00. City Manager Hodgen stated that the ECC board has received a Federal Homeland Security Grant, which was administered through VA Department of Emergency Management for the purpose of additional portable radios in the ECC Communications Cache. Vice-Mayor Byrd offered a motion to approve this request for the first reading, and that:

\$302,820.00 chge to: 1116-33559 VA Communications Strategic Cache Equipment Grant

\$302,820.00 approp. to: 1116-321132-48231 Radio Equipment

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

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

No – None

Police Chief Harper presented a request for supplemental appropriation to the Police Department's budget in the amount of \$13,258.98. Police Chief Harper stated that these funds were received through a federal DMV grant and will be used for overtime for police officers, equipment, and training. Vice-Mayor Byrd offered a motion to approve this request for the first reading, and that:

\$13,258.98 chge to: 1000-33524 Federal DMV grant

\$3,125.00 approp. to: 1000-310231-48211 Machinery & Equipment

\$4,881.00 approp. to: 1000-310231-46100 Police Equipment

\$ 369.26 approp. to: 1000-310631-45530 Training and Travel

\$1,993.70 approp. to: 1000-310631-41020 Salaries/wages OT

\$2,890.02 apptop. to: 1000-310231-41020 Salaries/wages OT

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

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

No – None

Vice-Mayor Byrd offered a motion to re-appoint Mr. James B. Acker, 302 Fairway Drive, to the Industrial Development Authority for another term to expire March 14, 2015. The motion was approved with a unanimous voice vote.

At 8:35 p.m., Vice Mayor Byrd offered a motion that council enter into a closed session for discussion and/or consideration of the disposition of publicly owned 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 and consultation with legal counsel requiring the provision of legal advice by 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 Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

At 9:28 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 for 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 9:30 p.m., there being no further business and on motion adopted, the meeting was adjourned.

REGULAR MEETING

March 8, 2011

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

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

Steve Tomasi, Event Director of DR 100, reminded council of an event that was held September 18, 2010 in honor of Dr. Miranda who was killed on Port Republic Road, and the result of the accident was not the fault of anyone, except that there just wasn't enough room on the road. Mr. Tomasi stated that several community and family members came up with the idea of a non-profit organization called DR 100. Mr. Tomasi also stated that after expenses for the event, the group raised over \$20,000.00. Mr. Tomasi presented Mayor Baugh with a check in the amount of \$6,200.00 and combined with matching funds from the city in the amount of \$5,500.00 will pay for 8,400 feet of shared road lane marks in the City of Harrisonburg to be installed and completed by the end of summer 2011. Mr. Tomasi closed with thanking council and the city for partnering with DR 100 and hopes the partnership carries into the future.

Cheryl Plank spoke representing one of the many faces of multiple sclerosis (MS). Mrs. Plank stated that she was diagnosed in 1992 and although its effects are often invisible to others, they are life changing. Mrs. Plank spoke of the many symptoms that MS has and also described the disease. Mrs. Plank stated that March 14-20, 2011 was MS Awareness Week and she came to council to bring awareness to the chronic disease. Mrs. Plank closed by thanking all those who support those in the community with MS.

Mayor Baugh thanked Mrs. Plank for bringing awareness to this disease and declared the week of March 14 – 20, 2011 as MS Awareness Week with the following proclamation:

A PROCLAMATION DECLARING MULTIPLE SCLEROSIS AWARENESS WEEK MARCH 14 – 20, 2010

WHEREAS, multiple sclerosis (MS) is a chronic, often disabling disease of the central nervous system that affects approximately 10,000 people in Virginia and 167 people in the City of Harrisonburg and the surrounding county; and

WHEREAS, most people with multiple sclerosis are diagnosed between the ages of 15 and 50 but the unpredictable physical and emotional effects can be lifelong. The progress, severity and specific symptoms of MS in any one person cannot yet be

predicted, but advances in research and treatment are giving hope to those affected by the disease; and

WHEREAS, studies show that early and ongoing treatment with an FDA-approved therapy can reduce future disease activity and improve the quality of life for many people with MS.

WHEREAS, multiple sclerosis is a disease that not only affects the person with the condition, but also greatly impacts family, friends, and the community; and

WHEREAS, the exact cause of multiple sclerosis is still unknown, and there is no known cure; and

WHEREAS, the symptoms of MS may be mild such as numbness in the limbs, or severe, such as paralysis or loss of vision; and

WHEREAS, every hour of every day, someone is newly diagnosed with multiple sclerosis; and

WHEREAS, the National Multiple Sclerosis Society envisions a world free of MS; and

WHEREAS, the Blue Ridge Chapter of the National Multiple Sclerosis Society provides programs and services to address the challenges of everyone affected by MS; and

NOW, THEREFORE, I, Richard Baugh, Mayor of City of Harrisonburg, do hereby recognize March 14 -20, 2010, as MS AWARENESS WEEK in the City of Harrisonburg, VA and I call this observance to the attention of all our citizens.

**BY: _____
Richard Baugh, Mayor**

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

Mayor Baugh also declared the month of March as Red Cross Month with the following proclamation:

A PROCLAMATION DECLARING MARCH AMERICAN RED CROSS MONTH 2011

WHEREAS, the American Red Cross fulfills a vital role in our community. It prevents and alleviates suffering in the face of disaster and is a true reflection of the humanitarian and volunteer spirit of the American people.

WHEREAS, during the month of March, the American Red Cross asks all Americans to join its movement and help carry out its lifesaving mission, with a gift of time, money or blood. The Red Cross supplies almost half of the nation's blood; teaches skills that save

lives; provides international humanitarian aid; supports military members and their families; and feeds, shelters and gives emotional support to victims of disasters.

WHEREAS, for almost 100 years, Presidents have called on the American people to support the Red Cross and its humanitarian mission. In World War I, President Woodrow Wilson ordered the Red Cross to raise funds to support emergency aid to the military. At that time, the American Red Cross set a goal of \$125 million and in less than six weeks donations totaled nearly \$146 million – a tribute to the overwhelming generosity of the American public.

WHEREAS, in 1943, during World War II, President Franklin D. Roosevelt became the first president to proclaim March as Red Cross Month and called on Americans to “rededicate themselves to the splendid aims and activities of the Red Cross.” President Roosevelt’s call to action nearly 70 years ago started a tradition of designating March as Red Cross Month, a time to recognize and support the valuable work of the American Red Cross.

WHEREAS, every day, through its 11 employees and 5 volunteers here in City of Harrisonburg, the American Red Cross is there to save the day when disaster strikes or when a neighbor’s house burns down. It is there when someone needs life-saving blood, or the comfort of a helping hand. It connects military families with their loved ones in service, and provides training in CPR, aquatics safety, and first aid. It spreads humanitarian aid and goodwill to people around the world.

WHEREAS, our community depends on the American Red Cross and because it is not a government agency, the Red Cross depends on support from the public to continue its humanitarian work. This is especially important in these challenging economic times for the Red Cross and all Americans.

NOW, THEREFORE, I, Richard Baugh, Mayor of Harrisonburg, by virtue of the authority vested in me by the Constitution and laws of the Harrisonburg of Virginia do hereby proclaim March 2011 as American Red Cross Month. I encourage all Americans to support this organization and its noble humanitarian mission.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of March, in the year of our Lord two thousand eleven, and of the City of Harrisonburg, Virginia.

**BY: _____
Richard Baugh, Mayor**

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

James “Bucky” Berry announced on March 24, 2011 from 4:30 p.m. to 6:30 p.m., a group of kids and adults from Boys and Girls Club are to meet at Roses’ to remove gang graffiti with the help of both the Sherriff’s department and American Red Cross.

Vice-Mayor Byrd offered a motion to approve the consent agenda, including approval of the minutes of the previous meeting. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

Stacy Turner, Planning and Community Development Director, stated that in 2007, a new R-3 Medium Density Residential Zoning classification was adopted with Section 10-3-48.6 to help make multiple family dwellings blend in with surrounding single family and duplex areas. Following amendments to this ordinance anything constructed after August 14, 2010, had to come into compliance with the new ordinance. She stated since the change in August, there had not been any projects proposed to make use of the ordinance, until recently. Mrs. Turner stated that staff came to realize some amendments needed to be made to the existing ordinance, when a new project was presented to them. She also stated that staff feels that the changes will help in future cases of the same type property that is still left in the city. Mrs. Turner would like council to consider approval of the request to change the current ordinance by amending and re-enacting Section 10-3-48.6(b) & (c) of the Harrisonburg City Code. Mrs. Turner presented the following ordinance to council for consideration:

**ORDINANCE AMENDING AND RE-ENACTING SECTION 10-3-48.6 (b) & (c)
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

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

Section 10-3-48.6. Other Regulations.

(b) Off-street parking regulations for all buildings and uses permitted in this district are governed by article G. When an off-street parking lot containing five (5) or more spaces is to be constructed within an established single family detached or duplex neighborhood, such parking lot(s) shall not be located between principal buildings and a public street, unless the parcel has multiple public street frontages, and shall be screened from the public street(s) by principal buildings or by landscaping or walls. When an off-street parking garage containing five (5) or more spaces is to be constructed within an established single family detached or duplex neighborhood, such parking garage shall be located to the rear or side of principal buildings and screened from the public street(s) by principal buildings or by landscaping or walls. The parking garage cannot be located between principal buildings and public streets. Where such parking lots/garages abut single-family detached or duplex lots, they shall be screened from such lots by landscaping,

fences, or walls. An adequate screen shall be a minimum five-foot wide buffer area containing the following:

(c) More than one (1) principal building may be constructed upon an un subdivided parcel of land as density allows. The open space between each building as measured at the closest point between building walls shall not be less than thirty (30) feet. The minimum separation between buildings may be superseded by building regulations. The front façade of each principal building shall face a dedicated public street or the limits of a private parking unit (as defined) and no building shall have the rear façade facing a dedicated public street, unless the parcel has multiple public street frontages where rear façades may front one (1) public street.

The remainder of Section 10-3-48.6 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the ____ day of _____, 2011.

ADOPTED and APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF COUNCIL

At 7:17 p.m., Mayor Baugh closed the regular session and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record Monday, February 21, 2011 and Monday, February 28, 2011.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, March 8, 2011 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the following:

Ordinance Amendment – 10-3-48.6 (b) and (c)

Public hearing to consider amending Section 10-3-48.6 (b) and (c) of the Zoning Ordinance to modify specifics related to parking lots/garages and also to amend how façades of units can be positioned on properties that have more than one principle building on a parcel.

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

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

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

Mayor Baugh called on anyone desiring to speak for or against the proposed ordinance amendment. There being no one desiring to be heard, the public hearing was declared closed at 7:18 p.m., and the regular session reconvened.

Council Member Chenault offered a motion to approve the ordinance amendment as presented. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

Stacy Turner, Planning and Community Development Director, presented a request from Doug Kline with representative Velocity Property Group to preliminarily plat, with variance requests, a lot at the corner of Foley Road and Ridgeville Lane, and for a special use permit to allow multiple family dwellings in the R-3, Medium Density Residential District. The property is located at 746 and 752 Foley Road and can be found on tax maps 84-B-20 & 21.

Mrs. Turner stated that the applicant requested to remove the dividing lot line to establish a 0.68-acre piece of property to allow for construction of a nine apartment unit. She also stated that the request is only vacating a property line. The Subdivision Ordinance defines such action as a “subdivision”, thus the applicant must fulfill all obligations as specified in that part of the City Code, and due to the shape of the lot, the applicant is requesting four variances. Staff recommended support the variance requests from Sections 10-2-41(i)(3), 10-2-45, 10-2-66, and 10-2-67.

Mrs. Turner stated that the applicant also requested a special use permit per Section 10-3-48.4 (6) to allow for the construction of multi-family units on the corner properties at the intersection of Foley Road and Ridgeville Lane. She stated that as part of the requirements for obtaining a special use permit to build multi-family units in the R-3 district, an applicant must substantiate that they have met several conditions to justify

the development. Although this development satisfies some of the conditions as described in the zoning ordinance Section 10-3-48.6(e), staff does not believe the proposed demonstrated all of the necessary characteristics that warrant its approval. Mrs. Turner stated of particular concern was subsection (3) that emphasizes the importance of the development's design is compatible with adjacent existing development. She stated staff recognizes that the objective of the applicant would be to build "contemporary," but the character of the units would be out of place in the neighborhood and would be befitting of a more urban setting. She also noted that the density of the proposed development is not compatible with the surrounding area. Mrs. Turner stated that staff does not believe it would be in the neighborhood's best interest to grant the special use permit. However, the Planning Commission passed the four variances for the preliminary plat with a 6-1 vote in favor and passed the special use permit with a 4-3 vote in favor to recommend approval.

At 7:36 p.m., Mayor Baugh closed the regular session and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record Monday, February 21, 2011 and Monday, February 28, 2011.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, March 8, 2011 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the following:

Special Use Permit – The Angle 10-3-48.4 (6) (Velocity Property Group)

Public hearing to consider a request from Doug Kline with representative Velocity Property Group for a special use permit per Section 10-3-48.4 (6) of the Zoning Ordinance to allow multiple family dwellings in the R-3, Medium Density Residential District. The property is located at 746 and 752 Foley Road and can be found on tax maps 84-B-20 & 21.

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**

Hans Harmon, Velocity Property Group, made himself available for questions. Mr. Harmon also provided his thoughts to council on why he felt his project would fit into the neighborhood contrary to staff's recommendation.

Mayor Baugh declared the public hearing closed at 7:45 p.m., and the regular session reconvened.

After short discussion, Council Member Chenault offered a motion to approve both the preliminary plat, with variance requests and the special use permit as presented. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

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

No – Mayor Baugh
Council Member Wiens

Thanh Dang, Public Works Planner, presented a request to council from New Community Project (NCP). NCP is a faith-based non-profit organization that focuses on environmental sustainability and global justice, and their request is to amend the City's Bicycle and Pedestrian Plan to include the concept for an additional shared use path (North End Greenway). Mrs. Dang stated that North End Greenway would generally extend from the northern section of the city's downtown to the Eastern Mennonite University/Eastern Mennonite School area, which mostly follows the path of Blacks Run. Mrs. Dang stated that NCP also proposed amendments in three different locations being the following: the bicycle facilities map, the pedestrian facilities map, and adding the North End Greenway within the "Goals to Complete within 5 years". Mrs. Dang also stated that both the Transportation Safety Advisory Commissions and Planning Commission had some recommendations for NCP to help with the success of their plan, and both commissions recommended approval of the amendment to the Bicycle and Pedestrian Plan.

At 7:58 p.m., Mayor Baugh closed the regular session and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record Monday, February 21, 2011 and Monday, February 28, 2011.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, March 8, 2011 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the following:

Bicycle and Pedestrian Plan

Public hearing to consider an amendment to the City of Harrisonburg's Bicycle and Pedestrian Plan. The amendment would describe and illustrate an additional bicycle and pedestrian trail.

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

Jacob Zumfelde, intern with NCP, thanked city staff for all of the hard work and for presenting the request to council.

Tom Benevento stated that he felt the plan will create a better connectivity of the north/south corridor. Mr. Benevento also stated that he felt this path would build a better neighborhood with bringing both sustainable transportation and recreation. Mr. Benevento stated that the NCP plan to pay for this path was through community supporters and grants they are researching, but the group was waiting on council's approval before they could take action. Mr. Benevento also stated that NCP has received an overwhelming number of easements throughout the proposed pathway area.

Hans Harmon, stated that he represents the largest private property owner with the project, and he is in full support of it. Mr. Harmon stated he would like council to get behind NCP and make the pedestrian and bike pathways happen.

Mayor Baugh declared the public hearing closed at 8:03 p.m., and the regular session reconvened.

Council Member Wiens offered a motion to endorse the North End Greenway project and amend the City of Harrisonburg's Bicycle and Pedestrian Plan as presented. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

John Downey, President of Blue Ridge Community College, provided council with statistics and financial information before the meeting, and stated he had a more

personal presentation on the impact that Blue Ridge Community College has on his family. Mr. Downey's presented to council the impact that Blue Ridge Community College has both on his family and the community with the classes that the college offers. Mr. Downey also stated that not only do the classes the college offers, but the graduates from those classes most likely affect your everyday life, from taking pets to the vet to taking vehicles to the shop.

Tom Mendez, Immediate Past Chairman of the Chamber of Commerce Board of Directors, presented an update on Vision 2020. Mr. Mendez stated that even though the Chamber of Commerce provided the leadership to begin the process of Vision 2020, the initiative evolved into a community-wide process that included a variety of representatives. Mr. Mendez also stated after many meetings, Vision 2020 produced four cornerstones which are those that follow: Community Planning, Business Vitality & Entrepreneurship, World Class Education & Workforce, and Community Leadership Development. He stated that the Chamber of Commerce is looking for all towns and cities to embrace Vision 2020.

Council Member Degner offered a motion to endorse Vision 2020. The motion was seconded by Council Member Chenault. After short discussion, Council Member Degner amended his motion to allow for Planning Commission to review Vision 2020 to see if it fits into the city's comprehensive plan. The amended motion was seconded by Council Member Chenault and approved with a unanimous voice vote.

City Manager Hodgen presented an ordinance to council to permit Solar Tax Exemption as permitted under Virginia State Code §58.1-3661: Certified solar energy equipment, facilities or devices and certified recycling equipment, facilities or devices. City Manger Hodgen noted that the city is restricted by state code with what can be allowed with this particular ordinance.

Council Member Degner noted that there is an enabling legislation in the General Assembly that allows council to exempt solar equipment from paying taxes on solar equipment. Council Member Degner explained that currently if a manufacturer has solar equipment it would fall under machinery and tools tax. However, if you are a homeowner, it would be under real estate tax.

City Manager Hodgen noted that this exemption would only be granted if you ask; the city will not go out and reassess your home. However, if you ask for an exemption, the state code has guidelines on how the city must grant exemptions. City Manager Hodgen also noted that the state code does not make it currently beneficial for a homeowner to ask for an exemption.

Council Member Degner offered a motion to approve 100% exemption from taxation with 100% for the duration of the equipments life. The motion failed for lack of a second.

Council Member Wiens offered a motion to approve 100% exemption from taxation at 10 years of the equipments life. The motion was seconded by Vice-Mayor Byrd.

Council Member Chenault offered a motion to amend the previous motion to exemption from 100% taxation at 20 years of the equipments life.

Vice-Mayor Byrd stated that he felt that the city should continue to tax solar equipment as the city taxes all other manufacturing equipment businesses. Vice-Mayor Byrd also questioned, how much profit does the private entity have built into this project and why aren't they willing to sacrifice a little if they are as committed to the success of solar energy as they want the City of Harrisonburg to be? Vice-Mayor Byrd stated if we don't tax solar equipment, we shouldn't tax other business' equipment.

Council Member Degner stated that the General Assembly has legislation specific to solar equipment that gives council the option to give out exemptions on solar equipment. Council Member Degner stated that with the General Assembly making separate legislative for solar equipment, it should be considered differently.

Vice-Mayor Byrd stated the group started the solar project without exemption, and why wouldn't we consider this for other manufacturing businesses that actually produce jobs for the local area. Vice-Mayor Byrd stated that the city would be ahead economically if we treated solar equipment as machinery and tools taxation.

Also mentioned, for private property owners solar panels aren't taxed currently.

Council Member Degner stated that he is in favor of this because it will make a statement that the City of Harrisonburg encourages energy efficient technology.

Council Member Chenault stated that he looks at this item from all sustainability businesses looking to borrow money and in need of an ordinance stating 20 years exemption to obtain a loan.

Vice-Mayor Byrd stated there are other lending options, and council shouldn't try to manage a project for a private industry.

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

Yes – Mayor Baugh
Council Member Degner
Council Member Chenault
Council Member Wiens

No – Vice-Mayor Byrd

After short discussion, the following recorded roll call vote was taken as follows:

Yes – Mayor Baugh
Council Member Degner
Council Member Chenault
Council Member Wiens

No – Vice-Mayor Byrd

The following ordinance was approved with the first reading:

**ORDINANCE ENACTING SECTION 4-2-31
OF THE
HARRISONBURG CITY CODE**

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

That Section 4-2-31 be enacted as follows:

Section 4-2-31. Exemption for properties using certified solar equipment, facilities or devices.

(a) **Effective on and after July 1, 2010, for the fiscal year beginning July 1, 2010 and ending June 30, 2011 and for each fiscal year thereafter, unless otherwise changed by the city council, certified solar equipment, facilities or devices, as defined herein, are hereby declared to be a separate class of property and shall be exempt from taxation at one hundred percent (100%) of its assessed value for the first twenty (20) years of its useful life.**

(b) **As used in this section:**

(1) **“*Certified solar equipment, facilities or devices*” means any property, including real or personal property, equipment, facilities or devices certified by the city’s building inspections division to be designed and used primarily for the purpose of providing for the collection and use of incident solar energy for water heating, space heating or cooling, or other application which would otherwise require a conventional source of energy such as petroleum products, natural gas or electricity.**

(2) **“*Local certifying authority*” means the city’s building inspections division of the city’s department of community development.**

(c) **Any person residing in the city may proceed to have solar energy equipment, facilities or devices certified as exempt from taxation by applying to the city’s building inspections division. If, after examination of such equipment, facility or device, the building inspections division determines that the unit primarily performs any of the functions set forth in sub-section (b) of this section and conforms to the requirements set by the state board of housing and community development, the building inspections division shall approve and certify such**

application. The building inspections division shall forthwith transmit to the commissioner of the revenue those applications properly approved and certified by the building inspections division as meeting all of the requirements qualifying such equipment, facility or device for the exemption from taxation. Any person aggrieved by a decision by the building inspections division may appeal such decision to the local board of building code appeals, which may affirm or reverse such decision.

(d) Upon receipt of the certificate from the city's building inspections division, the commissioner of the revenue shall proceed to determine the value of such qualifying solar energy equipment, facilities or devices. The exemption provided by this section shall be determined by applying the local tax rate to the value of such equipment, facilities or devices and subtracting such partially exempt amount, either (i) from the total real property tax due on the real property to which such equipment, facilities or devices are attached or (ii) if such, equipment, facilities, or devices are taxable as machinery and tools from the total machinery and tools due on such equipment, facilities, or devices, at the election of the taxpayer. This exemption shall be effective beginning in the next succeeding tax year after the date of approval by the commissioner of the revenue, and shall remain in effect for the nineteen (19) following tax years. In the event the qualifying equipment, facilities or devices is part of a new building subject to assessment, then the exemption shall be first effective when such real estate is first assessed, but not prior to the date of such application for exemption.

(e) It shall be presumed for the purpose of the administration of this section, and for no other purposes, that the value of such qualifying solar energy equipment, facilities and devices is not less than the normal cost of purchasing and installing such equipment, facilities and devices.

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

ADOPTED AND APPROVED this ____ day of March, 2011.

MAYOR

ATTESTE: _____
CLERK OF THE COUNCIL

Council Member Chenault left 9:06 p.m. and returned 9:10 p.m.

City Manager Hodgen presented an overview of pros and cons of the elimination of city decals. City Manager Hodgen stated that from the law enforcement perspective, with other localities no longer using decals, there is little remaining enforcement/identification benefit. City Manager Hodgen stated that from the Treasurer's Office, there will be some savings in the elimination of purchasing decals including reducing part-time staff and the handling of massive "walk-in" traffic during decal sale period. City Manager Hodgen stated the "DMV Stop" program will become

an enhancement collection tool, but it is not foolproof. He also stated that the overall cost reduction to the city for elimination of the decals would be about \$9,000.00 per year. City Manager Hodgen also noted while the decal itself would be eliminated, the charge that accompanies the issuance of the decal is actually a “motor vehicle local license tax”, which will be added to personal property tax bills each year.

Jeff Shafer, City Treasurer, stated that the city would be saving \$9,000.00, but the money will be shifted towards other collection tools that aren’t currently being used. Mr. Shafer stated, however, that he got comforting feedback from other treasurers in the state that had recently eliminated decals in the last year in that they weren’t able to see much of a change in collections after eliminating decals.

Council would like staff to prepare an ordinance dealing with process and to eliminate decals.

Mayor Baugh brought to council’s attention that the Boys and Girls Club approached him about writing a letter on council/city letterhead in support towards a \$750,000.00 grant that they hope to receive. Council Member Degner spoke on behalf of the group stating that he felt a letter demonstrating their support strengthens the grant application, and doesn’t commit the city to anything specific in addition to what the city already provides to the Boys and Girls Club.

Vice-Mayor Byrd offered a motion to appoint Beverly McGowan, 281 Campbell Street, to replace Kathy Whitten at the end of her term to expire June 30, 2011 on the Blue Ridge Community College Local Board. Beverly McGowan will serve her first term to expire June 30, 2015. The motion was seconded by Council Member Chenault and approved with a unanimous voice vote.

At 9:19 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING
March 22, 2011

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

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

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

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

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

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

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

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

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

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

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

**BY: _____
Richard Baugh, Mayor**

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

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

ARBOR DAY PROCLAMATION

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

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

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

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

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

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

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

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

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

BY: _____

Richard A. Baugh, Mayor

ATTEST: _____

Erica S. Kann

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

Council Member Wiens offered a motion to approve the following items on the consent agenda:

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

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

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

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

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

No – None

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

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

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

The City of Harrisonburg will hold two public hearings on Tuesday, March 22, 2011, at 7:00 PM in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding the 2011-2012 Action Plan and Amendments to the 2010-2011 Action Plan for the Community Development Block Grant (CDBG) Program. Citizen participation is essential to the City's involvement in the Federal Department of Housing & Urban Development's (HUD) CDBG Program. The Action Plan serves as the planning document for addressing overall community development and housing needs that will utilize the estimated \$548,000 entitlement of CDBG funding available to the City for 2011-2012. Projects selected to receive this funding will be included in the Action Plan. Should the City receive more CDBG funding than anticipated, it will be put towards the Hill Street Sewer project, another City project, and towards fully funding the Public Services project with the next highest score. Should the City receive less CDBG funding

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

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

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

All citizens and organizations are invited to attend the public hearing to comment orally or in writing regarding funding priorities for the 2011-2012 Action Plan and 2010-2011 amendment. The City of Harrisonburg will make reasonable accommodations and services necessary for sensory-impaired and disabled citizens at the public meeting. Additionally, translation services may be offered upon request and availability. Persons requiring such accommodations/services should contact Ande Banks at (540) 432-8923 at least three working days in advance of the meeting.

Copies of the Action Plan and the Amendment are available at the City Manager's Office, 345 South Main Street, Harrisonburg between 8:00 AM and 5:00 PM, Monday through Friday, and at the reference desk at the Massanutten Regional Library for a 30 day public comment and review period which begins March 22, 2011. The Action Plan and Amendment Document will also be posted on the City website at www.ci.harrisonburg.va.us on this date. Written comments may be mailed to Kristin E. McCombe, Grants Compliance Officer, Office of City Manager, 345 South Main Street, Harrisonburg, VA 22801. Comments may also be submitted by calling (540) 432-8926 or emailing CDBG@ci.harrisonburg.va.us. Comments are welcomed prior to the start of the review period, but all comments should be received no later than 9:00am on April 22, 2010, to be considered.

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

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

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

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

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

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

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

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

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

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

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

No – None

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

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

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

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

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

No – None

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

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

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

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

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

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

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

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

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

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

No – None

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

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

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

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

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

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

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

(1) Amount of license fee assessed.

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

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

(b) *Truck license fee.*

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

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

(c) *Trailer license fee.*

The vehicle license fee for trailers shall be as follows:

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

(d) *Bus license fee.*

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

(e) *Motorcycle license fee.*

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

(2) Exemptions.

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

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

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

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

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

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

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

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

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

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

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

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

(3) License fee year; billing and collection.

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

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

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

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

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

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

That Section 13-1-16 of the Harrisonburg City Code is hereby repealed.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

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

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

No – None

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

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

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

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

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

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

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

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

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

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

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

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

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

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

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

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

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

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

No – None

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

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

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

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

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

No – None

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

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

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

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

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

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

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

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

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

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

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

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

No – None

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

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

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

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

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

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

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

At 8:35 p.m. Council Member Wiens offered a motion that council enter into a closed session for discussion and/or consideration of consultation with legal counsel regarding a contract requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, and discussion concerning the expansion of an existing business within the city where no previous announcement has been made of the business' interest in expanding its facilities within the city, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia, and discussion and consideration of the acquisition of city owned real estate, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

At 9:30 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

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

CITY CLERK

MAYOR

APRIL 12, 2011
REGULAR MEETING

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

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

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

Council Member Wiens offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider supplemental appropriation to the school operating budget and the school nutrition budget. Second Reading.
- c. Consider an Ordinance amending and re-enacting Section 13-1-15 of the City Code and repealing Section 13-1-16 of the City Code (City “decal” ordinance). – Second Reading.
- d. Consider request to amend Secs. 6-2-34 and 6-2-37(a) from Public Works to permanently adopt winter (January-March) Bulk & Yard Debris collection program. – Second Reading.
- e. Consider supplemental appropriation in the amount of \$1,000.00 for Parks and Recreation Department. – Second Reading.
- f. Consider supplemental appropriation request in the amount of \$4,628.72 to the Parks & Recreation Department. – Second Reading.

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

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

No – None

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

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

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

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

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

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

Add Subsection (9) as shown:

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

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

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

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

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

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

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

Add Subsection (10) as shown:

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

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

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

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

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

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

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

Add Subsection (7) as shown:

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

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

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

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

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

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

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

Add Subsection (8) as shown:

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

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

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

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

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

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

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

Add Subsection (5) as shown:

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

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

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

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

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

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

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

Add Subsection (5) as shown:

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

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

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

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

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

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

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

Add Subsection (e) as shown:

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

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

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

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

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

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

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

Add Subsection (e) as shown:

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

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

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

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

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

At 7:10 p.m., Mayor Baugh closed the regular session and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record Monday, March 28, 2011 and Monday, April 4, 2011.

NOTICE OF PUBLIC HEARING

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

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

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

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

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

**CITY OF HARRISONBURG
Kurt D. Hodgen**

City Manager

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

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

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

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

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

Council Member Kai Degner offered a motion to approve amending and re-enacting Section 10-3-34, 10-3-40, 10-3-46, 10-3-48.4, 10-3-52, 10-3-55.4, 10-3-56., and 10-3-57.4 of the Harrisonburg City Code. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

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

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

No – None

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

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

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

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

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

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

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Council Member Degner offered a motion to amend and re-enact section 11-7-9 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

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

No – None

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION FOR VDOT FY12 REVENUE SHARING PROGRAM

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

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

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

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

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

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

Adopted this ____ day of _____, 2011 in Harrisonburg.

Richard Baugh, Mayor

Attest: Erica S. Kann, City Clerk

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

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

No – None

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

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

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

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

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

No – None

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

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

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

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

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

No – None

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

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

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

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

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

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

No – None

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

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

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

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

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

No – None

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

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

No – None

Mayor Baugh presented two proclamation which are that follows:

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

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

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

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

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

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

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

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

**BY: _____
Richard Baugh, Mayor**

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

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

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

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

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

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

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

**BY: _____
Richard Baugh, Mayor**

Attest: _____
Erica S. Kann, City Clerk

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

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

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

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

No – None

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

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

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

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

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

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

At 8:37 p.m. Vice-Mayor Byrd offered a motion that council enter into a closed session closed session for discussion and/or consideration of consultation with legal counsel regarding a contract and current litigation requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, and discussion and consideration of the acquisition of real estate to be used for a public purpose, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Yes –	Vice-Mayor Byrd Council Member Degner Council Member Chenault Council Member Wiens Mayor Baugh
No –	None

At 9:30 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

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

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

No - None

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

CITY CLERK

MAYOR

REGULAR MEETING

April 26, 2011

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

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

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

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

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

Vice-Mayor Byrd offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider a request from William and Susan Cale for a special use permit per Section 10-3-34 (9) of the Zoning Ordinance to allow a wall or fence to exceed the 6-foot height regulation. The property is zoned R-1, Single Family Residential District and is located along Grove Street. Second Reading.
- c. Consider an Ordinance Amendment that would add a special use permit to residential districts allowing walls and fences to exceed height regulations. Second Reading.
- d. Consider a request from Michael’s Auto Body with representative Eddie Edwards Signs to amend the Sign Ordinance, Section 11-7-9 variances. Second Reading.
- e. Consider a supplemental appropriation for the Public Works Department in the amount of \$6,200.00. Second Reading.
- f. Consider a supplemental appropriation for the Police Department in the amount of \$25,000.00. Second Reading.
- g. Consider a request for a supplemental appropriation for the Fire Department in the amount of \$10,000.00. Second Reading.

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

Yes – Mayor Baugh
Vice-Mayor Byrd

Council Member Degner
Council Member Chenault
Council Member Wiens

No – None

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

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

At 7:24 p.m., Mayor Baugh closed the regular session and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record April 16, 2011.

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

For information and fiscal planning purposes only

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

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

Total Capital Projects	1,728,119	49,493,841	51,221,960	13,485,486
Total	183,739,861	89,606,313	273,346,174	201,708,483

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

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

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

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

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

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

Council Member Wiens offered a motion to approve the FY 2011-2012 budget as presented. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

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

No – None

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

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

HARRISONBURG CITY CODE

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

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

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

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

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

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

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

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Vice-Mayor Byrd offered a motion to amend and re-enact Section 16-4-64 of the Harrisonburg City Code. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ADOPTED AND APPROVED this ____ day of , 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

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

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

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

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

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

No – Council Member Wiens

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

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

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

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

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

No – None

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

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

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

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

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

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

CITY CLERK

MAYOR

REGULAR MEETING
May 10, 2011

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

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

Quiet T. Please presented his ideas for public transportation to Council.

Mayor Baugh presented the following proclamation to the Salvation Army:

**PROCLAMATION DECLARING MAY 9TH – 15TH 2011
SALVATION ARMY WEEK**

WHEREAS, the Salvation Army's only business in this community of Harrisonburg, Virginia as everywhere, is still human business, undertaken with joy for the family of humankind to the greater glory of God; and

WHEREAS, through sound, innovative and professional services, the Salvation Army serves the people of Harrisonburg, Virginia with unshakable faith in all, no matter how desperate the situation and views all people as people with possibilities; and

WHEREAS, the Salvation Army acts on behalf of all the residents of our community, with neither salvation nor any other condition prerequisite, nor expecting any thanks, yet nonetheless welcoming community support; and

NOW, THEREFORE, I Richard Baugh, Mayor of Harrisonburg do proclaim the period of May 9 to 15, 2011 Salvation Army Week in Harrisonburg, Virginia and do urge all citizens to join me in saluting the steadfast men and women who bind up the broken hearted and renew the heart of our community by their quiet service of compassion.

IN WITNESS, THEREOF, I have hereunto set my hand and caused the seal of Harrisonburg, Virginia to be affixed this 10th day of May, 2011.

**BY: _____
Richard Baugh, Mayor**

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

Christal Yowell, Director of Financial Development of the Salvation Army, extended her thanks to Mayor Baugh and Council for all of their support. Ms. Yowell introduced the Salvation Army's Board Chair, Gary Stiteler. Mr. Stiteler also extended his thanks and he asked

that everyone remember their Captain who is currently serving in Tuscaloosa, Alabama where the Salvation Army Head Quarters were destroyed after the recent tornados. Mr. Stiteler also informed Council of statistics from the previous year.

Mayor Baugh also presented the following proclamation:

**A Proclamation Recognizing the Week of
May 15th – May 21st as National Police Week**

WHEREAS, law enforcement officers both here in our community and across our country are routinely called upon to protect and serve day and night to keep our homes and businesses safe; and

WHEREAS, police officers are asked to make great sacrifices of their personal safety and well-being including, at times, the ultimate sacrifice of their lives for our safety; and

WHEREAS, we wish to honor the dedication of time and personal sacrifice, both recognized and unrecognized, that the police officers of our nation, and specifically the Harrisonburg Police Department make to our great nation and city year round.

NOW THEREFORE, I, Richard Baugh, Mayor of the City of Harrisonburg, Virginia, do hereby proclaim that the week of May 15th – May 21st be observed at *National Police Week* in honor of those who so bravely serve us. In recognition of both Harrisonburg's finest and those officers across our great nation, I ask that on Sunday, May 15th at 12:00 noon, you join in a moment of silence for those that have paid the ultimate sacrifice; remembering especially the 158 officers in the United States who lost their lives in the line of duty in 2010.

**BY: _____
Richard Baugh, Mayor**

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

Council Member Degner asked for consent agenda item 5d to be removed and taken up as a separate matter.

Mayor Baugh stated that consent agenda item 5b is the second reading for the budget and if adopted, it would approve the following Appropriation Ordinance:

**A P P R O P R I A T I O N O R D I N A N C E
OF THE CITY OF HARRISONBURG, VIRGINIA
For the Fiscal Year Ending June 30, 2012**

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 2012. 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, 2012:

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 sixty-three thousand, one hundred fifty-two dollars (\$163,152) is appropriated from the General Fund.

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 thirty-one thousand, five hundred eighty-two dollars (\$431,582) is appropriated from the General Fund.

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 seventy-three thousand, one hundred seventy-two dollars (\$173,172) is appropriated from the General Fund.

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-seven thousand, four hundred sixteen dollars (\$237,416) is appropriated from the General Fund

Paragraph Five - Independent Auditor (120811)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of twenty thousand, eight hundred dollars (\$20,800) is appropriated from the General Fund.

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 seventeen thousand, six hundred ten dollars (\$417,610) is appropriated from the General Fund.

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 eighty-seven thousand, five hundred fifty-six dollars (\$287,556) is appropriated from the General Fund.

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.

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 forty-seven thousand, two hundred two dollars (\$447,202) is appropriated from the General Fund.

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 fifty-eight thousand, nine hundred fifty-five dollars (\$458,955) is appropriated from the General Fund.

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 one million, one hundred ninety-one thousand, two hundred three dollars (\$1,191,203) is appropriated from the General Fund.

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 eight dollars (\$134,908) is appropriated from the General Fund to be apportioned as follows:

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 eighty thousand, sixty-three dollars (\$180,063) is appropriated from the General Fund.

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 seven hundred fifty-two thousand, three hundred ninety-four dollars (\$752,394) is appropriated from the General Fund.

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 thirty-five thousand, nineteen dollars (\$2,835,019) is appropriated from the General Fund.

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, two hundred eighty-four dollars (\$1,130,284) is appropriated from the General Fund.

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, eight hundred fifty-eight thousand, nine hundred ninety-nine dollars (\$1,858,999) is appropriated from the General Fund.

Paragraph Eighteen – Police Gang Task Force (310531)

For the current expenses and capital outlays of the POLICE GANG TASK FORCE, a division of the Department of Public Safety, the sum of one hundred fifty-nine thousand, one hundred forty-six dollars (\$159,146) is appropriated from the General Fund.

Paragraph Nineteen – Police Special Operations (310631)

For the current expenses and capital outlays of the POLICE SPECIAL OPERATIONS, a division of the Department of Public Safety, the sum of one million, two hundred thirty-two thousand, nine hundred thirty-five dollars (\$1,232,935) is appropriated from the General Fund.

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 thirty thousand, two hundred forty-five dollars (\$530,245) is appropriated from the General Fund.

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, five hundred thirty-nine thousand, seven hundred fifty-four dollars (\$5,539,754) is appropriated from the General Fund.

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-eight thousand, six dollars (\$358,006) is appropriated from the General Fund.

Paragraph Twenty-Three - Fire Training (320432)

For the current expenses and capital outlays of FIRE TRAINING, a division of the Department of Public Safety, the sum of one hundred ninety-three thousand, two hundred ninety-seven dollars (\$193,297) is appropriated from the General Fund.

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-six thousand, six hundred ninety-seven dollars (\$366,697) is appropriated from the General Fund.

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 thirty-nine thousand, three hundred forty-eight dollars (\$39,348) is appropriated from the General Fund.

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 eight-two thousand, five hundred dollars (\$82,500) is appropriated from the General Fund.

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 thirty thousand, one hundred sixty-four dollars (\$630,164) is appropriated from the General Fund.

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 eighty-five thousand, nine hundred seventy-seven dollars (\$285,977) is appropriated from General Fund.

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.

Paragraph Thirty - Emergency Services (350532)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of fifty-five thousand, nine hundred forty-nine dollars (\$55,949) is appropriated from the General Fund.

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 ninety-seven thousand, five hundred seventy-six dollars (\$897,576) is appropriated from the General Fund.

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, nine hundred seventy thousand, eight hundred twelve dollars (\$4,970,812) is appropriated from the General Fund.

Paragraph Thirty-Three - Street Lights (410441)

For the current expenses of STREET LIGHTS, a division of the Department of Public Works, the sum of five hundred thirty-one thousand, eight hundred forty-four dollars (\$531,844) is appropriated from the General Fund.

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 three hundred eighteen thousand, two hundred seventy-one dollars (\$318,271) is appropriated from the General Fund.

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, four hundred sixty-three thousand, seven hundred eighty-three dollars (\$1,463,783) is appropriated from the General Fund.

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, one hundred ninety-two dollars (\$276,192) is appropriated from the General Fund.

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 eighteen thousand, nine hundred ninety-six dollars (\$418,996) is appropriated from the General Fund.

Paragraph Thirty-Eight – Refuse Collection (420341)

For the current expenses and capital outlays of REFUSE COLLECTION, a division of Public Works, the sum of eight hundred thirteen thousand, seven hundred fifty-one dollars (\$813,751) is appropriated from the General Fund.

Paragraph Thirty-Nine – City Landfill (420411)

For the current expenses and capital outlays of CITY LANDFILL, a division of Public Works, the sum of one hundred twenty-two thousand, three hundred twenty-six dollars (\$122,326) is appropriated from the General Fund.

Paragraph Forty – Recycling (420541)

For the current expenses and capital outlays of RECYCLING, a division of Public Works, the sum of nine hundred ninety-seven thousand, one hundred ninety-seven dollars (\$997,197) is appropriated from the General Fund.

Paragraph Forty-One - Insect and Rodent Control (420641)

For the current expenses of INSECT AND RODENT CONTROL, a division of the Department of the Public Works, the sum of forty-one thousand, two hundred thirty-six dollars (\$41,236) is appropriated from the General Fund.

Paragraph Forty-Two – County Landfill (420741)

For the current expenses and capital outlays of COUNTY LANDFILL, a division of Public Works, the sum of one million, nine hundred twelve thousand, eighty dollars (\$1,912,080) is appropriated from the General Fund.

Paragraph Forty-Three – 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 thirty-eight thousand, four hundred ninety dollars (\$338,490) is appropriated from the General Fund.

Paragraph Forty-Four - 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 eighty-six thousand, seven hundred sixty-two dollars (\$386,762) is appropriated from the General Fund.

Paragraph Forty-Five - Community Services Board (520511)

For the current expenses of the COMMUNITY SERVICES BOARD, a division of the Health and Welfare Department, the sum of three hundred thousand, three hundred ninety-four dollars (\$300,394) is appropriated from the General Fund.

Paragraph Forty-Six - 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-seven thousand dollars (\$67,000) is appropriated from the General Fund.

Paragraph Forty-Seven - 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, twenty-two thousand, seven hundred forty-four dollars (\$1,022,744) is appropriated from the General Fund.

Paragraph Forty-Eight - Parks (710271)

For the current expenses and capital outlays of PARKS, a division of Parks, Recreation and Cultural, the sum of eight hundred eighty-five thousand, one hundred sixty dollars (\$885,160) is appropriated from the General Fund.

Paragraph Forty-Nine – 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 eighteen thousand, five hundred thirty-one dollars (\$518,531) is appropriated from the General Fund.

Paragraph Fifty - National Guard Armory (710571)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of ninety-one thousand, seven hundred sixteen dollars (\$91,716) is appropriated from the General Fund.

Paragraph Fifty-One - 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-six thousand, two hundred fifty-two dollars (\$346,252) is appropriated from the General Fund.

Paragraph Fifty-Two - 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, five hundred twenty dollars (\$412,520) is appropriated from the General Fund.

Paragraph Fifty-Three - Athletics (710871)

For the current expenses and capital outlays of the ATHLETICS, a division of Parks, Recreation and Cultural, the sum of four hundred sixty-three thousand, eight hundred fifty-three dollars (\$463,853) is appropriated from the General Fund.

Paragraph Fifty-Four – 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 fifty-one thousand, one hundred forty-seven dollars (\$51,147) is appropriated from the General Fund.

**Paragraph Fifty-Five – 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 seventy-two thousand, four hundred eighty dollars (\$672,480) is appropriated from the General Fund.

Paragraph Fifty-Six – 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 five hundred sixty-six thousand, six hundred ninety-two dollars (\$566,692) is appropriated from the General Fund.

Paragraph Fifty-Seven - Planning (810121)

For the current expenses and capital outlays of PLANNING. A division of the Department of Community Development, the sum of two hundred two thousand, seven hundred sixty-nine dollars (\$202,769) is appropriated from the General Fund.

Paragraph Fifty-Eight - 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, four hundred fifty-six dollars (\$141,456) is appropriated from the General Fund.

Paragraph Fifty-Nine- 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 seven thousand, six hundred six dollars (\$7,606) is appropriated from the General Fund.

Paragraph Sixty - Economic Development (810521)

For the current expenses and capital outlays of ECONOMIC DEVELOPMENT, the sum of six hundred thirty-one thousand, nine hundred forty-seven dollars (\$631,947) is appropriated from the General Fund.

Paragraph Sixty-One – Downtown Renaissance - (810621)

For the current expenses and capital outlays of DOWNTOWN RENAISSANCE, the sum of one hundred eighty-nine thousand, four hundred eight dollars (\$189,408) is appropriated from the General Fund.

Paragraph Sixty-Two – Tourism & Visitors Service (810821)

For the current expenses and capital outlays of TOURISM & VISITORS SERVICE, the sum of three hundred fifty-eight thousand, three hundred sixty-three dollars (\$358,363) is appropriated from the General Fund.

Paragraph Sixty-Three – Downtown Parking Services (810921)

For the current expenses and capital outlays of DOWNTOWN PARKING SERVICES, the sum of two hundred twenty-six thousand, seven hundred sixty dollars (\$226,760) is appropriated from the General Fund.

Paragraph Sixty-Four – Non Departmental-Contributions (910411)

For aiding the activities of independent, civic, charitable, and other organizations, the sum of one million, one hundred seventy-eight thousand, eighty three dollars (\$1,178,083) is appropriated from the General Fund.

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

For the payment of joint expenses, the sum of five million, seven hundred fifty-two thousand, two hundred fifty-eight dollars (\$5,752,258) is appropriated from the General Fund.

Paragraph Sixty-Six - 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.

Paragraph Sixty-Seven - 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.

Paragraph Sixty-Eight - 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.

Paragraph Sixty-Nine– Debt Service (980142)

For the payment of interest and principal on bonds and lease purchases and bank thirteen million, two hundred ninety-two thousand, six hundred nineteen dollars (\$13,292,619) is appropriated from the General Fund.

Paragraph Seventy - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of twenty-nine million, one hundred twenty-five thousand, three hundred seventy-four dollars (\$29,125,374) is appropriated from the General Fund.

S U M M A R Y

Expenditures and Revenues

Total General Fund Appropriation for the Fiscal Year Ending June 30, 2012	<u>\$90,595,016</u>
--	----------------------------

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

Fund Balance	\$ 2,938,092
General Property Taxes	31,972,376
Other Local Taxes	31,583,286
Permits, Privilege Fees and Regulatory Licenses	573,175
Fines and Forfeitures	602,200
Revenue from use of Money & Property	175,469
Charges for Services	5,590,300
Miscellaneous Revenue	5,216,200
Recovered Costs	1,198,606
State Non-Categorical Aid	4,948,254
State Shared Expenses (Categorical-Aid)	271,696
State Other (Categorical-Aid)	
3,918,656	
Non Revenue Receipts	45,000
Transfers from other Funds	<u>1,561,706</u>
Total General Fund Revenue For the Fiscal Year Ending June 30, 2012	<u>\$90,595,016</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, 2012:

Paragraph One - Instruction (40610)

For the current expenses of INSTRUCTION, of the department of education, the sum of forty-two million, four hundred twenty-two thousand, one hundred fifty-six dollars (\$42,422,156) is appropriated from the City School Fund.

Paragraph Two - Administration/Attendance & Health Service (40620)

For the current expenses of ADMINISTRATION/ATTENDANCE & HEALTH SERVICE, of the department of education, the sum of three million, one hundred twenty-seven thousand, eight hundred ninety-two dollars (\$3,127,892) is appropriated from the City School Fund.

Paragraph Three - Pupil Transportation Services (40630)

For the current expenses of PUPIL TRANSPORTATION SERVICES, of the department of education, the sum of two million, fifty-four thousand, four hundred thirty-four dollars (\$2,054,434) is appropriated from the City School Fund.

Paragraph Four - Operations & Maintenance (40640)

For the current expenses of OPERATIONS AND MAINTENANCE, of the department of education, the sum of four million, four hundred eighty-two thousand, one hundred seventy-eight dollars (\$4,482,178) is appropriated from the City School Fund.

Paragraph Five - Technology (40680)

For the current expenses of TECHNOLOGY of the Department of Education, the sum of two million, four hundred fifty-nine thousand, two hundred twenty-nine dollars (\$2,459,229) is appropriated from the City School Fund.

S U M M A R Y

Expenditures and Revenues

Total School Fund Appropriations for
Fiscal Year Ending June 30, 2012 **\$54,545,889**

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

Revenue from Other	\$ 1,318,721
Revenue from State School Funds	23,368,240
Revenue from Federal Funds	4,658,885
Transfers Receipts from City's General Fund	<u>25,200,043</u>

Total School Fund Revenue
For the Fiscal Year Ending June 30, 2012 **\$54,545,889**

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, 2012:

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 ninety-seven thousand, three hundred seventy dollars (\$2,497,370) is apportioned from the City Nutrition Fund.

Paragraph Two – Technology (40680)

For the current expenses of TECHNOLOGY of the Department of Nutrition, the sum of twenty-three thousand dollars (\$23,000) is appropriated from the City Nutrition Fund.

Total School Nutrition Fund Appropriations for Fiscal Year Ending June 30, 2012	<u>\$2,520,370</u>
--	---------------------------

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

Revenue from Other	\$551,675
Revenue from State School Funds	67,265
Revenue from Federal Funds	<u>1,901,430</u>

Total School Nutrition Fund Revenue For the Fiscal Year Ending June 30, 2012	<u>\$2,520,370</u>
---	---------------------------

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, 2012:

Paragraph One – Emergency Operations CTR (321132)

For the current expenses of the EMERGENCY OPERATIONS CTR, a division of the EMERGENCY COMMUNICATION CENTER FUND, the sum of three million, five hundred ninety-one thousand, seven hundred eight dollars (\$3,591,708) appropriated from the Emergency Communication Center Fund.

S U M M A R Y

Expenditures and Revenues

**Total Emergency Communication Center Fund Appropriations
For the Fiscal Year Ending June 30, 2012** **\$3,568,708**

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

Other Local Taxes	\$300,000
Use of Money and Property	93,600
Miscellaneous	1,444,254
Recovered Costs	28,600
Revenue from State Government	156,000
Revenue from Federal Funds	
102,000	
Transfers from General Funds	<u>1,444,254</u>

**Total Emergency Communication Center Fund Revenue
For the Fiscal Year Ending June 30, 2012** **\$3,568,708**

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, 2012.

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 fifty-three thousand, nine hundred eighty-three dollars (\$553,983) is appropriated from the Community Development Block Grant Fund.

S U M M A R Y

Expenditures and Revenues

**Total Community Development Block Fund Appropriations
For the year ending June 30, 2012** **\$553,983**

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

Federal Non-Categorical Aid
\$553,983

Total Community Development Block Grant Fund Revenue
For the Fiscal Year Ending June 30, 2012

\$553,983

SECTION VI - SCHOOL TRANSPORTATION FUND (2013)

That the following sum of money be and the same hereby are appropriated for School Transportation purposes herein specified for the fiscal year ending June 30, 2012:

Paragraph One - School Buses (622081)

For the current expenses of the SCHOOL BUSES, a division of the School Transportation Fund, the sum of two million, three hundred seventy-nine thousand, three hundred twenty-six dollars (\$2,379,326) is appropriated from the School Transportation Fund.

Paragraph Two - Field Trips & Charters (632081)

For the current expenses of FIELD TRIPS AND CHARTERS, a division of the School Transportation Fund, the sum of two hundred twenty-two thousand, six hundred eighty dollars (\$222,680) is appropriated from the School Transportation Fund.

S U M M A R Y

Expenditures and Revenues

Total School Transportation Fund Appropriations
for the Fiscal Year Ending June 30, 2012
\$2,602,006

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

Charges for Services	\$2,027,183
Miscellaneous Revenue	31,774
Recovered Cost	4,000
Transfers from General Fund	<u>539,049</u>
Total School Transportation Fund Revenues for the Fiscal Year ending June 30, 2012	<u>\$2,602,006</u>

SECTION VII – 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, 2012:

Paragraph One – Capital Projects (910141)

For the payment of capital expenditures of the General Capital Projects Fund, the sum of twelve million, three hundred forty-two thousand, three hundred eighty-four dollars (\$12,342,384) is appropriate, from the General Capital Projects Fund.

S U M M A R Y

Expenditures and Revenues

**Total General Capital Projects Fund Appropriation
For the Fiscal Year Ended June 30, 2012
\$12,342,384**

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

Categorical Aid-Commonwealth	\$75,000
Categorical Aid-Federal	600,000
Debt issue proceeds	11,000,000
Transfer from other funds	
<u>667,384</u>	

**Total General Capital Projects Fund Revenue
For the fiscal Year Ending June 30, 2012
\$12,342,384**

SECTION VIII - 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, 2012:

Paragraph One - Capital Projects (910161)

For the payment of capital expenditures of the Water Capital Projects Fund, the sum of five hundred forty-three thousand, one hundred two dollars (\$543,102) is appropriated from the Water Capital Projects Fund.

S U M M A R Y

Expenditures and Revenues

**Total Water Capital Projects Fund Appropriations
For the Fiscal Year Ended June 30, 2012 \$543,102**

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

Transfer from Water Fund	<u>\$543,102</u>
--------------------------	------------------

**Total Water Capital Projects Fund Revenue
For the Fiscal Year Ended June 30, 2012** **\$543,102**

SECTION IX - 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, 2012:

Paragraph One - Capital Projects (911161)

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of three hundred fifty thousand dollars (\$350,000) is appropriated from the Sewer Capital Projects Fund.

S U M M A R Y

Expenditures and Revenues

**Total Sewer Capital Projects Fund Appropriation
For the Fiscal Year Ended June 30, 2012** **\$350,000**

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

Transfer from Sewer Fund **\$350,000**

**Total Sewer Capital Projects Fund Revenue
For the Fiscal Year Ended June 30, 2012**
\$350,000

SECTION X – Steam Plant Capital Projects Fund (1324)

That the following sum of money be and the same hereby are appropriated for Steam Plant Capital Projects purposes herein specified for the fiscal year ended June 30, 2012:

Paragraph One - Capital Projects (910142)

For the payment of capital expenditures of the Steam Plant Capital Projects Fund, the sum of two hundred fifty thousand dollars (\$250,000) is appropriated from the Steam Plant Capital Projects Fund.

S U M M A R Y

Expenditure and Revenue

Total Steam Plant Capital Projects Fund Appropriation
For the Fiscal Year Ended June 30, 2012 \$250,000

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

Transfer from Steam Plant Fund
\$250,000

Total Steam Plant Capital Projects Fund Revenue
For the Fiscal Year Ended June 30, 2012 \$250,000

SECTION XI - 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, 2012:

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 four thousand, three hundred fifty-four dollars (\$404,354) is appropriated from the Water Fund.

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 five hundred eighty-nine thousand, nine hundred fifty-eight dollars (\$589,958) is appropriated from the Water Fund.

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 eighteen thousand, nine hundred eighty-four dollars (\$818,984) is appropriated from the Water Fund.

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 eighty-five thousand, four hundred seven dollars (\$385,407) is appropriated from the Water Fund.

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of two million, three hundred nine thousand, one hundred sixty-two dollars (\$2,309,162) is appropriated from the Water Fund.

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 ninety thousand, eight hundred thirty-four dollars (\$990,834) is appropriated from the Water Fund.

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.

Paragraph Eight – Debt Service (382061)

For the payment of interest and principal, etc., on bonds of the Water Department, the sum of seven hundred seventy-five thousand, two hundred fifty-two dollars (\$775,252) is appropriated from the Water Fund.

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, four hundred forty-one thousand, five hundred twenty-two dollars (\$1,441,522) is appropriated from the Water Fund.

S U M M A R Y

Expenditures and Revenues

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 2012	<u>\$7,815,473</u>
---	---------------------------

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

License, Permits, and Privilege Fees	\$150,000
Revenue from use of Money & Property	30,000
Charges for Services	5,800,077
Recovered Costs	16,000
Miscellaneous Revenue	4,000
Transfers for depreciation	<u>1,815,396</u>

Total Water Fund Revenues
for the Fiscal Year Ending June 30, 2012

\$7,815,473

SECTION XII - 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, 2012.

Paragraph One - Administration (412061)

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of five hundred ninety-seven thousand, six hundred sixty-three dollars (\$597,663) is appropriated from the Sewer Fund.

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 three million, eighty-eight thousand, one hundred forty four dollars (\$3,088,144) is appropriated from the Sewer Fund.

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 thirty-one thousand, six hundred seventy-six dollars (\$831,676) is appropriated from the Sewer Fund.

Paragraph Four - Miscellaneous (442061)

For the current expenses, depreciation and the payment of taxes, the sum of one million, seven hundred fifty-three thousand, four hundred fifty-four dollars (\$1,753,454) is appropriated from the Sewer Fund.

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 sixty-six thousand, four hundred four dollars (\$266,404) is appropriated from the Sewer Fund.

Paragraph Six - Pumping & Monitoring (462061)

For the current expenses of PUMPING AND MONITORING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one hundred forty-three thousand, five hundred eighty dollars (\$143,580) is appropriated from the Sewer Fund.

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.

Paragraph Eight – Debt Service (482061)

For the payment of the City’s share of interest and principal on HRSA debt, the sum of two million, eight hundred fifty-two thousand, three hundred seventy dollars (\$2,852,370) is appropriated from the Sewer Fund.

Paragraph Nine - Transfers to Other Funds (492061)

For sharing the cost of operation of other funds for the benefit of the Sewer Fund, the sum of one million, one hundred forty thousand, three hundred ninety-eight dollars (\$1,140,398) is appropriated from the Sewer Fund.

S U M M A R Y

Expenditures and Revenues

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 2012	<u>\$10,777,689</u>
---	----------------------------

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

License, Permits, Privilege Fees	\$225,000
Revenue from use of Money & Property	10,000
Charges for Services	8,281,675
Miscellaneous	4,000
Recovered Costs	30,000
Transfers for depreciation, etc.	<u>2,227,014</u>
Total Sewer Fund Revenues for the Fiscal Year Ending June 30, 2012	<u>\$10,777,689</u>

SECTION XIII - 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, 2012:

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, one hundred thirty-four thousand, five hundred sixty dollars (\$3,134,560) is appropriated from the Public Transportation Fund.

Paragraph Two – Paratransit Buses (852081)

For the current expenses of Paratransit Buses, a division of the Public Transportation Fund, the sum of three hundred seventy-four thousand, four hundred thirty dollars (\$374,430) is appropriated from the Public Transportation Fund.

Paragraph Three - Capital Outlay (872081)

For the capital outlays of the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of one million, three hundred thousand dollars, (\$1,300,000) is appropriated from the Public Transportation Fund.

S U M M A R Y

Expenditures and Revenues

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 2012	<u>\$4,808,990</u>
---	---------------------------

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

Use of Money and Property	\$50,000
Charges for Services	1,586,000
State Categorical Aid	688,500
Federal Categorical Aid	1,841,000
Transfers from General Fund and depreciation	<u>643,490</u>
Total Public Transportation Fund Revenues for the Fiscal Year ending June 30, 2012	<u>\$4,808,990</u>

SECTION XIV – STEAM PLANT FUND (2014)

That the following sums of money be and the same hereby are appropriated for Steam plant purposes herein specified for the fiscal year ending June 30, 2012:

Paragraph One – Resource Recovery Facility (912242)

For the current expenses of the RESOURCE RECOVERY FACILITY, a division of the Steam plant Fund, the sum of five million, four hundred thirty thousand, six hundred sixteen dollars (\$5,430,616) is appropriated from the Steam Plant Fund.

Paragraph Two - Miscellaneous (942042)

For depreciation, bonds issue cost and the payment of taxes of MISCELLANEOUS, a division of the Steam plant Fund, the sum of one million, two hundred eighty-six thousand, one hundred thirty-three dollars (\$1,286,133) is appropriated from the Steam Plant Fund.

Paragraph Three - Debt Service (982042)

For the payment of interest and principal, etc., on bonds of the Steam plant Fund, the sum of two million, four hundred twenty-two thousand, one hundred thirty-seven dollars (\$2,422,137) is appropriated from the Steam Plant Fund.

Paragraph Four - Transfers (990242)

For transfers to Capital Projects of the Steam plant Fund. The sum of two hundred fifty thousand dollars (\$250,000) is appropriated from the Steam Plant Fund.

S U M M A R Y

Expenditures and Revenues

Total Steam Plant Fund appropriations for the Fiscal Year Ending June 30, 2012	<u>\$9,388,886</u>
---	---------------------------

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

Fund Balance	\$467,235
Charges for Services	4,818,365
Recovered Costs	2,057,378
Transfers from General Fund, Depreciation, etc.	<u>2,045,908</u>

Total Steam plant Fund Revenues for the Fiscal Year Ending June 30, 2012	<u>\$9,388,886</u>
---	---------------------------

SECTION XV - 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, 2012:

Paragraph One - Operating (612141)

For the current expenses of the operating expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of nine hundred forty thousand, nine hundred eighty-one dollars (\$940,981) is appropriated from the Central Garage Fund.

Paragraph Two - Miscellaneous (642141)

For the current miscellaneous expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of twenty-one thousand, two hundred sixty-six dollars (\$21,266) is appropriated from the Central Garage Fund.

Paragraph Three - 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.

S U M M A R Y

Expenditures and Revenues

Total Central Garage Fund Appropriations for the Fiscal Year Ending June 30, 2012	<u>\$977,247</u>
--	-------------------------

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

License, permits and privilege fees	\$4,000
Charges for Services	897,736
Transfer	<u>75,511</u>

Total Central Garage Fund Revenue for the Fiscal Year Ending June 30, 2012	<u>\$977,247</u>
---	-------------------------

SECTION XVI - 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, 2012:

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of one hundred thirty-five thousand, two hundred twenty-five dollars (\$135,225) is appropriated from the Central Stores Fund.

S U M M A R Y

Expenditures and Revenues

Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 2012	<u>\$135,225</u>
--	-------------------------

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

Transfers from other Funds	<u>\$135,225</u>
-----------------------------------	-------------------------

Total Central Stores Fund Revenue for the Fiscal Year Ending June 30, 2012	<u>\$135,225</u>
---	-------------------------

**TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XV
IN THIS ORDINANCE
FOR THE FISCAL YEAR ENDING June 30, 2012
RECAPITULATION**

Section I	General Fund	\$90,595,016
Section II	School Fund	54,545,889
Section III	School Nutrition	2,520,370
Section IV	Emergency Communication Center Fund	3,568,708
Section V	Community Development Block Grant Fund	553,983
Section VI	School Transport Fund	2,602,006
Section VII	General Capital Projects Fund	12,342,384
Section VIII	Water Capital Projects Fund	543,102
Section IX	Sewer Capital Projects Fund	350,000
Section X	Steam Plant Capital Projects Fund	250,000
Section XI	Water Fund	7,815,473
Section XII	Sewer Fund	10,777,689
Section XIII	Public Transportation Fund	4,808,990
Section XIV	Steam Plant Fund	9,388,886
Section XV	Central Garage Fund	977,247
Section XVI	Central Stores Fund	<u>135,225</u>
TOTAL APPROPRIATIONS		<u>\$201,774,968</u>

All of the monies appropriated as shown by the contained items in Sections I through XVI 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 2012 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 2012; 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 2012; real estate taxes to be collectible one half on or before December 5, 2011 and one half on or before June 5, 2012. 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, 2011 and one half on or before June 5, 2012. 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 fiscal year 2011-2012", and "Salary Schedule fiscal year 2011-2012", and adopted by the City Council for the fiscal year beginning July 1, 2011, and ending June 30, 2012, 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.

At the end of the fiscal year, June 30th, 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, 2011.

Given under my hand this _____ day of _____, 2011.

CITY CLERK

MAYOR

Council Member Chenault offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider approval of the FY 2011-2012 budget. Second Reading. (Insert Ordinance).
- c. Consider amending and re-enacting Section 16-4-64 of the Harrisonburg City Code – Second Reading.
- e. Consider supplemental appropriation for the Police Department in the amount of \$25,283.00.

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

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

No – None

Debbie Logan, Voter Registrar, presented the revised voting precincts that made all Virginia Mennonite Retirement Community (VMRC) under one precinct. The following revised ordinance was presented for a second reading:

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

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

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

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

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

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

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

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

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

bounded as follows: east of the center line of South Main Street from the southern City limits to Port Republic Road; south of the center line of Port Republic Road to Interstate 81; east of the north bound lane of Interstate 81 to University Blvd.; east and south of the center line of University Blvd to its intersection with Modular Hill Lane; then heading in a southeast direction along the northeast boundaries of the Forest Hill Subdivision and the Ashby Heights Subdivision to

the City limits. The voting place for Precinct No.3 in Ward No. 1 shall be Stone Spring Elementary School.

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

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

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

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

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

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

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Council Member Wiens stated that he still didn't approve of the changes that were made.

Council Member Degner offered a motion to approve the following item:

- d. Presentation on new voting precincts and second reading of adoption ordinance.

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

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

No – None

June Hosaflook, Commissioner of the Revenue, presented a request for an exemption from local taxation from the non-profit organization, Explore More. Mrs. Hosaflook stated that the organization is applying for a Business Personal Property Tax Exemption. Mrs. Hosaflook stated an application from Explore More was received and reviewed by a committee consisting of the City's Finance Director, Treasurer, and Commissioner of the Revenue. The committee reviews the impact of revenue, other qualifications, and requirements for the organization. Mrs. Hosaflook reviewed the following: The Mission, Assessed Value, and Tax Levy. Mrs. Hosaflook stated the committee recommends that the applicant be granted an exemption to business personal property taxes.

At 7:18 p.m., Mayor Baugh closed the regular session and called the evening's first public hearing to order. The following notice appeared in the Daily News Record Public Hearing May 2, 2011.

**CITY OF HARRISONBURG
NOTICE OF PUBLIC HEARING**

Please take notice that on May 10, 2011 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 request by a non-profit corporation for exemption from local personal property taxation:

Harrisonburg Children's Museum, Inc. (Explore More), 150 South Main Street, Harrisonburg, VA 22801. The assessed value of the applicant property for the year 2011 is \$371,900.00. The taxes assessed by the City for the year 2010 were \$362.00; for the year 2009, \$200.00; and for the year 2008, \$218.00.

Public comments on the proposed exemption 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 Baugh called on anyone desiring to speak for or against the applicant requesting tax exemption.

Paula Polglase, Vice President of Explore More Board, thanked Council and staff for their continued support to the Explore More Museum. Mrs. Polglase stated that since the opening of the new facility, the museum has received a 60% increase of visitors since the previous year. Mrs. Polglase thanked Council once again and invited them to stop by and see all the improvements that have been made since the museum opened last November.

Mayor Baugh declared the public hearing closed at 7:19 p.m., and the regular session reconvened.

Council Member Degner offered a motion to approve the request as presented for exemption from local taxation for one City non-profit organization, Explore More. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Adam Fletcher, City Planner, presented to Council a consideration of a subdivision ordinance by adding sidewalk improvement requirements when subdividing on an existing street when adjacent property on either side has an existing sidewalk. Mr. Fletcher stated the proposed amendment, both recommended by staff and Planning Commission, would add a subsection to help clarify, in particular situations, when sidewalk improvements are clearly required. Mr. Fletcher reviewed the definition of how the City defines the word “subdivision”. Mr. Fletcher also stated that if a division meets the definition of a subdivision but does not meet the definition of a minor subdivision, it is, by default, a major subdivision and must be reviewed and approved by Planning Commission. Once approved, the property owners must final plat the property, which would be handled administratively. All variances to these regulations, for both minor and major subdivisions, must be reviewed by Planning Commission and decided upon by City Council. Mr. Fletcher also stated that in recent discussions among city staff regarding subdivision requirements, it came to their attention that the State Code Section 15.2-2242, Optional Provisions of a Subdivision Ordinance, was revised in 2009 to equip localities with regulatory control in requiring sidewalk improvements in particular situations. Mr. Fletcher stated with the information stated above that staff proposed some language of the current

ordinance to be changed, and with that being said he presented the following ordinance for Council's consideration:

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-2-61
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

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

That Section 10-2-61 be amended as follows:

Section 10-2-61. Streets, Alleys and Parking Lots.

Add subsection (f) as shown:

(f) Sidewalks. Where a lot being subdivided fronts on an existing street, and adjacent property on either side has an existing sidewalk, the subdivider shall construct, and where necessary dedicate land for, sidewalk on the property being subdivided to connect to the existing sidewalk, even when no other street improvements are required.

The remainder of Section 10-2-61 is reaffirmed and reenacted in its entirety, except as hereby modified.

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

MAYOR

ATTEST:

CITY CLERK

At 7:27 p.m., Mayor Baugh closed the regular session and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record April 25, 2011 and May 2, 2011.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, May 10, 2011 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the following:

Ordinance Amendment – Sub. Ord. Section 10-2-61 (Sidewalk Improvements)

Public hearing to consider amending Section 10-2-61 of the Subdivision Ordinance by adding sidewalk improvement requirements when subdividing on an existing street when adjacent property on either side has an existing sidewalk.

Rezoning – 440 South Main Street Proffer Amendment

Public hearing to consider a request from NewBridge Bank, with representative Mike Jackson of Union First Market Bank, to rezone 0.89 acres by amending proffers on a parcel zoned B-2C, General Business District Conditional. The property is located at 440 South Main Street and can be found on tax map 26-O-2A.

2011 Comprehensive Plan

Public hearing to consider the adoption of the City of Harrisonburg's 2011 Comprehensive Plan update. The complete draft is available online at <http://www.harrisonburgva.gov/2011compplan> and at the Planning and Community Development Department office.

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

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

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

Mayor Baugh called on anyone desiring to speak for or against the Subdivision Ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:28 p.m., and the regular session reconvened.

Council Member Degner offered a motion to approve amending and re-enacting Section 10-2-61(f) 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:

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

No – None

Mr. Fletcher informed Council that State Code requires the Comprehensive Plan to be reviewed every five years, not necessarily updated or amended, just reviewed. Mr. Fletcher reviewed the process up until the evening's meeting, which included the following tasks: Updated Data and Qualitative Information in each Chapter, Multiple Work Sessions, and Public Input Sessions. Mr. Fletcher stated that that organizational structure did not really change since the 2004 Plan. Mr. Fletcher reviewed some of the items that did change, which were the following: Education was made its own chapter; separate chapters for Arts, Culture, and Historic Resources; and Chapter 12 (which included a name change and is now titled: Community Infrastructure, Services, Safety, and Health). Mr. Fletcher also spoke on the Comprehensive Plans demographic information (Chapter 3), land use recommendations (Chapter 12), some economic data and more housing information (Chapter 6), transportation (Chapter 12), and the implementation strategies in the last chapter.

Vice-Mayor Byrd asked how the word "quality" was defined as it was used in Strategy 3-.2-4 in the Comprehensive Plan and also asked who decides what "quality" is? Mr. Fletcher stated that "quality" is a subjective interpretation. Mrs. Turner, Community and Development Director, stated that the Comprehensive Plan is a general document; the word "quality" would have to be defined in both the land use and zoning ordinances, and both the design and construction manual. Mrs. Turner also stated that the Plan is a guiding document but the changes that need approval will still go through public review, Planning Commission, public hearings, and decided upon by Council where discussion could come up during the time of specific review.

Vice-Mayor Byrd asked with the growth along with the UDAs plan of the next years both commercial and residential can they change on a yearly basis. Mrs. Turner stated that Council could change the boundaries on a yearly basis, but she felt that would be unusual. Mrs. Turner also stated that the specific areas that were talked about, staff feels that those parts of the City are ready to handle increased growth. Provision in state code and UDAs Legislation states you cannot refuse to rezone something solely because it's outside of an urban development area.

After further discussion, Council Member Chenault read a letter that Planning Commission Chairman Jones wrote thanking staff and Planning Commission for all of the hard word and time that was put into the Comprehensive Plan.

At 8:07 p.m., Mayor Baugh closed the regular session and called the evening's third public hearing to order. The notice stated above appeared in the Daily News-Record April 25, 2011 and May 2, 2011.

Mayor Baugh called on anyone desiring to speak for or against the Comprehensive Plan as presented.

Kim Sandum stated that she would like to see the northwest, south, and southwest connectors be eliminated. Ms. Sandum said she didn't understand why the loop roads were included in the City's plan when the actual road is in Rockingham County.

Mayor Baugh stated that the Plan shows the connectors to be responsive, but the City cannot tell Rockingham County and VDOT what to do with their roads. Ms. Sandum stated that

when the loop roads are stated in the plan she feels it looks like the City is in support of the roads.

Kelly Straughen stated he would like Council to reconsider staff recommendations and rather than residential at the Stonespring Corridor it to be commercial.

Mr. Fletcher stated that staff recommended low density mixed residential designation and although it would not be consistent with wide range commercial uses, it could permit some non-residential uses.

Hal Benner stated he was concerned with Strategy 3.2.2 because it states that in the next five years, there will be limited rezoning.

Mayor Baugh stated that the Plan consists of general goals, but anyone is entitled to say if something should be different, in regards to specific properties. Mayor Baugh stated that Strategy 3.2.2 is geared more towards already existing neighborhoods and limiting rezoning of converting single family homes to rental or townhome units.

Mayor Baugh declared the public hearing closed at 8:18 p.m., and the regular session reconvened.

Council Member Degner stated that he was curious as to why the corridor is included in the City's Comprehensive Plan.

Drew Williams, Assistant Public Works Director, stated that historically the Plan and the MPO's Vision Plan have included a number of streets in the County. Mr. Williams reminded Council that VDOT and Rockingham County would be the ones to have to decide to put the corridor in. The City is looking at it from a citywide transportation network and where we need additional facilities to improve the traffic in and around the City. Mr. Williams stated that transportation doesn't just play an important role in the City but also to adjacent areas leading into the City. Mr. Williams stated the corridor had been included with previous Comprehensive Plans and Public Works feels they contribute to sustainability and long term viability to the City's transportation network. Mr. Williams stated that it is a strategic suggestion, but again, the City doesn't have jurisdiction over planning, engineering, building, and construction, etc.

Council Member Chenault referred to a letter received by Litten & Sipe, PC from Mr. Straughen, but stated he was not involved in the case per State Law 2.2-3115, paragraph H, which states the following: An officer or employee of local government who is required to declare his interest pursuant to subdivision A 3 of 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of

recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. Therefore Council Member Chenault was able to participate in the following vote.

Council Member Degner offered a motion to remove reference to possible roads in Rockingham County. The motion did not receive a second.

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

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

No – None

Adam Fletcher presented a request from NewBridge Bank to rezone 0.89 acres by amending proffers on a parcel zoned B-2C, General Business District Conditional for property located at 440 South Main Street and can be found on tax map 26-O-2A. Mr. Fletcher stated that Comprehensive Plan designates this area as Professional. Mr. Fletcher stated that NewBridge Bank's main interest is to modify proffers regarding signage. Mr. Fletcher provided background information to the original proffers. Mr. Fletcher stated that after staff reviewed the new proffers of the present request, they were comfortable with the proposed changes. Mr. Fletcher also did state staff discussed with the applicant that directional signage will be permitted, but the directional signs cannot contain the bank's logo. Mr. Fletcher stated that the Planning Commission recommended this for approval.

At 8:42 p.m., Mayor Baugh closed the regular session and called the evening's fourth public hearing to order. The notice stated above appeared in the Daily News-Record April 25, 2011 and May 2, 2011.

Mike Jackson Facilities Manager for Union First Market Bank, stated he brought several pictures along that the bank is proposing to use for signage should anyone wish to look at them. Mr. Jackson stated that with LED technology, there will be less light than what is currently there, which is spotlights on the sign.

Mayor Baugh declared the public hearing closed at 8:44 p.m., and the regular session reconvened.

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

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

No – None

Ande Banks, Director of Special Projects & Grant Management, presented to Council an amendment to the FY 2010 -2011 Action Plan for approval. Mr. Banks reminded Council, as was stated at the March 22, 2011 Council Meeting, that the \$10,000 remaining balance of funding for the Valley Associates for Independent Living (VAIL) 2010-2011 project will be reallocated to the VAIL 2010-2011 project. Mr. Banks also reminded Council that the project name would remain the same; the amendment is being made as a necessary change in certain language to clarify the original intent of the application. Mr. Banks stated the public comment period has ended and no comments were received. Council Member Degner offered a motion to approve the amendment to the FY 2010 – 2011 Action Plan as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen asked Council to present agenda item 11, pertaining to the Harrisonburg-Rockingham Chamber of Commerce Vision 2020, at the next meeting. City Manager Hodgen stated that he had received a resolution to present to Council earlier in the day and would like more time for review. Council approved of the request, because they as well wanted time for review.

City Manager Hodgen presented to Council to consider a supplemental appropriation in the amount of \$34,736 from sale of timber on the City's Drive River property. City Manager Hodgen stated that the funds would be used for property restoration and the purchase of All Terrain Vehicles (ATV's) for increased enforcement by the Harrisonburg City Police. City Manager Hodgen stated specifically, the property restoration will consist of camp site reversion. City Manager Hodgen stated that the City is also proposing to work with a team from James Madison University (JMU) to do site improvements to return camp sites to nature. City Manager Hodgen also stated that the supplemental appropriation presented also accommodates the transfer of funds to cover the earlier cost associated with the creation of the Recreation Plan as submitted by Dr. Gentile of JMU. Council Member Wiens offered a motion to approve this request for the first reading, and that:

\$34,736.00 chge. to: 1000-31908 Sale of Timber

\$11,400.00 approp. to: 1000-310431-48251 Motor Vehicles & Equipment

\$23,336.00 appro. to: 1000-430221-48237 Rawley Springs Property Improvement

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

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

No – None

City Manager Hodgen presented a request to transfer funds in the amount of \$607,182.05 for the HRRSA project. City Manager Hodgen stated the bulk of the request is to transfer funds to debt service for the HRRSA project; the remainder will go towards operational costs associated with the upgraded and expanded treatment facility. City Manager Hodgen stated the FY 2010 - 2011 was prepared using preliminary estimates provided from HRRSA executive director, and the Public Utilities Department has received updated estimates that suggest this additional cost will be required during the current budget year. Vice-Mayor Byrd offered a motion to approve the request for the first reading, and that:

\$612,500.00 chge. to: 1322-911161-48647 HRRSA WWTP Expansion

612,500.00 chge. to: 2012-34294 Transfer from Sewer Capital Projects Fund

\$181,000.00 approp. to: 2012-422061-43840 O&M Expenses

500.00 approp. to: 2012-422061-43841 Pretreatment

21,000.00 approp. to: 2012-422061-43842 Capital Outlay

410,000.00 approp. to: 2012-482061-47060 Debt Services

612,500.00 approp. to: 1322-911161-49242 Transfer to Sewer Fund

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

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

No – None

Reggie Smith, Director of Public Transportation, presented to Council an evaluation of fuel surcharges from the Taxi Committee. Mr. Smith stated that initial fees of \$2.75 with the drop increment of 1/6 of a mile costing \$0.30. Mr. Smith stated that the current system for taxi's in the City costs passengers \$4.25 for the first mile, and each additional mile costs \$1.80. Mr. Smith presented Council with a comparison from surrounding areas; the City proves to be lower than most surrounding areas. Mr. Smith stated that he used the Paratransit as an example, being that each trip is about 3.3 miles within the City, and that is approximately what a taxi cab trip would equal to. Mr. Smith stated that currently the 3.3 mile trip would equal \$8.45, and if it would be a trip out of town it would be \$9.00. With the proposed \$0.75 increase rate the 3.3 mile trip would equal \$9.20. Mr. Smith reviewed the following: miles per gallon, fuel cost per mile, trips per hour, deadhead (no passengers after drop off until next trip), cost per trip to operate, and revenue per trip. Council Member Degner asked if Council approved a surcharge increase, could the taxi cabs charge less than \$0.75 being competitive on a price factor? Mr. Smith replied that the cab companies yes could use it as being competitive. Mr. Smith also stated with the proposed rate the cab companies would be increasing their budget by \$20.70 per day. Mr. Smith stated the Taxi Committees recommendation would be to enact the \$0.75 surcharge as long as the price per gallon of gas is over \$3.00.

Vice-Mayor Byrd asked if any cab companies recently had left the business. Mr. Smith stated that recently we added a new cab company and that there are currently five companies in the City.

City Attorney Thumma stated a resolution could be brought to the next meeting on the surcharge implementation process.

Council Member Degner offered a motion to approve the Taxi Committee's recommendation of implementing the surcharge of \$0.75 that reduces once gas prices drop below \$3.00 per gallon. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Yes – Mayor Baugh
Council Member Degner
Council Member Chenault
Council Member Wiens

No – Vice-Mayor Byrd

Mr. Smith provided an overview towards surcharges for the buses, but he felt that even if the department ran over budget with fuel, with the money from grants and the lower insurance rate that the Public Transportation Department currently received there is no need for a surcharge. Council Member Degner asked if electric buses would help. Mr. Smith stated that electric buses would not help at the current time due to upfront costs the City would undertake.

City Manager Hodgen presented requests for street closures and use of green space from Harrisonburg Downtown Renaissance (HDR). City Manager Hodgen stated that two requests are annual requests that include street closures for Valley 4th and "Block Party in the 'Burg".

The third request is an annual request for green space behind Community Development for the Rockingham-Harrisonburg SPCA (Fundfest). City Manager Hodgen stated staff recommends all three for approval. Vice-Mayor Byrd offered a motion to approve all requests as recommended. The motion was seconded by Council Member Wiens and approved with a voice vote.

Drew Williams stated that at the February 22, 2011 Council meeting, Mr. Reed made a presentation for the Old Town Area Neighborhood Traffic Calming Program. Public Works received some direction of where Council would like to see the plan go. After the meeting, another work session occurred with the neighborhood to discuss items specific to priority one, which included the following: Raised intersection at Franklin and Ott Streets, Speed hump on Bruce Street between Ott Street and Myers Avenue, eradication of double yellow line and the addition of a new white edge line on Franklin Street near Myers Avenue, and Raised crosswalk/speed table at Franklin Street near Monticello Avenue. Mr. Williams stated that the raised crosswalk/speed table was added as a priority one project in lieu of adding parking on the north side of Franklin Street. Mr. Williams stated that Fire Chief Shifflett was in attendance of the meeting and stated it was not recommended to place parking of Franklin Street. Mr. Williams stated that he came to the evening's meeting seeking direction for Phase 1 of the Old Town Neighborhood Traffic Calming Program. Mr. Williams stated the original Phase 1 request was to cost \$42,500.00, but with the items listed the projected cost is no more than \$28,450.00.

Vice-Mayor Byrd stated that he felt there should be parking on Franklin Street, because there are other narrower streets with parking on both sides of the street. Mr. Williams stated that at the previous Council meeting, Council requested the Fire Chief to review the plan, and the Fire Chief recommended that there should be no parking on Franklin Street. Vice-Mayor Byrd asked if there has been consideration removing parking from other narrow streets in the City or if Franklin Street is a higher priority. Mr. Williams stated that staff always recommends not to add parking onto streets, but has not been directed to take away parking from other streets in the City. Vice-Mayor Byrd stated that if there is a need to put a fire truck on Franklin Street; the Fire Truck will get to where it needs to go. Mr. Williams stated the main concern was the aerial truck not being able to set up on Franklin Street if there was a fire. Vice-Mayor Byrd stated that would be the case on other streets in the City as well. Mr. Williams stated that staff is not looking to create a new problem where a problem did not already exist. Mayor Baugh stated that the plan that was presented was the solution that was settled on by the Old Town Neighborhood, staff, and the Fire Chief.

Fire Chief Larry Shifflett stated that there are other roads in the City that the fire equipment does have problems navigating. Fire Chief Shifflett stated that the Fire Department will do what needs to be done to keep the ones in harm's way safe. Fire Chief Shifflett stated that this was the first time the Fire Department has been contacted to have a comment on any of the street parking plans that have been brought before Council since he has been with the City. Fire Chief Shifflett stated that there are large houses on Franklin Street and if a structure fire would occur and the Fire Department would have to use the aerial ladder, it would need 20' to set the jacks. Fire Chief Shifflett stated with Franklin Street only being 28' street and with parking on both sides, taking away two 8' spaces, there would not be room for proper set up of equipment. Vice-Mayor Byrd asked how the Fire Chief felt about the speed bumps. Fire Chief

Shifflett stated they slow the fire trucks down like it does anyone, but they will get to where they need to be.

Vice-Mayor Byrd would like to see parking brought back into the plan. Council Member Chenault stated that he does not agree with the parking on Franklin Street to sacrifice the safety of those whom live on the street and the Fire Department who would be fighting the fire. Mayor Baugh asked what the consensus was at the end of the meeting with no parking on Franklin Street with the Old Town Neighborhood. Mr. Williams stated that the outcome was the raised crosswalk/speed table at Franklin near Monticello Avenue. City Manager Hodgen stated that there was not a need for a vote from Council, but if no other direction is given from what was presented, the plan would move forward. Mr. Williams stated that Phase 1 items would be executed and in the fall, speed counts will be taken again.

Council Member Chenault stated that he was approached by members of the bicycle community asking Council to pass a resolution to become the Bicycle Capital of Virginia. Council Member Chenault stated the group is willing to make a presentation if Council would allow. City Manager Hodgen requested the group present on what makes the City of Harrisonburg qualified to become the Bicycle Capital of Virginia.

At 9:48 p.m., Vice-Mayor Byrd offered a motion that Council enter into a closed session for discussion and/or consideration of consultation with legal counsel requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-37711(A)(7) of the Code of Virginia. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

At 10:15 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

May 24, 2011

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

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

James "Bucky" Berry stated that he would like the City of Harrisonburg and Rockingham County to get a pre-tornado awareness system in place. Also, Mr. Berry stated he would like to see reverse 911 be used for cell phones, due to citizens cancelling land lines.

City Manager Hodgen stated reverse 911 systems are site specific with smaller numbered area and that we currently have access to approximately 25,000 phones. The system that the City and Rockingham County are currently using can make up to 1,000 calls per hour and just utilizing the reverse 911 system it would take days to communicate. City Manager Hodgen also stated that other alternatives had been looked at for an early warning system and when the study was completed, no recommendations were made.

Nicholas Melas referred to an article that ran in the Daily News Record, on Monday, May 21, 2011 about the possible park that would be located on Monroe Street behind the Salvation Army. Mr. Melas stated that he would like the City to consider other options such as a public garden at this location. Mr. Melas understands that the garden would be in a flood plain, but with raised beds and other feasible solutions, he felt that it would be a great place for volunteer efforts for a public garden.

Council Member Wiens stated that after speaking on the difficult matter with the Parks and Recreation Commission, a heavy rain flooded some parts of the Monroe Street property during the previous week.

Mahamad Hijjeh stated that there had been talk about rate increases for taxi cabs, Mayor Baugh informed Mr. Hijjeh that the item was on the consent agenda; therefore, at this time, he could not speak on the matter.

Mayor Baugh gave recognition, thanks, support, and letter to the American Legion Post 188 for the leadership and dedication efforts associated with the recognition of "Armed Forces Day" and the "Blue Star Salute" for local service men, women and their families here in the community.

Mr. Jeffrey C. Warden, Post Commander of America Legion Post 188, thanked Council for their support. Mr. Warden stated that the event was a great success with several families in attendance. Mr. Warden presented Mayor Baugh with a certificate from both the American Legion Family and Post 188.

Council Member Chenault stated that the event held on the previous Saturday evening was very special and it is a sobering realization of what the men and women that serve our Country and their families do.

Vice-Mayor Byrd offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider a Subdivision Ordinance amendment by adding sidewalk improvement requirements when subdividing on an existing street when adjacent property on either side has an existing sidewalk. Second Reading.
- c. Consider a request from NewBridge Bank, with representative Mike Jackson on Union First Market Bank, to rezone 0.89 acres by amending proffers on a parcel zoned B-2C, General Business District Conditional for property located at 440 South Main Street. Second Reading.
- d. Consider supplemental appropriation in the amount of \$34,736.00. Second Reading.
- e. Request for transfer of funds in the amount of \$607,182.05 - Public Utilities. Second Reading.
- f. Resolution adding a fuel surcharges to the City taxi rates.

The consent agenda also included the following transfer that was included at the previous meeting vote pertaining to agenda item 5e:

\$115,000.00 chge. to: 2012-422061-43844 Construction

\$115,000.00 approp. to: 2012-482061-47060 H-R Regional Sewer Authority

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

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

No – None

Drew Williams, Assistant Public Works Director, stated the Public Works Department had been working on the Chicago Avenue and Mt. Clinton Pike Project for the last eight months and the public comment period concluded May 19, 2011. Mr.

Williams stated the study objectives, which were the following: Transportation (bicycle/pedestrian facilities, intersection improvements, and future and planned growth), Stormwater management, Maintain neighborhood characteristics, and Plan for long-term improvements. Mr. Williams reviewed the existing conditions which included: Traffic volumes, Traffic accidents, and Speeds. Mr. Williams reviewed the Conceptual Improvements which included: Mount Clinton Pike (two travel lanes for vehicles with raised median or center turn lane, bicycle lanes, and sidewalks) and Chicago Avenue (two lanes for vehicles with turn lanes at intersections, bicycle lanes, sidewalks, and significant stormwater management system). Mr. Williams stated Mt. Clinton Pike and Chicago Avenue are both mentioned in the 2011 Comprehensive Plan that was just recently approved. The intersection of Chicago Avenue, Mount Clinton Pike, and Park Road are listed in the Capital Improvement Plan (CIP), however the portion of Mt. Clinton Pike in this specific location is not listed in the CIP. Mr. Williams stated on Chicago Avenue from 2nd Street to Grant Street there are plans to reconfigure the intersections. Mr. Williams also presented two alternatives for the Waterman Drive and Chicago Avenue intersection as well as three alternatives at the intersection of Mt. Clinton Pike, Chicago Avenue, and Park Road. Mr. Williams pointed out the alternatives that had been presented are just concepts and not actual placements of the changes. Mr. Williams presented a picture of Mt. Clinton Pike from College Avenue to Smith Avenue showing median and median breaks at public streets. Also, Park Road and Parkwood Drive would receive a conceptual roundabout for a traffic calming measure, due to the volume not dense enough for a traffic light. Mr. Williams stated at the Public Information Meeting that was held on Tuesday, April 19, 2011, there were 108 attendees and of those attendees, there were strong interest in sidewalks, bicycle facilities, safety improvements, and roundabout concept. Mr. Williams stated that Public Works provided a Public Information Survey that were offered both at the meeting and online, asking residents to prioritize 12 items, if they supported roundabouts, and encouraged additional comments. After the collection of 91 comments, the following items were listed starting with the most important: need for pedestrian/bicycle facilities, safety, speeding, traffic congestion, need for additional public transit options, stormwater, aesthetics, environmental impacts, property impacts, cost to taxpayers, street lighting, and zoning/land use. Mr. Williams stated the next steps are to continue design for the corridor and potential breakout projects. Mr. Williams asked for Council's support with moving forward with the intersection at Chicago Avenue/Mt. Clinton Pike/Park Road.

Mr. Williams noted that currently a Safe Routes to Schools Project is underway in this particular area of the community, which will involve sidewalks on the south side of Waterman Drive. Mr. William stated on Chicago Avenue and Mount Clinton Pike that a short term pathway would be created to help the safety with both pedestrian/bicycle traffic and potential shoulder improvements in certain locations. Mr. Williams stated that the cost of the pathway would roughly amount to \$95,000.

Council Member Wiens stated he felt the short term pathway would alleviate a lot of the concerns and complaints about safety on Chicago Avenue, but concern is the City not owning the land. Council Member Wiens also asked when the overall project would be shovel ready.

Mr. Williams stated that the City would have to get permission from the property owners to allow the City to be there and for use of their land. Mr. Williams stated that the project would be a 12-18 month process if the engineering to a “right of way” level came with 60% drawings for Mount Clinton Pike and Chicago Avenue. However, Mr. Williams stated that if the City would do a breakout project with the pathway, the biggest process will be getting approval with property owners.

Council Member Wiens asked what the first steps would be to get the pathway started. City Manager Hodgen stated we would need to survey the properties, obtain permission from property owners, and bring a cost estimate back before Council.

Drew Williams stated that this would be a temporary fix until, if and when, street improvements in that area move forward.

Karen Thomas, President of Northeast Neighborhood Association, requested Council’s consideration to implement a Spot Blight Abatement Program in the Northeast Community. Mrs. Thomas stated that Spot Blight has proved to be one of the most effective tools dealing with blighted properties and neighborhoods. Mrs. Thomas referenced Section 36-3 of the Code of Virginia which includes the definition of “blighted property”. Mrs. Thomas explained the process of Section 36-49-1 of the Virginia State Code which allows localities to acquire or repair blighted property anywhere within the locality. The owner of the property would be provided with notice and opportunity to repair the blight, but if the owner fails to repair or provide an adequate plan, the local government is allowed to hold a public hearing on the condition of the property. Mrs. Thomas explained the City, at that point, could proceed to repair or acquire the blighted property by eminent domain at which the owner would be billed for the cost of repair or disposal of the property. Mrs. Thomas did note that the City could not use this section to obtain occupied property, unless the property has been declared unfit for human habitation. Mrs. Thomas referenced Section 36-19.5 of the Code of Virginia authorizes localities to partner with local redevelopment and housing authority to acquire a blighted single family or multi-family dwelling through purchase or eminent domain. The authority must give written notice and 60 days to correct the blight or to provide a satisfactory plan of the correction to take place. If the owner fails to correct the blight or an adequate plan the authority seeks a resolution from the City authorizing acquisition of the property. Mrs. Thomas stated that the reason this process is so effective is that it allows localities to take meaningful action against absentee owners of blighted property. Mrs. Thomas stated the program may have a few drawbacks such as, create potential nuisances and a convenient haven for criminal activities. The presence of blighted and neglected properties impairs growth and the development of neighborhoods that can often lead to an exodus of current businesses and residences threatening to spread the blight to other properties and neighborhoods. Mrs. Thomas stated that the Northeast Neighborhood Association purpose is to promote safe, attractive, and a strong community. Mrs. Thomas thanked Council for their help to revitalize their community and to consider the Spot Blight Abatement Program.

Council Member Degner asked Mrs. Thomas how many properties are currently being looked at by the Northeast Neighborhood and in the future.

Mrs. Thomas stated currently there are two the Northeast Neighborhood properties currently being reviewed.

City Attorney Thumma stated that statues are being used and over the past few years, four properties have been taken down within the City. However, the City hasn't taken any action under the blight section of the Code of Virginia. City Attorney Thumma also noted that the cost of demolition is added to the properties taxes. City Attorney Thumma also stated that Harrisonburg Redevelopment and Housing Authority are interested in working together to find a solution for the Northeast Neighborhoods' property that is being looked at.

City Manager Hodgen stated the City would be in contact with the Harrisonburg Redevelopment Housing Authority.

Ryan Ramirez presented information to Council about the Property Assessed Clean Energy Financing (PACE) which the General Assembly has approved enabling legislation for Virginia. Mr. Ramirez stated that PACE is new energy efficiency financing models that have enormous potential to catalyze demand from both owners and lenders for clean-energy investment in buildings. PACE financing is a model that would be administered by local governments and could allow property owners to undertake energy efficiency, renewable energy, and water efficiency projects without large up-front payments. Mr. Ramirez stated the PACE "districts" would essentially be special taxing districts that would allow local governments to provide capital for energy and water improvements in buildings. The outlay for projects is secured by a property lien and is repaid by the owner as a voluntary special assessment on the property tax bill over a 5 to 20 year term. Mr. Ramirez provided a brief overview of the PACE program that was established in California in 2008.

Patrick Cushion, who worked with Senator Creigh Deeds when the PACE legislation was presented to the General Assembly, provided background to the PACE program and the support the legislation had at the state level when the legislation was being considered. Mr. Cushion stated that a deliberate effort was made to make sure control would be maintained by the locality when using the PACE legislation.

Mr. Ramirez stated the benefits that come with the PACE program include: produces peak energy demands, creates permanent local jobs, ability to leverage private funding rather than public funding, saves individuals/businesses money by installing free energy upgrades, and voluntary participation (no taxpayer's money). Mr. Ramirez also stated a few benefits that for property owners which are the following: removes upfront costs, reduces energy costs, and loans transfer with property. Mr. Ramirez provided an overview of the six commercial PACE Programs that are currently being used today and the commercial program with owner arranged financing. Mr. Ramirez stated that he would like to see Harrisonburg use the commercial program with owner arranged

financing because it doesn't require any issuance of bonds or any City funds to operate the program or to loan money. Mr. Ramirez stated that the program will help leverage private capital and the program would use minimal administrative staffing. Mr. Ramirez reviewed what he felt would impact the community such as, change in economic and decisions of clean energy upgrade, potential large scale impact, and improve energy technology. Mr. Ramirez requested Council to authorize an ad hoc study group to explore owner arranged PACE financing for commercial properties in City of Harrisonburg.

Jeffery Tang, Professor at JMU, stated that he would like this piece of legislation to help the City of Harrisonburg lead others in the Commonwealth of Virginia to promote renewable energy and energy efficiency.

After further discussion, Council asked staff to review the PACE program.

City Manager Hodgen stated during the March 8, 2011 Council Meeting, Council requested Planning Commission to review the Harrisonburg-Rockingham Chamber of Commerce Vision 2020 project. City Manager Hodgen stated the Planning Commission recommended support of the Joint Resolution. City Manager Hodgen stated the resolution presented doesn't bind current or future Council's to any specific items, but to recognize the effort of working with other local governing bodies. City Manager Hodgen stated staff worked with the Chamber of Commerce representatives to draft the resolution as follows:

**JOINT RESOLUTION
RELATING TO VISION 2020
FOR THE HARRISONBURG-ROCKINGHAM COUNTY AREA**

WHEREAS The Harrisonburg-Rockingham Chamber of Commerce initiated a community leaders' forum entitled Vision 2020 to provide a venue to discuss the future of the Harrisonburg City - Rockingham County Metropolitan Area, including the incorporated towns within its borders; and,

WHEREAS the Vision 2020 initiative has evolved into a community-wide process of envisioning for our community in the year 2020 and beyond; and

WHEREAS the Chamber and Vision 2020 leadership have sought to increase citizen and government participation in order to insure that Vision 2020 is truly reflective of and fully embraced at all levels of the community; and

WHEREAS we as local governing bodies are responsible for planning the future of our respective jurisdictions, and realize that it is in our best interest to work collaboratively in harmony with each other and with the citizens of the greater Metro area community in preparing for our future;

NOW THEREFORE BE IT RESOLVED that we, the undersigned local:

- 1. Recognize and appreciate the groundwork laid through the Vision 2020 process in helping to identify a collective, desired vision for our community; and**
- 2. Embrace the will to maintain and improve our quality of life through cooperation and collaboration of the public and private sectors, elected officials and citizens alike; and**
- 3. Pledge to work with and support the process of creating a long-range community vision, and agree to work toward the achievement of the desired objects of the Vision Statement, Cornerstones and Strategies outlined in such plan.**

**John Long, Mayor
Town of Broadway
Approved: May __, 2011**

**Buddy Farris, Mayor
Town of Dayton
Approved: May __, 2011**

**Gene Davis, Mayor
Town of Elkton
Approved: May __, 2011**

**Joe Morris, Mayor
Town of Grottoes
Approved: May __, 2011**

**Richard Baugh, Mayor
City of Harrisonburg
Approved: May __, 2011**

**Alfred Cook, Mayor
Town of Mt. Crawford
Approved: May __, 2011**

**Mike Breeden, Chairman
Rockingham County Board of Supervisors
Approved: May __, 2011**

**Donald Delaughter, Mayor
Town of Timberville
Approved: May __, 2011**

**Mayor Hallie Dinkle
Town of Bridgewater
Approved: May __, 2011**

After a brief discussion, Council Member Chenault offered a motion to approve the Joint Resolution relating to Vision 2020. The motion was seconded by Council Member Degner and approved with unanimous voice vote.

City Manager Hodgen stated Agenda Item 10 pertaining to Chapter 13, Section 1 will be moved to the June 14, 2011 Council Meeting.

Stephen King, Chair of the Community Policy and Management Team (CPMT), stated the Draft of Policy Regarding Denial of Funding to Local Governments (Community Policy and Management Teams) was not in compliance with provisions of the Comprehensive Services Act for At-Risk Youth and Families (CSA) that deals with the Office of Comprehensive Services (OCS). OCS had problems with localities contracting for services with vendors that weren't adequately licensed. Mr. King stated unfortunately we had the same mishaps in this locality. Mr. King stated he had spoken with OCS about the legislation when he then found out that the legislation was to address other situations that other localities had run into. Mr. King stated the OCS has the authority to seek reimbursement now for services, but the draft policy that was presented was to clarify their policy. Mr. King stated that CPMT expects the same policies that have been used to continue to be used and be compliant with what is expected by the OCS. Mr. King stated CPMT would reinforce the expectations of the contractors, by including the policies in the contract that will be presented, so the locality can seek reimbursement for the State if the vendors fail to comply.

City Manager Hodgen stated that others involved such as Virginia Municipal League (VML) which had been contacted, had awareness and would like any feedback to be presented by May 31, 2011.

Police Chief Harper presented to Council to consider a supplemental appropriation for the Police Department in the amount of \$500.00. Police Chief Harper stated donations were received and they would be transferred for the purchase of Crime Prevention Materials. Council Member Chenault offered a motion to approve the request for the first reading, and that:

\$500.00 chge. to: 1000-31809 Amount from Fund balance

\$500.00 approp. to: 1000-310131-46140 Other Operating Supplies

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

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

No – None

City Manager Hodgen presented Council the following resolution:

**A RESOLUTION REQUESTING THAT THE FEDERAL GOVERNMENT
WITHDRAW ITS LAWSUIT AGAINST GEORGE'S FOODS**

WHEREAS, on May 7, 2011 George's, Inc. acquired certain assets of Tyson Foods' Harrisonburg complex, including a processing plant in Harrisonburg, a feed mill in Mt. Jackson, a hatchery in Dayton, and a truck shop in New Market; and

WHEREAS, the economic troubles of the former Tyson Foods complex had reduced many workers to 30 hour workweeks and caused extended downtime for contract growers; and

WHEREAS, George's purchase of these assets from Tyson Foods saved an unprofitable poultry operation that was in danger of closing; and

WHEREAS, George's is honoring all contracts of the growers formerly contracting with Tyson Foods and plans to make substantial capital improvements to the former Tyson facilities and expand production; and

WHEREAS, such production expansion could increase the annual number of birds sent to the farms of the growers formerly contracting with Tyson and may also provide additional hours, and consequently, wage payments to plant workers; and

WHEREAS, on May 10, 2011, the federal government, acting under the direction of the Attorney General of the United States, filed suit to force George's, Inc. to divest its ownership of the former Tyson Foods poultry complex at Harrisonburg, Virginia; and

WHEREAS, the geographic proximity of George's existing Virginia poultry operations and George's business plans make it uniquely positioned to make the unprofitable former Tyson complex profitable; and

WHEREAS, in the absence of another viable buyer in close proximity to the Harrisonburg complex who can purchase those assets and make the necessary capital investments to provide an opportunity for the complex to become profitable, closure of the former Tyson complex appears likely; and

WHEREAS, closure of the former Tyson complex would harm the livelihoods of more than 500 employees; 121 contract growers; and numerous local businesses that provide goods and services to the complex; and

NOW THEREFORE BE IT RESOLVED that the Harrisonburg City Council does hereby request that federal government reconsider and withdraw its lawsuit against George's Foods, LLC, George's Family Farms, LLC, and George's, Inc.

Adopted this ____ day of _____, 2011.

Richard Baugh, Mayor

Attest: Erica S. Kann, City Clerk

Council Member Chenault offered a motion to approve the request that the Federal Government withdraw its lawsuit against George's Foods. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

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

No – None

Council Member Degner mentioned he would be providing maps for Council from the Metropolitan Planning Organization (MPO) that had been recently released of plans and projects that they have planned.

At 8:31 p.m., Vice-Mayor Byrd offered a motion that Council enter into a closed session for discussion and consideration of the acquisition of real estate, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

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 Byrd offered a motion to approve the supplemental appropriation of \$10,000.00 to the Harrisonburg-Rockingham Historical Society (budget line item

910411-45649). The funding is for City participation in an archeological/historical study that the Society is undertaking. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

At 9:03 p.m., there being no further business and on motion adopted, the meeting was adjourned.

REGULAR MEETING

June 14, 2011

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

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

Ricky Porco provided an overview of the community building initiative that he started in the City of Harrisonburg. Mr. Porco stated that the website is called Common Place Harrisonburg and its sole purpose is to promote civic engagement in the community. The website is a utility for residents in Harrisonburg to connect with their neighbors and to stay up to date with information about local events. He invited Council and citizens of the City of Harrisonburg to join the free website.

Council Member Degner offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider a supplemental appropriation for the Police Department in the amount of \$500.00 Second Reading.
- c. Consider request to close a 759 +/- square foot undeveloped portion of an alley. Second Reading.
- d. Consider referring an alley closing request at 164 W. Bruce Street to Planning Commission.

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

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

No – None

Stacy Turner, Director of Planning and Community Development, presented the Council a request from Geraldine Howdyshell and Brandon Howdyshell for a special use permit per Section 10-3-34 (9) to allow fences greater than the height otherwise permitted within the R-1, Single Family Residential District. The 10,512 +/- sq. ft. property is located at 231 Sunrise Avenue and can be found on tax maps 23-B-47 & 48. Mrs. Turner

stated no one spoke against this request at the Planning Commission public hearing and there are several letters showing support to this request. Mrs. Turner stated that the Comprehensive Plan designates this area as Low Density Residential. Mrs. Turner stated the property has a single family home and the owners are requesting to construct a fence that reaches twelve-feet in height along the rear of their property, before tapering to a height of five-feet. Mrs. Turner stated the property is located behind Oriental Food Market and their associated parking lots, which any person visiting the market are able to stand in the parking lot and look directly over the fence. Mrs. Turner stated the homeowners would like to be able to enjoy and entertain within the rear of their home without items thrown into their yard or their pets teased and provoked by persons on the commercial lot. Mrs. Turner stated staff does not foresee any negative impact in approving this special use permit and Planning Commission recommended approval.

At 7:11 p.m., Mayor Baugh closed the regular session and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record May 30 and June 6, 2011:

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, June 14, 2011 at 7:00 p.m., or as soon as the agenda permits, in the City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the following:

Special Use Permit – Fence Height 231 Sunrise Avenue 10-3-34 (9)

Public hearing to consider a request from Geraldine Howdyshell and Brandon Howdyshell for a special use permit per Section 10-3-34 (9) to allow fences greater than the height otherwise permitted within the R-1, Single Family Residential District. The 10,512 +/- sq. ft. property is located at 231 Sunrise Avenue and can be found on tax maps 23-B-47 & 48.

Special Use Permit – 862 North Liberty Street 10-3-97 (10) Rec. Activity

Public hearing to consider a request from the Waterman Group, LLC, with representative Steve Hill for a special use permit per Section 10-3-97 (10) to allow recreational and leisure time activities within the M-1, General Industrial District. The 2.87 +/- acre property is located at 862 North Liberty Street and can be found on tax map 40-N-40.

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

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

CITY OF HARRISONBURG

Kurt D. Hodgen

City Manager

Mayor Baugh called on anyone to desiring to speak for or against the special use request. There being no one desiring to be heard, the public hearing was declared closed at 7:11 p.m., and the regular session reconvened.

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

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

No – None

Mayor Baugh stated the other public hearing that was advertised, 862 North Liberty Street, was withdrawn after the notice was placed in the newspaper, but before the agenda was completed. Therefore, a public hearing would not be held.

Stacy Turner presented to Council a request from Gary Bodkin to preliminarily subdivide one .77 acre parcel into nine townhouse lots, with a variance request, on a parcel zoned R-3, Medium Density Residential, and addressed as 2541 Reservoir Street and can be found on tax map 81-A-12. Mrs. Turner stated the Comprehensive Plan designates the area as Medium-Density Mixed Residential. The 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. Mrs. Turner stated the property known as Lady Slipper Court, has history since 2005 when 10 townhouse lots with five feet of right-of-way were approved. Since then a revised plan was submitted in 2007 and expired in January of 2008. Mrs. Turner stated this request is a resubmission of the expired preliminary plat and is exactly the same, except for one item. If Council approves, the current request, the 20 feet of right-of-way would be dedicated to the City as part of the final plat approval for Lady Slipper Court. Mrs. Turner stated staff had concerns about parking, and therefore suggested the applicant provide a restriction within the restriction covenants for Lady Slipper Court that prevents the conversion of garages into living space. Mrs. Turner stated another concern staff made the applicant aware of is that in the future, an easement may be necessary to relocate a hydrant once the Reservoir Street Improvement plans are finalized and approved. Mrs. Turner stated that staff supports the preliminary plat with the variance request and Planning Commission recommended

approval. Council Member Degner offered a motion to approve the request to preliminarily subdivide one .77 acre parcel as presented. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

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

No – None

D.D. Dawson, Director of Finance and Technology, presented to Council for consideration a request for a School Fund transfer in the amount of \$575,000.00. Mrs. Dawson stated there has been an increase of services provided within the transportation function and a purchase of two special education vans. Mrs. Dawson stated in the function of operation and maintenance, the HVACs system will be retrofitted at Stonespring Elementary School. Mrs. Dawson stated for the technology function, some items were purchased that would be typically coded as instruction. Mrs. Dawson stated that no additional City funds are required for the school division to receive this transfer. Council Member Chenault offered a motion to approve the request for the first reading, and that:

\$575,000.00 chge. to: 1111-111114-40610 Instruction

\$262,133.00 approp. to: 1111-111114-40630 Transportation

71,860.00 approp. to: 1111-111114-40640 Operation and Maintenance

241,007.00 approp. to: 1111-111114-40680 Technology

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

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

No – None

Lacy Whitmore, Executive Director of the Harrisonburg-Rockingham Community Services Board (HRCBSB), provided an overview of the new state requirements for children's mental health services that will be affecting the Community Services Board (CSB). Mr. Whitmore stated that the program is a funded mandate and is required for all 40 CSB's around the state. Mr. Whitmore stated that the General Assembly directed the State's Medicaid Agency to develop a new system to be in effect July 1, 2011. The CSB will be required to assess the ability and treatment needs of each child that is identified to

potentially receive Medicaid services in our community. Mr. Whitmore pointed out that in 2010, 325 local children and adolescents received Medicaid services for which each provider performed the assessments. Mr. Whitmore stated they are planning for that number from 2010 to now come through the CSB services. Mr. Whitmore also mentioned that each provider relied on their internal assessment of eligibility. Mr. Whitmore stated the change will be using a managed care tool, which consists of an independent assessment provided by the Public Provider of Mental Health Services performed at the McNulty Center. Mr. Whitmore stated the CSB's plan is to collaborate with local providers that traditionally provided assessments, provide a professional independent assessment, and have the goal of placing the child and family into the correct level of services they require.

Mr. Whitmore highlighted a current advocacy report on children's health that was produced by the Richmond, VA advocacy non-profit group Voice's for Virginia's Children. The report identified a range of mental health system deficiencies in the State including the inconsistencies in capacity in the public health system by locality. Mr. Whitmore stated that in the report, each of the 40 CSB's in the State are ranked, which our Board is ranked next to last. Mr. Whitmore stated that the report only included the service categories that are provided by the CSB and it excluded all of the private providers that the Harrisonburg area utilizes. Mr. Whitmore stated that in another survey of public services for outpatient services for children, Harrisonburg ranked highest in the State in terms of caregivers satisfaction with outcomes that were achieved with the children.

Dave Miller, Owner of Dave's Downtown Taverna, presented to Council his vision and proposal of a Downtown Amphitheater/Park to be located in the parking lot adjacent to the Turner Pavilion. Mr. Miller touched on a few benefits to downtown Harrisonburg that the amphitheater/park would bring and they were as follows: storage and bathrooms for Farmer's Market, better facilities and better venue for festivals, eco-friendly facilities, and more green space. Mr. Miller presented a before and after photo of what the amphitheater could look like. Mr. Miller presented a three step process to get the amphitheater a reality: Downtown Dining Alliance Inc. (DDA) along with Harrisonburg Downtown Renaissance Inc. (HDR) seeks Council's permission to develop a preliminary plan to move the project forward; if acceptable, Council grants DDA and HDR permission to implement the plan as approved by stakeholders, including Harrisonburg Electric Commission; if accepted, grant DDA and HDR revocable license to commence park operation. Mr. Miller stated that by step two of the process, no one in Harrisonburg should be unhappy with the plan. Mr. Miller stated that HDR has proven over the last 7 to 8 years that they can raise money and hold large events downtown without feasible facilities. Mr. Miller stated the Rocktown Beer and Music Festival is a perfect example of DDA and HDR working together and shows the demand from local citizens and people from other locations coming in for the event. Mr. Miller presented Council with a timeline which included four parts: Present Amphitheater Concept to Council, Request City to Accept Part B of DDA License Agreement-Implement Preliminary Plan, City to Give Final Approval and Accept Part C of DDA license Agreement-Construction, and City to Accept Part D of DDA License Agreement-

Operations. Mr. Miller would like to be at Part D of the plan by March 2012. Mr. Miller stated that he is unaware of the final amount of the project, but he would like to start raising funds and hold public meetings to get the needs and wants from citizens now. Mr. Miller stated that the money and five year commitment by Council did wonders for HDR and Downtown Harrisonburg. Mr. Miller stated that he is looking to Council for confidence, a small commitment, permission to use the City's property, and DDA and HDR will do the rest. Mr. Miller shared two letters of support from Harrisonburg Farmer's Market and HDR. Mr. Miller stated he had met with Harrisonburg Electric Commission and was hoping for a letter of support, but they have to check with the Commission about having a stage at their back door. Mr. Miller stated he is a dreamer and a firm believer in "if you build it they will come."

Council Member Degner stated that he would like to see exploration of the plan and a feasibility study done without the City having to provide \$90,000.00. Mr. Miller stated he would like to have some kind of financial commitment from the City. Council Member Wiens wanted to be clear about the commitment and it is a financial commitment up to \$90,000.00 and commitment to the use of City land. Mr. Miller stated that that in five years, the City will be paid back what it spends towards the venue with citizens and others coming into the City and spending money. Mr. Miller stated even if the City doesn't net as much as he thinks the City will, there will be a nice facility the community can utilize. Mr. Miller stated the DDA will run the facility and after all the bills are paid the rest of the money will help fund local charities such as HDR. Vice-Mayor Byrd asked Mr. Miller that if the amphitheater/park is a success, the City wouldn't have to fund HDR in the future. Mr. Miller stated that he believes that will be the case, but he couldn't guarantee it. Vice-Mayor Byrd asked Mr. Miller how many jobs he feels the amphitheater would bring to the City. Mr. Miller stated that if a weekend such as the Rocktown Festival happened every weekend he would have to hire 20 new staff members just for his restaurant. Council Member Chenault asked if the City owned the facility, would bids have to be placed for a company to run the events. City Attorney Thumma stated that bids would not have to be placed. Council Member Chenault stated he believes in the plan for what it could do for the City, but he doesn't believe in the expedited time line. Council Member Chenault asked the amount of the grant that was applied for. Mr. Miller stated \$2,500.00 from the HDR to the Virginia Main Street for feasibility study and project recommendations with a match of \$2,500.00 from private funds. After further discussion, Council would like the opportunity to digest the items presented, would like to have economic projections, and would like to revisit the project at the next council meeting after getting feelings from staff members of the City before taking action on the matter presented. Mayor Baugh stated two suggestions were made (1) let the private sector continue with this project and get more information to bring back to Council and (2) take a formal public private process better known as the Public-Private Educational Facilities Act (PPEA) that could be engaged.

Ande Banks, Special Project and Grant Coordinator, stated that tonight's meeting was the final consideration of the 2011-2012 CDBG Action Plan. Mr. Banks stated since the March 22, 2011 council meeting, he received the final allocation in the amount of \$488,106.00 with \$8,000.00 rolled over from the previous year which totals \$496,106 for 2011-2012 CDBG program. Mr. Banks mentioned the awarded projects from the following categories of: Housing & Property Improvements, Community & Public Facilities, Administration, and Public Services that will receive CDBG funds. Mr. Banks reminded Council that the groups and projects that were awarded are voted and prioritized by both the selection committee and departments. Mr. Banks stated, with council approval, these documents will go to Richmond for HUD's final approval. Council Member Chenault offered a motion to approve the 2011-2012 CDBG Action Plan as presented. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

Drew Williams, Assistant Director of Public Works, reviewed planned improvements around JMU Campus during summer of 2011. Mr. Williams presented three sections to Council of where improvements will be made which include: South Main Street Corridor, Cantrell Avenue Corridor, and the University Boulevard Corridor. Mr. Williams stated that the items on South Main Street are the following: campus gating system, intersection improvements at South Main Street/West Fairview Drive, intersection reconfiguration at Harrison Street/Warsaw Avenue, traffic signal modification at Grace Street/South Main Street, and enhanced crosswalk repairs. Mr. Williams stated that the items on Cantrell Avenue include traffic signal modification at Cantrell Avenue/Mason Street and Cantrell Avenue Widening. Mr. Williams stated that the items on University Boulevard are: install traffic light Carrier Drive/University Boulevard, install crosswalk Carrier Drive/Driver Drive, repave parts of University Boulevard, and improve parts of shoulder on Driver Drive. Vice-Mayor Byrd stated that he would like to see an installation of an 81 south sign on the light coming west bound notifying drivers to be in the left lane.

Dan Rublee, City Engineer, stated that one of his roles also includes the Erosion and Sedimentation Control Administrator. He presented changes that he would like Council to consider to the ordinance for amending and re-enacting Chapter 4 of Title 10 (Erosion and Sedimentation Control) of the Harrisonburg City Code. Mr. Rublee pointed out the changes that are being made to bring the City Code to reflect the Virginia State Code. Mr. Rublee presented the following ordinance to Council for consideration:

**ORDINANCE AMENDING AND RE-ENACTING CHAPTER 4 OF TITLE 10
OF THE**

HARRISONBURG CITY CODE

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

That Chapter 4 of Title 10 be amended and re-enacted as follows:

CHAPTER 4. EROSION AND SEDIMENTATION CONTROL*

§ 10-4-1. Title, purpose and authority.

§ 10-4-2. Definitions.

§ 10-4-3. Administration of chapter in conjunction with subdivision and zoning ordinances.

§ 10-4-4. Local erosion and sediment control program.

§ 10-4-5. Submission and approval of plans; contents of plans.

§ 10-4-6. Permits; fees; security for performance.

§ 10-4-7. Monitoring, reports and inspections.

§ 10-4-8. Penalties, injunctions, and other legal actions.

§ 10-4-9. Civil violations, summons, generally.

§ 10-4-10. Appeals and judicial review.

Sec. 10-4-1. Title, purpose and authority.

This chapter shall be known as the "Erosion and Sediment Control Ordinance of the City of Harrisonburg, Virginia." The purpose of this chapter is to prevent degradation of properties, stream channels, waters and other natural resources of the city by establishing requirements for the control of soil erosion, sediment deposition and nonagricultural runoff and by establishing procedures whereby these requirements shall be administered and enforced.

This chapter is authorized by the Code of Virginia, Title 10.1, Chapter 5, Article 4 (Sec. 10.1-560 et seq.), known as the Virginia Erosion and Sediment Control Law.

(Ord. of 9-11-07)

Sec. 10-4-2. Definitions.

As used in the chapter, unless the context requires a different meaning:

Agreement in lieu of a plan means a contract between the plan-approving authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

Applicant means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board means the Virginia Soil and Water Conservation Board.

Certified inspector means an employee or agent of a program authority who
(i) holds a certificate of competence from the board in the area of project inspection

or (ii) is enrolled in the board's training program for project inspection and successfully completes such program within one (1) year after enrollment.

Certified plan reviewer means an employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of plan review, (ii) is enrolled in the board's training program for plan review and successfully completes such program within one (1) year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (Sec. 54.1-400 et seq.) of Chapter 4 of Title 54.1.

Certified program administrator means an employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of program administration or (ii) is enrolled in the board's training program for program administration and successfully completes such program within one (1) year after enrollment.

City means the City of Harrisonburg, Virginia.

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

Denuded means a term applied to land that has been physically disturbed and no longer supports vegetative cover.

Department means the department of conservation and recreation.

Development means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three (3) or more residential dwelling units.

Director means the director of the community development department or their assignee.

District or soil and water conservation district refers to the Shenandoah Valley Soil and Water Conservation District.

Erosion and sediment control plan or plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area means an area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of ten thousand (10,000) square feet or less used for residential purposes.

Excavating means any digging, scooping or other methods of removing earth materials.

Filling means any depositing or stockpiling of earth materials.

Grading means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Land-disturbing activity means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto

lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
- (5) Surface or deep mining;
- (6) Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;
- (7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations and agricultural engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, Article 2, (section 10.1-604 et seq.) of chapter 6, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of chapter 11 (section 10.1-1100 et seq.) of this title or is converted to bona fide agricultural or improved pasture use as described in subsection B of section 10.1-1163;
- (8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
- (9) Disturbed land areas of less than ten thousand (10,000) square feet in size;
- (10) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles; and
- (11) Emergency work to protect life, limb or property, and emergency repairs; provided that if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

Land disturbing permit means a permit issued by the city for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.

Local erosion and sediment control program or local control program means an outline of the various methods employed by the city to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.

Natural channel design concepts means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open

conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Peak flow rate means the maximum instantaneous flow from a given storm condition at a particular location.

Permittee means the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

Plan approving authority means the department of community development which is responsible for determining the adequacy of a plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

Program authority means the city which has adopted a soil erosion and sediment control program approved by the board.

Responsible land disturber means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan when applicable, who (i) holds a responsible land disturber certificate of competence, (ii) holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection, or plan review, (iii) holds a current contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Article 1 (section 54.1-400 et seq.) of Chapter 4 of Title 54.1.

Runoff volume means the volume of water that runs off the land development project from a prescribed storm event.

Single-family residence means a noncommercial dwelling that is occupied exclusively by one (1) family.

State erosion and sediment control program or state program means the program administered by the Virginia Soil and Water Conservation Board pursuant to the Code of Virginia including regulations designed to minimize erosion and sedimentation.

State waters means all waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdictions.

Transporting means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Water quality volume means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.
(Ord. of 9-11-07)

Sec. 10-4-3. Administration of chapter in conjunction with subdivision and zoning ordinances.

This chapter shall be administered, where applicable, in conjunction with the city's subdivision and zoning ordinances wherein such apply to the development and subdivision of land within the city or where such apply to development on previously subdivided land within the city.
(Ord. of 9-11-07)

Sec. 10-4-4. Local erosion and sediment control program.

(a) Pursuant to section 10.1-562 of the Code of Virginia, the city hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the board and the city's Design and Construction Standards Manual for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the "Virginia Erosion and Sediment Control Regulations" and the Virginia Erosion and Sediment Control Handbook, as amended.

(b) Before adopting or revising regulations, the city shall give due notice and conduct a public hearing on the proposed or revised regulations, except that a public hearing shall not be required when the city is amending its program to conform to revisions in the state program. However, a public hearing shall be held if the city proposes or revises regulations that are more stringent than the state program.

In addition, in accordance with section 10.1-561 of the Code of Virginia, stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

In accordance with section 10.1-561 of the Code of Virginia, any land-disturbing activity that provides for stormwater management intended to address any flow rate capacity and velocity requirements for natural or manmade channels shall satisfy the flow rate capacity and velocity requirements for natural or manmade channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.

(c) Pursuant to section 10.1-561.1 of the Code of Virginia, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted under the direction of a certified inspector. The erosion control program of the City of Harrisonburg, Virginia shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

(d) The city hereby designates the director of the department of community development or their designee as the program authority and plan-approving authority.

(e) The program and regulations provided for in this article shall be made available for public inspection at the office of the department of community development.

(Ord. of 9-11-07)

Sec. 10-4-5. Submission and approval of plans; contents of plans.

(a) Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the department of community development for the city an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority. Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the board for review and approval rather than to each jurisdiction concerned. Where the land-disturbing activity results from the construction of a single-family residence, an "agreement in lieu of a plan" may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.

(b) The standards contained within the "Virginia Erosion and Sediment Control Regulations", the Virginia Erosion and Sediment Control Handbook and the city's Design and Construction Standards Manual are to be used by the applicant when making a submitted under the provisions of this ordinance and in the preparation of an erosion and sediment control plan. The plan-approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. When the standards vary between the publications, the state regulations shall take precedence.

(c) The plan-approving authority shall review conservation plans submitted to it and grant written approval within forty-five (45) days of the receipt of the plan if it determines that the plan meets the requirements of the board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan and will conform to the provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, to the program authority, as provided by section 10.1-561, of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-

disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance. However, the plan-approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single-family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by section 10.1-561 of the Virginia Erosion and Sediment Control Law. Failure to provide the name of an individual holding a certificate of competence shall be a violation of this ordinance.

(d) The plan shall be acted upon within forty-five (45) days from receipt thereof by either approving said plan in writing or by disapproving said plan in writing and giving specific reasons for its disapproval. When the plan is determined to be inadequate, the plan-approving authority shall specify such modifications, terms and conditions that will permit approval of the plan. If no action is taken within forty-five (45) days, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

(e) An approved plan may be changed by the plan-approving authority when:

(1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or

(2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this chapter, are agreed to by the plan-approving authority and the person responsible for carrying out the plans.

(f) Variances: The plan-approving authority may waive or modify any of the standards that are deemed to be too restrictive for site conditions by granting a variance. A variance may be granted under these conditions:

(1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.

(2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

(g) In order to prevent further erosion, the city may require approval of a plan for any land identified as an erosion impact area.

(h) When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

(i) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the board for review and written comments. The specifications shall apply to: construction, installation or maintenance of electric, natural gas and telephone utility lines, and pipelines; and; construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company. Individual approval of separate projects within subdivisions 1 and 2 of this subsection is not necessary when board approved specifications are followed, however, projects included in subdivisions 1 and 2 must comply with board approved specifications. Projects not included in subdivisions 1 and 2 of this subsection shall comply with the requirements of the city's erosion and sediment control program.

(j) State agency projects are exempt from the provisions of this chapter except as provided for in the Code of Virginia, § 10.1-564.

(Ord. of 9-11-07)

Sec. 10-4-6. Permits; fees; security for performance.

(a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(b) No person may engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this article, and has paid the fees and posted the required bond.

(c) An administrative fee shall be paid to the city at the time of each submission of the erosion and sediment control plan which fees shall be set by the city's annual appropriation ordinance.

(d) No land-disturbing permit shall be issued until the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.

(e) All applicants for permits shall provide to the city a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the director of community development, or their assignee, to ensure that measures could be taken by the city at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation measures required of him as a result of his land-disturbing activity. The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on the city's list of standard unit prices. Should it be necessary for the city to take such conservation action, the city may collect from the applicant any costs in excess of the amount of the surety held. Within sixty (60) days of adequate stabilization, as determined by the director of community development or their assignee, in any project or section of a project, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated, based upon the percentage of stabilization accomplished in the project or project section.

(f) These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

(Ord. of 9-11-07)

Sec. 10-4-7. Monitoring, reports and inspections.

(a) The city may require the person responsible for carrying out the plan to monitor the land-disturbing activity. The person responsible for carrying out the plan will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.

(b) The director of community development or their assignee shall periodically inspect the land-disturbing activity in accordance with section 4VAC50-30-60 of the Virginia Erosion and Sediment Control Regulations to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection. If the director of community development or their assignee determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this chapter and shall be subject to the penalties provided by this chapter.

(c) Upon determination of a violation of this chapter, the director of community development or their assignee may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. If land-disturbing activities have commenced without an approved plan, the director of community development or their assignee may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this article. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven (7) days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of Rockingham County, Virginia. If the

alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the director of community development or their assignee may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of city. The owner may appeal the issuance of an order to the Circuit Court of Rockingham County, Virginia. Any person violating or failing, neglecting or refusing to obey an order issued by director of community development or their assignee may be compelled in a proceeding instituted in the Circuit Court of Rockingham County, Virginia to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted. Nothing in this section shall prevent the director of community development or their designee from taking any other action authorized by this chapter.
(Ord. of 9-11-07)

Sec. 10-4-8. Penalties, injunctions, and other legal actions.

(a) Any person who violates any provision of this ordinance shall, upon a finding of the District Court of Rockingham County, Virginia, be assessed a civil penalty. The civil penalty for any one violation shall not be less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), except that the civil penalty for commencement of land-disturbing activities without an approved plan shall be one thousand dollars (\$1,000.00). Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00) Civil penalties shall be as set forth in the schedule below:

	Minimum Standard Violations	Land-Disturbance
w/o Permit		
1 st Inspection	Warning issued	Warning
Issued		
2 nd Inspection	\$100/day/violation	\$1000/day
3 rd Inspection	\$300/day/violation	\$1000/day
4 th Inspection	\$1000/day/violation	\$1000/day
5 th Inspection	Referral for bond collection	Referral for bond collection

(b) The director of community development, or their designee, or the owner of property which has sustained damage or which is in imminent danger of being damaged, may apply to the Circuit Court of Rockingham County, Virginia to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that an adequate remedy at law does not exist. However, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the local program, and the program authority, that a violation of the local program has caused, or creates a probability of causing, damage to his property,

and (ii) neither the person who has violated the local program nor the program authority has taken corrective action within fifteen (15) days to eliminate the conditions which have caused, or create the probability of causing, damage to his property.

(c) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation. A civil action for such violation or failure may be brought by the city. Any civil penalties assessed by a court shall be paid into the treasury of the city, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.

(d) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this chapter, the city may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (c) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (c).

(e) The city's attorney shall, upon request of the city or the permit issuing authority, take legal action to enforce the provisions of this chapter.

(f) Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

(Ord. of 9-11-07)

Sec. 10-4-9. Civil violations, summons, generally.

(a) The director of community development, or their assignee, shall prepare an appropriate erosion and sediment control civil violation summons for use in enforcing the provisions of this chapter.

(b) Any inspector of the city charged with enforcing this chapter shall serve upon any owner or permittee in violation of this chapter, a summons notifying the owner or permittee of said violation. If unable to serve the owner or permittee in person, the inspector may notify by summons an owner or permittee committing or suffering the existence of a violation by certified, return receipt, requested mail, of the infraction. The Sheriff of Rockingham County, Virginia may also deliver the summons. The summons shall contain the following information: (i) The name and address of the person charged; (ii) The nature of the violation and chapter provision(s) being violated; (iii) The location, date, and time that the violation occurred, or was observed; (iv) The amount of the civil penalty assessed for the violation; (v) The manner, location, and time that the civil penalty may be paid to the city treasurer; and (vi) The right of the recipient of the summons to elect to stand trial for the infraction and the date of such trial.

(c) The summons shall provide that any person summoned for a violation may, within five (5) days of actual receipt of the summons or, within ten (10) days from the date of mailing of the summons, elect to pay the civil penalty by making an

appearance in person, or in writing by mail to the city treasurer's office and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged and provide that a signature to an admission of liability shall have the same force and effect as a judgment in court; however, an admission shall not be deemed a criminal conviction for any purpose.

(d) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the city shall cause the Sheriff of Rockingham County, Virginia, to serve the summons on the person charged in the manner prescribed by law. The violation shall be tried in general district court in the same manner and with the same right of appeal as provided in Title 8.01 of the Code of Virginia. In any trial for a scheduled violation authorized by this section, it shall be the burden of the city to show the liability of the violation by the preponderance of the evidence. Any admission of liability, or finding of liability shall not be a criminal conviction for any purpose.

(e) The remedies provided for in this chapter are cumulative, and are not exclusive and, except as provided above, shall be in addition to any other remedies by law.

(f) The owner or permittee may pay the civil penalty to the city treasurer prior to the trial date, provided he also pay necessary court costs in addition to the civil penalty.

(g) Within the time period prescribed in subsection (c) above, the owner or permittee, may contest the violation by presenting it to the director of community development, who shall certify the contest in writing, on an appropriate form, to the general district court.

(h) Failure to pay the civil penalty, or to contest the violation, within the time period prescribed in subsection (c) above, shall result in the immediate issuance of a stop work order and the revocation of the permit, if any.

(Ord. of 9-11-07)

Sec. 10-4-10. Appeals and judicial review.

(a) Any applicant under the provision of this ordinance who is aggrieved by any action of the city or its agent in disapproving plans submitted pursuant to this chapter shall have the right to apply for and receive a review of such action by the city council provided an appeal is filed within thirty (30) days from the date of the action. Any applicant who seeks an appeal hearing before the city council shall be heard at the next regularly scheduled city council public hearing provided that the city council and other involved parties have at least thirty (30) days prior notice. In reviewing the agent's actions, the city council shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the city council may affirm, reverse or modify the action. The city council's decision shall be final, subject only to review by the Circuit Court of Rockingham County, Virginia.

(b) Final decisions of the city under this chapter shall be subject to review by the Circuit Court of Rockingham County, Virginia, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

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

ADOPTED AND APPROVED this _____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Council Member Degner offered a motion to approve amending and re-enacting Chapter 4 of Title 10 (Erosion and Sedimentation Control) of the Harrisonburg City Code. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Mike Collins, Director of Public Utilities, presented Council to consider amending and re-enacting Section 7-4-1 "Schedule of rates and charges generally" of the Harrisonburg City Code. Mr. Collins stated that the changes that are being made are to support the adopted FY 2011-2012 budget. Mr. Collins directed citizens to visit the Public Utilities website and read the 2012 Financial Perspective to receive more information. Mr. Collins presented the following ordinance for Council's consideration:

Section 7-4-1. Schedule of rates and charges generally.

The rates for water and sewer services, to be applied to one hundred (100) percent of the water meter readings, shall be as follows:

(1) *Water rates, per month:*

a. City water rates, per month:

- 1. First zero (0) gallons to two thousand five hundred (2,500) gallons at two dollars and twenty-eight cents (\$2.28) per one thousand (1,000) gallons;**
- 2. Next two thousand five hundred (2,500) gallons to twenty-five thousand (25,000) gallons at two dollars and sixty-five cents (\$2.65) per one thousand (1,000) gallons;**
- 3. Next twenty-five thousand gallons (25,000) to two hundred fifty thousand (250,000) gallons at two dollars and thirty-six cents (\$2.36) per one thousand (1,000) gallons;**

4. All over two hundred fifty thousand (250,000) gallons at one dollar and ninety-four cents (\$1.94) per one thousand (1,000) gallons.
- b. Rural water rates, per month:
1. First zero (0) gallons to two thousand five hundred (2,500) gallons at four dollars and twenty-one cents (\$4.21) per one thousand (1,000) gallons;
 2. Next two thousand five hundred (2,500) gallons to twenty-five thousand (25,000) gallons at four dollars and twenty-six cents (\$4.26) per one thousand (1,000) gallons;
 3. Next twenty-five thousand gallons (25,000) gallons to two hundred fifty thousand (250,000) gallons at four dollars and twenty-six cents (\$4.26) per one thousand (1,000) gallons;
 4. All over two hundred fifty thousand (250,000) gallons at three dollars and fifty-three cents (\$3.53) per one thousand (1,000) gallons.
- c. In addition to the city and rural water rates as set forth above, there shall be _____ added to all water bills generated in the months of July, August, September, October and November of each year a seasonal water rate charge of twenty-four cents(\$0.24) per one thousand (1,000) gallons.
- d. Minimum water charges per month by meter :(three thousand (3,000) gallons _____ for 5/8, 3/4 meter; AWWA equivalent multiplier for larger sizes):

TABLE INSET:

Meter Size (inches)	City Minimum (per month)	Rural Minimum (per month)
5/8, 3/4	\$ 7.03	\$ 12.66
1	\$ 12.33	\$ 21.18
1 1/2	\$ 25.58	\$ 42.48
2	\$ 100.53	\$ 193.52
3	\$ 151.62	\$ 291.61
4	\$ 303.80	\$ 583.80
6	\$ 404.89	\$ 777.87
8	\$ 608.95	\$ 1,187.34
10	\$ 816.35	\$ 1,563.34

e. Rockingham County Water Agreement of 1995 (north and east areas): Rates shall conform to the contract or any amendments to the same.

- (2) *Sewer plus authority rates, per month:*
- a. City sewer plus authority rates, per month (includes two dollars (\$2.00) per one thousand (1,000) gallons for each of the following rate groups for sewer charge):
 - 1. First zero (0) gallons to two thousand five hundred (2,500) gallons at four dollars and forty-seven cents (\$4.47) per one thousand (1,000) gallons;
 - 2. Next two thousand five hundred (2,500) gallons to twenty-five thousand (25,000) gallons at five dollars and thirty-nine cents (\$ 5.39) per one thousand (1,000) gallons;
 - 3. Next twenty-five thousand (25,000) gallons to two hundred fifty thousand (250,000) gallons at five dollars and eighteen cents (\$5.18) per one thousand (1,000) gallons;
 - 4. All over two hundred fifty thousand (250,000) gallons at four dollars and seventy-five cents (\$4.75) per one thousand (1,000) gallons.
 - b. Rural sewer rates, per month (includes two dollars (\$2.00) per one thousand (1,000) gallons for each of the following rate groups for the sewer charge):
 - 1. First zero (0) gallons to two thousand five hundred (2,500) gallons at six dollars and eighty-five cents (\$6.85) per one thousand (1,000) gallons;
 - 2. Next two thousand five hundred (2,500) gallons to twenty-five thousand (25,000) gallons at eight dollars and fifty-five cents (\$8.55) per one thousand (1,000) gallons;
 - 3. Next twenty-five thousand (25,000) gallons to two hundred fifty thousand (250,000) gallons at eight dollars and twenty-seven cents (\$8.27) per one thousand (1,000) gallons;
 - 4. All over two hundred fifty thousand (250,000) gallons at seven dollars and forty-one cents (\$7.41) per one thousand (1,000) gallons.
 - c. Minimum sewer charges, per month by meter: (three thousand (3,000) gallons for 5/8, 3/4 meter; AWWA equivalent multiplier for larger sizes):

TABLE INSET:

Meter (inches)	Size	City (per month)	Minimum	Rural (per month)	Minimum
5/8, 3/4		\$13.87		\$ 21.40	
1		\$ 24.65		\$ 38.50	

1 1/2	\$ 51.60	\$ 81.25
2	\$ 116.44	\$ 216.70
3	\$ 173.14	\$ 322.08
4	\$ 343.37	\$ 638.21
6	\$ 520.95	\$ 844.32
8	\$ 831.75	\$ 1387.55
10	\$ 1168.45	\$ 1863.50

All minimum charges for both city and rural include authority O & M and debt charge. There shall be a separate minimum charge for each meter.

d. Rockingham County Water Agreement of 1995 (north and east areas): Rates shall conform to the contract or any amendments to the same.

(3) *Utility tax:* A ten (10) percent utility tax is added to the total water bills of city users, maximum one dollar (\$1.00) residential, fifteen dollars (\$15.00) commercial. Two and one-half (2 1/2) percent tax on all rural users.

(4) *Regulations:* All unpaid accounts are subject to discontinuance of service one (1) month and five (5) days after past due. There shall be an administrative charge of thirty-five dollars (\$35.00) added to the utility bill of any account that requires adjustment due to a returned check by the bank on which it is drawn, for any reason. Accounts sixty (60) days or more past due shall be forwarded to a collection agency. Administrative charges incurred from the collection of past due accounts shall be charged to the account holder.

(5) *Other charges:*

Table Inset:

Field Call during working hours	\$15.00
Field Call after working hours	\$15.00 + Cost
Re-Connections during working hours	\$25.00
Re-Connections after working hours	\$25.00 + Cost
Tapping Orders >72 hours notice	\$25.00 per meter
Tapping Orders <72 hours notice	\$50.00 per meter
Tapping Orders <72 hours notice after working hours	\$50.00 per meter + Cost
Meter Test < 2" in size	\$25.00

Meter Test 2” or greater in size	\$150.00
----------------------------------	----------

- (6)
 - a. Field Call Charge for turning on the water service or transferring account ownership, which charges shall be included on the first monthly statement submitted after service is cut on;
 - b. There is no charge for turning service off;
 - c. Cost shall be as defined in section 7-4-23 of this Code;
 - d. Re-Connection charge applies to any person, firm, or corporation whose utility service has been discontinued for non-payment of account, or who fail to comply with delinquent payment cutoff time, and shall, before the service is re-established, pay all delinquent and current bills.
 - e. When a date and time to establish a connection has been agreed to between the customer and the city public utilities department and the customer fails to be present at such date and time then the customer shall be charged a site visit fee of fifteen dollars (\$15.00).
 - f. Installation of meters will be assessed a twenty-five dollar (\$25.00) fee per meter when scheduled seventy-two (72) hours in advance; if less than seventy-two (72) hours a fifty dollar (\$50.00) fee will be assessed per meter. There will be no additional connection fee subject to 7-4-1.

(7) The Director is authorized on application, to exempt the payment of all charges imposed by this section, those citizens, or spouse of those, who qualify for active military service deployment on foreign soils.

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

ADOPTED AND APPROVED this _____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Vice-Mayor Byrd asked about the affect of the move of Rockingham Memorial Hospital and the water consumption. Mr. Collins stated adjustments were made to accommodate. Vice-Mayor Byrd offered a motion amending and re-enacting Section 7-4-1 "Schedule of rates and charges generally" of the City Code. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

Council Member Chenault
Council Member Wiens

No – None

Mr. Collins presented to Council to consider the request to write off delinquent utility accounts that the City incurred as accounts receivable between January 1, 2009 and December 31, 2009. This is .38% of the total billed (\$44,331.74) during the same time period. Mr. Collins stated the City will continue to pursue the collections, but this action is for accounting purposes only. Council Member Degner offered a motion write off the delinquent utility accounts as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

City Attorney Thumma presented to Council to consider multiple changes to Chapter 13, Section 1, "Traffic and Parking Regulations", of the City Code. City Attorney Thumma stated that the recommendations come from the Police Department. City Attorney Thumma stated there are changes being made to state law, there are no longer public parking meters in the City, residential parking permit zones for James Madison University will include Friday and Saturday during commencement activities, and items pertaining to removal and immobilization of vehicles. City Attorney Thumma presented the following ordinances for approval:

**ORDINANCE AMENDING AND RE-ENACTING SECTION 13-1-17
OF THE
HARRISONBURG CITY CODE**

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

That Section 13-1-17 be amended and re-enacted as follows:

Section 13-1-17. Powers and duties of chief of police or their designee relative to traffic and parking generally.

(a) The chief of police or their designee, except as otherwise directed by this chapter and except as otherwise directed from time to time by council, shall have the power and he is hereby authorized to regulate the operation and parking of

vehicles within the corporate limits of the city by the erection or placing of proper signs or markers indicating prohibited or limited parking; restricted speed areas; through or arterial streets; stop streets; U-turns; school zones; hospital zones; loading and unloading zones; quiet zones and other signs or markers indicating the place and manner of operating or parking vehicles with the corporate limits of the city.

(b) The chief of police or their designee shall also have the power and he is hereby authorized to regulate the movement of pedestrians upon the streets and sidewalks of the city by the erection or placing of proper signs or markers indicating the flow of pedestrian traffic.

(c) The chief of police or their designee shall also have the power and he is hereby authorized to designate taxicab stands and to erect signs prohibiting the parking of vehicles other than public vehicles, taxicabs or for-hire cars as defined in Section 14-1-1 at such stands.

(d) The chief of police or their designee shall also have the power and he is hereby authorized to designate bus stops and to erect signs prohibiting the parking of vehicles other than buses at such stops.

(e) The chief of police or their designee shall also have the power to regulate the parking of vehicles of various sizes and weights.

(f) The chief of police or their designee shall further have the power and he is hereby authorized to secure all such necessary signs or markers to be erected or placed on any street or part of a street.

(g) The chief of police or their designee is further empowered and authorized to mark off traffic lanes on streets and parts of streets indicating and directing the flow of traffic.

(h) The existence of such signs or markers at any place within the corporate limits of the city shall be prima facie evidence that such signs or markers were erected or placed by and at the direction of the chief of police or their designee in accordance with the provisions of this section.

(i) Any person failing or refusing to comply with the directions indicated on any such sign or marker erected or placed in accordance with the provisions of this section, when such sign or marker so placed or erected is visible and legible, shall be guilty of a misdemeanor. Parking violations shall be punished as provided in section 13-1-72.

(j) Any signs erected under any previous ordinance shall have the same effect as if erected by the chief or police or their designee under this section.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION 13-1-18
OF THE
HARRISONBURG CITY CODE**

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

That Section 13-1-18 be amended and re-enacted as follows:

Section 13-1-18. Power of chief of police or their designee as to speed limits.

Notwithstanding the speed limits fixed by this chapter, the chief of police or their designee is expressly authorized to increase or decrease the speed in business and residential districts on all streets maintained by the city; provided, that such areas or points are clearly indicated by markers or signs, and such speed shall be based on an engineering or traffic investigation, pursuant to Article 8 of Chapter 8 of Title 46.2 of the Code of Virginia, 1950, as amended, and to fix the speed on streets of the city for congested areas or curves, right angle turns, or other dangerous points on the highways when such areas or points are clearly indicated by markers or signs. Such speed limits shall be based on such engineering or traffic investigation.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION 13-1-51
OF THE
HARRISONBURG CITY CODE**

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

That Section 13-1-51 be amended and re-enacted as follows:

Section 13-1-51. Method generally.

(a) No vehicle shall be parked or stopped on any street or alley in such manner as to impede or interfere with or render dangerous the use of such street or alley by another.

(b) Except upon one-way streets, no vehicle shall be stopped or parked except close to the right-hand curb and except upon one-way streets, no vehicle shall be stopped or parked with its left side to the curb.

(c) Except in an emergency or to allow another vehicle or a pedestrian to cross, no vehicle shall be stopped or parked in any street, except close to and parallel with the curb. In no case shall any vehicles be parked less than four (4) feet apart nor with the curbside wheels further than six (6) inches from the curb, except where parking regulations provide for parking at an angle to the curb.

(d) No vehicle shall be stopped or parked within fifteen (15) feet of the ends of any obstruction opposite such vehicle.

(e) Vehicles shall not be parked two (2) or more abreast parallel with the curb.

(f) No vehicle shall be parked within twenty (20) feet of a street corner. The distance shall be measured from the point where the tangent line to radius of the curb is parallel with the roadway.

(g) No person shall park a vehicle in a parking space reserved for a public official or city/county employee. The affixed official signage for said parking space shall serve as notice for whom the space is reserved and any violation will result with the violating vehicle being towed. The violating vehicle shall be towed on complaint from the public official or city/county employee for which the space is reserved.

(h) No vehicle shall be parked in a manner which violates items described in Section 13-1-72.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

ORDINANCE AMENDING AND RE-ENACTING SECTION 13-1-52
OF THE

HARRISONBURG CITY CODE

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

That Section 13-1-52 be amended and re-enacted as follows:

Section 13-1-52. Parking where lines indicate parking spaces.

On all streets marked with lines on the pavement indicating spaces for the parking of vehicles, the spaces between each two (2) lines shall constitute parking room for only one (1) four wheeled vehicle or two (2) motorcycles or moped/electric powered vehicles. No vehicle parked in such space shall be parked with wheels across the line indicating the boundaries of the space. No vehicle shall be backed into any parking stall on any city owned parking lot or parking deck marked with signs.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION 13-1-53
OF THE
HARRISONBURG CITY CODE**

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

That Section 13-1-53 be amended and re-enacted as follows:

Section 13-1-53. Parking on sidewalk, pedestrian crossing or driveway.

(a) It shall be unlawful for any person to park a vehicle on or near a sidewalk or pedestrian crossing in such a way as to block or obstruct the free passage of pedestrians or with any portion of the vehicle on or overhanging any portion of the sidewalk.

(b) It shall be unlawful for any person to park a vehicle in such a manner as to block in whole or in part any driveway or entryway.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION 13-1-59
OF THE
HARRISONBURG CITY CODE**

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

That Section 13-1-59 be amended and re-enacted as follows:

Section 13-1-59. Removal and disposition of unattended or immobile vehicles.

Any motor vehicle, trailer, semitrailer or part thereof may be removed for safekeeping to a storage area if:

- (1) It is left unattended on a public highway, street, alley or other public property and constitutes a traffic hazard;
- (2) It is illegally parked;
- (3) It is left unattended for more than ten (10) days either on public property or on private property without the permission of the property owner, lessee, or occupant;
- (4) It is immobilized on a public roadway by weather conditions or other emergency situation.

The removal shall be carried out by or under the direction of a law enforcement officer. Any motor vehicle, trailer, semitrailer or part thereof shall only be removed from private property upon the written request of the owner, lessee or occupant of the premises. The owner, lessee or occupant of the private property requesting the removal of such motor vehicle, trailer, semitrailer or part thereof in writing shall indemnify the city against any loss or expense incurred by reason of the removal, storage or sale of the motor vehicle, trailer, semitrailer or part thereof.

It shall be presumed that such motor vehicle, trailer, semitrailer or part thereof is abandoned if it (i) lacks either a current license plate; or a valid state safety inspection certificate or sticker; and (ii) it has been in a specific location for four (4) days without being moved. Upon removal the chief of police or their

designee, along with the owner of the motor vehicle, trailer or semitrailer shall be promptly notified. Before obtaining possession of the motor vehicle, trailer, semitrailer or part thereof, the owner shall pay to the parties entitled thereto all costs incidental to its removal and storage and locating the owner. If the owner fails or refuses to pay the costs or if his identity or whereabouts is unknown and unascertainable after a diligent search has been made, and after notice to him at this last known address and to the holder of any lien of record with the office of the Department of Motor Vehicles against such motor vehicle, trailer, semitrailer or part thereof, then the vehicle shall be treated as an abandoned vehicle under the provisions of Article 1 of Chapter 12 of Title 46.2 of the Code of Virginia, 1950, as amended.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

ORDINANCE AMENDING AND RE-ENACTING SECTION 13-1-60.01(e)(3)
OF THE
HARRISONBURG CITY CODE

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

That Section 13-1-60.01(e)(3) be amended and re-enacted as follows:

Section 13-1-60.01. Residential permit parking zones.

(e) *Exempted days.* The following days shall be excluded and exempt from the provisions of subsections (a), (b) and (c) of this section each and every year:

(3) Friday and Saturday of James Madison University's graduation; and

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

ORDINANCE AMENDING AND RE-ENACTING SECTION 13-1-68
OF THE
HARRISONBURG CITY CODE

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

That Section 13-1-68 be amended and re-enacted as follows:

Section 13-1-68. Placement of residential parking stickers and guest cards.

(a) *Motor vehicle decal.* Residential permit parking decals shall be displayed in the lower left corner of the rear window of the vehicle to which the decal is issued. The decal shall be adhered to the window and may not be taped on to the window or displayed in any manner which may allow the transfer of the decal to another vehicle. If the vehicle does not have a rear window or is legally obscured (i.e., louvers or tinted window), the decal may be displayed on the driver's side of the lower right corner of the window furthest to the rear of the vehicle. Any alteration to the decal shall deem the permit invalid.

(b) *Motorcycle decal.* The residential permit parking decal for motorcycles shall be displayed beside the state inspection sticker on the motorcycle front fork or to a permanently affixed plate. Any alteration to the decal shall deem the permit invalid.

(c) *Guest cards.* The residential permit parking guest card shall be displayed on the vehicle dashboard so that the pass and all of the information displayed on the pass is entirely visible through the vehicle windshield. Any alteration to the card shall deem the permit invalid. Any obscuring of the information displayed on the card (i.e., folding under the address issued to) shall also deem the card invalid.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

ORDINANCE AMENDING AND RE-ENACTING SECTION 13-1-72
OF THE
HARRISONBURG CITY CODE

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

That Section 13-1-72 be amended and re-enacted as follows:

Section 13-1-72. Additional parking violations and fines.

Any person, firm or corporation violating any of the provisions of this division shall be required to pay the following fines:

Parked within thirty (30) feet of a stop sign	\$20.00
Violation of official sign	20.00
Parked in a loading zone	15.00
Parked left side to curb	15.00
Parked more than 72 continuous hours/abandoned vehicle ...	15.00
Parked beyond designated time	20.00
Parked within 20 feet of corner	20.00
Parked in excess of 6 inches from curb	20.00
Parked along city painted yellow curb	20.00
Parked on/obstruct sidewalk or crosswalk	20.00
Parked to obstruct driveway/entrance-way	20.00
Parked in violation of fire code	25.00
Parked in permit zone (blue/red/green)	75.00
Parked in handicapped space	100.00
Improper display of license plate	20.00
Other	20.00

Failure to pay a parking citation within fourteen (14) days will result in the issuance of a summons to the registered owner of the motor vehicle to appear in court and answer to the violation.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

ORDINANCE ENACTING SECTIONS 13-1-77, 13-1-78 AND 13-1-79
OF THE
HARRISONBURG CITY CODE

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

That Sections 13-1-77, 13-1-78 and 13-1-79 be enacted as follows:

Section 13-1-77. Removal or immobilization of motor vehicles against which there are outstanding parking violations.

(a) Whenever there is found any motor vehicle parked upon the public streets, public parking lots, parking decks or public grounds within the city against which there are three (3) or more outstanding unpaid or otherwise unsettled parking violations notices, such vehicle may, by towing or otherwise be removed or conveyed to a place within the city designated by the chief of police for the temporary storage of such vehicles or such vehicles may be immobilized in such a manner to prevent its removal or operation except, by, or under the direction of an authorized officer of the police department of the city. Any removal, conveyance or immobilization of the vehicle pursuant to this section shall be by, or under the direction of an officer of the police department of the city.

(b) It shall be the duty of the police officer removing or immobilizing such motor vehicle, or under whose direction such vehicle is removed or immobilized, to inform as soon as practicable the owner of the removed or immobilized vehicle of the fact of the towing or immobilization with a reference which explains the nature and circumstances of the prior unsettled parking violations. In any case involving immobilization of a vehicle pursuant to this section, there shall be placed on such vehicle, in a conspicuous manner, a notice warning that any attempt to move such vehicle might result in damage thereto.

(c) The owner of an immobilized vehicle, or other duly authorized person, shall be allowed not less, than twenty-four (24) hours from the time of immobilization to repossess or secure the release of the vehicle. If the owner fails to repossess or secure the release of the vehicle within this time period, the vehicle may be removed to a storage area for safekeeping under the direction of a police officer of the city.

(d) The owner or other duly authorized person shall be permitted to repossess or to secure the release of the vehicle by payment of all outstanding parking violation notices for which the vehicle was removed or immobilized and by payment of all reasonable costs incidental to the immobilization, removal and storage of the vehicle and efforts to locate the owner of the vehicle.

Should such owner fail or refuse to pay such fines and costs or should the identity or whereabouts of such owner be unknown and unascertainable, such vehicle may be sold in accordance with the procedures set forth in Section 46.2-1216 of the Code of Virginia, 1950, as amended.

Section 13-1-78. Designation of areas in which parking is prohibited or limited.

Notwithstanding any provisions of this chapter, the director of public works or their designee, is hereby authorized, when in their judgment it is in the public interest to do so, to designate no parking areas on any city street, city parking lot, city parking deck or public grounds, provided that notice is given, a minimum of twenty-four (24) hours in advance, by posting signs or markings along the areas designated as no parking zones in order to apprise an ordinarily observant person of such parking prohibitions or regulations. It shall be unlawful for any person to fail to comply with the requirements of such signs or markings. Violating vehicles shall be removed at the expense of the owner of the violating vehicle.

Section 13-1-79. Contest of parking citations.

Any person who shall desire to contest a parking citation shall present the citation at the police department, which shall then be certified on an appropriate form to the city parking officer.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE REPEALING SECTION 13-1-86
OF THE
HARRISONBURG CITY CODE**

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

That Section 13-1-86 of the Harrisonburg City Code is hereby repealed.

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

ADOPTED AND APPROVED this ____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Council Member Degner offered a motion amending and re-enacting sections 13-1-17, 13-1-18, 13-1-51, 13-1-52, 13-1-53, 13-1-59, 13-1-60.01(e)(3), 13-1-68, 13-1-72, 13-1-77, 13-1-78, 13-1-79, and 13-1-86 of the Harrisonburg City Code. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Reggie Smith, Director of Public Transportation, presented a request for a supplemental appropriation for the Transportation Department in the amount of \$70,000.00. Mr. Smith stated that these funds are to cover payroll. City Manager Hodgen stated there are 27 pay periods for the current year instead of the normal 26. Vice-Mayor Byrd offered a motion to approve this request for the first reading, and that:

\$70,000.00 chge. to: 2111-31695 Sale of services to Departments

\$70,000.00 approp. to: 2111-612141-41010 Salaries & Wages – Reg.

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

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

No – None

City Manager Hodgen presented two requests for supplemental appropriations in the amount of \$48,917.03 and \$23,400.00 for the Fire Department. City Manager Hodgen stated the funds in the amount of \$48,917.03 are to recover funds from various donations to the department as well as recovered costs throughout the year. The City Manager also

mentioned more funding was received than anticipated from the “Four for Life” program. City Manager Hodgen stated the funds in the amount of \$23,400.00 are to recover cost from Rockingham County for the installation of the traffic light intervention system along the Maryland Avenue/Port Republic Road corridor. Vice-Mayor Byrd offered a motion to approve this request for the first reading, and that:

\$6,008.75 chge to: 1000-32514 Four for Life Funds
864.48 chge to: 1000-32549 Carbon Monoxide Detector Grant
30,960.46 chge to: 1000-31914 Recovered Costs
11,083.34 chge to: 1000-31809 Donations

\$6,008.75 approp. to: 1000-350532-46155 Four for Life Funds
42,908.28 approp. to: 1000-320232-46140 Other Operating Supplies

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

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

No – None

City Manager Hodgen presented a transfer of funds in the General Capital Projects Fund in the amount of \$2,199.62. City Manager Hodgen stated that the Emergency Communications Center (ECC) Radio Cache Phase II project line item exceeded the budgeted amount by \$2,199.62. City Manager Hodgen stated that the project allowed coordination of the groups that didn’t have ability to connect and function with the system that the ECC is currently using. City Manager Hodgen stated funds are available in the ECC’s PSCI Interoperative Project line to cover the amount. Council Member Wiens offered a motion to approve this request, and that:

\$2,199.62 chge. to: 1310-910141-48717 ECC PSIC Interop project

\$2,199.62 approp. to: 1000-910141-48716 ECC Radio CACHE Phase II

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

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

No – None

City Manager Hodgen noted that the Circuit Court Clerk applied and received \$15,000.00 for an Item Conservation Grant to properly preserve documents that were dated from the year 1776 to 1876.

City Manager Hodgen stated that Council members should be receiving a letter from the Transportation Safety and Advisory Chairman requesting the City consider doing a feasibility study for a roundabout at Carlton Street/Reservoir Street intersection. City Manager Hodgen stated that they are looking to see if Council approves the study.

City Manager Hodgen stated that he received a letter from the Department of Corrections stating they lease 30A West Water Street for parole and probation offices and their lease is coming up on renewal and state code requires them to notify the locality. City Manager Hodgen stated that if Council desires to hold a public hearing on this matter, the State allows. Mayor Baugh stated that if anyone would like this matter be heard through a public hearing to let anyone of the Council members know by the next Council meeting.

City Manager Hodgen stated the Federal Government is reconsidering a need for a Metropolitan Planning Organization (MPO) if a locality has a population less than 200,000. City Manager Hodgen stated the MPO board has been asked to look at four alternatives which are: not respond at all, for the Federal Government to reconsider, to request the Harrisonburg-Rockingham MPO be grandfathered in, or concur with the Federal Government's recommendation. City Manager Hodgen stated with due respect to the work of the staff of the Planning District Commission, the City feels that they would like to see the money used towards actual construction and less towards planning. City Manager Hodgen stated that the City is at the point that projects that have been listed on the plan far exceed the funds that are available for construction. City Manager Hodgen stated that the City has in-house expertise to do the level of transportation planning that the City needs to do. City Manager Hodgen stated that his recommendation is to not protest the recommendation of the Federal Government.

Vice-Mayor Byrd stated he was approached and asked about yard debris pick up during five-week months if citizens have to keep their yard debris for an extra week. City Manager Hodgen stated that the current ordinance states two times a month, so yes the citizens have to keep yard debris for an extra week when a five week month occurs.

Vice-Mayor Byrd asked about the progress of the overgrowth of alley's and trash pickup within certain areas of town and property owners. City Manager Hodgen stated that the City isn't dealing with the property owners yet because he just received all the information the previous Friday. City Manager Hodgen stated that the primary locations are on the east side of the City and he plans to approach the property owners.

Council Member Degner congratulated all involved with the ceremony for the designation of the City as an Appalachian Trail Community.

Council Member Degner brought a map from the MPO for Council to consider inserting into the Comprehensive Plan.

At 9:36 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of 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 Degner and approved with a recorded roll call vote taken as follows:

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

No – None

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.

CITY CLERK

MAYOR

REGULAR MEETING

June 28, 2011

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

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

Gayl Brunk, Executive Director of Valley Associates for Independent Living (VAIL), advised Council that, in the following week, VAIL would be moving to People's Drive and will continue to serve all of those with disabilities within Planning District 6. Ms. Brunk recognized the Harrisonburg Fire Department as one of the many volunteer organizations who will be helping with the move. Ms. Brunk also thanked Council and the City of Harrisonburg for all the support and funds they have provided over the years and VAIL looks forward to many more years of a great working relationship.

Vice-Mayor Byrd offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider a request from Geraldine Howdyshell and Brandon Howdyshell for a special use permit per Section 10-3-34 (9) to allow fences greater than the height otherwise permitted within the R-1, Single Family Residential District. The 10,512 +/- sq. ft. property is located at 231 Sunrise Avenue and can be found on tax maps 23-B-47 & 48. Second Reading.
- c. Consider ordinance for amending and re-enacting Chapter 4 of Title 10 (Erosion and Sedimentation Control) of the Harrisonburg City Code-Second Reading.
- d. Consider amending and re-enacting Section 7-4-1 "Schedule of rates and charges generally" of the City Code. Second Reading.
- e. Consider multiple changes to Chapter 13, Section 1, "Traffic and Parking Regulations", of the City Code. Second Reading.
- f. Consider a supplemental appropriation for the Transportation Department in the amount of \$70,000.00. Second Reading.
- g. Consider request for a supplemental appropriation in the amount of \$48,917.03. Second Reading.
- h. Consider request for a supplemental appropriation in the amount of \$23,400.00. Second Reading.

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

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

No – None

City Manager Hodgen stated the First Tee Foundation has requested that Council consider transferring the First Tee Charter to the Foundation. City Manager Hodgen stated that in doing this, the responsibility for meeting all First Tee Program requirements would be on the Foundation, it would allow the Foundation to expand the program to a greater extent than the City would have otherwise planned in the near future, and will also allow the Foundation to access various private grant funding sources that are not available to the City. City Manager Hodgen also stated the agreement is subject to the approval of the World Golf Foundation, Inc. Council Member Chenault offered a motion to approve the transfer of the First Tee Charter to the First Tee Foundation as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

John Bucci, recent graduate James Madison University (JMU), presented a request from JMU and the Virginia Center for Wind Energy to install a wind turbine at Thomas Harrison Middle School (THMS). Mr. Bucci provided an overview of Wind for Schools which included the following: Department of Energy funded program through Wind Powering America, active in 11 states, install a Skystream 3.7, 2.4kW wind turbine at a K-12 school, teacher training along with hands-on curriculum, university undergraduates act as energy consultants to the host school, and K-12 students are provided an overview of the entire process with guidance of undergraduates. Mr. Bucci stated the purpose of the wind turbine is to educate students and reinforce multiple science benchmarks. Mr. Bucci stated two possible locations have been chosen both of which would be visible from Route 33. Mr. Bucci provided the benefits to the site which included: easy access to THMS students and teachers, within 1.5 of Harrisonburg High School, close to electrical hook ups, facing westerly winds, and minimum obstructions. Mr. Bucci stated he had been in contact with many different departments at the City of Harrisonburg and some questions and concerns were brought to his attention. Mr. Bucci addressed the concerns of the fall zone, noise, interference with RF system and solid red light on top of the tower. Mr. Bucci stated the total cost for the project will be

\$22,500.00. However, THMS was awarded \$14,500.00 through a Merck Foundation Grant. The remainder amount will continue to seek support from the citizens and businesses. Council Member Degner offered a motion to approve the request for installation of a wind turbine at THMS. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Dave Miller, Owner of Dave's Taverna, provided an update to Council regarding the amphitheater/park. Mr. Miller stated that he is excited and really wants an amphitheater/park downtown, but during his first presentation at the June 14, 2011 council meeting he got ahead of himself and he apologized. Mr. Miller stated that the timeline and details he presented was the way he runs his business and he realized that it isn't his business; it's the entire community's business. However, the response from the last meeting was overwhelming, both gratifying and challenging. Mr. Miller stated that the dialogue that had been ignited has proven to us that it is a great project and is very proud of that. Mr. Miller requested Council to grant permission to explore the amphitheater/park project with no expense to the City of Harrisonburg by doing the following: engaging stakeholders in dialogue about what we all want in the amphitheater/park, seek out other cities with similar amphitheater/park projects, study various impacts of this park project on our community, and report back to the Council with preliminary findings. After brief discussion, Council didn't have any concerns with Mr. Miller to explore and study a possible amphitheater/park in the downtown area.

Michael Wong, Executive Director of the Harrisonburg Rockingham Redevelopment and Housing Authority and Chairperson of the Ten-Year Steering Committee, requested Council's approval of the Blueprint for Implementation to End Homelessness in Harrisonburg-Rockingham. Mr. Wong stated that the implementation present goals and objectives are for July 1, 2011 to June 30, 2013. Mr. Wong stated the blueprints represented work that was configured over several meetings with many of the community's stakeholders which were led by members of the Ten-Year Steering Committee. Mr. Wong stated that stable housing is the foundation for community members to be successful and active participants. Adoption and implementation of the plan supports the community in many ways including access to additional resources and also improves collaboration and partnership. Mr. Wong stated through the activities of last years' efforts of establishing the Ten-Year Steering Committee improved homelessness in 2010 from 163 people to 115 people. Mr. Wong stated that the challenges to end homelessness are still great. Mr. Wong stated 83% of children in both City of Harrisonburg and Rockingham County Schools grades K-3 qualify for free or reduced lunch; higher level grades reduced to 63%. Mr. Wong presented an overview of

the eight major objectives for the first two years of the implementation. Council Member Degner offered a motion to approve the Blueprint for Implementation as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated at the beginning of the year, the City refunded some existing Sanitation Fund debt and achieved savings during the process. Since the Sanitation Fund received a transfer from the General Fund to operate, the General Fund transfer to the Sanitation Fund has been reduced. The request is from the Finance Director for end-of-year budget purposes and allocating the savings to the General Fund's reserve for contingencies for example, the 27th pay period that will occur. Vice-Mayor Byrd offered a motion approve the following transfer:

\$175,600.00 chge. to: 1000-990111-49280 Transfer to Sanitation Fund
175,600.00 chge. to: 2014-982042-49121 42.010 M Bond Issue

\$175,600.00 approp. to: 1000-940111-49310 Reserve for contingencies
175,600.00 approp. to: 2014-34210 Transfer from General Fund

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

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

No – None

Police Chief Harper requested Council to appropriate funds that were received through a grant from the VA Department of Alcoholic Beverage Control. The grant was used for overtime for underage drinking issues.

\$3,2005.85 chge. to: 1000-31914 Recovered Costs

3,205.85 approp. to: 1000-310231-41020 Salaries/Wages OT

Police Chief Harper requested Council to appropriate funds that were reimbursed by the US Marshals Service for overtime payment services rendered by the Gang Task Force from October 2010 through March 2011.

\$3,203.25 chge. to: 1000-33546 US Marshals Service Overtime Reimbursement

3,203.25 approp. to: 1000-310531-41020 Salaries/Wages OT

Police Chief Harper requested Council to appropriate funds that were received from JMU as reimbursement for services rendered at events on various dates from January 12, 2011 through May 7, 2011.

\$9,728.20 chge. to: 1000-31677 JMU Overtime Reimbursement

9,728.20 approp. to: 1000-310231-41020 Salaries/Wages OT

Police Chief Harper requested Council to appropriate funds that were received through Federal DMV Selective Enforcement Grant to reimburse for overtime, training and travel.

\$5,400.59 chge. to: 1000-33524 Federal DMV Grant

118.90 approp. to: 1000-310631-45530 Training and Travel

5,281.69 approp. to: 1000-310231-41020 Salaries/Wages OT

Vice-Mayor Byrd offered a motion to approve the four supplemental appropriations presented from the Police Department that totals \$21,537.89. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated at the previous meeting Council requested to wait to see if any comments were received about holding a public hearing regarding the renewal of the lease for the Department of Correction Parole and Probation office, located at 30A West Water Street. With Council receiving no concerns, it was agreed for City Manager Hodgen to advise the Department of Corrections that a public hearing will not be necessary for renewal of their contract.

City Manager Hodgen provided an overview of an item for the July 12, 2011 Council meeting. The Central Shenandoah Planning Commission Board has approved some adjustments to membership allocation. City Manager Hodgen stated there are approximately a dozen member localities. Recent census numbers changed some locality's membership on the board because the board is based on population of the locality. City Manager Hodgen stated the board is proposing the number of members of the board be reduced from 23 to 21. City Manager Hodgen stated the City of Harrisonburg will remain at three members. City Manager Hodgen stated he doesn't have any concerns supporting the change, but it will require a resolution.

Council Member Degner invited all citizens to participate in the Valley 4th events that will happen Monday, July 4, 2011.

Vice-Mayor Byrd offered a motion to re-appoint Brian Shull to the Shenandoah Valley Partnership Board of Directors for a term to expire June 30, 2015 and it was approved with a unanimous voice vote.

Council Member Chenault offered a motion to appoint David L. Smith, 942 Northfield Court, to the Social Services Advisory Board for a first term to expire July 1, 2015 and it was approved with a unanimous voice vote.

At 7:50 p.m., Vice-Mayor Byrd offered a motion that Council enter into closed session for discussion and consideration of 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 Degner and approved with a recorded roll call vote taken as follows:

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

No – None

At 8:28 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 8:30 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

July 12, 2011

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

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

Terry Turner asked Council if any residents of the City of Harrisonburg were exempt from ordinances involving the structures/appearance of older buildings and junk cars. Mr. Turner is concerned about the look of some of the buildings and properties on South High and Bruce Streets and he wants to know why nothing is being done to improve the properties.

Mayor Baugh stated without knowing the exact location of the properties Mr. Turner is concerned about, he suggested he turn the property addresses into the City Manager's Office. Mayor Baugh stated the City does have a system in place, but the process would not happen overnight.

City Manager Hodgen also stated that even though a building might not be attractive, it might still be structurally secure and might not fit into a code of the City to have to be fixed.

Ron Copeland, Director of Our Community Place, explained to Council that in 2002 Our Community Place came before Council requesting to be tax exempt. Mr. Copeland explained that in 2002 Council approved tax exemptions and, at that time, exemptions needed to be approved by the General Assembly. Mr. Copeland stated that was the last he had thought about it until he received a letter from the City about past property and business taxes due. Mr. Copeland asked Council for guidance on the next steps he should take to receive the tax exemption for Our Community Place. Mr. Copeland stated he spoke to June Hoosaflook and there were no record of the General Assembly passing the tax exemption request after the Council approved. Mr. Copeland doesn't know who is at fault, but wants the opportunity to become tax exempt and an extension to pay the past due taxes, until he can obtain the money needed.

City Attorney Thumma stated that at the time General Assembly did indeed have to pass the tax exemption request, but now the statute has changed in giving localities the authority to approve tax exemption request. City Attorney Thumma stated that he was not the City Attorney at that time, so he doesn't know about this specific request, but he did state that they could apply to be tax exempt and at that time Our Community Place could request to be tax exempt for the three years previous to the current year.

Mayor Baugh stated the Mr. Copeland needed to apply for tax exemption with the Commissioner of Revenue's office. It would then come in front of Council and, at that time, Council would be able to take the next steps of the request.

James "Bucky" Berry stated the smell being produced by George's some days is unbearable and would like something to be done.

Council Member Chenault stated that the DEQ had been contacted previously, but wasn't sure if they have been contacted recently. Council Member Chenault recommended contacting the DEQ to check into the current smell.

Vice-Mayor Byrd offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider supplemental appropriation to police department in the amount of \$3,205.85.
- c. Consider supplemental appropriation to police department in the amount of \$3,203.25.
- d. Consider supplemental appropriation to police department in the amount of 9,728.20.
- e. Consider supplemental appropriation to police department in the amount of \$5,400.59.

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

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

No – None

Absent – Council Member Wiens

Stacy Turner, Planning and Community Development Director, presented a request from Virginia Mennonite Home, Inc. to amend an approximate 6.39 +/- acre portion of the Virginia Mennonite Retirement Community master planned complex located at 1301 Virginia Avenue and 1301, 1304, 1305, 1307, 1308, 1309, 1311, and 1321 Woodland Drive. The property is zoned R-3, Medium Density Residential District along with an Institutional Overlay District. The Comprehensive Plan designates this area as Institutional. Mrs. Turner stated the original master plan for Virginia Mennonite Retirement Community (VMRC) was approved in March 1997 and has been amended on several occasions. The most recent amendment was approved in December 2009, which allowed for the construction of ten Green House Homes in the Woodland area of the

VMRC property. Mrs. Turner stated the plan illustrated the Green House Homes as a micro-community, with around-the-clock nursing care, clustered around gardens and a community park. Mrs. Turner stated following approval in 2009 the design and layout of the homes began to change when complications occurred when the placement of the stormwater detention area required some shifting. After discussion with staff, it was agreed to request a master plan amendment with the redesigned Green House Home layout utilizing the relief mechanisms and flexibility allowed within the Institutional Overlay District. Mrs. Turner stated VMRC is requesting a change to their December 2009 approved Overlay Master Plan, which will allow flexibility with setbacks, building height and parking requirements through the master plan process. Mrs. Turner stated with this request, VMRC would like to maintain their existing master plan, which includes the skilled nursing care, but the plan would allow the homes to be as close as 20-feet, as opposed to the required 30-feet. In addition, setbacks are shown as 20-feet from both Parkwood Drive and Virginia Avenue, and 10-feet from interior property lines. Mrs. Turner stated the applicant has stated that it is not their intention to build each home to these setbacks; but, it would offer the flexibility should building need to be shifted. The setbacks as presented deviate from the required 30-feet from public streets and the ten and 25-foot setbacks for the interior lines. Mrs. Turner stated the Public Works Department is requesting for right-of-way along Parkwood Drive in order to bring the current right-of-way to a point 30-feet from the existing street centerline on their side of the road. In addition, they have requested four feet of right-of-way along Virginia Avenue. Mrs. Turner stated the requested relief for the front setbacks from 30-feet to 20-feet would allow the applicant to construct the ten homes after the right-of-way dedication and still have the ability to shift the buildings, should be necessary. Mrs. Turner reviewed the changes to the entrance of the Green House Homes as well as some changes to the VMRC community. Mrs. Turner also noted the total number of parking spaces increased slightly from the previous approved master plan. Mrs. Turner stated both staff and Planning Commission support the request to amend this portion of the VMRC Mater Plan.

At 7:25 p.m. Mayor Baugh closed the regular session and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on June 28 and July 5, 2011.

NOTICE OF PUBLIC HEARING

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

Rezoning/Master Plan Amendment – VMRC Woodland Greenhouses 2011 Amendment

Public hearing to consider a request from Virginia Mennonite Home, Inc. to amend an approximate 6.39 +/- acre portion of the Virginia Mennonite Retirement Community master planned complex. The request is to make amendments for planned development on property known as the Woodland

facility and the adjacent open space and single family homes located at 1301 Virginia Avenue and 1301, 1304, 1305, 1307, 1308, 1309, 1311, & 1321 Woodland Drive. The property is zoned R-3, Medium Density Residential District along with an Institutional Overlay District and can be found on tax map 52-A-1.

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

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

CITY OF HARRISONBURG

**Kurt D. Hodgen
City Manager**

Mayor Baugh called on anyone desiring to speak for or against the Master Plan amendment as presented.

Marvin Knicely stated that he wanted to clarify that the building will be used for long term nursing care. Mr. Knicely stated that these homes are geared towards younger individuals that need constant care. Mr. Knicely stated that the greenhouse concept is an important concept for the future of VMRC. However, the setting is for elders that need the assistance, but provides the feel of the homes they had to move from.

At 7:27 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened. Council Member Degner offered a motion to approve the request to amend the portion of the VMRC Master Plan as presented. The motion was seconded by Council Member Chenault and approved with a recorded the following recorded roll call:

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

No – None

Absent – Council Member Wiens

Jeff Shafer, City Treasurer, stated in Section 4-1-29 of the Harrisonburg City Code, the Treasurer needs permission from Council to advertise unpaid real estate taxes for years 2008-2009 and 2009-2010. Mr. Shafer stated, at this time, he is requesting Council's permission to advertise in the Daily News Record (DNR) to remove delinquent tax accounts from books due to expiration of collection time. Mr. Shafer reviewed the plan of the Treasurer's Office which included the following: letters to be mailed,

recipients' have 30 days to pay off debt, and those whom don't comply would be advertised in the DNR. Mr. Shafer noted that any payments applied after the date of this letter will affect the charge off amount. Mr. Shafer stated this process usually changes the list of the delinquent account. Vice-Mayor Byrd offered a motion to approve the advertisement for the unpaid real estate taxes for the years as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Absent – Council Member Wiens

Jeff Shafer, City Treasurer, stated in Section 4-1-36 of the Harrisonburg City Code and Code of Virginia §58.1-3940, the statute of limitation is 20 years for real estate and five years on personal property taxes to remove delinquent taxes from current collection accounts. Mr. Shafer requested Council's approval to remove delinquent taxes from 1990 real estate and 2005 personal property taxes. Mr. Shafer stated, in the past year, warrants were served to those who were in debt for years 2005-2006 for personal property taxes and they will continue to proceed in future years to get caught up. Mr. Shafer stated that, in future years, the accounts to be written off will continue to drop. Mr. Shafer stated for the December real estate taxes currently due, tax collections are 98.02% and 96.22% on personal property taxes. Council Member Degner offered a motion to approve the removal of the delinquent taxes as presented. The motion was seconded by Vice-Mayor Byrd and approved a recorded roll call vote taken as follows:

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

No – None

Absent – Council Member Wiens

Eddie Bumbaugh, Harrisonburg Downtown Renaissance (HDR) Director, presented the HDR quarterly report. Mr. Bumbaugh reviewed all HDR's involvement with presentations, activities, consultations, and awards received through the Virginia Main Street Community. Mr. Bumbaugh recognized some of the events of which HDR had involvement in which included the following: Appalachian Trail Community, Valley Conservation Council Symposium and Award Ceremony, and Best in the Valley Awards. Mr. Bumbaugh stated that one of the programs HDR feels has tremendous impact on the

downtown area is the Façade Enhancement Grant Program and reviewed the winners from the previous year. Mr. Bumbaugh stated applicants for upcoming funds should have applications in no later than July 25, 2011. Mr. Bumbaugh reviewed seven new retail businesses, three business changes, and future businesses to come to the downtown area. Mr. Bumbaugh provided an overview of different designs that took place over the last quarter such as the following: planters, Welcome Home Garden, Blacks Run Project, and downtown streamwalk signs. Mr. Bumbaugh stated that one of the goals of Downtown Renaissance Night was to raise funds for holiday beautification for Court Square and One Court Square.

Trisha Maust-Blosser, Program Manager of HDR, reviewed fund raisers that had been recently held such as Renaissance Night. Mrs. Maust-Blosser provided an overview of upcoming events such as Celebration & Reception to be held at Capital Ale House Wednesday, October 19, 2011. Also, to be held on Wednesday, November 2, 2011 at Court Square Theater will be Temptations at the Theater. Mrs. Maust-Blosser also announced a new event, the Holiday Church Tour, which is tentatively scheduled for Sunday, December 4, 2011.

Thanh Dang, Public Works Planner, provided an overview and background of an Energy Efficiency Block Grant funded and received from the U.S. Department of Energy in June 2009 in the amount of \$206,000. Audits of four city buildings were completed and Linc Group, LLC was involved with the study. The Community Activities Center at Parks and Recreation was selected to receive the bulk of the grant fund.

Ryan Sheard, Project Coordinator with Linc Group, LLC, provided an overview of the projects completed by funds that were received from ARRA grant for energy improvements for the Parks and Recreation Community Center. Mr. Sheard stated the focus of the project was to maximize impact for building infrastructures. Mr. Sheard stated the following items were included in the project: lights, HVAC, solar water heating, and energy awareness. Mr. Sheard shared the construction period savings and the guaranteed period savings. Mr. Sheard stated the overall summary which included: comfort levels dramatically improved, positive feedback from city staff and residents, savings to date (120% of projection), and the City of Harrisonburg taking a lead role being a “green community”.

Council Member Degner stated that he liked the savings that had been recorded and would like to continue to look for grants to use towards other buildings that were studied.

City Manager Hodgen stated that the other buildings that were studied were larger scaled projects. City Manager Hodgen stated that at the time of the study to do some of the projects would have meant borrowing funds or bond issuance. The approach Council took at the time was to do a smaller scaled project and review the outcome of success. City Manager Hodgen stated that part of the grant funds were used towards water pump stations and significant savings have also been noticed. City Manager Hodgen stated that some items could be looked at for next year’s budget.

Jeff Buennemeyer, stated the Governor has allocated a significant amount of funding currently available to municipality's. Mr. Buennemeyer provided a few examples of projects he had worked on with zero interest funding. Mr. Buennemeyer stated that with this program, budgets become neutral because you pay off with the money that you have saved with energy improvements.

City Manager Hodgen stated another concern at the time was adding to the City's debt capacity by moving forward with the complete list of projects. City Manager Hodgen stated that we would work towards recommendations in the next budget. City Manager Hodgen stated the cost savings from the project are being traced and plan to use savings towards other projects. However, the projects that are being looked at are higher priced projects.

Steve Tomasi, Event Director of DR100, stated that the DR100 event that occurred in the previous year was to solely raise funds for both pedestrian and bike lanes throughout the City of Harrisonburg and Rockingham County. Mr. Tomasi stated that event raised over \$24,000.00 with matching funds from both the City and County. Mr. Tomasi reviewed all the events and procedures of the upcoming DR100. Mr. Tomasi came before Council to request approval for use of city streets and police personnel for the DR100 event to be held on September 17, 2011. Mr. Tomasi stated James Madison University (JMU) has approved the use of the Memorial Hall site and other nearby parking facilities. Also, the Parks and Recreation Department has approved use of facilities for part of the race events. After brief discussion, Council Member Chenault offered a motion to approve the DR100 event as presented. The motion was seconded by Council Member Degner approved with a unanimous voice vote.

Mayor Baugh recused himself from the next agenda item and asked Vice-Mayor Byrd to lead any discussion on the following matter. City Manager Hodgen stated that the SPCA has been providing services to the City of Harrisonburg and Rockingham County since the mid-seventies. However, official signed documents of the service agreement have not been located by either the City or County. City Manager Hodgen stated that both Council and Board of Supervisors suggested having a formally-adopted and signed agreement for services with the SPCA. City Manager Hodgen stated that the respective attorneys have put together a draft agreement, which was included in Council's packet. City Manger Hodgen stated the agreement spells out the obligations under the Code of Virginia that the SPCA is required to meet on behalf of the City and County. Also, a resolution of the SPCA Board of Directors, addresses other actions beyond those required to comply with the state law that the SPCA will undertake to serve the community and care for the animals under its charge. City Manager Hodgen stated that if the City and County did not have an agreement that they would be responsible to staff and operate such a facility such as the SPCA. City Manager Hodgen stated it was recommended to approve both the agreement and resolution as presented.

Council Member Degner stated that he would like to see the quarterly report as stated on the resolution that had been presented. Council Member Degner stated that he

understood the concerns of groups about the euthanized animals, but there is a common ground of all groups sharing the same interest in caring for animals. Council Member Chenault agreed with Council Member Degner and also stated that another item that was taken into consideration was the public safety of the community. Vice-Mayor Byrd stated that Council is open to take other proposals, but currently the SPCA has provided a proposal. Council Member Degner offered a motion to approve both agreement and resolution as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Abstain - Mayor Baugh

Absent - Council Member Wiens

Assistant City Manager Lewis provided an overview on the Virginia Line of Duty Act (LODA). Assistant City Manager Lewis stated if Council had any questions both the director of finance and human resources were available. Assistant City Manager Lewis reviewed the LODA definition and whom it affected. Assistant City Manager Lewis stated that legislative actions taken during the 2010 session of the General Assembly changed how benefits under the Virginia LODA would be funded. Assistant City Manager Lewis stated that the General Assembly mandated this to the local governments and no longer would be funded by the State. Assistant City Manager Lewis stated that it was now up to the local government to provide the benefit both to employees and volunteers. Assistant City Manager Lewis stated there are three options for the City to provide the benefit and they were as followed: participate in the state administered program (VRS), participate in the Virginia Municipal League (VML) insurance program, or self-fund a program. Assistant City Manager Lewis stated staff had reviewed the three items that were presented and provided costs for both VRS and VML. She stated that the costs associated with the self-funded program are currently unknown, but expect it to cost the City more than \$50,000.00 when including the shared cost for the Sheriff's office. Assistant City Manager Lewis stated that Council had to make the decision to either opt out of the LODA fund with the state or to continue with VRS for one year and continue to watch the General Assembly's action. Also, the city will look at the costs over the next fiscal year, if Council chooses to self-fund. Assistant City Manager Lewis stated that staff recommended continuing with VRS for this fiscal year and re-examining staying with VRS or switching to a VML plan or self-funding during the next budget cycle. Assistant City Manager Lewis stated if Council chose to participate with VRS the City would have to alert them and back date to July 1, 2011 with a resolution. Assistant City Manager Lewis stated if Council chose to opt out of VRS no changes could be made. Assistant City Manager Lewis stated that the figures for this item were not available at the time of the budget and would have to be taken out of reserve or other

departmental budgets. Vice-Mayor Byrd offered a motion to approve the recommendation of staff to continue VRS coverage for one more year. The motion was seconded by Council Member Chenault and approved with a unanimous voice vote.

City Manager Hodgen stated he brought up the next item up during the previous Council meeting and he had brought changes that he spoke of pertaining to the CSPDC Charter of Agreement. City Manager Hodgen stated again that the agreement doesn't affect the City of Harrisonburg's representation to the board. City Manager Hodgen presented the following resolution for Council's consideration:

R E S O L U T I O N

A Resolution Concurring with Recommended Amendment to the Central Shenandoah Planning District Commission Charter Agreement

WHEREAS, the Harrisonburg City Council entered into an Agreement on 30 September 1969 to form the Central Shenandoah Planning District Commission; and

WHEREAS, the Central Shenandoah Planning District Commission was created to facilitate effective regional planning and to provide planning and technical services to its member localities; and

WHEREAS, from time-to-time the Central Shenandoah Planning District Board of Commissioners reviews its Charter Agreement and Bylaws and submits recommendations to its member localities for Charter Agreement amendments as may be appropriate.

NOW, THEREFORE BE IT RESOLVED by the Harrisonburg City Council that it does hereby concur with and approve the recommended amendments to the Charter Agreement on this the (date), said amendments being more specifically described as follows:

Article II, Section 1

**PROPOSED CSPDC MEMBERSHIP
POPULATION MATRIX**

1 to 15,000 1 to 20,000	One member who is an elected member of his/her governing body.
15,001 to 30,000 20,001 – 40,000	one additional member who either holds no office elected by the people or is an elected official but not a member of his/her appointing governing body.
30,001 to 45,000 40,001 to 60,000	One additional member who is an elected member of his/her governing body.
45,001 to 60,000 60,001 and above	One additional member who either holds no office elected by the people or is an elected official but not a member of his/her appointing governing body.
60,001 to 75,000	One additional member who is an elected member of

	his/her governing body or an elected official of another jurisdiction within his/her appointing governing body's county.
75,001 to 90,000	One additional member who either holds no office elected by the people or is an elected official but not a member of his/her appointing governing body.
90,001 to 105,000	One additional member who is an elected official of his governing body, or an elected official of another jurisdiction within his/her appointing governing body's county.
105,001 to 120,000	One additional member who either holds no office elected by the people or is an elected official but not a member of his/her appointing governing body.
120,001 to 135,000	One additional member who is an elected official of his governing body, or an elected official of another jurisdiction within his/her appointing governing body's county.
135,001 to 150,000	One additional member who either holds no office elected by the people or is an elected official but not a member of his/her appointing governing body.

This table is established to assure that a majority of the COMMISSION members shall be elected officials of the governing bodies of the governmental subdivisions. In determining the population of counties, the numerical total shall be exclusive of participating towns which have a population of three thousand, five hundred (3,500); said towns are eligible to have one representative. The Towns over 3,500 in population are eligible to each have one elected representative on the Board, but may opt out if they choose.

Adopted this ____ day of _____, 2011 in Harrisonburg.

**Richard Baugh, Mayor
Clerk**

Attest: Erica S. Kann, City

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

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

No – None

Absent – Council Member Wiens

City Manager Hodgen stated that staff is currently working on proposals to bring to Council to amend the code(s) that dealt with the flag issue that was brought to Council's attention last week pertaining to an issue in one of the apartment complexes

within the City. City Manager Hodgen stated the flag that is currently being looked into is a decorative flag and not an advertisement flag.

Mayor Baugh stated that Citizens Academy applications are now available and are due on August 18, 2011 at 5:00 p.m.

City Manager Hodgen stated there was no good explanation as to why flags were not put out along City streets during the 4th of July celebration, but he apologized and stated it was a serious matter.

Council Member Chenault reminded citizens that the Harrisonburg Fire Department's annual smoke alarm inspection was to be held Wednesday, July 13, 2011. Call CiCi's for a pizza and receive a free pizza and a complimentary smoke alarm inspection.

Council Member Chenault also recognized Donald Litten, who passed away the previous weekend, for his service to the City and to the Water and Sewer Authority.

Mayor Baugh stated that the community has been deeply saddened over the past few weeks with the death of Andrew Lohr (wife of former House of Delegates member), Nelson Liskey, Emily Long (previous voter registrar), and Spc. Levi E. Nuncio.

Council Member Degner stated that Council is starting to use iPads to become more transparent and tonight's meeting was the kick-off for meetings to be available online.

Council Member Chenault offered a motion to appoint Henry Way, 288 Franklin Street, to a first term on the Tree Advisory Board to expire July 12, 2014. The motion was approved with a unanimous voice vote.

Council Member Chenault offered a motion to appoint Tiffany Runion, 625 S. High Street, to a first term on the Community Services Board to expire July 12, 2014. The motion was approved with a unanimous voice vote.

At 8:53 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

July 26, 2011

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

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

Michael Clune stated that Council disappointed the bulk of those in attendance at the previous Council meeting by signing the agreement with SPCA. Mr. Clune stated he felt Council failed to discuss attachments of performance standards to the agreement with SPCA. Mr. Clune provided statistics of areas with fewer resources and lower euthanization rates. Mr. Clune suggested that he would like to see a member from Council and the Board of Supervisors get involved with citizens and work toward an action plan.

Council Member Chenault offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider request from Virginia Mennonite Home, Inc. to amend an approximate 6.39 +/- acre portion of the VMRC master planned complex.

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

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

No – None

City Manager Hodgen stated that the encumbrances that were outstanding at June 30, 2011 totaled the amount of \$4,663,376.91. City Manager Hodgen stated that amount is based on purchase orders that were carried forward to the 2011-2012 fiscal year. The purchase orders were for goods and/or services which were contracted for but not received prior to June 30, 2011. City Manager Hodgen stated it is recommended by staff to reappropriate these funds to the current fiscal year. City Manager Hodgen also noted that the bulk of the amount was for the purchase of new transit buses, summer paving project, and IT Strategic Plan.

At 7:10 p.m. Mayor Baugh 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, June 18, 2011.

Notice of Public Hearing

A public hearing will be held by the Harrisonburg City Council on Tuesday, July 26, 2011 at 7:00 P.M., or as soon as the agenda permits, in the Harrisonburg City Council chambers located at 409 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2011-2012 budget in the amount of \$4,663,376.91. This amount represents outstanding encumbrance at June 30, 2011. The budget increases will be as noted below:

Revenues:

General Fund:	
Amount from fund balance	1,561,675.19
School Fund:	
Amount from fund balance	88,746.06
Emergency Communications Center:	
Amount from fund balance	35,656.25
Water Fund:	
Amount from fund balance	95,280.76
Sewer Fund:	
Amount from fund balance	51,288.65
Public Transportation Fund:	
Amount from fund balance	<u>2,830,730.00</u>
Total revenues	<u>4,663,376.91</u>

Expenditures:

General Fund	1,561,675.19
School Fund	88,746.06
Emergency Communications Center Fund	35,656.25
Water Fund	95,280.76
Sewer Fund	51,288.65
Public Transportation Fund	<u>2,830,730.00</u>
Total expenditures	<u>4,663,376.91</u>

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

CITY OF HARRISONBURG
Kurt D. Hodgen

City Manager

Mayor Baugh called on anyone desiring to speak for or against the encumbrances as presented. 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 Wiens offered a motion to approve this request for the first reading, and that:

\$1,561,675.19 chge. to: 1000-31010 Amount from fund balance
88,746.06 chge. to: 1111-31010 Amount from fund balance
35,656.25 chge. to: 1116-31010 Amount from fund balance
95,280.76 chge. to: 2011-31010 Amount from fund balance
51,288.65 chge. to: 2012-31010 Amount from fund balance
131,492.52 chge. to: 2013-31010 Transit – Amt from fund balance
171,619.00 chge. to: 2013-32518 Transit – Capital grant – State – Buses
2,554,431.00 chge. to: 2013-33305 Transit – Capital grant – Fed – Buses
27,187.50 chge. to: 2013-33306 Transit – Operational – Federal

\$2,999.94 approp. to: 1000-110111-48171 EDP equipment
4,725.00 approp. to: 1000-121313-48121 Furniture and fixtures
3,798.67 approp. to: 1000-12511-48171 EDP equipment
104,857.00 approp. to: 1000-122011-43100 Professional services
5,397.61 approp. to: 1000-122011-43320 Service contracts
8,573.04 approp. to: 1000-122011-48272 Hardware
16,160.00 approp. to: 1000-130114-48110 Machinery and equipment
400.00 approp. to: 1000-310131-45210 Postage
26,048.00 approp. to: 1000-310431-4811 Machinery and equipment
11,552.00 approp. to: 1000-310431-48151 Motor vehicle and equipment
120.00 approp. to: 1000-310431-48211 Machinery and equipment
3,613.00 approp. to: 1000-320431-48211 Hardware
13,700.00 approp. to: 1000-320232-43360 Main & repairs – Bldg & grounds
8,380.00 approp. to: 1000-410121-48191 Engineering/Mapping
6,844.00 approp. to: 1000-430221-48121 Furniture and fixtures
11,816.00 approp. to: 1000-430221-48237 Rawley Springs Property Imp.
4,976.80 approp. to: 1000-810121-43100 Professional services
1,092,540.31 approp. to: 1000-410241-43374 Maintenance & repair – Allowable
127,320.00 approp. to: 1000-410241-43372 Maintenance & repair – Bridges
13,875.00 approp. to: 1000-710171-43100 Professional services
3,000.67 approp. to: 1000-710171-46130 Recreational supplies
13,654.33 approp. to: 1000-710171-46131 Ed/Rec supplies – Playgrounds
5,000.00 approp. to: 1000-710171-43140 Engineering, architecture & mapping
518.29 approp. to: 1000-710171-48184 Improvements
43,601.71 approp. to: 1000-710171-48284 Improvements
4,555.00 approp. to: 1000-710771-48181 Buildings and grounds
1,734.00 approp. to: 1000-710971-46140 Other operating supplies
2,179.00 approp. to: 1000-730371-48281 Building and grounds

5,000.00 approp. to: 1000-810521-43100 Professional services
 5,000.00 approp. to: 1000-810521-48228 Incentive Grant
 9,735.82 approp. to: 1000-810521-48281 Buildings and grounds
 58,911.14 approp. to: 1111-111114-40610 Instruction
 5,186.00 approp. to: 1111-111114-40620 Admin-Attend-Health serv.
 350.00 approp. to: 1111-111114-40630 Pupil Transportation
 24,298.92 approp. to: 1111-111114-40630 Operations & maintenance
 5,000.00 approp. to: 1116-321132-45230 Telecommunications
 30,656.25 approp. to: 1116-321132-48231 Radio Equipment
 32,216.46 approp. to: 2011-322061-43891 Federal Fees
 1,045.95 approp. to: 2011-332061-43100 Professional services
 55,718.35 approp. to: 2011-372061-48161 Const vehicle and equipment
 6,300.00 approp. to: 2011-372061-48298 Install ser. Lines (City)
 5,520.00 approp. to: 2012-432061-43100 Professional services
 45,768.65 approp. to: 2012-472061-48161 Const vehicle and equipment
 212,915.00 approp. to: 2013-872081-48153 Transit buses
 2,617,815.00 approp. to: 2013-872081-48253 Transit buses

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

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

No – None

City Manager Hodgen stated that the next item on the agenda, consider approval of State Performance Contract for Community Services Board, happens annually. City Manager Hodgen stated both an executive summary of the contract and a comparative budget overview for FY 2011 – 2012 were included in the agenda packet. The contract is between the Harrisonburg Rockingham Community Services Board and the Virginia Department of Behavioral Health and Developmental Services. City Manager Hodgen stated the Code of Virginia calls for a formal vote on this contract. However, if no action is taken by Council by September 30, 2011, it is considered approved. City Manager Hodgen stated staff recommended approving the State Performance Contract for Community Services Board at the local level. Council Member Degner offered a motion to approve the State Performance Contract for Community Services Board as presented. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

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

Council Member Wiens
Mayor Baugh

No – None

Jason Kidd, Harrisonburg Police Department (HPD) Sergeant, provided an overview of the 2011 Edward Byrne Memorial Justice Assistance Grant Program Proposal. Sergeant Kidd stated that the guidelines changed from previous years, being that a 30 day public comment period is to be held along with a governing body review of the proposal. Sergeant Kidd stated that all comments could be directed to him and more information could be found on the HPD's website. On August 23, 2011, Sergeant Kidd will return to Council to report any public comments received and request approval. Sergeant Kidd stated the HPD is applying for \$21,838 in federal funding through the grant. HPD established several equipment goals that focus primarily on officer safety-related equipment which included the following: one ballistic shield, one broad-area lighting system, five audio transmitter kits, two audio/video recording system upgrades, nine rifle vehicle mounts, 10 X26 taser holsters, and one A-Frame police checkpoint sign. Sergeant Kidd stated that the equipment listed wasn't requested or included in the FY 11-12 budget.

Reggie Smith, Director of Public Transportation, stated the Department of Rail and Public Transportation requires that each transit system have a short range Transportation Development Plan (TDP). Mr. Smith stated that the Department of Rail and Transportation provided funds for the TDP study that was completed. Mr. Smith stated that KFH Group was chosen to complete the study that began in October 2010, with Elizabeth Feding as the leader.

Elizabeth Feding, KFH Group, stated the TDP is a six-year plan that looks at what is going to be needed in the community, what resources would likely be available, and develop projects to fit. Ms. Feding stated the Department of Rail and Transportation provided a scope of work, which they followed to complete the study. Ms. Feding stated the TDP process included the following tasks: system overview, goals, objective and service standards, service and system evaluation and transit needs analysis, development of alternatives for consideration, operations plan, capital improvement plan, and financial plan. Ms. Feding stated the process included a customer survey and over 1500 surveys were received. Ms. Feding reviewed the Operations Plan, based on what the Steering Committee recommended, which was broken down into the following four sections: recommendations for the year-round city oriented routes, recommendations for the seasonal routes, recommendations focused on the region, and infrastructure improvements. Ms. Feding also reviewed organizational recommendations which included staffing suggestions and regional issues. Ms. Feding stated that approving the plan as presented would only suggest that the plan is something the City of Harrisonburg wishes to implement. Ms. Feding stated that there are a lot of unknowns due to unaware of what Federal and/or Commonwealth transit funding would be available to use towards this plan.

Vice-Mayor Byrd asked Ms. Feding how the City of Harrisonburg's levels compared to others around the nation. Ms. Feding stated that most towns with colleges or universities are healthy not only because of ridership, but also as a financial partner.

Council Member Degner offered a motion to implement the TDP as presented. The motion was seconded by Council Member Chanault and approved with a recorded roll call vote taken as follows:

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

No – None

Reggie Smith stated that in spring of 2010 the Transportation Department started looking into real-time transit. Mr. Smith stated in August 2010, an RFP for proposals became available. Mr. Smith stated after all proposals were submitted, reviewed, and interviewed, NextBus was selected. Mr. Smith stated that the program wouldn't be fully implemented until after the start of the school year when all of the data had been collected.

Thomas Noyes, Director of Business Development for NextBus, stated that hardware had been installed in all of HDPT's buses to start tracking and obtaining history for bus routes within the City. Mr. Noyes stated the new buses that just arrived were going to have a tracking system, automatic passenger counters, and the automated NextBus system. Mr. Noyes provided an informational presentation of the NextBus system which included the following: real-time passenger information (RTPI), automatic vehicle location (AVL) and mobile data terminal (MDT) hardware, arrival/departure predictions, and real-time management features and reports. Mr. Noyes stated NextBus will also provide automatic voice annunciation systems (NextStop). Mr. Noyes also stated that the system will greatly enhance the City's customer service capabilities. Mr. Noyes mentioned that following two to three weeks of solid data collection after the school year began, NextBus would be in place for the appropriate routes.

Reggie Smith stated that earlier in the summer meetings were held with all the taxi companies around the City to talk about Title 14, Chapter 1 of the Harrisonburg City Code. Mr. Smith stated after those meetings, he met with City Attorney Thumma to make changes to ordinances pertaining to taxi cabs. Mr. Smith mentioned the major change dealt with taxi licensing process. Mr. Smith stated one item the City could not change, but recommended all taxi companies consider was to ban smoking in their taxi cabs.

Vice-Mayor Byrd asked Mr. Smith if the violations mentioned in the ordinance match with DMV's moving violations. Mr. Smith stated DMV refers to points. Mr.

Smith also mentioned driver's will be issued a license for a specific company and will not be able to switch to other companies without paying a fee.

Mr. Smith presented the following ordinances for Council's consideration:

**ORDINANCE AMENDING AND RE-ENACTING 14-1-12, 14-1-13, 14-1-61, 14-1-62, 14-1-66 AND 14-1-69
OF THE
HARRISONBURG CITY CODE**

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

That the following sections of Title 14 be amended and re-enacted as follows:

Section 14-1-12. Report of accidents.

Every accident in which any taxicab is involved shall be immediately reported to the police department and HDPT, however slight the accident may be.

Section 14-1-13. Inspection of vehicles; correction of defects.

Each taxicab within the city shall be inspected by HDPT before it is put into revenue service, annually and at random. If any such vehicle shall be found to be unsafe, unfit or in an unclean condition, the owner thereof shall be notified at once that such vehicle shall not be operated thereafter until such defective or unclean condition has been remedied. Inspection shall include the certification of the taximeter as stated in Section 14-1-102 of this Ordinance.

Upon compliance with the inspection each taxicab will be issued an inspection decal to be placed on the back windshield. The inspection decal shall have displayed upon it the license number assigned to the particular taxicab, the name of the city, and the year for which issued. A taxicab may not operate without the inspection decal. It shall be unlawful for any person to knowingly use any such inspection decal on any motor vehicle other than the taxicab for which it was issued.

The fee to be paid for the inspection and certification of each taxicab is fifteen dollars (\$15.00). An additional charge of fifteen (\$15.00) may be added for any taxicab failing the initial or annual inspection by the City of Harrisonburg. The fee shall be collected by HDPT and shall promptly be paid over to the city treasurer to be placed in the central garage fund.

Section 14-1-61. Required generally.

No person shall drive a taxicab within the city unless he shall have obtained a special license to be known as the "taxicab driver's license," which shall be in

addition to any other licenses required of such persons. It shall be unlawful for any person to drive a taxicab without the license required by this section.

Section 14-1-62. Application generally; fingerprints and photographs of applicant.

- (a) Application for taxicab driver's license shall be made in writing under oath to HDPT.
- (b) HDPT shall conduct a national background check on each applicant.
- (c) Each applicant must file with his application two (2) recent photographs of himself of a size designated by HDPT, one of which shall be attached to and become a part of the application, the other to be attached to the license, if issued, in such manner that no other photograph may be substituted therefor without probability of detection.
- (d) Applicant to obtain Harrisonburg city business license and file with application.
- (e) HDPT shall obtain a current Department of Motor Vehicle (DMV) driving record and file with application and if the applicant is an out-of-state driver, they shall obtain a current DMV report from their home state at their expense.
- (f) Applicant to provide a completed general health questionnaire completed by a physician or health department official.
- (g) Each applicant must take and pass a drug screen annually unless the applicant is in a random testing pool, as stated below. The pre-employment drug screen, shall be filed with HDPT prior to the issuance of the license.
- (h) A taxi company with a DOT approved random drug and alcohol testing program shall not require drivers to pass a drug screen annually.
- (i) If a drug screen result is positive, the driver's taxicab license shall be revoked for one year.

Section 14-1-66. Fees.

- (a) Applicants will be charged a fee for the following items:
 - (1) Application fee\$50.00
This fee includes National Background Check; Virginia DMV record and Permanent License
 - (2) For each renewal of license . . . \$20.00
 - (3) For replacement of any lost or damaged licenses . . . \$15.00
 - (4) Fee to change taxi companies.....\$20.00
- (b) Fees shall be collected by HDPT, and shall promptly be paid over to the city treasurer to be placed in the central garage fund. All fees [are] nonrefundable.

Section 14-1-69. Revocation and suspension.

HDPT shall have the authority to revoke or suspend the taxicab driver's license of any person licensed under this article for the following causes:

- (1) Four or more violations of traffic and safety laws and ordinances within a two (2) year period;**
- (2) Failure to report any accident in which such driver is involved, however slight;**
- (3) Operation of any taxicab known to the driver not to be in good order and repair;**
- (4) Conviction of reckless driving more than twice in any year;**
- (5) Violation of any substantial provision of this chapter; and**
- (6) Violation of the laws of any state or the ordinances of any municipality;**
- (7) Positive drug screen.**

The director of public transportation shall hear an appeal from anyone whose license is revoked or suspended under this provision within forty-eight (48) hours of a request for an appeal, so long as such appeal is filed in writing with the office of the director of public transportation within five (5) days of the suspension or revocation. The decision of the director of public transportation may be appealed to the General District Court of Rockingham County, Virginia, for a final decision, if such appeal is filed with the court within ten (10) days of the decision of the director of public transportation.

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

ADOPTED AND APPROVED this _____ day of _____, 2011.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

**ORDINANCE REPEALING SECTION 14-1-107
OF THE
HARRISONBURG CITY CODE**

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

That Section 14-1-107 of the Harrisonburg City Code is hereby repealed.

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

ADOPTED AND APPROVED this _____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Vice-Mayor Byrd offered a motion to approve changes made to Title 14, Chapter 1 of the Harrisonburg City Code as presented. Council Member Wiens seconded the motion and approved with a recorded roll call vote taken as follows:

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

No – None

Brian Shull, Economic Development Director, stated an application that had been submitted to the USDA for a Rural Business Enterprise Grant (RBEG) in the amount of \$99,500 was successful with 25% local match. Mr. Shull stated that the City of Harrisonburg qualified for rural area, because it was based on US Census numbers of cities/towns less than 50,000 population. Mr. Shull reviewed a following: primary mission, proposal, the revolving loan fund, eligible applicants, and eligible activities. Mr. Shull reviewed the schedule that would begin in August with the selection of a committee, development of marketing materials and, by September, open the public launch and application process. Mr. Shull stated \$25,000 would be the maximum loan amount for one business. Criteria to approve the applications received will be complied once the Selection Committee is selected. Mr. Shull stated that is would be a service that would be provided to the community, but he would be using it as a tool to get small businesses to the area. Mr. Shull presented the following resolution for Council's consideration:

**RESOLUTION OF GOVERNING BODY OF
CITY OF HARRISONBURG**

The governing body of City of Harrisonburg, consisting of five (5) members, in a duly called meeting held on the 26 day of July, 2011 at which a quorum was present, RESOLVED as follows:

BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance through a Rural Business Enterprise Grant from the USDA, Rural Development in order to provide financing to small and emerging businesses in Harrisonburg (county or town), and surrounding areas, the governing body does hereby adopt and abide by the covenants contained in the following agreements:

1. "Letter of Conditions", dated July 14, 2011
2. Scope of Work
3. Form RD 1942-46, "Letter of Intent To Meet Conditions"
4. Form RD 1940-1, "Request For Obligation of Funds"
5. Form RD 400-1, "Equal Opportunity Agreement"
6. Form RD 400-4, "Assurance Agreement"
7. Form AD-1047, "Certification Regarding Debarment, Suspension, and other responsibility Matters-Primary Covered Transactions"
8. Form AD-1049, "Certification Regarding Drug-Free Workplace Requirements (Grants)"
9. RD Instruction 1940-Q, Exhibit A-1, "Certification for Contracts, Grants, and Loans Regarding Lobbying"
10. SF-LLL, "Disclosure Form to Report Lobbying"

BE IT FURTHER RESOLVED that the Economic Development Director, of City of Harrisonburg, be authorized to execute, on behalf of the governing board, the above agreements and to execute such other documents including, but not limited to, debt or grant instruments and security instruments as may be required in obtaining the said financial assistance.

This Resolution, along with a copy of the above-named documents, is hereby entered into the permanent minutes of the meeting of this Committee.

CITY OF HARRISONBURG

Attest:

_____ By: _____

CERTIFICATION

I hereby certify that the above resolution was duly adopted by the City Council of Harrisonburg, in a duly assembled meeting on the 26 day of July, 2011.

Secretary/Clerk

After brief discussion, Council offered a motion to approve the resolution as presented and directed the Finance Department to set up the appropriate accounts. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

Yes – Council Member Chenault
Vice-Mayor Byrd

Council Member Degner
Council Member Wiens
Mayor Baugh

No – None

City Attorney Thumma stated the ordinance presented was closing 7,000 square foot portion of Dealton Avenue and a Deed of Easement for an additional 15 feet of access right-of-way for Valley Blox, Inc. City Attorney Thumma stated in acquiring the right-of-way for the Stone Spring Erickson Avenue Project, the City and Valley Blox were unable to reach agreement. The City condemned the property and suit had been filed in the Circuit Court to establish a value. City Attorney Thumma stated that suit had been settled and as part of the settlement offer, the City is to convey a 7,000 square foot undeveloped portion of Dealton Avenue that adjoins Valley Blox. In addition, the City is to give them an additional 15 feet of a private access easement across City property that lies in between two parcels owned by Valley Blox and Americast, Inc., which already had an existing 15 foot access easement across the City property. City Attorney Thumma stated that these conveyances are part of the existing final order of the Circuit Court. City Attorney Thumma stated another ordinance, involving Valley Blox and Americast, Inc., would come after road completion. City Attorney Thumma stated it was recommended that Council approve the first reading and grant permission for the signing of the deed easement by the City Manager. City Attorney Thumma presented the following ordinance:

**ORDINANCE CLOSING AN UNDEVELOPED PORTION OF DEALTON
AVENUE
CONTAINING APPROXIMATELY 7,000 SQUARE FEET
LOCATED IN THE SOUTHEAST PORTION
OF THE
CITY OF HARRISONBURG**

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

That an undeveloped portion of Dealton Avenue, containing approximately 7,000 square feet, more or less, located in the southeastern section of the CITY OF HARRISONBURG, to be indexed as Grantor, be closed and vacated. A plat showing the undeveloped portion of the street to be closed, prepared by Charles E. Wingard, L.S., City Surveyor dated June 14,2011, is attached hereto and made a part hereof. The street being closed and vacated is shown on City Block Map number 5.

That upon passage of this ordinance, the title to the 7,000 square foot parcel shall be vested in VALLEY BLOX. INC., a Virginia corporation, owner of the adjoining parcel to the south, to be indexed as Grantee.

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

ADOPTED and APPROVED this __ day of _____, 2011.

MAYOR

ATTESTE:

Clerk of the Council

Vice-Mayor Byrd offered a motion to approve the closing of the 7,000 square foot portion of Dealton Avenue and allow the City Manager to sign the Deed of Easement. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated the new transfer center at Roses' is almost ready for service.

City Manager Hodgen provided an update of bid results for the I-81 Bore Eastern Raw Waterline which was \$316,126.00. The contractor has done previous work for the City, Snyder Engeering Environmental Services. The City is preparing notice of award.

City Manager Hodgen stated Spc. Levi E. Nuncio will be memorialized on the War Memorial at James Madison University (JMU). The cost, maximum of \$1,500, of adding the memorialized to the monument is funded by the locality of which the individual was from. JMU has tentatively set a date of September 10, 2011 to honor families whom have lost loved ones in service.

At 8:06 p.m., Vice-Mayor Byrd offered a motion that Council enter into closed session for discussion and consideration of 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 Chenault and approved with a recorded roll call vote taken as follows:

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

Mayor Baugh

No – None

At 9:10 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 9:11 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

August 9, 2011

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

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

Darlene Dolby, Shenandoah Working Group's representative, provided a response to the windmill project at Thomas Harrison Middle School. Ms. Dolby reviewed some concerns on the following subjects: private funds plus, investments in wind energy, questions on ownership, research, safety, noise, zoning, and birds and bats. In Ms. Dolby's conclusion, she stated her recommendation for City Council was to halt this project now and save the taxpayers valuable dollars.

Council Member Degner stated that the Council-approved windmill at Thomas Harrison Middle School had nothing to do with individual homes and neighborhoods.

James "Bucky" Berry stated there would be a food drive held at Dayton Days on October 1, 2011. Mr. Berry also asked for Council's permission to hang a sign at the Municipal Building, for a total of ten days advertising the food drive that will be held later in the year at Best Buy.

Council Member Degner stated he would like staff to review before Council took action.

David Zimmerman, Campus Director of National College, stated that National College is celebrating their 125th year in operation both state and region wide. Mr. Zimmerman stated that National College has been a part of Harrisonburg since 1989. He also provided a belated thanks to Council for allowing the flag pole to be the height it is currently. Mr. Zimmerman thanked Council for all work they do to make the Harrisonburg area a vibrant one for education institutions.

Mayor Baugh presented Mr. Zimmerman with a proclamation for celebrating 125 years.

Vice-Mayor Byrd offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.

- b. To consider authorizing the reappropriation of several encumbrances that were outstanding at June 30, 2011.
- c. Consider revisions to Title 14, Chapter 1(Taxicabs) of the City Code.
- d. Consider an ordinance closing a 7,000 square foot portion of Dealton Avenue and a Deed of Easement for an additional 15 feet of access right of way for Valley Blox, Inc.

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

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

No – None

Stacy Turner, Community Development and Planning Director, presented a request from Easy Radio, Inc., for a special use permit (SUP) per section 10-3-91 (4) to allow collation on a communications tower of no more than 125-feet within the B-2, General Business District. Mrs. Turner stated the property is located at 130 University Boulevard and can be found on tax map 78-C-1. The Comprehensive Plan designates this area as commercial. In August 2000, a special use permit was granted to the subject property to allow for the co-location of telecommunications equipment on a 75-foot pole existing on the site. Mrs. Turner stated the pole was permitted by-right as an accessory use, per Section 10-3-90 (15) of the Zoning Ordinance, to Easy Radio, Inc., a radio station located within the building at 130 University Boulevard. Mrs. Turner stated the applicant is requesting a SUP to co-locate twelve wireless communication antennas to the top of the existing radio tower. Verizon Wireless, which recently merged with Alltel Communications, desires to remove three existing antennas and replace them with twelve new antennas attached to the top of the pole. Mrs. Turner stated with doing that it would increase the pole to a height of 79-feet. Mrs. Turner stated currently Verizon Wireless has antennas mounted to the rooftop of the Hampton Inn across the street. However, Hampton Inn Corporate recently changed their policies and will no longer allow leased rooftop space. Mrs. Turner stated staff has pushed to co-locate antennas on existing sites, rather than constructing new towers for each licensee. Mrs. Turner reviewed the current conditions that were passed with the SUP and some other suggested conditions staff recommended. Mrs. Turner stated both Planning Commission and staff recommend approving this SUP request as presented.

Vice-Mayor Byrd asked if the pole itself was permitted and if the radio station moved would they have to apply for another SUP. Mrs. Turner stated that the pole was permitted and the SUP was granted for the current owner.

After further discussion with different scenarios presented, Mayor Baugh closed the regular session and called the evening's first public hearing to order at 7:21 p.m. The following notice appeared in the Daily News-Record on July 25 and August 1, 2011.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, August 9, 2011 at 7:00 p.m., or as soon as the agenda permits, in the City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the following:

Special Use Permit – 130 University Boulevard (Easy Radio Inc. Verizon Wireless)
Public hearing to consider a request from Easy Radio Inc. with representatives Stephen Waller and Ed Given for Verizon Wireless for a special use permit per Section 10-3-91 (4) to allow co-location on a communications tower of no more than 125-feet within the B-2, General Business District. The property is located at 130 University Boulevard and can be found on tax map 78-C-1.

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

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

CITY OF HARRISONBURG

Kurt D. Hodgen

City Manager

Mayor Baugh called on anyone desiring to speak for or against the Special Use Permit as presented.

Mr. Maynard Sipe, Verizon Wireless attorney representative, introduced himself and Nate Holland, a consultant that has worked with Verizon Wireless. Mr. Sipe stated Verizon Wireless always tries first to find a location to co-locate. Mr. Sipe requested Council to consider deleting condition number one. Mr. Sipe stated reasons Verizon Wireless felt why it should be deleted and they were as follows: adds a level of uncertainty to Verizon Wireless, the pole has been approved in the B-2 location, and illustrations have been provided for the final look of the tower.

At 7:29 p.m., Mayor Baugh Declared the public hearing closed and the regular session reconvened. After brief discussion, Council Member Degner offered a motion to approve the SUP as presented with the stated conditions. No second received.

Council Member Chenault asked if the SUP of the pole would be grandfathered if the property ceased as a radio station. Mrs. Turner stated the tower itself would still be a part of the property as an accessory. Vice-Mayor Baugh stated that he liked the idea of co-locating, instead of individual towers. Followed by more discussion, Council Member Degner offered a motion to approve the SUP as presented with the stated conditions. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Yes – Council Member Chenault
Council Member Degner
Mayor Baugh

No – Vice-Mayor Byrd
Council Member Wiens

Stacy Turner presented a request from D&B Investors to close a 2,046 +/- square foot portion of right-of-way at the intersection of West Bruce Street and Old South High Street. Mrs. Turner stated the original request was to close 3,630 square foot portion of right-of-way, but Public Works felt that, in the future, some of the property would be needed for sidewalk or roadway expansion. Therefore, the Public Works Department had recommended that a ten foot strip, from the back of the sidewalk inwards towards the parcel; remain as right-of-way for future expansion needs. Mrs. Turner stated that staff and planning commission had no objections to closing approximately 2,046 square foot portion of the street. Currently, there are no public utilities within this section of the right-of-way; however, staff recommended that a ten foot general utility easement be provided along the interior of the new property line. Mrs. Turner stated vacating this portion of the right-of-way does not impact the function of the intersection and staff supports the request.

At 7:43 p.m., Mayor Baugh closed the regular session and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on August 1 and August 8, 2011.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, August 9, 2011 at 7:00 p.m., or as soon as the agenda permits, in the City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the following:

*Street Closing – Intersection of West Bruce Street & Old South High Street
(Adjacent to 25-C-14)*

Consider a request from D & B Investors with representative Andrew Forward to close 2,046 square feet of right-of-way at the intersection of West Bruce Street and Old South High Street.

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

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

CITY OF HARRISONBURG

**Kurt D. Hodgen
City Manager**

Mayor Baugh called on anyone desiring to speak for or against the right-of-way closing.

Andrew Forward, representative for D&B Investors, made himself available for questions. Mr. Forward also stated they would like to purchase the entire amount, but are also in favor of the proposed reduced amount.

At 7:44 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened. Vice-Mayor Byrd offered a motion to approve closing the 2,046 +/- square foot portion of right-of-way at the intersection of West Bruce Street and Old South High Street. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

Stacy Turner presented a request from John Traber to preliminarily plat nine single family home lots from a 6.24-acre parcel on property zoned R-1, Single Family Residential District. The property is located at 411 Garbers Church Road and can be found on tax map 123-O-1. Mrs. Turner stated the Comprehensive Plan designates this area as Low-Density Residential. Mrs. Turner stated that due to the topography and shape of the property, the applicant requests permission to allow the lots to front along a private street which would connect to Garbers Church Road. Mrs. Turner stated that the density of the planned neighborhood is almost 1.5 units per acre; well within the Low Density Residential guideline of one to four dwelling units per acre. Mrs. Turner stated the street would be private and the city would not provide street maintenance, snow removal, or trash pick-up, and depending upon the needs of the neighborhood's residents,

a school bus would probably not travel down the cul-de-sac. Mrs. Turner stated that the preference for school bus pick up would take place on Garbers Church Road. However, both school bus and fire equipment could make clearance. Mrs. Turner stated that applicant requested a variance from the Subdivision Ordinance Section 10-2-41 (a) which included: sidewalk only on the northern side of the street, no horizontal tangent, and 24-foot private street width (includes gutter/curb); which does not allow on-street parking and 40-foot radius at the end of the street. Mrs. Turner stated other issues, which will be worked out during the site plan review, include: ensuring that sight distance is appropriately met along Garbers Church Road, acquiring any easements necessary to construct retaining walks near adjoining properties, and dealing with the floodplain and floodway. Mrs. Turner stated both Planning Commission and staff recommend approval for the preliminary plant and the requested variances.

Council Member Wiens voiced concern with all the variances, no parking on the streets because there would be no way to enforce it, and concern towards the bus pick-up along Garbers Church Road. Mrs. Turner stated that police would not enforce it unless phone calls were received, but if the Fire Department felt it was a fire hazard, they could ticket. Council Member Wiens would like the Fire Department to review.

After brief discussion, Vice-Mayor Byrd offered a motion to approve the preliminary plat as presented. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

Stacy Turner presented to Council for their consideration to amend and re-enacting Section 11-7-3 of the Harrisonburg City Code. Mrs. Turner presented the following two changes so that the ordinance would be more effective and update code to match the recently adopted 2011-2012 fiscal year budget:

**ORDINANCE AMENDING AND RE-ENACTING SECTION
11-7-3
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

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

That Section 11-7-3 be amended as follows:

Section 11-7-3. General regulations for all signs.

Amend Subsection (21) as shown:

(21) An owner or lessee of either the site or the sign who fails to correct any violation of this chapter within ten (10) days after receiving written notice of violation from the Director of Planning and Community Development or their designated agent, shall upon conviction be guilty of a class 1 misdemeanor.

The remainder of Section 11-7-3 is reaffirmed and reenacted in its entirety, except as hereby modified.

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION
11-7-3
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

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

That Section 11-7-3 be amended as follows:

Section 11-7-3. General regulations for all signs.

Amend Subsection (22) as shown:

(22) Fees for sign permits shall be fifty dollars (\$50.00) up to the first one thousand dollars (\$1,000.00) of sign value and twenty dollars (\$20.00) for each additional thousand dollars (\$1,000.00) or portion thereof of sign value. An additional two (2) percent will be added to the total fee for the state levy. Government, civic, charitable and nonprofit organizations are exempt from fee requirements.

The remainder of Section 11-7-3 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2011.

Adopted and approved this _____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Council Member Degner offered a motion to approve to amend and re-enact Section 11-7-3 of the Harrisonburg City Code as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Reggie Smith, Director of Public Transportation, presented a request from Western Virginia Transportation, DBA Harrisonburg Yellow Cab to change the Certificate of Public Convenience & Necessity to Rocktown Transportation, LLC – DBA Yellow Cab of Harrisonburg. Mr. Smith stated Mr. Hijeh was purchasing the company from the previous owner, which he had driven for the previous company for eleven years. Mr. Smith stated that Mr. Hijeh met with staff and stated he planned to be more hands on and planned to operate with the current fleet and add an additional five vehicles within twelve months. Mr. Smith stated he recommended approval. Council Member Degner offered a motion to approve issuing the Certificate of Public Convenience & Necessity to Rocktown Transportation, LLC – DBA Yellow Cab of Harrisonburg. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

Brad Reed, Transportation Planner, requested permission to combine agenda items 11 & 12 for approval. Mr. Reed requested approval on removal of the traffic signals located at the intersections of W. Washington Street and N. Liberty Street and N. Liberty Street and W. Gay Street. Mr. Reed stated Public Works had evaluated both lights and recommended with The Transportation Safety & Advisory Commission's support to remove both traffic signals due to insufficient traffic volumes to warrant the traffic signal. Mr. Reed reviewed the benefits with removal of the traffic signals which included: reduction of vehicular delay and avoid the cost to upgrade the signals. Mr. Reed stated, if endorsed, the traffic signals would be placed in flash operation for a 30-day period during which traffic patterns would be monitored by Public Works staff.

Mayor Baugh asked Mr. Reed for any feedback on other recent removals of traffic signals. Mr. Reed stated feedback had been positive.

After further discussion, Vice-Mayor Byrd offered a motion to approval removal of both traffic signals located at the intersections of W. Washington Street and N. Liberty Street and N. Liberty Street and W. Gay Street. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Ande Banks, Special Projects and Grant Coordinator, stated Jetta Earhart, Animal Control Officer, applied and had been awarded a grant through the Virginia Department of Emergency Management. Mr. Banks stated the grant was a joint effort for both the City of Harrisonburg and Rockingham County. Mr. Banks reviewed the Pets Act of 2006. Mr. Banks stated the grant funds would allow Rockingham-Harrisonburg Emergency Animal Response Team (R-Heart) to develop into a state recognized Community Animal Response Team (CART) for Harrisonburg and Rockingham. Mr. Banks reviewed items the grant funds would be used towards which included the following: trailer, equipment, and training. Mr. Banks stated that the Harrisonburg and Rockingham would be the fourth CART in the Commonwealth. Mr. Banks also stated that CARTS may also be used for other situations such as, accidents on I-81 involving animals.

Council Member Degner offered a motion to approve the request for the first reading, and that:

\$39,027.00 chge. to: 1000-33534 Homeland Security Funds

\$ 8,500.00 approp. to: 1000-310431-48151 Motor Vehicle and Equipment
13,847.00 approp. to: 1000-350131-46140 Other Operating Supplies
16,680.00 approp. to: 1000-350131-45530 Training and Travel

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

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

No – None

Eddie Bumbaugh, Director of Harrisonburg Downtown Renaissance, stated the members of the committee which included Mr. Bumbaugh, Peter Yates, DNR, Jim Baker, Director of Public Works and Assistant City Manager Anne Lewis. Mr. Bumbaugh stated that the committee worked on regulations to govern the placement of newsstands in city right-of-way. Mr. Bumbaugh stated the committee's goals were to promote news distribution at desirable locations in Downtown Harrisonburg, but also addressing issues such as: sidewalk sweepers, snow removal, trash pickup, business deliveries, and aesthetics. Mr. Bumbaugh presented a map marking where the newsstands would be placed which included the following locations: North Liberty Street near L&S Diner, Market Place between Artful Dodger and Cally's, South Main Street by Jess' Quick Lunch, West Water Street in front of Shanks Bakery, Elizabeth Street Parking Deck, and South Main Street near the Massanutten Regional Library. Mr. Bumbaugh reviewed the policies and procedures for the newsstand permit application and operation. Mr. Bumbaugh stated permit applications will be due October 1, 2011, along with a \$25.00 fee per applicant. Permits will be granted on a first come first serve basis once reviewed. The \$25.00 application fee would be received by Community Development. Mr. Bumbaugh reviewed the standards and conditions of the newsstands and the responsibilities of the applicants. Mr. Bumbaugh stated Mr. Yates is in favor of the locations, but not in favor of the \$25.00 fee.

Vice-Mayor Byrd asked if no action was taken by Council, the plan would be implemented. City Manager Hodgen stated yes the plan would be implemented, but Council has an opportunity to make comments and suggestions.

Vice-Mayor Byrd didn't feel that applicants should have to pay the one-time fee, because outside dining doesn't pay a one-time fee for the use of sidewalks. Assistant City Manager Lewis stated that the fee would be used towards administration costs. City Attorney Thumma stated that a one-time fee is used for dining until a license is revoked. Council Member Degner would like the committee to add a section dealing with consequences of unmaintained boxes, would like the first come first serve re-evaluated and if the demand is higher to possibly have a plan to add more stands.

City Manager Hodgen presented to Council a request to authorize the transferring of a portion of the Public Transportation Fund balance to the new School Transportation Fund balance. Mr. Hodgen stated that when the 2011-2012 budget was approved, a new fund entitled School Transportation Fund was created to account for school bus activities. School bus activities were previously accounted for in the Public Transportation Fund. City Manager Hodgen stated that, with approval, there would be no effect on the current budget. Council Member Chenault offered a motion to approve the request for the first reading, and that:

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

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

No – None

City Manager Hodgen presented to Council a request to transfer unexpended appropriations for the city's landfill monitoring to the General Capital Projects Fund from the Steam Plant Capital Projects Fund. City Manger Hodgen stated that the 2011-2012 fiscal year budget reorganized the Sanitation Fund and moved refuse collection, recycling, and landfill activities into the General Fund. The request will transfer the city landfill monitoring capital project budget into the General Capital Projects Fund. City Manager Hodgen stated that with approval there would be no effect on the current budget. Vice-Mayor Byrd offered a motion to approve the request for the first reading, and that:

\$1,478,989.88 chge. to: 1324-910142-458681 City Landfill Monitoring
1,478,989.88 chge. to: 1310-34293 Transfer from Stm Plnt Cap Proj Fund

\$1,478,989.88 approp. to: 1324-910142-49219 Transfer to General Capital Projects Fund
1,478,989.88 approp. to: 1310-910141-48681 City Landfill Monitoring

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

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

No – None

City Manager Hodgen stated he had given Council a letter to review that would be sent with Mayor Baugh's signature along with other signatures from Rockingham County to endorse a Tiger III Grant application. Hearing no objections from Council Members, the letter would be sent.

Council Member Degner thanked the Harrisonburg Police Department and all others that were involved with National Night Out.

Council Member Degner also reminded citizens that applications were still being accepted for Citizens Academy.

Council Member Degner stated that he wanted to remind citizens that are interested in a dog park that a location is available and if a group interested wanted to get together and make additional funds available, it could happen. Currently the City does have a dog park plan and funds in the Capital Improvement Fund, but it isn't considered a top priority.

At 8:45 p.m., Vice-Mayor Byrd offered a motion that Council enter into closed session for discussion and consideration of 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 Degner and approved with a recorded roll call vote taken as follows:

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

No – None

At 9:10 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 9:11 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

August 23, 2011

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

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

Vice-Mayor Byrd offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider a request from Easy Radio Inc. with representatives Stephen Waller and Ed Given for Verizon Wireless for a special use permit at 130 University Blvd.
- c. Consider a request to amend Section 11-7-3 (21) & (22) of the Sign Ordinance.
- d. Consider supplemental appropriation in the amount of \$39,027.00.

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

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

No – None

Ande Banks, Director of Special Projects & Grant Management, stated each year U.S. Department of Housing & Urban Development (HUD) requires a Consolidated Annual Performance Evaluation Report (CAPER) of the previous program year. Mr. Banks stated a lot of detail goes into the report which included the impact of individual projects and the alignment of project with both City goals and HUD goals and regulation. Mr. Banks stated CAPER is required to hold a public hearing followed by a 15 day comment period. Mr. Banks explained that Community Development Block Grant (CDBG) had spent half of the program funds of roughly \$592,000. Mr. Banks reviewed the different projects that had been involved with the CAPER report. Mr. Banks stated that there are no remaining funds to be reallocated at this time, but he did anticipate reallocations in the future, at which time he would return to Council at that time with amendments to CAPER.

Mayor Baugh closed the regular session and called the evening's first public hearing to order at 7:04 p.m. The following notice appeared in the Daily News-Record on August 15, 2011.

**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 10-11.

Comments may be submitted during the CDBG / CAPER Public Hearing portion of the regular City Council meeting on August 23,2011, 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 September 8, 2011, 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, or 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 on the CDBG homepage.

A summary of the CAPER is as follows:

In 2010, the City was awarded \$583,140 in CDBG entitlement funds. An additional \$8,925.68 was added to this amount from previous award years, bringing the total to \$592,065.68. 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	\$154,500	\$143,937.20	\$10,562.80
Community & Public Facilities	\$267,082.68	\$91,582.92	\$175,499.76
Administration	\$116,628.00	\$2686.09	\$113,941.91
Public Services	<u>\$53,855.00</u>	<u>\$48,363.33</u>	<u>\$5,491.67</u>
Total	\$592,065.68	\$286,569.54	\$305,496.14

Mayor Baugh called on anyone desiring to speak for or against CAPER as presented.

At 7:04 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened.

Mayor Baugh recused himself from the next agenda item and asked Vice-Mayor Byrd to lead any discussion on the following matter. City Attorney Thumma presented to Council an application from Elizabeth Good Fritz to close a 10-foot wide alley, containing 1,060 square feet, which lies between lots owned by the applicant. The alley is located in the 800 block of Chicago Avenue. City Attorney Thumma stated the original subdivision, which created the alley, was recorded prior to 1928 and, under the State Statute that existed prior to 1928, the City only obtained an easement for the alley and not the fee simple interest in the real estate. The City only has an easement for the 10-foot alley currently. City Attorney Thumma stated it is recommended that the matter not be referred to the Planning Commission since it is only an easement and that staff be directed to advertise the application for a public hearing for the September 13, 2011 City Council meeting. City Attorney Thumma also mentioned, since we do not own the underlying fee interest there is nothing to sell the adjoining property owner. Council Member Degner offered a motion to vacate the easement that was presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Abstain – Mayor Baugh

City Manager Hodgen stated that the 2011 Edward Byrne Memorial Justice Assistance Grant Proposal was presented at the July 26, 2011, Council meeting. At that Council meeting, it opened a 30-day public comment period. City Manager Hodgen reported no comments were received and requested Council approval to submit the grant. Council Member Chenault offered a motion to approve the request of grant submission for the 2011 Edward Byrne Memorial Justice Assistance Grant Proposal. The motion was seconded by Vice-Mayor Byrd and approved with a recorded roll call vote taken as follows:

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

No – None

Drew Williams, Assistant Public Works Director, provided an update for the Reservoir Street Improvement Project. Mr. Williams provided background to the project which included the following: McCormick Taylor under contract for design, public involvement, City Council adopted alignment in July 2008 and City Council adopted right of way plans in August 2010. Mr. Williams gave a brief corridor summary of University Boulevard to Neff Avenue to South City Limits which included the following: alignment, improvements and impact. Mr. Williams stated the construction potentially would be completed in two separate phases: Phase I, University Boulevard to Lucy/Woodland Drive and Phase II, Woodland/Lucy Drive to South City Limits. Mr. Williams reviewed the process of the 2,000 linear feet of redesign between South City Limits and Stone Spring Road on Reservoir Street in Rockingham County. Mr. Williams reviewed the anticipated cost of the project that is estimated at \$14 million. Mr. Williams stated that he provided higher numbers than he expects the project to cost, in case any unexpected costs or increases that would take effect before the project becomes underway. Mr. Williams reviewed funding opportunities which included: Revenue Sharing FY 12 and Revenue Sharing FY 13. Mr. Williams provided the timeframe of the project which would begin in late 2011/early 2012 with right of way process and end with Phase II in 2015.

Council Member Degner asked what the procedure is for notifying that many property owners. Mr. Williams stated it involves letters and one-on-one meetings with property owners. City Manager Hodgen stated that this is not a new project and the property owners that will be affected have known that it has been a pending project. City Manager Hodgen also mentioned that the City has arranged with Rockingham County to pay for administrative costs of the county's portion of street project design.

Jim Junkins, Director of Harrisonburg-Rockingham Emergency Community Center (HRECC), stated a donation was received from Motorola Solutions, Inc. in the amount of \$2,000 to assist with responder awareness as part of the Virginia Communications Cache training and outreach program. The funds will be used to purchase an electronic display to educate our public safety personnel about the Communication Cache. Mr. Junkins stated that ECC administrative board has approved the recommendation. Council Member Degner offered a motion to approve the request for the first reading, and that:

\$2,000.00 chge. to: 1116-31809 Donations

\$2,000.00 approp. to: 1116-321132-45530 Training/Travel

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

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

Mayor Baugh

No – None

City Manager Hodgen presented the following resolution to Council for consideration from the U.S. Senate:

**A RESOLUTION OF THE HARRISONBURG CITY COUNCIL
JOINING THE NATIONAL MOMENT OF REMEMBRANCE
OF THE 10TH ANNIVERSARY OF SEPTEMBER 11TH**

WHEREAS, the Harrisonburg City Council expresses their support of the United States Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m., Eastern Daylight Time on September 11, 2011, in honor of the 10th anniversary of the terrorist attacks committed against the United States on September 22, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, over 400 firefighters and police officers were killed as a result of these attacks; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, ten years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, ten years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111-13; 123 Stat. 1460; and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 and Proclamation 8559 proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED this 23rd day of August, 2011, that the Harrisonburg City Council:

- (1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a City and a Nation; and**
- (2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and**

- (3) honors the heroic service, action, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and**
- (4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and**
- (5) reaffirms that the people of the City of Harrisonburg will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and**

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the Harrisonburg City Council calls upon all of the people and institutions of the City to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) veterans organizations; (iv) police, fire and other public institutions; (v) educational institutions; (vi) businesses; and (vii) other public and private institutions; and

BE IT FINALLY RESOLVED that the Harrisonburg City Council encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounds sirens.

Richard Baugh, Mayor

Ted Byrd, Vice Mayor

Kai Degner, Council Member

David Wiens, Council Member

Charles Chenault, Council Member

Attest: Erica S. Kann, City Clerk

Vice-Mayor Byrd offered a motion to approve the resolution as presented. The motion was seconded by Council Member Chenault and approved with a unanimous voice vote.

Council Member Degner asked if any damages were received when the 5.9 earthquake hit previously in the day. City Manager Hodgen stated that inspections were made to appropriate places and infrastructures and no damages were found.

Vice-Mayor Byrd reminded everyone that school was back in session and to be aware of the buses and extra traffic.

Vice-Mayor Byrd offered motion to appoint Eileen Shifflett, 1411 Fieldale Place, to a first term on the Industrial Development Authority to expire August 23, 2015. The motion was approved with a unanimous voice vote.

At 7:27 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING
September 13, 2011

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

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

Karen Sherback, Director of Surgical Technology at National College, spoke on behalf of the students and the college and thanked the Mayor and City Council for taking time to recognize and honor the field of surgical technologists with a proclamation that had been prepared. Ms. Sherback stated that the surgical technology field is one of the fastest growing fields in the country and is projected to grow faster than the average of all other occupations through the year 2012. Ms. Sherback reviewed the duties and education of the surgical technologist.

Mayor Baugh presented a proclamation declaring September 18-24, 2011 Surgical Technologist Week and a proclamation declaring September 17-23, 2011 as Constitutional Week.

Vice-Mayor Byrd offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Request for approval of supplemental appropriation to the 2011-2012 HRECC budget in the amount of \$2000.00.

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

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

No – None

June Hosaflook, Commission of the Revenue, stated Our Community Place (OCP) had submitted a tax exemption application for both real estate and personal property. Mrs. Hosaflook stated that OCP applied for tax exemption and City Council passed a resolution in 2002 recommending to the General Assembly that OCP become

tax exempt. At that time, the General Assembly had to approve the exemption and for whatever reason the resolution was not sent for approval. Mrs. Hosaflook stated in 2003 the local elected officials were given the authority to make the determination. Mrs. Hosaflook stated that it came to her attention when she could not find the record where the 2002 General Assembly had approved City Council's recommendation. Mrs. Hosaflook contacted Mr. Copeland to see if he had any record of what happened in 2002. Mrs. Hosaflook stated that it seemed to be a City's error of not sending the recommendation onto the General Assembly. Mrs. Hosaflook stated they had been processed as tax exempt until she discovered that they had not been officially exempted and reported to Mr. Copeland what the taxes would for year 2010, 2009, and 2008. Mrs. Hosaflook stated on July 12, 2011, Mr. Copeland came to Council and was simply told to re-submit an application to request tax exemption. Mrs. Hosaflook presented the mission, real estate, and personal property of OCP. No recommendation was made by the review committee due to the 2002 action of Council. Mrs. Hosaflook stated that she felt it would be best to admit the error, allow them to continue to be accepted as tax exempt and for the Commissioner to abate the taxes that had been assessed, current and three years prior.

Mayor Baugh closed the regular session and called the evening's first public hearing to order at 7:15 p.m. The following notice appeared in the Daily News-Record on September 6, 2011.

**CITY OF HARRISONBURG
NOTICE OF PUBLIC HEARING**

Please take notice that on September 13, 2011 at 7:00 P.M., or as soon as the agenda permits, 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 request by a non-profit corporation for exemption from local real estate and personal property taxation:

Our Community Place, 17 East Johnson Street, Harrisonburg, VA 22802. The assessed value of the applicant property for the year 2011 is \$521,600.00. The real estate taxes assessed by the City for the year 2010 were \$3,081.57; for the year 2009, \$2,821.97; and for the year 2008, \$1,631.94. The personal property taxes assessed by the City for the year 2010 were \$839.00; for the year 2009, \$404.00; and for the year 2008, \$164.00.

Public comments on the proposed exemption 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, except holidays.

Kurt D. Hodgen,

City Manager

Mayor Baugh called on anyone desiring to speak for or against OCP's tax exemption application.

Ron Copeland, former Director of OCP, stated that he was the director from 2002 until the previous week. Mr. Copeland thanked both Council and Mrs. Hosaflook for taking the time to consider this matter. Mr. Copeland stated there were meetings held the previous week with city representatives, social services, and other organization and words of appreciation were shared about the organization. Mr. Copeland also stated that the organization would continue to look at programs and make improvements. Mr. Copeland stated that OCP is often on a tight budget and function from donors with donataions. Being tax exempt would help the organization continue to what they had been doing.

At 7:17 p.m., Mayor Baugh declared public hearing closed and the regular session reconvened.

Council Member Chenault offered a motion to approve OCP to be exempt from local taxation from this point forward and the previous years as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

Stacy Turner, Community Development and Planning Director, stated that staff had recommended two City Code amendments to reflect the current application costs. With the implementation of the City's 2011/2012 fiscal year budget, Section 10-3-118 of the Zoning Ordinance, which stipulates the fees for requesting a rezoning or comprehensive plan amendment, should be updated to reflect the newly adopted application fees. Also, staff recommended to increase the application fee regarding matters associated with the Board of Zoning Appeals (BZA) which falls under zoning ordinance Section 10-3-139 (c) of the Harrisonburg City Code. Mrs. Turner stated that these changes are also recommended for approval by Planning Commission and with that she presented the following ordinances:

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-118
OF THE
CODE OF ORDINANCES**

CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of Harrisonburg, Virginia:
That Section 10-3-118 be amended as follows:**

Section 10-3-118. Fee for Request for Amendment.

Each request for amendment to this chapter, including the zoning map and for amendment to the comprehensive plan, shall be accompanied by a check for three hundred seventy-five dollars (\$375.00) plus thirty dollars (\$30.00) per acre made payable to the city.

In addition, if the rezoning or comprehensive plan amendment requires a traffic impact analysis review by the Virginia Department of Transportation (VDOT), then all additional fees for those reviews shall be made payable to the Virginia Department of Transportation. If the rezoning or comprehensive plan amendment requires a traffic impact analysis review, only by the city, then one thousand dollars (\$1,000.00) shall be made payable to the city. These applications shall not be considered accepted until the TIA has been reviewed.

The remainder of Section 10-3-118 is reaffirmed and reenacted in its entirety, except as hereby modified.

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-139
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

**Be it ordained by the Council of the City of Harrisonburg, Virginia:
That Section 10-3-139 be amended as follows:**

Section 10-3-139. Procedures on Applications and Appeals

Amend subsection (c) as shown:

(c) *Filing Fees:*

(1) All persons, firms or corporations appealing to the board of zoning appeals shall be required to pay, at the time the application is submitted, two hundred seventy-five dollars (\$275.00) per request for expenses relative thereto.

(2) All persons, firms or corporations applying for variances under the provisions of this chapter or applying for an amendment of a variance already approved shall be required to pay, at the time the application is submitted, two hundred seventy-five dollars (\$275.00) per request for expenses relative thereto.

(3) The payment of such money in advance to the office of the administrator as specified shall be deemed a condition precedent to the consideration of such appeal, variance request or requested amendment to a variance already approved.

The remainder of Section 10-3-139 is reaffirmed and reenacted in its entirety, except as hereby modified.

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Mayor Baugh closed the regular session and called the evening's second public hearing to order at 7:24 p.m. The following notice appeared in the Daily News-Record on August 29, 2011 and September 6, 2011.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, September 13, 2011 at 7:00 p.m., or as soon as the agenda permits, in the City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the following:

Zoning Ordinance Amendment – 10-3-118 and 10-3-139 (c) Application Fee Increases

Public hearing to consider a request to amend the Zoning Ordinance Sections 10-3-118 and 10-3-139 (c) to update certain application fees.

Zoning Ordinance Amendment – 10-3-13 Penalties (Removal of Fine Reference)
Public hearing to consider a request to amend the Zoning Ordinance Section 10-3-13 by removing language referencing particular fines.

Information is available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

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

CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager

Mayor Baugh called on anyone desiring to speak for or against the ordinances as presented.

At 7:25 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened.

Council Member Degner stated he would like a recommendation of how to get these ordinances to be approved with the budget since they are reflecting what had already been approved.

City Attorney stated that City Code needs to be recodified so Council wouldn't have to approve the ordinance reflecting the budget ordinance.

Council Member Degner stated that he would be interested to see how much funding would be needed to update City Code.

Council Member Degner offered a motion to amend and re-enact Section 10-3-118 and 10-3-139 (c) of the Harrisonburg City Code. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

Mrs. Turner stated staff and planning commission would like Council to consider to amend and re-enact Section 10-3-13 of the Harrisonburg City Code. Mrs. Turner presented the following ordinance:

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-13
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

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

That Section 10-3-13 be amended as follows:

Section 10-3-13. Penalties

Any person, firm, or corporation found in violation of any provision of this chapter, upon conviction shall be guilty of a class 1 misdemeanor.

The remainder of Section 10-3-13 is reaffirmed and reenacted in its entirety, except as hereby modified.

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Mayor Baugh closed the regular session and called the evening's third public hearing to order at 7:27 p.m. Again, the notice above appeared in the Daily News-Record on August 29, 2011 and September 6, 2011.

Mayor Baugh called on anyone desiring to speak for or against the ordinance as presented.

At 7:27 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened.

Council Member Degner offered a motion to amend and re-enact Section 10-3-13 of the Harrisonburg City Code. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

Mayor Baugh recused himself from the next agenda item and asked Vice-Mayor Byrd to lead any discussion on the following matter. City Attorney Thumma stated that a request from Elizabeth Good Fritz to close a 10-foot wide alley, containing 1,060 square feet, which lies between lots owned by the applicant. City Attorney Thumma stated the alley is in a subdivision that was originally platted in 1890. At that time, the City only acquired an easement for the particular alley. City Attorney Thumma stated the recommendation of staff is to not refer it to Planning Commission and approve the abandonment of the property.

Vice-Mayor Byrd closed the regular session and called the evening's fourth public hearing to order at 7:28 p.m. The following notice above appeared in the Daily News-Record on September 2, 2011 and September 9, 2011.

**NOTICE OF INTENTION TO VACATE
AN UNDEVELOPED TEN (10) FOOT WIDE ALLEY
LOCATED IN THE NORTHWEST PORTION OF THE CITY OF
HARRISONBURG**

**City Council Chambers
409 South Main Street
Harrisonburg, VA 22801
Tuesday, September 13, 2011
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, September 13, 2011, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider an application, by Elizabeth Good Fritz to vacate and close an undeveloped portion of a ten foot wide alley, containing approximately 1,060 square feet, more or less, and located east of Chicago Avenue in the 800 block of said street in the City of Harrisonburg, Virginia.

A copy of the plat showing the portion of 10 foot alley to be vacated are available at the City Manager's office, Municipal Building, 345 South Main Street, Monday through Friday.

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

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

Vice-Mayor Byrd called on anyone desiring to speak for or against the alley closing as presented.

At 7:28 p.m., Vice-Mayor Byrd declared the public hearing closed, and the regular session reconvened.

Council Member Chenault offered a motion that the alley as presented be abandoned. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

Abstain – Mayor Baugh

Mrs. Turner stated that the following ordinances were from pro-active enforcement measures. Mrs. Turner stated after much discussion and “what if” scenarios during the drafting of the proposed ordinance amendment, staff submits the following amendment, eliminating the existing language and replacing it with similar and new language. Mrs. Turner presented the following ordinances for Council’s consideration:

**ORDINANCE AMENDING AND RE-ENACTING SECTION
11-7-3
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

**Be it ordained by the Council of the City of Harrisonburg, Virginia:
That Section 11-7-3 be amended as follows:**

Section 11-7-3. General regulations for all signs.

Amend Subsection (5) as shown:

- (5) Pennants, banners, streamers and all other fluttering, spinning or similar-type signs and advertising devices are prohibited except as specified below:
- a. National flags and flags of political subdivisions of the United States and flags associated with the Armed Forces.
 - b. Corporate/business flags only when erected on the same pole as, or directly adjacent to, displays containing flags as listed in 11-7-3 (5)
 - a. Corporate/business flags shall be no larger in size than flags as listed in 11-7-3 (5) a., and shall be limited in number to one (1).
 - c. Flags of bona fide civic, charitable, fraternal and welfare organizations.
 - d. Flags used for decorative purposes on residentially zoned property that do not have words or images related to advertising a site for business purposes located outside of the setback from all public streets unless within five (5) feet of a permitted sign structure within the setback. Such flags must be affixed in permanent foundations, on permitted sign structures, or to principal buildings.
 - e. Pennants, banners, streamers and other fluttering, spinning or similar-type advertising devices pertaining to and during nationally recognized holiday periods, or during a special civic event.
 - f. As permitted within Section 11-7-11 of this Code.

The remainder of Section 11-7-3 is reaffirmed and reenacted in its entirety, except as hereby modified.

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION
11-7-3
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:
That Section 11-7-3 be amended as follows:

Section 11-7-3. General regulations for all signs.

Remove the existing language and reserve Subsection (18) as shown:

(18) Reserved.

The remainder of Section 11-7-3 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2011.

Adopted and approved this _____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

After brief discussion, on clarification of the Section 11-7-3 (5) presented. Vice-Mayor Byrd offered a motion to amend and re-enact Sections 11-7-3 (5) and (18) changing the wording to the following:

- d. Flags used for decorative purposes on residentially zoned property that do not have words or images related to advertising a site for business purposes located outside of the setback from all public streets unless within five (5) feet of a permitted sign structure within the setback. Such flags must be affixed in permanent foundations, on permitted sign structures, or on principal buildings.**

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

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

No – None

Jeremiah Bishop, two-time U.S. National Mountain Bike Champion, 2012 Olympic hopeful for London, and Harrisonburg resident, stated he and Mr. Butterman were seeking support for an upcoming event on September 24, 2011 known as the Gran Fondo. Mr. Bishop stated that a Gran Fondo is an Italian style cycling event.

Matt Butterman, proprietor of Sport Vista, stated that the Gran Fondo is a non-competitive event. The event is expected to draw approximately 250 cyclists for a fundraiser the Prostate Cancer Awareness Project. Mr. Butterman reviewed the scheduled events which would start at First Presbyterian Church and would finish near the south end of the Farmer's Market. Mr. Butterman stated he has been in contact with the departments within the City that would be involved. The police department would be available at certain times during the event to keep cyclists safe. No road closures were requested.

Council Member Chenault offered a motion to approve any City property or streets needed for the Gran Fondo event. The motion was seconded by Council Member Degner approved with unanimous voice vote.

Paul Malabad, Information Technology (IT) Director, introduced Chad Snow and Seth Hedstrom with Berry Dunn who were selected from a pool of 27 applicants to provide the City Departments with an IT assessment and a Five Year Strategic IT Plan. Mr. Malabad stated tonight they will be providing an overview of what they have been doing and what they plan to do.

Chad Snow, Project Manager, stated that they had been mainly working closely with the IT department on a Five Year Strategic IT Plan. Mr. Snow provided a Berry Dunn firm and personnel overview. Mr. Snow stated the project approach consisted of Phase 1: Assessment and Phase 2: Planning. Mr. Snow stated once the plans are finalized, they would come back with another presentation.

Mr. Hedstrom, Project Lead/Business Analyst, presented the overview of Phase 1: Assessment which consisted the following: fact-finding, data analysis that would lead to an assessment report. Mr. Hedstrom presented the overview of Phase 2: Planning which consisted the following: fact-finding, data analysis, IT Strategy Formation which would lead to the IT Strategic Plan. Mr. Hedstrom provided the current project status which included: completed fact-finding meetings, delivered preliminary list of strategic technology issues, completed business mapping work sessions, delivered current IT environment assessment report, and completed strategic initiatives and projects worksheets. Mr. Hedstrom reviewed the next steps in the project that included the following: finalize Strategic Technology Plan to include, presenting final Strategic Technology Plan to City Council and conducting ongoing project management.

Council Member Degner asked how the City stood against other localities of our size. Mr. Snow stated that we were facing the same issues and challenges with other localities of the same size. However, they always look at the spending of the IT

department. Mr. Snow mentioned that increasing the IT budget would solve some of the issues and challenges that had been seen.

Council Member Degner asked if there were any projects that our staff hadn't been exposed to, so therefore, didn't propose themselves. Mr. Snow stated that there are some projects that had been discovered, but it was no surprise to the IT department. Mr. Snow stated there are challenges are with software applications and management of current IT projects that have put some of the personnel into reactionary mode instead of proactive mode.

City Manager Hodgen stated that currently we are functional, but there are plenty of opportunities to improve.

City Manager Hodgen stated the City budgeted \$1,857,015 for FY11 Comprehensive Services Act (CSA). A supplemental budget appropriation in the amount of \$243,000 is required in order to close out the fiscal year. The \$2,100,015 annual expenditure continues to represent a decrease in program funding while continuing to provide mandated services. City Manager Hodgen stated that this appropriation is to match the City's required amount to Medicaid. City Manager Hodgen stated regardless of the oversight, these are funds the City is responsible to pay. City Manager Hodgen stated additional cost saving measures and policies will be explored in FY12. City Manager Hodgen also stated that this will be something that will be revisited next year.

Stephen King, CPMT Chair, added in 2009 the budget for City expenditures was \$2.2 million, 2010 \$2.1 million, and we should be under \$2.1 million in the current year. Mr. King stated although the numbers are decreasing, perfection has not been reached. Mr. King stated current logistics of the process are being looked at. Also, the State is funding a more favorable percentage for local services which he felt would give the localities better control cost and be effective in the treatment. Mr. King stated that policies are currently being reviewed to make recipients prove they have made efforts to pursue Medicaid funding because the Medicaid funding pays for half the placement. Also, he mentioned trying to limit in-home services. Mr. King stated that decisions made by CPMT don't want to made in a fiscal vacuum, but make decisions similar to those made within your own households for what is best for the children. The most important focus is needs and outcomes and not the wants. Mr. King stated that the kids coming in and being released had increased, putting more cases in place for personnel to keep up with. City Manager Hodgen added that with the ratio of increase of census population, the expenditures haven't increased to the same level. Council Member Wiens offered a motion to approve the request for the first reading, and that:

\$242,628.00 chge. to: 1000-31010 Amount from fund balance

\$242,628.00 approp. to: 1000-910511-45621 Comprehensive Service Act

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

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

No – None

Mike Collins, Public Utilities Director, provided a report of operations 2010-2011 of Efficiency and Optimization Strategy Electrical Power Consumption Reduction Initiative. Mr. Collins stated that in 2010-2011, the public utilities electrical consumption was 3,679,162 and of that 3,391,466 was to run water utilities. Mr. Collins stated in the last five years, the City had reduced electrical consumption 6.6%. Mr. Collins stated seven ways the Public Utilities Department looked at reduction of energy consumption as follows: reduce volume amount that is pumped, reduce effort that is needed to pump, when able, select assets best suited to minimize power consumption, wire to water efficiency of pumps, use of variable speed pumps, avoid peak periods, and use SCADA computerized control system. Mr. Collins reviewed different projects that led to 870,000 kilowatt hours saved per year. Mr. Collins reviewed the business model of the Public Utilities Department and the Operations Performance Team which is made up of different head personnel in the Public Utilities Department. Mr. Collins stated that cost savings would continue to be reviewed on different projects within the Public Utilities Department.

City Manager Hodgen stated that the following resolution was requested so the City could reimburse itself out of bonds proceeds estimated to be in the amount of \$9,000,000.00, for expenses and costs incurred prior to the issuance of the bonds, for the design and construction of Reservoir Street. City Manager Hodgen presented the following resolution for Council to consider:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, REGARDING THE REIMBURSEMENT OF EXPENSES AND COSTS
INCURRED BY THE CITY, OUT OF THE BOND PROCEEDS TO BE USED
FOR THE DESIGN AND CONSTRUCTION OF RESERVOIR STREET IN THE
CITY OF HARRISONBURG, VIRGINIA**

**WHEREAS, the City is in the process of designing and constructing
Reservoir Street in the City; and**

**WHEREAS, the design and construction of the Reservoir Street project in
the City will require the City to issue general obligation bonds in an amount
estimated to be around Nine Million Dollars (\$9,000,000.00); and**

**WHEREAS, the City intends to reimburse itself out of the bond proceeds for
all expenditures and costs associated with the design and construction of the**

Reservoir Street project which are properly reimbursable under all State and Federal laws, and which are incurred and paid prior to the issuance of the bonds;

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

1. The City of Harrisonburg will be issuing general obligation bonds that are estimated to be in the amount of Nine Million Dollars (\$9,000,000.00) to pay for the design and construction of the Reservoir Street project.

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

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

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

Approved: September 13, 2011.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

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

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

No – None

City Manager Hodgen stated the operating procedures of Virginia Municipal League (VML) required each locality appoint an official voting delegate, an alternate, and a staff assistant for purposes of voting upon matters at the annual or any special meeting of the League. City Manager Hodgen stated the City typically appointed the Mayor as the voting delegate, Vice-Mayor as the alternate, and the City Manager as the staff assistant. Council Member Degner offered a motion to appoint Mayor as the voting delegate, Vice-Mayor as the alternate, and the City Manager as the staff assistant. The motion was seconded by Council Member Chenault and approved with a unanimous voice vote.

Police Chief Harper stated the following funds were from JMU overtime and DMV overtime reimbursements in the amount of \$8,555.71. Vice-Mayor Byrd offered a motion to approve the request for the first reading, and that:

\$1,234.94 chge. to: 1000-31677 JMU Overtime Reimbursement
7,320.71 chge. to: 100-33524 DMV Grant Overtime Reimbursement

\$8,555.71 approp. to: 1000-310531-41020 Salaries/Wages OT

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

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

No – None

City Manager Hodgen stated that it's a governing body resolution that authorizes the City Manager to submit Department of Homeland Security and Virginia Department

Emergency Management Grant application. City Manager Hodgen presented the following resolution for Council's consideration:

Governing Body Resolution

BE IT RESOLVED BY THE City Council of the City of Harrisonburg that City Manager, is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

Passed and approved this 13th day of September, 2011

I, Erica S. Kann, duly appointed and City Clerk of the City Council do hereby certify that the above is a true and correct copy of a resolution passed and approved by the City Council of the City of Harrisonburg on the 13th day of September, 2011.

(Official Position)

(Signature)

(Date)

Vice-Mayor Byrd offered a motion to approve the resolution as presented. The motion was seconded by Council Member Degner and approved with a unanimous voice vote.

Council Member Degner stated the Boys and Girls Club plan to apply for a grant through the United States Department of Education and they had asked for a letter of support to be included with the grant. Mayor Baugh stated he would send a letter of support.

Council Member Degner thanked all of those who participated in the September 11 Remembrance Day event. Mayor Baugh added that Friday, September 9, 2011 there had been an event in honor of Spc. Levi E. Nuncio whose name had been placed on the monument at Memorial Hall.

At 8:41 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of 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, 1950, as amended; and consultation with legal counsel and briefings by staff members pertaining

to probable litigation, exempt from public meeting requirements pursuant to Section 2.2-3711 (A)(7) of the Code of Virginia, 1950, as amended; and discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, exempt from public meeting requirements pursuant to Section 2.2-3711 (A)(29) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

At 9:30 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

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

CITY CLERK

MAYOR

REGULAR MEETING
September 27, 2011

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

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

Sara Morton, President of the Board of Directors of Harrisonburg and Rockingham Thermal Shelter (HARTS), provided a review of the creation, accomplishments, and community needs for the HARTS program. Ms. Morton stated HARTS is working towards increased capacity at each location where the HARTS program takes place. Ms. Morton thanked Council for their time and support.

Council Members Wiens asked if the HARTS program was short in funds. Ms. Morton stated the program is roughly \$25,000 underfunded, but she stated the program is stepping out in fundraising efforts.

Council Member Chenault offered a motion to approve the following items on the consent agenda.

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider a request to amend the Zoning Ordinance in order to update certain application fees.
- c. Consider a request to amend the Zoning Ordinance by removing language referencing particular fines.
- d. Consider a request to amend Sections 11-7-3 (5) and (18) of the Sign Ordinance.
- e. Consider request for supplemental appropriation for Comprehensive Services Act (CSA) expenses.
- f. Consider a supplemental appropriation for the Police Department in the amount of \$8,555.71.

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

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

No – None

Ande Banks, Director of Special Projects & Grant Management, stated City staff would like approval from Council to amend the 2011 Community Development Block Grant (CDBG) Action Plan. Mr. Banks stated there is a mandatory public hearing corresponding with a 30-day public comment period when amendments to the document are requested. Mr. Banks stated that staff proposed to redirect funds from the City Administrative Fund to apply to a new Public Utilities project on North Liberty Street to install a fire hydrant. Mr. Banks stated a need had been identified for the fire hydrant by City staff for additional fire coverage in the area and the City has the opportunity to utilize CDBG funds for the installation. Mr. Banks stated the public comment period will end October 21, 2011, and final consideration of City Council will be on November 8, 2011.

Mayor Baugh closed the regular session and called the evening's first public hearing to order at 7:10 p.m. The following notice appeared in the Daily News-Record on September 20, 2011.

**PUBLIC HEARING NOTICE
CITY OF HARRISONBURG
AMENDMENT TO 2011 ACTION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

PUBLIC HEARING - The City of Harrisonburg will hold a public hearing on Tuesday, September 27, 2011 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding an Amendment to the 2011 Action Plan 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:

- **\$6,000 that was allocated to the City Administrative Costs (10CDBG05) will be moved to the New 2011-2012 Public Utilities North Liberty Street Fire Hydrant Project (11AMEND2).**

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 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 October 31, 2011.

Mayor Baugh called on anyone desiring to speak for or against the amendments as presented.

At 7:11 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened.

Ted Cole, the City's Financial Advisor with Davenport, provided an update on potential financing that he would like Council to consider. Mr. Cole stated over the past few months he had assessed the City's existing debt for potential refunding opportunities with the Municipal tax-exempt market. Mr. Cole also stated that staff had identified two projects that included Reservoir Street and a bike trail that could be completed with the new money. Mr. Cole stated new money is the money that the City would save while refinancing. Mr. Cole stated the potential new money, in the preliminary stage, is under \$7 million. Mr. Cole stated that a resolution had been prepared for Council's approval so he could move onto the next steps. Mr. Cole reviewed several ways the interest and principle payments would be paid off and four potential opportunities existed to refinance of the City's outstanding bonds. Mr. Cole reviewed rates and savings for each of the four potential opportunities, which currently on the rates as of September 26, 2011, to be approximately \$2,956,257. Mr. Cole compared these transactions to the 2009 bonds the City performed. Mr. Cole stated the next steps would include preparing financing documents and drafting credit rating presentations, holding a public hearing, selling the bonds through a competitive bidding process, and closing on the bonds.

Council Member Degner asked about the debt of the jail bonds. Mr. Cole stated from a credit rating perspective only 50% would be counted as the debt while the other 50% would be credit due to Rockingham County paying their portion. Lester Seal, Finance Director, stated from the accounting side all of it would show as the City's debt ceiling, however footnotes would show that the City is only responsible for 50% of the payment. Vice-Mayor Byrd asked about the true interest rate and debt for refunding. Mr. Cole stated the true interest cost is approximately 3.33% and the refund for all four potential opportunities presented would be in the low 3% range. Council Member Degner asked about flexibility with the resolution to add more projects such as energy savings. Mr. Cole stated he had built cushion in the bond issuance to possibly add more projects. Mr. Cole stated that tonight he was looking for approval to move forward to obtain more information and, at future meetings; there would be opportunities to make adjustments at Council's pleasure. Mayor Baugh asked if the resolution was not passed tonight would it affect the process. Mr. Cole stated that he would be happy to start the process without the resolution; however, if Council doesn't give permission to start the process, then the public hearing would be delayed. After further discussion, Council

granted permission for Mr. Cole to proceed and the resolution would be presented at the next meeting.

June Hosaflook, Commissioner of the Revenue, stated that after personal property taxes for tax year 2011 had been assessed, the State's contribution to the City's personal property tax payments would spread over the qualifying vehicles of 40% over the tax bill. Mrs. Hosaflook presented the following resolution for Council's consideration:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, SETTING THE PERCENTAGE OF PERSONAL PROPERTY
TAX RELIEF FOR THE YEAR 2011**

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 2011 has been determined to be forty percent (40.0%);

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 2011 to be forty percent (40.0%), which percentage is anticipated to fully exhaust the PPTRA relief funds provided to the city by the Commonwealth of Virginia.

Approved: September 27, 2011.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

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

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

No – None

Michael Wong, Director of Harrisonburg Rockingham Housing Authority (HRHA), stated the following resolution did not in any way obligate the City and is done as a service by the Authority for other localities. Mr. Wong stated the Board of Commissioners approved a resolution authorizing the issuance of the bonds, a public comment period had been held, and no public comments were received. Mr. Wong stated that the Authority receives a fee from the requesting locality in return for the bond issuance. Mr. Wong stated the fees that are received are put into a local community development fund program and is utilized within the community. Mr. Wong presented the following resolution for Council's approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA REGARDING THE ISSUANCE OF REVENUE BONDS BY THE
HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY**

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the "Authority") has considered the application of Oakmeade Associates, LP (the "Company") for the issuance of the Authority's revenue bonds in an amount not to exceed \$5,300,000 (the "Bonds") to assist the Company in financing the acquisition, renovation, improvement and equipping of an existing 100-unit multi-family housing apartment complex currently known as Oakmeade Apartments located at 300 Airport Place (the "Project") in the County of Henrico, Virginia, and has held a public hearing thereon on September 21, 2011;

WHEREAS, following the public hearing, the Authority adopted a resolution (the "Authority Resolution") in which it approved the issuance of the Bonds, subject to certain conditions, and recommended and requested that the Harrisonburg City Council (the "Council") approve the issuance of the Bonds by the Authority, and in connection with such request filed with the Council a copy of the Authority Resolution, a brief summary of the Authority's public hearing, and the Applicant's Fiscal Impact Statement;

WHEREAS, the Suffolk Redevelopment and Housing Authority, which the Council has been advised has bonds outstanding for a project in Henrico County, has consented to the issuance of the Bonds by the Authority as required by Section 36-23 of the Virginia Housing Authorities Law, Chapter 1, Title 36, Code of Virginia of 1950, as amended (the "Housing Authorities Act") pursuant to a resolution adopted on August 23, 2011, a copy of which has been filed with the Council by the Authority;

WHEREAS, Section 147(f) of the Internal Revenue Code (the "Code") and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve

the issuance of such bonds, and since the Council of the City of Harrisonburg constitutes the highest elected governmental unit of the City, the Council is required to approve issuance of the Bonds;

WHEREAS, the Council has been advised that Henrico County does not have a redevelopment and housing authority, and the Authority is empowered by Section 36-23 of the Housing Authorities Act to exercise its powers within the territorial boundaries of any municipality, such as Henrico County, not included in its area of operation, provided the governing body of such municipality in which the housing authority is to exercise its powers authorizes it to do so in accordance with the requirements of such section;

WHEREAS, the Board of Supervisors of Henrico County is the highest elected governmental unit of Henrico County where the Project is located and is required to approve the issuance of the Bonds pursuant to Section 147(f) of the Code, Section 15.2-4906 of the Virginia Code and Section 36-23 of the Housing Authorities Act, and the Company has represented that the Board of Supervisors of Henrico County is scheduled to hold a public hearing on the Project and consider it for approval following approval by the Council.

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

1. The Council approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$5,300,000 for the benefit of the Applicant, as required by Section 147(f) of the Code and Section 15.2-4906 of the Virginia Code, to permit the Authority to assist in the financing of the Project, such approval being conditioned upon approval being granted by the Board of Supervisors of Henrico County, Virginia in accordance with such provisions and Section 36-23 of the Housing Authorities Act and the other conditions set forth in the Authority Resolution.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Applicant, and the Bonds shall provide that neither the City, the Authority nor the County of Henrico shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor by the Applicant, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the City, the Authority or the County of Henrico, shall be pledged thereto.

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

CERTIFICATION

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia hereby certifies that the foregoing constitutes a true, correct and complete copy of a Resolution duly adopted by the City Council of the City of Harrisonburg, Virginia at a meeting duly called and held on the 27th day of September, 2011 and during which a quorum was present and acting throughout, by the vote set forth below, and that such Resolution has not been repealed, revoked, rescinded or amended:

<u>Council Member</u>	<u>Present/Absent</u>	<u>Vote</u>
Richard Baugh, Mayor	X	Yes
Ted Byrd	X	Yes
Kai Degner	X	Yes
Charles Chenault	X	Yes
David Wiens	X	Yes
	X	Yes

WITNESS, my hand and the seal of the City Council of the City of Harrisonburg, Virginia, this 27th day of September, 2011.

Clerk, City of Harrisonburg, Virginia

Council Member Chenault stated that he works for law firm of Litten and Sipe who does work for the HRHA, but he had not done work on this matter, so is able to vote. Council Member Degner offered a motion to approve the Issuance of Revenue Bonds by the HRHA resolution as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

Drew Williams, Assistant Public Works Director, asked all those present for the Pleasant Hill Acres Neighborhood Traffic Calming program to raise their hands. Mr. Williams provided background which included the following: characteristics of the neighborhood, improvements, increased fines for speeding, and results of a preliminary meeting previously held. Mr. Williams reviewed the initial observations which included: results from preliminary meeting, online survey, full neighborhood meeting, and staff obtained data. Mr. Williams provided counts and speeds in the neighborhood for the peak hours of 7:00 to 9:00 a.m., 4:00 to 6:00 p.m., and daily counts of traffic. Mr. Williams stated the preliminary traffic data findings included: speed problems defined by the 85th percentile rule and cut-through traffic. Mr. Williams reviewed the May 2, 2011,

June 6, 2011, and August 4, 2011 meeting outcomes. Mr. Williams presented a proposed solution which included the following items: increase enforcement neighborhood-wide, traffic island, speed humps, sidewalks, and a raised intersection. Mr. Williams stated staff was concerned about low turnout to meetings and not enough broad support to proceed or recommend to Council to implement the proposed solution. Mr. Williams stated that staff recommended sending the proposed solution to the household for a vote to see the response the City receives. Mr. Williams stated he would like to postpone action on the plan until more information had been received.

Council Member Degner asked if a certain amount of signatures were needed to start the process. Mr. Williams stated that in both 2002 and 2011 the neighborhood did meet the “75% and over” requirement to start the process. Mr. Williams stated that he didn’t know why there had been a drop of involvement, but usually with traffic calming groups there is a high level of participation. Council Member Degner asked if tasking the neighborhood to go out and get the surveys filled would be possible. Mr. Williams stated he would like the City to be responsible so mixed messages didn’t happen. Council briefly discussed speed issues and cut-through traffic. Mr. Williams stated that he thinks the Phase III Erickson Avenue project will help alleviate cut-through traffic. Mr. Williams recommended that the core group that has been involved to continue to help promote the plan, meanwhile, the city will wait for feedback. Council showed no objection.

Council Member Degner asked if any data had been shown for Old Town Traffic Calming implementation. Mr. Williams stated that that the effectiveness has not been measured due to weather. The raised intersections were added and markings weren’t put on for a few days because of rain. Mr. Williams stated that even with the unmarked intersection it made a difference and Public Works plans to obtain data from the Old Town area.

Drew Williams provided background on Chicago Avenue and Mt. Clinton Pike project. Mr. Williams stated that the construction for the temporary pathway along Chicago Avenue Construction would cost approximately \$82,000 and a temporary pathway along Mt. Clinton Pike would cost approximately \$12,000. Mr. Williams reviewed the right-of-way challenges with homeowners. Mr. Williams stated that most properties either needed no easements or agreed to donate the easement. A few were not willing to donate the easement. Mr. Williams stated the next steps were to continue design for roundabout/intersection at Mt. Clinton Pike/Chicago Ave/Park Road and to consider funding opportunities for improvements. Mr. Williams stated that he would like to have input from Council with moving forward with the pathway.

After brief discussion, Council stated they would like to move forward towards the right-of-way plan due to public safety issues.

Ande Banks reminded Council that they had approved a supplemental appropriation to accommodate some property improvements to the Dry River property. Mr. Banks stated since the adoption of the Forest Management Plan in 2009, the City had

worked to better protect the City's watershed. The work is to promote activity conducive to Municipal watersheds such as hiking, biking, and fishing. Mr. Banks stated the other work is to deter improper activity such as camping. To address the issue, the City worked with a team from James Madison University (JMU) to return the previously identified camp sites to nature. Mr. Banks introduced two students involved with the program Kyle Harlow and Bryan Enkenrode.

Mr. Harlow and Enkenrode presented a project overview which included the following: rehabilitated 27 campsites along the Dry River watershed, approximately 5 – 6 miles of area, counteracting the negative impacts caused by camping and other human influences, and bringing a permanent end to camping/fire pits in the watershed area. They reviewed in detail the methods used for rehabilitation. They stated they completed their goal and completely removed 33 campsites. They hoped the removal of the campsites would eliminate the negative influences associated with camping and the activities involved, and they observed that there is a very strong human recreation presence in the area. They also presented Council several before and after pictures of the work they completed. Mr. Enkenrode stated that there were more campsites on the areas that vehicles could access. The areas with barriers had less activity. He stated with the history of the area being used as camp sites, even after the cleanup, there would be evidence of human activities.

After brief discussion of signage and barriers, Mr. Banks stated that once the timber harvest began, the companies would gate the area for the City. Mr. Banks stated that the management team is planning to promote activity conducive for the property along Route 33.

Mayor Baugh asked Council if the next two agenda items could be combined into one item. No objections were heard.

Brian Shull, Economic Development Director, requested that the supplemental appropriation proposed to budget federal grant funds obligated by the USDA to the City of Harrisonburg for use as a revolving loan program for City businesses. Mr. Shull stated the Harrisonburg Business Loan Program would be housed within a separate fund under the City budget structure and would incorporate \$99,500 awarded to the City through the successful Rural Business Enterprise Grant. Mr. Shull also requested reallocation of existing budgeted Economic Development funds in the amount of \$24,875 to serve as the required cash match for this grant award. Mr. Shull stated the Review Committee had been formed and had started working on gathering the necessary documents and developing guidelines. Vice-Mayor Byrd offered a motion to approve the request for the first reading, and that:

\$99,500.00 chge to: 2017-33567 USDA Rural Business Enterprise Grant

\$99,500.00 approp. to: 2017-850521-45679 Business Loan Program

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

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

No – None

Vice-Mayor Byrd offered a motion to approve the request, and that:

\$24,875.00 chge. to: 1000-810521-45745 Property Rehabilitation Tax Relief
24,875.00 chge to: 2017-34210 Transfer from General Fund

\$24,875.00 approp. to: 1000-990111-49295 Trans. to Ec. Dev. Revolving Loan Fund
24,875.00 approp. to: 2017-850521-45679 Business Loan Program

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

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

No – None

Ande Banks stated that the City is applying for a grant through the Industrial Revitalization Fund (IRF) as managed by the Virginia Department of Housing and Community Development (DHCD). The IRF was funded by the General Assembly for the first time since 2001 and focused on the redevelopment of former commercial and industrial facilities into new economic development catalysts. Mr. Banks provided a program overview and funding priorities. Mr. Banks stated if successful the City would utilize the grant funds to enter into a loan agreement with the development company. The terms of the loan would be determined in conjunction with DHCD. The loan funds would be used for the redevelopment of the Cassco facility into a mixed-use location with residential units and commercial, retail and office opportunities. Mr. Banks presented the City's proposal which included: \$600,000 requested, loan relationship with 217 South Liberty Street, LLC, a 1:1 match has been committed by the owner/developers, successful award will mean jump starting The Ice House redevelopment, and \$10.5 million is projected for renovation/addition to downtown. Mr. Banks reviewed the DHCD schedule stating by December 31, 2011 all grantees would be under contract. Mr. Banks presented the following resolution:

City of Harrisonburg, Virginia
Resolution Supporting the City's Industrial Revitalization Fund Proposal

WHEREAS, the General Assembly allocated \$3,000,000 for FY 2012 to be used for the redevelopment of vacant and deteriorated industrial properties across the Commonwealth through the Industrial Revitalization Fund (IRF); and

WHEREAS, the ultimate intent of the IRF is to fund projects that, through their completion, will spark additional private investment and job creation in the immediate future; and

WHEREAS, the former Cassco Cold Storage facility at 271 South Liberty Street and 125 West Bruce Street meets many of the funding priorities of the IRF including a clear relationship with local economic development strategy, a high degree of blight and deterioration to be addressed, project readiness with a clear end use, and the end use will have a clear and significant economic impact; and

WHEREAS, Harrisonburg ranks as a high priority jurisdiction as scored by the Virginia Department of Housing and Community Development (DHCD) for this IRF program; and

WHEREAS, the City of Harrisonburg is applying for \$600,000 in IRF grant funds to enter into a loan agreement with the principal partners of the owner/developer 217 South Liberty Street, LLC; and

WHEREAS, all matching funds shall be the responsibility of the owner/developer; and

WHEREAS, the successful application and redevelopment of the former Cassco Cold Storage facility will contribute to the on-going revitalization efforts in downtown Harrisonburg;

NOW, THEREFORE, BE IT RESOLVED, that the Harrisonburg City Council authorizes and fully supports the Harrisonburg Cassco Cold Storage facility grant application submitted to the Virginia Department of Housing and Community Development for consideration under the Industrial Revitalization Fund and asks for favorable consideration of this application.

Approved: September 27, 2011.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Council Member Degner offered a motion to approve the resolution supporting the City's Industrial Revitalization Fund Proposal as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Jim Junkins, ECC Director, requested to transfer \$100,000 from ECC fund balance to ECC budget for a mobile back-up Emergency Communications Center. Mr. Junkins stated the transfer of \$606,506.74 was from the ECC fund balance to the City general fund for radio equipment that had been originally paid for with City funds. Mr. Junkins stated both transfers had been approved by the ECC Administrative Board. Vice-Mayor Byrd offered a motion to approve the request for the first reading, and that:

\$706,506.74 chge. to: 1116-31010 Amount from fund balance
303,253.37 chge to: 1000-34296 Transfer from ECC Fund
303,253.37 chge to: 1310-34296 Transfer from ECC Fund

\$303,253.37 approp. to: Transfer to General Fund
303,253.37 approp. to: Transfer to General Capital Projects Fund
100,000.00 approp. to: Motor vehicles and equipment
303,253.37 approp. to: Amount from fund balance
303,253.37 approp. to: 2 way communications system

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

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

No – None

Ian Bennett, Deputy Fire Chief, stated the supplemental appropriation in the amount of \$237,197.56 included unspent grant funds from last year's budget, reimbursement from a state grant to repair the structural building at the City's training grounds, a recent donation, Safe Kids International which funded four different child

safety grants, and recently acquired FEMA Fire Prevention Grant. Council Member Chenault offered a motion to approve the request for the first reading, and that:

\$98,954.64 chge. to: 1000-31010 Amount from Fund Balance
122,209.92 chge to: 1000-33534 Homeland Security Funds
7,533.00 chge to: 1000-32551 Fire Programs Grant Reimbursement
2,500.00 chge to: 1000-31809 Donation
6,000.00 chge. to: 1000-31841 Safe Kids Grants

\$70,268.17 approp. to: 1000-320232-48203 Fire Programs Fund
28,686.47 approp. to: 1000-350532-46155 Four for Life
32,002.72 approp. to: 1000-350532-48113 DOHS 20 Equipment
432.20 approp. to: 1000-350532-48113 DOHS 21 Equipment
89,775.00 approp. to: 1000-350532-48113 DOHS 22F Equipment
9,975.00 approp. to: 1000-350532-48113 DOHS 22C Equipment
1,000.00 approp. to: 1000-350532-48113 HDSTART Equipment
500.00 approp. to: 1000-350532-48113 WALKTOSCHOOL Equipment
500.00 approp. to: 1000-350532-48113 HALLOWEE Equipment
4,000.00 approp. to: 1000-350532-48113 WATERSAF Equipment
58.00 approp. to: 1000-350532-48113 Equipment

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

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

No – None

City Manager Hodgen stated the supplemental appropriation for the Parks and Recreation Department in the amount of \$1,427.64 was to reimburse the Blacks Run Greenway budget for expenses incurred for the Blacks Run Cleanup Day. City Manager Hodgen stated that these reimbursement funds were monies donated by local businesses and deposited in the Blacks Run Cleanup Day Fund of the Community Foundation of Harrisonburg/Rockingham. Vice-Mayor Byrd offered a motion to approve the request for the first reading, and that:

\$1,427.64 chge. to: 1000-31901 Recoveries and rebates

\$1,427.64 approp. to: 1000-710971-46140 Other Operating Supplies

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

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

No – None

Jim Baker, Public Works Director, stated the request to transfer funds for the Public Works department in the amount of \$2,641.02 was to complete preliminary design of Cantrell Avenue improvements. Mr. Baker stated that the transfer is for the portion of Cantrell Avenue the City is working on with JMU from Main Street to Mason Street to provide what Cantrell should look like when University Avenue expands and the remodel of the old Rockingham Memorial Hospital is complete. Vice-Mayor Byrd offered a motion to approve the request, and that:

\$2,641.02 chge. to: 1000-410241-43100 Professional Services
2,641.02 chge. to: 1310-34210 Transfer from General Fund

\$2,641.02 approp. to: 1000-990111-49216 Transfer to Capital Projects
2,641.02 approp. to: 1310-910141-48729 Cantrell Avenue Improvements

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

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

No – None

Vice-Mayor Byrd stated that the City's representative on the Massanutten Regional Library Board of Trustees Brian Shull completes his 10th year and his term expires on September 30, 2011. Vice-Mayor Byrd stated that at the most recent re-organization meeting, it had been discussed that once Mr. Shull's term expired, Vice-Mayor Byrd would continue the term on the Massanutten Regional Library Board of Trustees until the next re-organizational meeting. Council Member Degner offered a motion to appoint Vice-Mayor Byrd as the City representative to the Massanutten Regional Library Board of Trustees to expire December 31, 2012. The motion was seconded by Council Member Chenault and approved with a unanimous voice vote.

Council Member Degner stated the ceremony at the Simms School for the Peace Pole was well attended and nice. Council Member Degner encouraged citizens to go see the Peace Pole.

Mayor Baugh stated that he had prepared a proclamation declaring September as Life Insurance Awareness Month.

Mayor Baugh stated that the Electoral Board is in need of volunteers for the upcoming and next year's election days.

Council Member Degner stated that the upcoming Virginia Municipal League Conference is being held during October 2 – 4, 2011 and the City will be well represented. City Manager Hodgen stated that being active in the conference is beneficial to all those who attend and to the City.

At 8:53 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

October 11, 2011

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

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

Anthony Bopp, 69 Sharon Street, stated he felt that there was some incomplete discussion from the last Council Meeting pertaining to Pleasant Hill. Mr. Bopp stated that he felt the neighborhood is in agreement that enforcement needed to happen in their development, but it's unclear of how to approach it. Mr. Bopp would like for the City to hire more police officers and enforce speeding on Central Avenue.

Mayor Baugh stated a sign had gone up in one location on Central Avenue to make those unaware of a hidden turn, which had helped. Mayor Baugh stated in the reports given last week, it wasn't made clear, that the 15% of excessive speed is majority cut-through traffic.

Vice-Mayor Byrd offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider supplemental appropriation in the amount of \$99,500 to budget grant funds to be received from USDA for Harrisonburg Business Loan Program.
- c. Consider a supplemental appropriation for the ECC budget.
- d. Consider a supplemental appropriation for the Fire Department in the amount of \$237,197.56.
- e. Consider a supplemental appropriation for the Parks and Recreation Department in the amount of \$1,427.64.

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

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

No – None

Mike Collins, Public Utilities Director, stated that it is required by the Code of Virginia §9VAC25-780 for local governments to adopt a local program for a Water Supply Plan. Mr.

Collins stated that local governments may elect to participate in the submittal of a Regional Water Supply Plan. Mr. Collins reviewed the plan which included: existing water supply, existing water usage, water resource conditions, future water demands, how we will use future water demands, emergency drought and contingency plans, and statement of needs and alternatives. Mr. Collins stated that the document would have to be submitted every ten years to keep the document accurate. Mr. Collins provided some history of City water issues starting in the year 1989. In 1999, after drawbacks from other water resources, the City made a commitment to the South Fork of the Shenandoah River for both reliability and environmental reasons. Mr. Collins stated the Water Supply Plan consists of three sources which are the following: North Fork Shenandoah (Potomac River Watershed), South Fork Shenandoah (Potomac River Watershed), and Maury (James River Watershed). Mr. Collins stated that the City wants to utilize the pristine gravity driven waters from the Dry River Watershed to the maximum capacity. Mr. Collins also stated the driving force was that the citizens like the water, rates provided are great, and it tastes good. Mr. Collins stated the problem with the Dry River Watershed is that a dam can't be built and it can only sustain available flows for a given period of time until drought restricts it. Mr. Collins stated that the Water Supply Plan serves as a back-up plan. Mr. Collins presented the plan of how the City, over the next several years, plans to replace old pipeline, using the strategy of pay as you go, coming from the Dry River Watershed. Mr. Collins stated that he had participated as a member of the Central Shenandoah Planning District Commission (CSPDC) working committee, had overseen quality of the document as pertains to the City of Harrisonburg, and recommends approval of the following resolution after the public hearing occurs:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, ADOPTING THE
UPPER SHENANDOAH BASIN WATER SUPPLY PLAN**

WHEREAS, the Virginia General Assembly has mandated the development of local and regional water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations 9 VAC 25-780, Local and Regional Water Supply Planning, to implement this planning process; and

WHEREAS, based upon these regulations, county, cities and towns are required to complete a water supply plan that fulfills the regulations by deadlines based on population; and

WHEREAS, local governments may elect to join one or more other local governments to develop a regional water supply plan for which a deadline of November 2, 2011 has been established; and

WHEREAS, the following elements must be included in all local or regional water supply programs:

- A description of existing water sources;**
- A description of existing water use;**
- A description of existing water resource conditions;**
- An assessment of projected water demand;**

A description of water management actions;
A statement of need;
An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies;
A map or maps identifying important elements of the program that may included existing environmental resources, existing water sources, significant existing water uses and proposed new sources;
A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter;
A resolution approving the plan from each local government that is party to the plan; and
A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received; and

WHEREAS, it is reasonable and prudent for the following local governments to coordinate and collaborate in the development of a regional water supply plan:

Augusta County	Town of Craigsville
Rockingham County	Town of Dayton
City of Harrisonburg	Town of Elkton
City of Staunton	Town of Grottoes
City of Waynesboro	Town of Mt. Crawford
Town of Bridgewater	Town of Timberville
Town of Broadway; and	

WHEREAS, the City of Harrisonburg is part of the Upper Shenandoah Basin Water Supply Plan which includes 13 localities listed above; and

WHEREAS, the Upper Shenandoah Basin Regional Water Supply Plan was developed in accordance with Virginia Regulation 9 VAC 25-780-70 through 9 VAC 25-780-130; and

WHEREAS, on October 11, 2011, the City Council of the City of Harrisonburg held a public hearing to accept public comment on the Upper Shenandoah Basin Water Supply Plan and all written comments submitted have received a written response as required;

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 adopts the Upper Shenandoah Basin Water Supply Plan. Approval and adoption of this regional plan indicates support for the Regional Drought Response and Contingency Plan; and

BE IT FURTHER RESOLVED, that the City Council of the City of Harrisonburg, Virginia intends that the Upper Shenandoah Basin Water Supply Plan shall be revised to

reflect changes in the relevant data at least once every five (5) years and shall be revised and resubmitted to DEQ every ten (10) years in accordance with the regulation and sound planning practice.

Approved: October 11, 2011

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Council Member Wiens questioned the amount of discharge to the Shenandoah River. Mr. Collins stated the City has a permit to discharge 22 million gallons. Council Member Wiens questioned the restriction on how much the City can take out of the Shenandoah River due to the amount we contribute. Mr. Collins stated that it is due to environmental prospective. Council Member Wiens asked about the waste that was mentioned in the plan. Mr. Collins stated the waste percentage was low and reviewed the reasons that contributed to that. Council Member Degner asked how the City addresses threats, such as hydrofracking, to the water quality. Mr. Collins stated that currently nothing is in place, but it is on the radar. City Manager Hodgen stated the possibility of threats encourage the completion of the Shenandoah River Project.

After further discussion, Mayor Baugh closed the regular session and called the evening's first public hearing to order at 7:28 p.m. The following notice appeared in the Daily News-Record on September 30, 2011 and October 7, 2011.

**PUBLIC HEARING
ON THE UPPER SHENANDOAH BASIN WATER SUPPLY PLAN**

**City Council Chambers
409 South Main Street
Harrisonburg, VA 22801
Tuesday, October 11, 2011
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, October 11, 2011, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to present information and seek public comment on the Upper Shenandoah Basin Water Supply Plan.

A copy of the plan is available at the City of Harrisonburg Public Utilities Office, 2155 Beery Road, Harrisonburg, VA 22801 Monday through Friday and on the City of Harrisonburg's website (www.harrisonburgva.gov).

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

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

Mayor Baugh called on anyone desiring to speak for or against the Upper Shenandoah Basin Water Supply Plan as presented.

At 7:29 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened. Vice-Mayor Byrd offered a motion to approve the Upper Shenandoah Basin Water Supply resolution as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated at this evening's meeting a public hearing will be held for the proposed new Administration and Maintenance Facility for Public Transportation and Central Garage that is located at 475 East Washington Street. City Manager Hodgen stated the public comment period opened on Friday, September 23, 2011 and no comments had been received to date. After this evening's public hearing public comments can be made until Sunday, October 23, 2011. City Manager Hodgen stated that the project is estimated to range from 13 to 17 million dollars. He also stated that the project is partially driven by the Federal Government that provides funding to our Transit Department. The Federal Government would like the Transit Department to separate transit and school bus operations. City Manager Hodgen also stated that it is also due to both the increase to service area and ridership.

Mayor Baugh closed the regular session and called the evening's second public hearing to order at 7:30 p.m. The following notice appeared in the Daily News-Record on September 23, 2011.

Notice of Public Hearing and Public Comment Period

Purpose

Notice is hereby given that a public hearing will be held by the City of Harrisonburg on a proposed new Administration and Maintenance Facility for Public Transportation and Central Garage at 475 E. Washington Street, Harrisonburg, VA. At the hearing, the City of Harrisonburg will receive and consider public comments and suggestions about the proposal. Reference material is available on the Purchasing website: www.harrisonburgva.gov/bids [1] Request for Proposal under the Public Private Educational Facility and Infrastructure Act (PPEA) Administration and Maintenance

Facility with addendums [2] Feasibility Study for Administration and Maintenance Facility [3] Solicited Conceptual PPEA Proposal AND may be inspected during business hours at the Purchasing Department, 2111 Beery Rd., Harrisonburg, VA 22801 or at Harrisonburg Department of Public Transportation, 475 E. Washington Street Harrisonburg VA 22802

PUBLIC HEARING

A public hearing will take place on Tuesday, October 11, 2011 at the City of Harrisonburg City Council Meeting at 7:00 PM to be held at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia. All interested citizens are encouraged to attend.

This location is wheelchair accessible. Any individual who requires special assistance such as a sign language interpreter or additional accommodation to participate in the public hearing, or who requires these materials in an alternate format should contact the City at least three working days in advance of the meeting. Translation services may be offered upon request and availability. VA Relay 1-866-246-9300 (TTY) or 711

COMMENTS

Comments and suggestions for the Administration and Maintenance Facility are encouraged and welcomed. Written comments will be accepted from Friday, September 23, 2011 through Sunday, October 23, 2011. Please contact Cheryl Spain phone 540-432-0492, fax, 540-432-0495, email cherlx@hdpt.com, via USPS mail to: City of Harrisonburg Department of Public Transportation, 475 E Washington St, Harrisonburg VA 22802.

Mayor Baugh called on anyone desiring to speak for or against the proposed Administration and Maintenance Facility as presented.

At 7:31 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened. No further action required at the current time.

Stacy Turner, Community Development Director, presented a request from Diversified Development Solutions, LLC and other Brookside Park property owners. Mrs. Turner stated that the request is to revise 36 lots totaling 7.11-acres of R-7 Medium Density Mixed Residential Planned Community zoned parcels. The properties are located along Suter Street, Drake Lane, and Roberts Court and can be found on tax map parcels 40-A-24A, 25-29 & 40-B-37, 40-68. Mrs. Turner stated that the Comprehensive Plan designates the area as Medium Density Mixed Residential. Mrs. Turner presented the history of the property that was rezoned in June 2006. Mrs. Turner stated that in October 2007, an amendment was approved to revise the Brookside Park plan of development. Mrs. Turner stated that the current request is to amend the master plan of development by removing the requirement of an attached garage for every dwelling option. Mrs. Turner stated that six units are being proposed due to the fact that Habitat for Humanity is looking to purchase the lots and due to funding parameters, they are unable to build garages. Mrs. Turner stated if approved, all of the other proffers and specifics of the approved plan would remain the same. Mrs. Turner reviewed some violations and unmet proffers of the property owners within the subdivision and stated, if the violations were not corrected, it could possibly result in a misdemeanor charge. Mrs. Turner stated both Planning Commission

recommended, as well as, the required signature from each owner, which gave consent for the proposed amendment.

Mayor Baugh closed the regular session and called the evening's third public hearing to order at 7:39 p.m. The following notice appeared in the Daily News-Record on September 26, 2011 and October 3, 2011.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, October 11, 2011 at 7:00 p.m., or as soon as the agenda permits, in the City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the following:

Rezoning – Brookside Park Amendment 2011 Submission #2

Public hearing to consider a request from Diversified Development Solutions, LLC, Pedro Rojas Santiago, Clemencia Rojas Sanchez, Victor and Raquel Martinez, Eduardo Hernandez-Tapia, Libia Hernandez, Fernando Bustillos- Sosa, Derek and Vanessa Corson, Carlos D. Arebalo-Erazo, Huber E. Lobo, Mark and Christine Say, Jose and Nardy Funes, Ferguson Investments, LLC, Mose Girardo Perez-Maya, Ofelia Grandia-Acosta, Domal C. Vaish, Ernesto R. Esparza, Maria Guadalupe De Esparaza, Maria E. Portillo, and Norma D. Medina to revise 36 lots totaling 7.11 acres of Medium Density Mixed Residential Planned Community zoned parcels. The properties are located along Suter Street, Drake Lane, and Roberts Court and can be found on tax map parcels 40-A-24A, 25-29, & 40-B-37, 40-68. The Comprehensive Plan designates this area as Medium Density Mixed Residential. This designation states that these largely undeveloped areas continue the existing medium density character of adjacent areas, but in a different form. They are planned 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. They should be planned communities that exhibit the same innovative features as described for the low density version of mixed residential development. The gross density of development in these areas should be in the range of 4 to 12 dwelling units per acre and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way. The Zoning Ordinance states that the R-7, Medium Density Mixed Residential Planned Community is intended to permit the development of planned residential communities offering a mix of single family detached and attached dwellings and open spaces. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed, redeveloped, and amended in accordance with a master development plan.

Rezoning – Proffer Amendment 120 West Wolfe Street

Public hearing to consider a request from WRockstreet, LLC to revise proffers on two parcels totaling .52 +/- acres zoned B-1C, Central business district conditional. The properties are addressed as 120 West Wolfe Street and can be found on tax maps 35-O-

4 & 5. The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office/service uses allowing people to both live and work in the same area, which could be combined in the same building or on the same street. The gross residential density in areas outside downtown should not exceed an average of 15 units per acre, though all types of residential units are permitted: single family detached, single family attached and apartments. Apartments are permitted only if single family detached and/or attached units are also provided and together cover a greater percentage of the project site. Residential densities in downtown may be higher than an average of 15 units per acre, and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way. The Zoning Ordinance states that 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.

Special Use Permit – 120 West Wolfe Street (WRockstreet LLC)

Public hearing to consider a request from WRockstreet LLC for a special use permit per Section 10-3-85 (4) to allow repair of vehicles, recreation equipment, or trailers on property zoned B-1C, Central Business District Conditional. The property is located at 120 West Wolfe Street and can be found on tax map 35-O-4.

Subdivision Ordinance Amendment – 10-2-23 & 25

Public hearing to consider a request to amend the Subdivision Ordinance Sections 10-23 & 25 to update certain application fees.

Information is available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

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

CITY OF HARRISONBURG

Kurt D. Hodgen

City Manager

Mayor Baugh called on anyone desiring to speak for or against the proposed request from Diversified Development Solutions, LLC as presented.

At 7:40 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened. Council Member Wiens offered a motion to approve the proposed request from Diversified Development Solutions, LLC as presented. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

Mrs. Turner stated the following ordinances that were being updated to reflect the City Council approved budget. Mrs. Turner presented the following ordinances for Council's consideration:

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-2-23
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

**Be it ordained by the Council of the City of Harrisonburg, Virginia:
That Section 10-2-23 be amended as follows:
Section 10-2-23. Preliminary Plat—Requirements and Contents.**

Amend subsection (15) as shown:

(15) The fee for filing a preliminary plat without a variance shall be one hundred seventy-five dollars (\$175.00) plus twenty dollars (\$20.00) per lot, or if filing a preliminary plat with a variance the fee shall be two hundred dollars (\$200.00) plus twenty dollars (\$20.00) per lot, made payable to the city. The fee shall be paid upon the filing of the plat with the city.

In addition, if the preliminary plat requires a traffic impact analysis (TIA) review by the Virginia Department of Transportation (VDOT), then all additional fees for that review shall be made payable to the Virginia Department of Transportation. If the preliminary plat requires a TIA review, only by the city, then one thousand dollars (\$1,000.00) shall be made payable to the city. The preliminary plat application shall not be considered accepted until the TIA has been reviewed.

The remainder of Section 10-2-23 is reaffirmed and reenacted in its entirety, except as hereby modified.

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION
10-2-25
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

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

That Section 10-2-25 be amended as follows:

Section 10-2-25. Final Plat—Requirements and Contents.

Amend subsection (b) (14) as shown and relocate and designate the referenced language as subsection (d):

(d) The fee for filing a final plat shall be one hundred fifty dollars (\$150.00) plus twenty dollars (\$20.00) per lot, made payable to the City. The fee shall be paid upon the filing of the plat with the City.

The remainder of Section 10-2-25 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2011.

Adopted and approved this _____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Mayor Baugh closed the regular session and called the evening's fourth public hearing to order at 7:42 p.m. The above notice appeared in the Daily News-Record on September 26, 2011 and October 3, 2011.

Mayor Baugh called on anyone desiring to speak for or against the proposed request to amend certain application fees as presented.

At 7:43 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened. Council Member Degner offered a motion amending and re-enacting Section 10-2-23 and Section 10-2-25 of the Harrisonburg City Code. The motion was seconded by Council Member Chenault

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

No – None

Mayor Baugh stated that agenda items 10 and 11 would be presented together.

Mrs. Turner presented a request from WRockstreet, LLC for both rezoning to revise proffers on two parcels and special use permit (SUP) to allow for a vehicle repair for property located at 120 West Wolfe Street. Mrs. Turner stated the Comprehensive Plan designates this area as Mixed Use Development. Mrs. Turner stated in spring 2009, the property came before City Council to rezone from M-1 to B-1 and proffered revolved around remodeling the entire building. The property owners since then had a tenant interested in renting the building as is. Mrs. Turner stated the SUP process began as a result of a zoning enforcement inspection due to an anonymous complaint regarding the potential storage of inoperable vehicles as well as the potential lacking of proper screening, which is typically associated with a vehicle repair business in an M-1 district. Staff sent a notice of violations to the property owners, when a prominent issue arose due to the operation of vehicle repair, which was not a use permitted by-right on the subject parcel due to its B-1 zoning classification. Mrs. Turner stated staff recommended the property owners to apply to amend proffers and apply for a SUP and to present to Council at the same time. After discussing the situation, the property owner tabled their SUP and diligently submitted the application to amend the proffers on the subject property to legally allow uses to operate in the existing building. Mrs. Turner stated staff and Planning Commission supported a favorable recommendation to City Council to approve this request with the three conditions presented.

Mayor Baugh closed the regular session and called the evening's fifth public hearing to order at 7:52 p.m. The above notice appeared in the Daily News-Record on September 26, 2011 and October 3, 2011.

Mayor Baugh called on anyone desiring to speak for or against the proposed request from WRockstreet, LLC for rezoning and special use permit as presented.

At 7:53 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened. Council Member Degner offered a motion to approve the rezoning request of the two lots totaling .52 +/- acres from M-1 to B1-C located at 120 West Wolfe Street as presented.

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

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

No – None

Council Member Degner offered a motion to approve the special use permit from WRockstreet, LLC as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Nicole Martorano, Promotions Manager HDR, stated that staff attended a Virginia Main Street conference and reviewed different workshops they had attended. Ms. Martorano reviewed promotions that HDR had completed and what was currently being worked on and they were as follows: Taste of Downtown, Business Support, and online presence.

Kim Kirk, Special Events Manager HDR, presented past events which included: Court & Market Days Festival and Valley 4th. Mrs. Kirk stated that HDR submitted an application for the History Museum to come to next year's Court & Market Days event. Upcoming events which included: HDR Celebration & Reception, Block Party in the "Burg", Halloween on the Square, and Temptations at the Theater, Veterans Day Parade and Ceremony, Holidays on Main Street, and First Night.

Mike Progine, General Manager of 96.9 WSIG Radio, presented a request for a lead police escort for a procession of vehicles from Harrisonburg Ford on South Main Street on an unimpeded circuit through town and back to the Harrisonburg Ford location. The "Patriotic Convoy" is an event with the goal of raising funds and awareness for the Virginia Wounded Warrior Program. Mr. Progine stated that the maximum participation of vehicles is 100. Mr. Progine stated that the event is scheduled for Saturday, November 12, 2011 starting at 9:00 a.m. and ending no later than 10:00 a.m.

City Manager Hodgen stated that staff denied this request due to staff shortages and other commitments the City already had on the day and safety of the participants. City Manager Hodgen stated that there wouldn't be a problem with the group using City streets, but they would

have to obey traffic laws. Council Member Chenault asked if the group got another agency, that the City Manager approved to help with the event would it be acceptable. Vice-Mayor Byrd suggested changing the date to tie in with the Veteran's Day Parade. Mr. Progin stated that they have other events already in place the date presented. Mr. Progin stated that Rockingham County Sheriff's Department stated they might be interested, if approached, they would consider. Council Member Chenault offered a motion to approve the request on the condition an official law enforcement escort, satisfactory to the City Manager, is obtained for the event moving forward in which the convoy would be uninterrupted. The motion was seconded by Council Member Degner. City Attorney Thumma stated the concern is that there would have to be enough police officers at each of the 26 intersections to make sure the participants get through safely. Police Chief Harper stated that City Attorney Thumma was correct and that the Police have never done a 100 vehicle funeral convey and stated it would be unsafe for the participants. Council Members Chenault and Degner withdrew their motion and second. Council recommended the requestor to develop a new plan and/or route and present on October 25, 2011. No further action was made.

Mrs. Kirk requested Council's approval to close City streets for Halloween on the Square on October 29, 2011 from 10:00 a.m. to 2:00 p.m., Veterans Day Parade on November 6, 2011 from 2:00 p.m. to 4:30 p.m., and Holidays on Main Street on December 2, 2011 from 7:00p.m. to 9:30 p.m. Vice-Mayor Byrd offered a motion to approve road closures as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

Terry Burkholder requested Council's approval to close City streets for First Night. Mr. Burkholder stated that First Night is Harrisonburg's New Year's celebration that highlights the arts in our communities. Activities will take place from 6:00 p.m. to midnight on December 31, 2011. Council Member Chenault offered a motion to approve the street closure as presented closing Paul Street to Elizabeth Street on Main Street and that Court Square is closed. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

Suzanne Obenshain requested Council's approval to close City streets for the 8th Annual Generations Crossing First Night 5k run/walk. The 5k run/walk is an annual fundraiser to benefit Generations Crossing. The race will take place on Saturday, December 31, 2011 at 3:00 p.m., prior to First Night activities scheduled for downtown. Council Member Degner offered a motion to approve the street closure as presented closing from Turner Pavilion on South Liberty continue to Main Street towards Gay Street and Noll Street to make a loop back to Turner Pavilion. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated that the following ordinance had been received prior to the previous meeting and Council requested more time to review. City Manager Hodgen stated that the one that was presented was different from previous resolution due to removal on the bond issuance used for bike trails. City Manager Hodgen stated the City is moving toward utilizing existing funds and savings from the bond issue to use towards a bike project. City Manager Hodgen presented the following resolution for Council's approval:

**RESOLUTION AUTHORIZING CERTAIN PRELIMINARY ACTIONS
WITH RESPECT TO THE ISSUANCE OF BONDS
BY THE CITY OF HARRISONBURG, VIRGINIA**

WHEREAS, the City Council (the "Council") of the City of Harrisonburg, Virginia (the "City") wishes to finance a portion of the costs of road construction, specifically the Reservoir Street project (the "Project"), and desires to provide such funding through the issuance of the City's general obligation bonds (the "New Money Bonds");

WHEREAS, the Council may also wish, depending upon an analysis of debt service savings, to refund through the issuance of general obligation refunding bonds (the "Refunding Bonds") all or a portion of the outstanding principal balance of the City's (a) \$5,616,300 General Obligation Public Improvement Refunding Bonds, Series 2003, (b) \$14,889,000 General Obligation Public Improvement Bonds, Series 2009A and (c) \$6,252,000 General Obligation Refunding Bonds, Series 2009B (all of the foregoing bonds in clauses (a) through (c) being referred to collectively as the "Prior Bonds");

WHEREAS, the New Money Bonds and the Refunding Bonds (collectively, the "Bonds") would be issued pursuant to the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), and would be secured by a pledge of the full faith and credit of the City; and

WHEREAS, the City Manager and staff of the City will need to take certain actions prior to the final authorization of the Bonds in order to make certain determinations with respect to such issuance and to facilitate the offering, sale and issuance of the Bonds in a timely and orderly manner;

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

1. It is hereby determined to be in the best interests of the City to undertake the financing of the Project by issuing the New Money Bonds therefor. It is hereby determined to be in the best interests of the City to issue the Refunding Bonds if a net present value debt service savings can be obtained in the aggregate on the portion of the Prior Bonds to be refunded.

2. Pursuant to the Act, there are hereby authorized to be issued Bonds of the City in the maximum aggregate principal amount of \$33,000,000, to be issued at one time or from time to time, to provide funds, together with other funds that may be available, to finance the Project, refund the Prior Bonds (assuming the requisite debt service savings) and pay related issuance costs and capitalized interest.

3. The Bonds shall mature at such time or times not exceeding forty years from the date of their issuance, shall bear interest at such rate or rates, shall be redeemable for such amounts and at such times, shall be in such form and shall contain such other details not inconsistent with the Act, as shall be fixed by the Council by resolution adopted at a subsequent meeting prior to the time that the City offers the Bonds for public sale. The Bonds may be issued in one or more separate series appropriately designated.

4. The Council hereby determines that it will be in the best interests of the City to sell the Bonds through an offering to the public.

5. The Council hereby appoints Troutman Sanders LLP to serve as Bond Counsel to the City in connection with the issuance of the Bonds and to supervise all proceedings in connection with the issuance of the Bonds.

6. The City Manager is hereby authorized to determine the amount of net present value debt service savings that will be required in order for the Refunding Bonds to be issued, to determine the appropriate series designations and fix the amounts, dates, maturity schedules, redemption provisions and other terms of the Bonds, to determine the terms upon which the Bonds will be offered for public sale and the amount of any good faith deposit, and to take all other necessary action for the sale of the Bonds, all subject to approval by the Council by resolution adopted at a subsequent meeting prior to the time that the City offers the Bonds for public sale.

7. The City Manager and his staff are authorized to work with Davenport & Company LLC (the "Financial Advisor") to prepare a Preliminary Official Statement of the City describing the Bonds and their terms and manner of purchase, the purposes for which the Bonds are being issued and the security for and other information relating to such Bonds, and setting forth certain information with respect to the City. The form of the Preliminary Official Statement and its distribution are subject to approval by the Council by resolution adopted at a subsequent meeting prior to its distribution.

8. The City Manager and his staff are authorized to take such actions as shall be necessary or appropriate to obtain a credit rating or ratings for the Bonds from Fitch,

Inc., Moody's Investors Service, Inc. and/or Standard & Poor's Ratings Services, if the City Manager, in consultation with the Financial Advisor, determines that the receipt of such ratings would be beneficial to the City.

9. The City Manager and his staff are authorized to take such actions as shall be necessary or appropriate to obtain a commitment or commitments for municipal bond insurance or other credit enhancement to secure the Bonds, if the City Manager, in consultation with the Financial Advisor, determines that the receipt of such municipal bond insurance or other credit enhancement would be beneficial to the City. Any determination of the security to be offered for the Bonds such as bond insurance or other credit enhancement will be subject to approval by the Council by resolution adopted at a subsequent meeting prior to the time that the City offers the Bonds for public sale.

10. The City Manager and his staff are authorized to take such actions as shall be necessary or appropriate to make application to a qualified securities depository to act as securities depository for the Bonds during any period ownership of the Bonds is to be evidenced by book-entry.

11. The City Manager, his staff and other officers of the City are further authorized to take any other actions that they may feel are necessary or desirable in connection with the offering, issuance or sale of the Bonds, including without limitation all actions that are necessary in connection with the filing of any application for State and Local Government Series ("SLGS") securities in the case of the issuance of Refunding Bonds.

12. This Resolution shall take effect immediately upon its adoption.

Adopted: October 11, 2011

Mayor, Richard Baugh

ATTEST, Erica Kann, City Clerk

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

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

No – None

City Manager Hodgen stated the amount of the Tiger III Grant request is lower from previous years due to the fact the City decided not to wait for the Federal Government to act and had already started the project. City Manager Hodgen presented the following resolution to Council for approval:

**RESOLUTION ENDORSING THE SUBMISSION OF A TIGER III
(TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY)
GRANT FOR THE ERICKSON AVE-STONE SPRING RD/SOUTHEAST CONNECTOR**

WHEREAS, the TIGER III (Transportation Investment Generating Economic Recovery) was created to (1) preserve and create jobs and promote economic recovery, (2) invest in transportation infrastructure that will provide long-term economic benefits, and (3) assist those most affected by the current economic downturn; and

WHEREAS, the Erickson Ave-Stone Spring Road/ Southeast Connector will provide a 6-mile long multimodal east-west corridor through the City of Harrisonburg and Rockingham County, address deficient capacity and critical safety concerns; and

WHEREAS, the project is a number one priority for secondary roads for the Harrisonburg Metropolitan Area as outlined in the Constrained Long-Range Transportation Plan; and

WHEREAS, the project is included in the City of Harrisonburg's Comprehensive Plan and Rockingham County's Comprehensive Plan; and

WHEREAS, the project is included in the State Transportation Improvement Program (STIP) and the Six-Year Improvement Plan (SYIP) and meets all federal, state, and local requirements for construction; and

WHEREAS, the project passes through existing fully developed commercial areas and areas receiving extreme interest for future residential and commercial development; and

WHEREAS, the award of the TIGER III 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 III 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 \$77 million constituting 63.8% of the total project cost thereby exceeding the 20% match requirement;

NOW, THEREFORE BE IT RESOLVED that the *Harrisonburg City Council* hereby endorses the TIGER III Grant application and request of \$43.6 million by the City of Harrisonburg, Rockingham County and the Stone Spring Consortium for the construction of Erickson Avenue-Stone Spring Road/Southeast Connector, extending between west city limits and Route 33.

Signed this 14th day of October, 2011.

Mayor, Richard Baugh

ATTEST, Erica Kann, City Clerk

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

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

No – None

City Manager Hodgen presented a supplemental appropriation for the Public Utilities Department in the amount of \$156,550.00. City Manager Hodgen stated that the request is to transfer funds in order to replace an existing trackhoe that is no longer functional or serviceable. City Manager Hodgen stated Central Garage mechanics recommended replacement of asset without any further investment into repair, based on age of the equipment, ongoing maintenance costs and costs of needed repairs. Council Member Degner offered a motion to approve the request for the first reading, and that:

\$156,550.00 chge. to: 2012-31010 Amount from Fund Balance

\$156,550.00 approp. to: 2012-472061-48161 Construction Vehicles & Equipment

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

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

No – None

Police Chief Harper presented a supplemental appropriation for the Police Department in the amount of \$1,034.70 for reimbursement grant through RMH for overtime used for underage drinking prevention. Vice-Mayor Byrd offered a motion to approve the request for the first reading, and that:

\$1,034.70 chge. to: 1000-31914 RMH Grant Overtime Reimbursement

\$1,034.70 approp. to: 1000-310531-41020 Salaries/Wages OT

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

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

No – None

Council Member Degner stated at the Virginia Municipal League Conference, held in Henrico County, they passed the legislative agenda for the year and one of the top five items happened to be eminent domain. Council Member Degner stated that if the General Assembly passed this particular item, cities could be held liable for loss of business during special events held in their localities. Council Member Degner pointed out that the City had just approved several street closures and, in the future, if eminent domain is passed, the City would be responsible to reimburse businesses if they had lost funds due to special activities. Council Member Degner stated he felt that this directly conflicted with local government trying to promote community.

Vice-Mayor Byrd offered a motion that both Peter Yates, 108 Fairway Drive, and Doug Light, 610 Ott Street, be appointed to a second term on the Harrisonburg Electric Commission to expire on December 31, 2014. The motion was seconded by Council Member Degner and was approved with a unanimous vote of Council.

At 8:42 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration the following 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. The motion was seconded by Council Member Degner and approved with a recorded roll call taken as follows:

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

No – 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 business matters lawfully exempt from open meeting requirements 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 meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

At 9:46 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

October 25, 2011

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

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

Jon Stetson, 20 S. Dogwood Drive, stated that he was a blind citizen that uses city sidewalks and streets to get to where he needed to go and would like to bring awareness, to Virginia State Code §46.2-933, that protects blind pedestrians crossing or attempting to cross a highway. Mr. Stetson stated that the public needed to be educated about the code he referenced, due to many close calls he had encountered, with the public not obeying traffic laws, blind pedestrians, and taking notice to his white color cane. Mr. Stetson thanked Council for their time and for letting him bring awareness to this subject.

Council Member Degner offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider a request to amend the Subdivision Ordinance Section 10-2-23 & 25 to update certain application fees.
- c. Consider a request from Diversified Development Solutions, LLC and other Brookside Park property owners to revise the plan of development for a 36 lot, 7.11 acre, subdivision zoned R-7, Medium Density Mixed Residential Planned Community located along Suter Street, Drake Lane and Roberts Court.
- d. Consider a request from WRockstreet, LLC for a rezoning to revise proffers on two parcels zoned B-1C, Central Business District Conditional, and located at 120 West Wolfe Street.
- e. Consider a request from WRockstreet, LLC for a special use permit to allow for the repair of vehicles in the B-1, Central Business District. The property is located at 120 West Wolfe Street.
- f. Consider supplemental appropriation for the Public Utilities Department in the amount of \$156,550.00.
- g. Consider a supplemental appropriation for the Police Department in the amount of \$1,034.70.
- h. Consider request from D&B Investors with representative Andrew Forward to close a 2,046 +/- square foot portion of right-of-way.

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

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

No – None

Drew Williams, Assistant Public Works Director, stated The Transportation Enhancement (TE) program is a reimbursement program administered by VDOT that may be used for projects that met certain criteria for enhancing surface transportation. Mr. Williams stated the total estimated cost of Phase II is \$1,370,208 with \$195,000 for waterline upgrade not eligible for TE funds, which brings the TE eligible project costs to \$1,175,208. Mr. Williams stated the proposed grant request of \$890,208 with a match from the City of \$285,000. Mr. Williams stated with the program was required a 20% minimum match from the City, but the City is planning to match 25% which would include the following: both in-kind and cash matches for engineering/design, surveying, grant administrative costs, inspection fees and construction management, and construction. Mr. Williams stated the grant application for Phase II includes: sidewalk and curb ramp improvements on the west side of Main Street from Bruce Street to South Court Square, crosswalk enhancements, upgrade to traffic signals and new pedestrian signals on Main Street from Bruce Street to East Market Street, other streetscape-type improvements, and a waterline upgrade under Main Street from Bruce Street to Elizabeth. Mr. Williams stated a public hearing was required and presented the following resolution for Council's consideration:

RESOLUTION OF SUPPORT
Application for Virginia Department of Transportation
Transportation Enhancement Grant Funds for
DOWNTOWN STREETScape, PHASE II

WHEREAS, in accordance with the Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the sponsoring jurisdiction in order that the Virginia Department of Transportation establish an enhancement project in the City of Harrisonburg; and

WHEREAS, The City of Harrisonburg has an adopted Harrisonburg Downtown Streetscape Plan and recognizes the importance of providing safe and adequate pedestrian facilities; and

WHEREAS; The City of Harrisonburg, Harrisonburg Downtown Renaissance, and other partners have collaborated successfully to complete Downtown Streetscape Phase I in 2008; and

WHEREAS, Phase II will include sidewalk and curb ramp improvements on the west side of Main Street from Bruce Street to South Court Square, crosswalk enhancements, upgrade of traffic signals and new pedestrian signals between on Main Street from Bruce Street to East Market Street, other streetscape-type improvements, and a waterline upgrade under Main Street between Bruce Street to Elizabeth Street; and

NOW, THEREFORE BE IT RESOLVED, that the City of Harrisonburg requests the Commonwealth Transportation Board to establish a project for the improvement of Phase II of the Harrisonburg Downtown Streetscape;

BE IT FURTHER RESOLVED, that the City of Harrisonburg hereby agrees to provide a minimum 20 percent of the total cost for planning and design, right of way, and construction of this project;

BE IT FURTHER RESOLVED, that the City of Harrisonburg hereby agrees to enter into an agreement with the Virginia Department of Transportation to provide oversight that ensures the project is developed in accordance with all state and federal requirements for design, right of way acquisition, and construction of a federally funded transportation project;

BE IT FURTHER RESOLVED, that the City of Harrisonburg will be responsible for maintenance, upkeep and operating costs of any facility constructed with Enhancement Program funds.

BE IT FURTHER RESOLVED, that if the City of Harrisonburg subsequently elects to cancel this project the City of Harrisonburg hereby agrees to reimburse the Virginia Department of Transportation for the total amount of costs expended by the Department through the date the Department is notified of such cancellation. The City of Harrisonburg also agrees to repay any funds previously reimbursed that are later deemed ineligible by the Federal Highway Administration.

Adopted this, the 25th day of October 2011.

Mayor Richard Baugh
Attest:

Erica Kann, City Clerk

Mayor Baugh closed the regular session and called the evening's first public hearing to order at 7:16 p.m. The following notice appeared in the Daily News-Record on October 18, 2011.

NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold a public hearing on October 25, 2011 at 7:00 p.m. in City Council Chambers, 409 South Main Street to consider the following:
Public hearing to consider resolution for VDOT's Transportation Enhancement Program for Phase II of the Downtown Streetscape Project.**

The Transportation Enhancement (TE) program is a reimbursement program administered by VDOT that may be used for projects that meet certain criteria for enhancing surface transportation. The program requires a 20% minimum match.

The grant application for Phase II includes sidewalk and curb ramp improvements on the west side of Main Street from Bruce Street to South Court Square, crosswalk enhancements, upgrade of traffic signals and new pedestrian signals on Main Street from Bruce Street to East Market Street, other streetscape-type improvements, and a waterline upgrade under Main Street from Bruce Street to Elizabeth Street.

The total estimated cost of Phase II is \$1,370,208 with \$195,000 for the waterline upgrade not eligible for TE funds. Total TE eligible project costs is therefore \$1,175,208. Proposed is a grant request of \$890,208 and a match by the City of in-kind and cash contributions of \$285,000.

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

CITY OF HARRISONBURG

Kurt D. Hodgen

City Manager

Mayor Baugh called on anyone desiring to speak for or against the VDOT's Transportation Enhancement Program for Phase II of the Downtown Streetscape Project.

At 7:16 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened. Council Member Degner offered a motion to approve VDOT's Transportation Enhancement Program for Phase II of the Downtown Streetscape Project resolution as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated the general obligation issue was for matching funds to complete the Phase I of the Reservoir Street Project which the bonds aren't to exceed \$7,000,000. City Manager Hodgen stated the City plans to be around \$5,000,000, but this would allow some flexibility in case of the unknown. City Manager Hodgen also stated that another component of refunding existing outstanding debt, which is not included in the \$7,000,000, due to those amounts had already been approved in previous resolutions. City Manager Hodgen stated that a public hearing is required and presented the following resolution for Council's consideration:

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF
GENERAL OBLIGATION PUBLIC IMPROVEMENT AND REFUNDING BONDS,
SERIES 2011, OF THE CITY OF HARRISONBURG, VIRGINIA,
AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF**

The City of Harrisonburg, Virginia (the "City") wishes to finance a portion of the costs

of road construction including portions of Reservoir Street and all necessary grading, overpasses, bridges and other capital costs relating thereto (the "Project") and refund all or a portion of its (a) \$5,616,300 General Obligation Public Improvement Refunding Bonds, Series 2003, (b) \$14,889,000 General Obligation Public Improvement Bonds, Series 2009A and (c) \$6,252,000 General Obligation Refunding Bonds, Series 2009B (all of the foregoing bonds in clauses (a) through (c) being referred to collectively as the "Prior Bonds") to lower its debt service costs. It desires to accomplish the same through the issuance of the City's general obligation public improvement and refunding bonds.

The City is a political subdivision of the Commonwealth of Virginia, and pursuant to the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the "Act"), the City Council of the City of Harrisonburg, Virginia (the "Council") is authorized to contract debts on behalf of the City and to issue, as evidence thereof, bonds, notes or other obligations payable from pledges of the full faith and credit of the City.

The Council held a public hearing, duly noticed, on October 25, 2011 with respect to the issuance of the bonds for the Project.

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

Section 1. Authorization, Issuance and Sale. The Council hereby determines that it is advisable to contract a debt and issue and sell its general obligation bonds for the purpose of (i) financing the Project, (ii) refunding all or a portion of the Prior Bonds (the "Refunded Prior Bonds") and (iii) financing the costs of issuing the bonds. There is hereby authorized to be issued and sold, pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Act, general obligation bonds of the City upon the terms set forth herein. The Council hereby elects to issue such bonds under the provisions of the Act without regard to the City Charter. Accordingly, the Council may adopt this Resolution at the meeting at which it is introduced.

Section 2. Bond Details. The bonds shall be issued as "General Obligation Public Improvement and Refunding Bonds, Series 2011" (the "Bonds"). The proceeds of the Bonds will be used to finance the Project, refund the Refunded Prior Bonds and pay costs of issuance relating to the Bonds. The Bonds shall be dated the date of their execution and delivery, shall be in registered form and shall be in denominations of \$5,000 and multiples thereof. The Bonds shall be numbered consecutively commencing with R-1. Subject to Section 4, the Bonds shall mature in installments, or have mandatory sinking fund installments, on each August 1 beginning no earlier than the year 2012 and ending no later than the year 2036. Interest on the Bonds shall be payable on February 1, 2012, and semiannually thereafter on each February 1 and August 1 and at maturity. The Council authorizes the issuance and sale of the Bonds on terms as shall be satisfactory to the City Manager; *provided*, that the Bonds (a) shall have a true or "Canadian" interest cost not to exceed five and one-half percent (5½%) per year, taking into account any original issue discount or premium; (b) shall have a weighted average maturity of no more than twenty (20) years; (c) shall be issued in an aggregate amount not to exceed \$33,000,000; (d) shall be subject to optional redemption, so long as the period during which the Bonds may not be

optionally redeemed shall not extend beyond August 1, 2021, with a redemption premium no greater than two percent (2.00%) of the principal amount of the Bonds to be optionally redeemed; and (e) shall be issued with such designations, including series designations, as desired for the marketing and sale thereof. The Bonds may be issued with bond insurance as security for the principal and interest payments thereon. The Bonds may be issued in series from time-to-time and with different terms as long as such terms are within the parameters noted above.

Depending on market and other economic and financial conditions, the City may sell the Bonds through a negotiated sale, a competitive sale or a combination of both. The Council hereby delegates to the City Manager the power to determine the manner of sale of the Bonds, as will best effect the provisions of this Resolution, and to select any underwriters for such Bonds (the "Underwriters").

Principal and premium, if any, shall be payable to the registered owners upon surrender of the Bonds as they become due at the designated corporate trust office of the Registrar, as defined below. Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar as of the close of business on the fifteenth day of the month immediately preceding each interest payment date. In case the date of maturity or redemption of the principal of any Bond or an interest payment date shall be a date on which banking institutions are authorized or obligated by law to close at the place where the designated corporate trust office of the Registrar is located, then payment of principal and interest need not be made on such date, but may be made on the next succeeding date which is not such a date at the place where the designated corporate trust office of the Registrar is located, and if made on such next succeeding date no additional interest shall accrue for the period after such date of maturity or redemption or interest payment date. Principal, premium, if any, and interest on the Bonds shall be payable in lawful money of the United States of America.

Interest on the Bonds shall be calculated on the basis of a 360-day year with twelve 30-day months. Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless such Bond is (a) authenticated before February 1, 2012, in which case it will bear interest from its dated date, or (b) authenticated upon an interest payment date or after the record date with respect thereto, in which case it will bear interest from such interest payment date (unless payment of interest thereon is in default, in which case interest on such Bond shall be payable from the date to which interest has been paid).

Section 3. Book-Entry System. Initially, one Bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York ("DTC"), or its nominee. The City has entered into a Blanket Issuer Letter of Representations relating to a book-entry system to be maintained by DTC with respect to certain securities issued by the City, including the Bonds. As used herein, the term "Securities Depository" shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section 3.

In the event that (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar and the City, or (b) the City in its sole discretion determines (i) to select a new Securities Depository or (ii) that beneficial owners of Bonds shall be able to obtain certificated Bonds, then the City Manager shall, at the direction of the City, attempt to locate another qualified securities depository to serve as Securities Depository or arrange for the authentication and delivery of certificated Bonds to the beneficial owners or to the Securities Depository's participants on behalf of beneficial owners, substantially in the form provided for in Exhibit A. In delivering certificated Bonds, the City Manager shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository's participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 8.

So long as there is a Securities Depository for the Bonds (1) it or its nominee shall be the registered owner of the Bonds, (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and interest, transfers of ownership and exchanges, and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository, (3) the Registrar and the City shall not be responsible or liable for maintaining, supervising, or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants, (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds, and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations, such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

Section 4. Redemption Provisions.

(a) **Optional Redemption.** Subject to the provisions of Section 2 and 9, the Bonds may be subject to optional redemption prior to their respective stated dates of maturity as determined by the City Manager.

(b) **Mandatory Sinking Fund Redemption.** Subject to the provisions of Section 2, any term bonds may be subject to mandatory sinking fund redemption as determined by the City Manager. If there are any term bonds, on or before the 70th day next preceding any mandatory sinking fund redemption date, the City may apply as a credit against the City's mandatory sinking fund redemption obligation for any Bonds (of the same series, if more than one) maturing on such date, Bonds that previously have been optionally redeemed or purchased and canceled or surrendered for cancellation by the City and not previously applied as a credit against any mandatory sinking fund redemption obligation for such Bonds. Each such Bond so purchased, delivered or previously redeemed shall be credited at 100% of the principal amount thereof against the principal amount of the Bonds (of the same series, if more than one) required to be redeemed on such mandatory

sinking fund redemption date. Any principal amount of Bonds so purchased, delivered or previously redeemed in excess of the principal amount required to be redeemed on such mandatory sinking fund redemption date shall similarly reduce the principal amount of the Bonds (of the same series, if more than one) to be redeemed on future mandatory sinking fund redemption dates, as selected by the City Manager.

(c) **Bonds Selected for Redemption.** If less than all of the Bonds are called for optional redemption, the maturities (and series, if more than one) of the Bonds to be redeemed shall be selected by the City Manager in such manner as he may determine to be in the best interest of the City. If less than all the Bonds of any maturity (and series, if more than one) are called for redemption, the Bonds to be redeemed shall be selected by DTC or any successor Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

(d) **Notice of Redemption.** The City shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile transmission, registered or certified mail, or overnight express delivery, not less than thirty (30) nor more than sixty (60) days prior to the redemption date, to DTC or its nominee as the registered owner of the Bonds or, if the book-entry system is discontinued, by registered or certified mail to the registered owners of the Bonds to be redeemed.

Section 5. **Execution and Authentication.** The Bonds shall be signed by the manual or facsimile signature of the Mayor or Vice Mayor of the City and the City's seal shall be affixed thereto or a facsimile thereof printed thereon and attested to by the manual or facsimile signature of the Clerk or Deputy Clerk of the City; *provided*, that no Bond shall be valid until it has been authenticated by the manual signature of an authorized representative of the Registrar and the date of authentication noted thereon.

Section 6. **Bond Form.** The Bonds shall be in substantially the form set forth in Exhibit A attached hereto with appropriate variations for separate series or series designations desired and authorized by Section 2 hereof.

Section 7. **Pledge of Full Faith and Credit.** The full faith and credit of the City are irrevocably pledged for the payment of principal of, premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the City shall levy and collect an annual *ad valorem* tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the City sufficient to pay the principal of, premium, if any, and interest on the Bonds, as the same become due.

Section 8. Registration, Transfer and Owners of Bonds. The Council hereby selects U.S. Bank National Association as the paying agent and registrar for the Bonds (the “Registrar”). The Registrar shall maintain registration books for the registration of the Bonds. Upon surrender of any Bonds at the designated corporate trust office of the Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the City shall execute, and the Registrar shall authenticate and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form, series (if more than one) and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the City, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the fifteenth day of the month immediately preceding each interest payment date.

Section 9. Sale of Bonds. The Council approves the following terms of the sale of the Bonds. The Council authorizes the City Manager to (a) determine the principal amount of the Bonds, subject to the limitations set forth in Section 2, (b) determine the maturity schedule of the Bonds, subject to the weighted average maturity limitations set forth in Section 2, and (c) establish the redemption provisions, if any, for the Bonds, subject to the limitations set forth in Section 2. In the event that the Bonds are sold by competitive bid, the City Manager, in collaboration with Davenport & Company, LLC, the City’s financial advisor (the “Financial Advisor”), shall receive bids for the Bonds and award the Bonds to the bidder whose bid conforms to the terms of the Notice of Sale and provides the lowest true or “Canadian” interest cost, all subject to the limitations set forth in Section 2. In the event of a negotiated sale, the City Manager is authorized, subject to the limitations set forth herein, to negotiate the provisions of the Bond Purchase Agreement to be dated the date of its execution and delivery between the City and the Underwriters, execute and deliver the same, determine the Underwriters including syndicate members and members of the selling group for the Bonds, and determine the prices at which the Bonds will be offered by the Underwriters to the public; provided, however, that the true interest cost of the Bonds sold in the negotiated sale shall not exceed 5.50% per annum as set forth in Section 2. The City Manager shall determine, for a sale of the Bonds by competitive bidding, the amount and form of any required good faith deposit and the other terms upon which bids must be made, or for a sale of the Bonds by negotiation, the amount and form of the good faith deposit (if any) and the final amount of the Underwriters’ discount, which shall not exceed one percent (1.00%) of the principal amount of the Bonds being sold by negotiation.

Prior to the sale of the Bonds, the City Manager, in collaboration with the Financial Advisor, may change the dated date of the Bonds and the payment dates provided therein (so long as the interest payment dates for any series are semi-annual) to facilitate the sale and delivery of the Bonds. The actions of the City Manager in selling the Bonds shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Council.

Section 10. Notice of Sale. In the event of a competitive sale of the Bonds, the use and distribution of the Notice of Bond Sale are hereby authorized and approved.

Section 11. Official Statement. The form of the Preliminary Official Statement of the City, to be dated the date of its mailing (the “Preliminary Official Statement”), has been made available to the Council prior to the adoption of this Resolution. The use and distribution of the Preliminary Official Statement, in substantially the form made available to the Council, are hereby authorized and approved. The Preliminary Official Statement, may be completed and “deemed final” by the City Manager as of its date, within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”), except for the omission from the Preliminary Official Statement of such pricing and other information permitted to be omitted pursuant to the Rule. The delivery of the Preliminary Official Statement to the Financial Advisor in the event of a competitive sale or the Underwriters in the event of a negotiated sale shall be conclusive evidence that it has been deemed final as of its date by the City Manager, except for the omission of such pricing and other information.

The City Manager shall make such compilations, omissions, insertions, and changes in the Preliminary Official Statement not inconsistent with this Resolution as are necessary or desirable to complete it as a final Official Statement (the “Official Statement”). The City Manager shall arrange for the delivery to the successful bidder in the event of a competitive sale or the Underwriters in the event of a negotiated sale of a reasonable number of copies of the Official Statement, within seven (7) business days after the Bonds have been sold, for delivery to each potential investor requesting a copy of the Official Statement and to each person to whom the successful bidder or Underwriters, as appropriate, initially sell Bonds.

The City Manager is authorized, on behalf of the City, to deem the Official Statement to be final as of its date within the meaning of the Rule. The City Manager and the Mayor and Vice Mayor of the City, any of whom may act, are each authorized and directed to execute the Official Statement, which execution shall be conclusive evidence that the Official Statement has been deemed final as of its date.

Section 12. Continuing Disclosure. A substantially final form of the Continuing Disclosure Certificate to be provided by the City (the “Continuing Disclosure Certificate”), evidencing conformity with certain provisions of the Rule, has been made available to the Council prior to the adoption of this Resolution. The execution, delivery, use, and distribution of the Continuing Disclosure Certificate, in substantially the form made available to the Council, are hereby authorized and approved. The City Manager and the

Mayor and Vice Mayor of the City, any of whom may act, are each authorized and directed to execute and deliver the Continuing Disclosure Certificate.

The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Resolution, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered a default under this Resolution or the Bonds; *provided*, that any Holder of the Bonds (as defined in the Continuing Disclosure Certificate, including owners of beneficial interests in the Bonds) may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this Section 12 and the Continuing Disclosure Certificate.

Section 13. Preparation and Delivery of Bonds. After the Bonds have been awarded, the Mayor or Vice Mayor and the Clerk or Deputy Clerk of the City are authorized and directed to take all proper steps to have the Bonds prepared, executed and authenticated in accordance with their terms and to deliver the Bonds to the successful bidder or Underwriters, as applicable, upon payment for the Bonds.

Section 14. Selection of Bond Counsel. The Council hereby consents to Troutman Sanders LLP serving as Bond Counsel to the City in connection with the issuance of the Bonds.

Section 15. Refunding of the Refunded Prior Bonds. The Council hereby authorizes the optional redemption of the Refunded Prior Bonds on the date of the issuance of the Bonds at a redemption price equal to 100% of the outstanding principal amount thereof plus accrued interest to such date.

Section 16. No Over-Issuance of Bonds; No Funds Held for Refunded Prior Bonds. The principal amount of the Bonds allocable to the refunding of the Refunded Prior Bonds does not exceed the amount necessary to retire the Refunded Prior Bonds and pay the costs of issuance relating thereto. The principal amount of the Bonds allocable to the financing of the Project, together with the investment earnings thereon, does not exceed the amount necessary to finance the Project and pay the costs of issuance relating thereto. There are currently no sinking, escrow or other funds which are available for the payment of principal of, premium, if any, and interest on the Refunded Prior Bonds.

Section 17. Arbitrage Covenants.

(a) No Composite Issue. The City represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated as part of the same issue of obligations as the Bonds within the meaning of the Internal Revenue Code of 1986, as amended, including regulations issued pursuant thereto (the "Code").

(b) No Arbitrage Bonds. The City covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code, or otherwise cause interest on the Bonds to

be includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the City shall comply with any provision of law which may require the City at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the City receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law. The City shall pay any such required rebate from its legally available funds.

Section 18. Non-Arbitrage Certificate and Elections. Such officers of the City as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States, for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the City. The City shall comply with any covenants set forth in such certificate regarding the use and investment of the proceeds of the Bonds.

Section 19. SNAP Investment Authorization. The Council hereby authorizes the City Treasurer and the City Finance Director to have the option to utilize the State Non-Arbitrage Program of the Commonwealth of Virginia (“SNAP”) in connection with the investment of the proceeds of the Bonds being used to finance the Project. The proceeds may be invested pursuant to other investment agreements so long as the same are permissible for the investment of bond proceeds under Virginia law.

Section 20. Limitation on Private Use; No Federal Guaranty. The City covenants that it shall not permit the proceeds of the Bonds to be used in any manner that would result in (a) ten percent (10%) or more of such proceeds being used in a trade or business carried on by any person other than a state or local governmental unit, as provided in Section 141(b) of the Code, (b) five percent (5%) or more of such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) five percent (5%) or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a state or local governmental unit, as provided in Section 141(c) of the Code; *provided*, that if the City receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the City need not comply with such covenants.

The City represents and agrees that the Bonds are not and will not be “federally guaranteed,” as such term is used in Section 149(b) of the Code. No portion of the payment of principal of or interest on the Bonds is or will be guaranteed, directly or indirectly, in whole or in part by the United States or an agency or instrumentality thereof.

Section 21. Discharge upon Payment of Bonds. The Bonds may be defeased, as permitted by the Act. Any defeasance of the Bonds, as permitted by the Act, shall not release the City or the Registrar from its obligations hereunder to register and transfer Bonds or release the Registrar from its obligations to pay the principal of and interest on the Bonds as contemplated herein until the date all of the Bonds are paid. In addition, such defeasance shall not terminate the obligations of the City under Sections 17 and 20 until the date all of the Bonds are paid.

Section 22. Other Actions. All other actions of the Council members, officers, staff, and agents of the City in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are approved and confirmed. The Mayor, Vice Mayor, City Manager and other officers and staff of the City, any of whom may act, are each authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds, including without limitation the First Amendment to Memorandum of Understanding being entered into by the City and the Harrisonburg Redevelopment and Housing Authority.

Section 23. Limitation of Liability of Officials of the City. No covenant, condition, agreement or obligation contained herein shall be deemed to be a covenant, condition, agreement or obligation of a Council member, officer, employee or agent of the City in his or her individual capacity, and no officer of the City executing the Bonds shall be liable personally on the Bonds or be subject to any personal liability or accountability by reason of the issuance thereof. No Council member, officer, employee, or agent of the City shall incur any personal liability with respect to any other action taken by him or her pursuant to this Resolution, provided he or she acts in good faith.

Section 24. Contract with Bondholders. The provisions of this Resolution shall constitute a contract between the City and the Bondholders for so long as any of the Bonds are outstanding. Notwithstanding the foregoing, this Resolution may be amended by the City in any manner that does not, in the opinion of the City and the Registrar, materially adversely affect the Bondholders or the Registrar.

Section 25. Repeal of Conflicting Resolutions. All resolutions or parts of resolutions in conflict herewith are repealed.

Section 26. Effective Date. This Resolution shall take effect immediately upon its adoption. The Clerk and any Deputy Clerk of the City are hereby authorized and directed to see to the immediate filing of a certified copy of this Resolution with the Circuit Court of the County of Rockingham, Virginia.

EXHIBIT A

REGISTERED
No. R-_____

REGISTERED
\$ _____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
CITY OF HARRISONBURG

General Obligation Public Improvement and Refunding Bond, Series 2011

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATED DATE</u>	<u>CUSIP</u>
_____ %	August 1, ____	December __, 2011	_____

REGISTERED OWNER:

PRINCIPAL AMOUNT:

The City of Harrisonburg, Virginia (the "City"), for value received, promises to pay, upon surrender hereof, to the Registered Owner stated above, or registered assigns or legal representative, the Principal Amount stated above on the Maturity Date stated above, subject to prior redemption as hereinafter provided, and to pay interest hereon at the Interest Rate per year stated above from the Dated Date stated above on February 1, 2012, and semiannually thereafter on each February 1 and August 1. Principal, premium, if any, and interest are payable in lawful money of the United States of America through U.S. Bank National Association, Richmond, Virginia, as registrar and paying agent (the "Registrar").

Interest shall be payable by check or draft mailed to the Registered Owner, determined as of the close of business on the fifteenth day of the month immediately preceding each interest payment date, at its address as it appears on the registration books kept for that purpose at the designated corporate trust office of the Registrar. Principal shall be payable upon presentation and surrender of this bond to the Registrar. If this bond is held by or for The Depository Trust Company or other entity acting as a securities depository (the "Securities Depository"), all payments of principal, redemption premium, if any, and interest shall be paid by wire transfer pursuant to the most recent wire instructions received by the Registrar from such Securities Depository and all redemptions or prepayments of principal may be made without presentation of this bond to the Registrar if such Securities Depository makes a notation on the schedule attached hereto.

This bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless this bond is (a) authenticated before February 1, 2012, in which case it shall bear interest from the Dated Date stated above or (b) authenticated upon an interest payment date or after the record date with respect thereto, in which case it shall bear interest from such interest payment date; *provided*, that if at the time of authentication of this bond interest is in default, this bond shall bear interest from the date

to which interest has been paid. Interest shall be calculated on the basis of a 360-day year with twelve 30-day months.

In case the date of maturity or redemption of the principal of this bond or an interest payment date shall be a date on which banking institutions are authorized or obligated by law to close at the place where the designated corporate trust office of the Registrar is located, then payment of principal and interest need not be made on such date, but may be made on the next succeeding date which is not such a date at the place where the designated corporate trust office of the Registrar is located, and if made on such next succeeding date no additional interest shall accrue for the period after such date of maturity or redemption or interest payment date.

This bond is one of an issue of \$_____ General Obligation Public Improvement and Refunding Bonds, Series 2011 (the "Bonds"), of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption, and maturity, and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, as amended. The Bonds were authorized by a resolution adopted by the City Council of the City on October 25, 2011 (the "Resolution"). The proceeds of the Bonds will be used to (i) finance a portion of the costs of road construction including portions of Reservoir Street and all necessary grading, overpasses, bridges and other capital costs relating thereto, (ii) refund the City's (a) \$5,616,300 General Obligation Public Improvement Refunding Bonds, Series 2003, (b) \$14,889,000 General Obligation Public Improvement Bonds, Series 2009A and (c) \$6,252,000 General Obligation Refunding Bonds, Series 2009B and (iii) pay the costs of issuance of the Bonds.

Bonds maturing on or before August 1, ____, are not subject to optional redemption prior to maturity. Bonds maturing on or after August 1, ____, are subject to redemption prior to maturity at the option of the City on or after August 1, ____, in whole or in part (in integral multiples of \$5,000) at any time upon payment of 100% of the principal amount of the Bonds to be redeemed plus interest accrued and unpaid to the redemption date.

[The Bonds maturing on August 1, 20__ are subject to mandatory sinking fund redemption by the City, upon payment of a redemption price of 100% of the principal amount of the Bonds to be redeemed, plus accrued interest to the redemption date, on August 1 in the years and amounts set forth below:

<u>Year</u>	<u>Amount</u>
-------------	---------------

--final maturity

The Resolution provides for a credit against the mandatory sinking fund redemption of such Bonds in the amount of Bonds of the same maturity that have been previously

redeemed or purchased and canceled or surrendered for cancellation and have not been applied previously as such a credit.]

If less than all of the Bonds are called for optional redemption, the maturities of the Bonds to be redeemed shall be selected by the City Manager of the City in such manner as he may determine to be in the best interest of the City. If less than all the Bonds of a particular maturity are called for redemption, the Bonds to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. The City shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile transmission, registered or certified mail, or overnight express delivery, not less than thirty (30) nor more than sixty (60) days prior to the redemption date, to the Securities Depository or its nominee as the Registered Owner of the Bonds or, if the book-entry system is discontinued, by registered or certified mail to the Registered Owners of the Bonds to be redeemed.

The full faith and credit of the City are irrevocably pledged for the payment of principal of, premium, if any, and interest on this bond.

All acts, conditions, and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist, or be performed precedent to and in the issuance of this bond have happened, exist, and have been performed, and the issue of Bonds of which this bond is one, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the City Council of the City of Harrisonburg, Virginia, has caused this bond to be issued in the name of the City of Harrisonburg, Virginia, to be signed by its Mayor or Vice Mayor, its seal to be affixed hereto and attested by the signature of its Clerk or Deputy Clerk and this bond to be dated December __, 2011.

(SEAL)

ATTEST:

**Clerk,
City of Harrisonburg, Virginia**

**Mayor,
City of Harrisonburg, Virginia**

AUTHENTICATION DATE: _____

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds described in the within mentioned Resolution.

**U.S. BANK NATIONAL ASSOCIATION, as
Registrar**

**By _____
Authorized Representative**

ASSIGNMENT

**FOR VALUE RECEIVED the undersigned sell(s), assign(s), and transfer(s)
unto**

(Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF TRANSFEREE:

the within bond and all rights thereunder, hereby irrevocably constituting and appointing _____

_____ Attorney, to transfer said bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agent's Medallion must Program ("STAMP") or similar program. Registered

bond

(Signature of Registered Owner)

NOTICE: The signature above correspond with the name of the Owner as it appears on the front of this in every particular, without alteration or enlargement or any change whatsoever.

**CERTIFICATE OF THE CLERK OF THE
CITY OF HARRISONBURG, VIRGINIA**

The undersigned Clerk of the City of Harrisonburg, Virginia, certifies that:

1. A regular meeting of the City Council of the City of Harrisonburg, Virginia, was held on October 25, 2011, at the time and place established by the City Council for such meetings, at which the following members were present and absent:

PRESENT/ABSENT:

Richard Baugh	<u> X / </u>
Ted Byrd	<u> X / </u>
Charles Chenault	<u> X / </u>
Kai Degner	<u> X / </u>
David Wiens	<u> X / </u>

2. A resolution entitled “Resolution Authorizing the Issuance and Sale of General Obligation Public Improvement and Refunding Bonds, Series 2011 of the City of Harrisonburg, Virginia, and Providing for the Form, Details and Payment Thereof” was adopted by a majority of all members of the City Council present by a roll call vote, the ayes and nays being recorded in the minutes of the meeting as shown below:

<u>MEMBER</u>	<u>VOTE</u>
Richard Baugh	Yes
Ted Byrd	Yes
Charles Chenault	Yes
Kai Degner	Yes
David Wiens	Yes

3. Attached hereto is a true and correct copy of the foregoing resolution as adopted on October 25, 2011. This resolution has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

WITNESS my signature and the seal of the City Council of the City of Harrisonburg, Virginia, this 25th day of October, 2011.

Clerk, City of Harrisonburg, Virginia

Mayor Baugh closed the regular session and called the evening’s second public hearing to order at 7:19 p.m. The following notice appeared in the Daily News-Record on October 11, 2011 and October 18, 2011.

**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 \$7,000,000 (the “Bonds”) to finance a portion of the costs of road construction, including Reservoir Street, and pay the costs of issuance of the Bonds. The Bonds may be issued from time to time and in one or more series.

The public hearing, which may be continued or adjourned, will be held at 7:00 p.m. on Tuesday, October 25, 2011, 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**

At 7:20 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened. Vice-Mayor Byrd offered a motion to approve the bond resolution as presented. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

Chad Snow and Tim Massey, Consultants of BerryDunn, presented the final draft of the I.T. strategic plan. They provided an overview of the top six strategic initiatives which included the following: Technology Management Documentation, IT Project Management, IT Department Organization, Support Policies and Procedures, Replacement Revenue Application, and Disaster Recovery/Business Continuity Plans. Mr. Snow reviewed the five year budget plan, as well as the process of maintaining and updating the plan which included the following: form IT committee, continue to review and update twice a year.

Council Member Degner asked what the cost savings were and how the citizens will benefit. City Manager Hodgen stated currently the City was more concerned about internal systems and once those systems were addressed and executed the other parts would come to better serve the citizens. Mr. Snow stated that cost savings was hard to define, since most of the items were internal, but it would save time and money from the I.T.’s perspective to alleviate them from manual activities.

Ted Cole, Financial Advisory, stated that everything was on track and meetings for bond rating would start later in the week. Mr. Cole stated that documents would be

posted beginning of November and be in the position to price bonds in the near future. Mr. Cole stated the market continued to change. Mr. Cole stated that based on the current market that the savings would still be above \$2 million and present savings at 8%.

Drew Williams stated VDOT is accepting applications from localities through the Revenue Sharing Program. Mr. Willams stated that the City would be presenting an application for \$3.5 million, to be matched by local funds. The projects that are included with the application were as follows: funds for Reservoir Street, improvements to the intersection of Mount Clinton Pike/Chicago Avenue/Park Road, and Carlton Street from East Market Street to Reservoir Streets, which includes a roundabout at Reservoir and Carlton Streets. Mr. Williams presented the following resolution for Council's consideration:

RESOLUTION FOR VDOT FY13 REVENUE SHARING PROGRAM

At a regularly scheduled meeting of the City of Harrisonburg City Council held on the 25th day of October, 2011, on a motion by _____, seconded by _____, the following resolution was adopted by a vote of ___ to ___.

WHEREAS, the City of Harrisonburg desires to submit an application for an allocation of funds up to \$3,500,000 through the Virginia Department of Transportation Fiscal Year 2012-2013, Revenue Sharing Program; and,

WHEREAS, \$3,500,000 of these funds is requested for Reservoir Street Widening Project (from University Boulevard to South City Limits), Mount Clinton Pike/Chicago Avenue/Park Road intersection improvements, and Carlton Street Improvements from East Market Street to Reservoir Street, including the intersection of Reservoir and Carlton Streets.

NOW, THEREFORE BE IT RESOLVED THAT: the Council of Harrisonburg hereby support this application for an allocation of \$3,500,000 through the Virginia Department of Transportation Revenue Sharing Program.

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

Adopted this ___ day of _____, 2011 in Harrisonburg.

Richard Baugh, Mayor

Attest: Erica S. Kann, City Clerk

Vice-Mayor Byrd offered a motion to approve the resolution for VDOT FY13 Revenue Sharing Program. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen presented a request to transfer funds for Steam Plant Capital Projects to the General Capital Projects fund. City Manager Hodgen stated the FY 2012 budget reorganized the Sanitation Fund and moved refuse collection, recycling and landfill activities into the General Fund. This request would transfer county landfill development and closure of capital project funds into the General Capital Project Fund. City Manager Hodgen stated that these were project costs that the City is responsible for under its Solid Waste Management with Rockingham County. Council Member Degner offered a motion to approve this request, and that:

\$2,548,793.45 chge. to: 1324-910142-48684 County Landfill Development & Closure
2,548,793.45 chge. to: 1310-34293 Transfer from Stm Plnt Cap Proj Fund

\$2,548,793.45 approp. to: 1324-910142-49219 Transfer to General Capital Projects Fund
2,548,793.45 approp. to: 1310-910141-48684 County Landfill Development & Closure

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

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

No – None

City Attorney Thumma stated the revisions needed to be made within the ordinances that addressed building, electrical, mechanical and plumbing permit fees that had been increased with the adoption of the appropriation ordinances for the FY 2011-2012 budget. City Attorney Thumma stated that text of the City Code currently lists the fee schedules in their entirety, thus requiring amendment whenever fees were changed by Council. The proposed amendment simply states that the fees shall be as set by the City's annual appropriation ordinances. City Attorney Thumma stated that this would allow in the future when fees were changed during the budget process, an amendment to the City Code would not be needed. City Attorney Thumma presented the following ordinances:

**ORDINANCE AMENDING AND RE-ENACTING SECTION
11-1-11
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

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

That Section 11-1-11 be amended as follows:

Sec. 11-1-11. Fees for permits.

Permit fees, payable to the City, shall be as set by the City’s annual appropriation ordinances.

The remainder of Section 11-1-11 is reaffirmed and reenacted in its entirety, except as hereby modified.

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

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Council Member Degner offered a motion to approve amending and re-enacting Section 11-1-11 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:

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

No – None

City Manager Hodgen presented the following resolution from the Fire Department for Council’s approval:

Governing Body Resolution

BE IT RESOLVED BY THE _____

(Governing Body)

OF THE _____ **THAT**

(Name of Applicant)

_____, **OR**

(Name or Title of Authorized Agent)

_____, **OR**

(Name or Title of Authorized Agent)

_____,

(Name or Title of

Authorized Agent)

is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

Passed and approved this _____ day of _____, 20_____

Certification

I, _____, duly appointed and

(Name)

_____ of the

(Title)

(Governing Body)

do hereby certify that the above is a true and correct copy of a resolution passed and approved by

the _____ of the _____ on the

(Governing body)

(Name of Applicant)

_____ day of _____, 20_____.

(Official Position)

(Signature)

(Date)

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

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

No – None

Assistant City Manager Lewis provided an update on the Newsstand Permit Application that had been presented at the August 9, 2011 Council Meeting. Assistant City Manager Lewis stated that staff has suggested a resolution be brought before Council to adopt and approve procedures for permitting newsstands on the city’s right-of-way.

Vice-Mayor Byrd stated he would like the process of building permits to be reviewed to figure out why it’s taking more time than other locality’s to produce. City

Manager Hodgen stated that the review process had already and a report will be brought back the second meeting in November.

Council Member Chenault stated citizens had already started fundraising for a Dog Park and he suggested the project move from a number three priority to a number two priority. Council Member Chenault stated the last Park and Recreation Commission meeting was a great success and a lot of great ideas for the Ramblewood Fields were provided.

City Attorney Thumma suggested that Council wait until another application had been received, for the Board of Equalization to request appointments, since he would have to go before Court and make the request for applicants to be appointed. No action was taken by Council.

At 8:23 p.m., Council Member Chenault 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. 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 Byrd and approved with a recorded roll call vote taken as follows:

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

No – None

At 9:30 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting requirements 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 meeting was convened were heard, discussed or considered in the closed meeting by the City Council.

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

CITY CLERK

MAYOR

REGULAR MEETING

November 8, 2011

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

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

Brent Berry asked City Council for their support towards his upcoming food drive. Bucky Berry invited Council Members to attend the hanging of a banner on Court Square for the 3rd Annual Brent Berry Food Drive on November 17, 2011 at 4:00 p.m.

Mayor Baugh presented Brent Berry with a Proclamation to Bust Hunger in Harrisonburg.

Council Member Degner offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider amending Section 11-1-11 of the City Code, pertaining to building permit fees.

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

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

No – None

Ande Banks, Director of Special Projects & Grant Management, stated staff had proposed to amend the 2011-2012 Community Development Block Grant (CDBG) Action Plan. Mr. Banks reminded Council that at the September 27, 2011 Council Meeting, a public hearing was held and at that time opened a 30-day public comment period. Mr. Banks stated that no public comments had been received. Mr. Banks requested Council's approval to redirect \$6,000 that was allocated to the City Administrative Costs (10CDBG05) be applied to the new 2011-2012 Public Utilities North Liberty Street Fire Hydrant Project (11Amend2). Mr. Banks stated after Council's approval it would be sent to HUD for acceptance. Vice-Mayor Byrd offered a motion to approve the amendment as presented to the 2011-2012 CDBG Action Plan. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated the City had requested that when One Court Square was renovated for the school board administrative offices, the sidewalk fronting the building be updated to the Streetscape standard. City Manager Hodgen stated the cost for this part of the project was not included in the original estimated cost. City Manager Hodgen requested City Council's approval transferring \$158,081 to fund the work. These funds were already in the budget as matching funds for a grant that was not approved for Streetscape improvements. City Manager Hodgen stated approval of this request will not increase the 2011-2012 budget. Council Member Degner offered a motion to approve this request, and that:

\$158,081.00 chge. to: 1310-910141-48701 Downtown Streetscape Plan
158,081.00 chge. to: 1311-34291 Transfer from General Capital Projects

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

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

No – None

Reggie Smith, Public Transportation Director, stated a 30 day public comment period was held for the new Administrative and Maintenance Facility for Public Transportation and Central Garage and no comments were received. Mr. Smith would like Council to authorize City Manager to sign a Comprehensive Agreement with Shockey-Harrisonburg, LLC for the new Administration and Maintenance Facility for Public Transportation and Central Garage located at 475 East Washington Street. Council Member Degner offered a motion authorizing the City Manager to sign the Comprehensive Agreement. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated that bids had been received for the Heritage Oaks Golf Course Clubhouse addition project. City Manager Hodgen stated the project was funded in the FY 2011-2012 budget. City Manager Hodgen stated the bid was structured to include a base bid, alternate 1, and alternate 2. It was assumed that at least the base bid

and alternate 1 would be completed. City Manager Hodgen stated the total cost for all three items total \$207,836. The amount budgeted for the project was \$160,000. Given the favorable pricing, staff recommended approval of the entire bid with the additional needed funds coming from an existing golf course capital project, which is not expected to be undertaken with the Frazier Quarry Water Project. City Manager Hodgen reminded Council that an addition was also recommended as a priority project from the Golf Course Advisory Board. City Manager Hodgen stated that Parks and Recreation Director had been in contact with persons interested in leasing and received input towards the plan. Council Member Wiens offered a motion to approve this request, and that:

\$47,247.76 chge. to: 1000-31010 Amount from fund balance

\$47,247.76 approp. to: 1000-730371-48181 Building and grounds

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

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

No – None

City Manager Hodgen reported that Moody's kept the City's rating at Aa2 and that Standards and Poor upgraded to an AA. City Manager Hodgen also mentioned that the City is moving towards issuance of the bonds at the end of November.

Council Member Degner thanked all Veterans Day Parade participants for a great tribute to Veterans. Mayor Baugh reminded citizens that a traditional ceremony will be held at Memorial Hall on Friday, November 11, 2011 starting at the eleventh hour.

Vice-Mayor Byrd offered a motion recommending, to the Judge for appointment on the Board of Equalization, both Rodney Eagle, 1500 Apple Ridge Court, to an unexpired term to expire December 31, 2012 and Gerald Bland, 339 Myer Avenue, a term to expire December 31, 2014. The motion was seconded by Council Member Chenault and it was approved with a unanimous voice vote.

Mayor Baugh stated that the Parks and Recreation Commission needed to appoint two citizens from the West and can appoint currently one member at large member. Council Member Wiens offered a motion to appoint Alicia Shores, 899 Port Republic Road, Apt. H72, to an unexpired term on the Parks and Recreation Commission to expire December 31, 2013, and it was approved with a unanimous voice vote.

Council Member Chenault offered a motion to appoint Henry Way, 288 Franklin Street, to a first term on the Planning Commission to expire December 31, 2015 and it was approved with a unanimous voice vote.

Council Member Chenault offered a motion to appoint Mary Tacy, 326 South Dogwood Drive, and Michael Kulp, 1710 Fox Lane, to first terms on the Tree Advisory Board to expire January 27, 2015 and it was approved with a unanimous voice vote.

Vice-Mayor Byrd offered a motion to appoint Timothy Smith, 197 Diamond Court, to a first term on the Harrisonburg Redevelopment and Housing Authority to expire November 29, 2015 and it was approved with a unanimous voice vote. Vice-Mayor Byrd asked City Clerk to contact Mr. Scott Gallagher to see if he would be interested in serving on the Harrisonburg Redevelopment and Housing Authority.

Council Member Chenault offered a motion to appoint, Cynthia Runnells, 198 Diamond Court, to a first term on the Building Code Board of Appeals to expire November 30, 2014 and it was approved with a unanimous voice vote. Vice-Mayor Byrd asked City Clerk to contact Mr. Guillermo Colman to see if he would be interested in serving on the Building Code Board of Appeals.

Vice-Mayor Byrd offered a motion to re-appoint Morgan McComas, City Firefighter, to a third term on the Central Shenandoah Emergency Medical Services Council to expire November 22, 2014 and it was approved with a unanimous voice vote.

At 7:32 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING
NOVEMBER 22, 2011

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

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

D.D. Dawson stated that a group of citizens had organized regarding the dog park. Mrs. Dawson invited anyone interested to join the group on the third Thursday of each month at 7:00 p.m., at the Parks and Recreation Community Center. Mrs. Dawson stated at the last meeting, the group identified committees, needs, and would continue to be in contact with Lee Forester, Parks and Recreation Director. Mrs. Dawson asked Council to consider funding a dog park in Harrisonburg at the Smithland Complex which is currently in Plan 3 of the City's Master Plan.

Bucky Berry thanked the City for the donation of buses that were parked at Best Buy for the kick off of the 3rd Annual Food Drive. Mr. Berry also thanked other City departments for their contributions. Mr. Berry also asked Council to consider walking in the Holiday Parade with a banner for the food drive.

Council Member Degner offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider approval of base bid and alternates for addition to Heritage Oaks Golf Course Clubhouse.

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

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

No – None

Assistant City Manager Lewis stated that in August, a summary had been presented to Council on proposed regulations to govern the placement of newsstands in the City's right-of-way; an application form was developed along with a fee. Assistant City Manager Lewis stated applications were submitted and fees were received that covered the total amount of spaces that were allowed under new regulations. Assistant City Manager Lewis stated as implementation of the proposed regulations drew closer,

staff recognized that no formal action had been taken by Council on the new regulations. Also, she stated staff determined that all existing newsstands could be considered in violation of existing City ordinances. Assistant City Manager Lewis stated the Newsstand License, Regulations, and Requirements process is established to maintain public right-of-way and insure adequate space would be provided for pedestrian circulation and loading zone access. Assistant City Manager Lewis stated the updated application states that newsstands on public property in the City's downtown B-1, Central Business District prior to this date are granted a license without charge provided they complete an application prior to December 31, 2011 and comply with below regulations per City Council resolution. Assistant City Manager Lewis stated staff recommends Council to adopt the following resolution:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, ADOPTING AND APPROVING THE PROCEDURES FOR
OBTAINING A NEWSSTAND LICENSE IN THE B-1 BUSINESS DISTRICT**

WHEREAS, the Newsstand License, Regulations, and Requirements process is established to maintain public right-of-way and insure adequate space will be provided for pedestrian circulation and loading zone access through areas where newsstands are licensed; and

WHEREAS, city staff has been working on a licensing procedure that would allow the use of city owned public right-of-way property for placement of newsstands at specific locations; and

WHEREAS, it is the desire of council to grant a license without charge to newsstands in approved designated locations prior to December 31, 2011, provided the owners complete the application and comply with regulations and requirements established herein; and

WHEREAS, city staff has prepared an application, regulations and requirements relating to newsstand licenses and recommend their adoption by the City Council;

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

That the Newsstand License Application, the Regulations and Requirements Relating to Newsstand Licenses Issued for City Right of Way in the B-1 Business District in the City of Harrisonburg, VA and the form Newsstand License, prepared by city staff be approved and adopted for use in applying and in issuing newsstand licenses for the City of Harrisonburg.

Approved: November 22, 2011

MAYOR

ATTEST:

CITY CLERK

Vice-Mayor Byrd asked about the application fee. Assistant City Manager Lewis stated the fee is to cover maintenance of the public areas. Assistant City Manager Lewis also stated that it would be a onetime fee for those who apply after December 31, 2011. Also, she noted the license would be active until revoked. City Attorney Thumma stated the application fee is also for the administration of keeping the records up-to-date for the newsstands in case violations occur. City Manager Hodgen added that the resolution is to resolve some of the current issues of newsstands.

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

Yes – Mayor Baugh, Council Member Degner, Council Member Chenault and Council Member Wiens

No – Vice-Mayor Byrd

City Manager Hodgen stated staff had recommended changes to the City's Financial Management Policies. City Manager Hodgen stated that the current Fund Balance or Reserve Policies require that the City maintain an undesignated fund balance of 14% of the General Fund budget. City Manager Hodgen also stated that 10% of that amount is for fund balance purposes with the remaining 4% to be available for cash liquidity purposes. Staff recommends that 14% reserve (with a 10% - 4% ratio) be increased to 16%, with a 12% to 4% ratio. City Manager Hodgen stated that the change would benefit the City in terms of status with the bond rating agencies. City Manager Hodgen stated the current bond rating will save the City around \$3.2 million of the remaining debt that was refinanced and approximately \$400,000 in the current fiscal year. City Manager Hodgen stated that some minor changes that were indicated dealt with fund and line item transfer policies, bringing less before Council for approval. City Manager recommended approval to both strengthen the City's financial standing relative to the bond rating agencies (move towards AAA status) and to discourage the use of fund balances for general fund budgeting purposes. Vice-Mayor Byrd stated that other localities with AAA status have 18% in reserve, so he was in favor of the increase. Vice-Mayor Byrd offered a motion to approve the amendments to the City's Financial Management Policies. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated staff would like to provide a detailed building permit process and issues report with specific tasks, assignments and a proposed implementation schedule after the first of the year. City Manager Hodgen stated the primary goal of the special project customer service and responsiveness is that the property owner, developer, etc., have a clearer understanding of and can prepare for addressing City or State requirements and site-specific situations ahead of time. City Manager Hodgen also stated several steps and other City departments are involved in the process and staff would like to have more time to review the entire process to produce more detail for the report. City Manager Hodgen stated that the IT Strategic Plan business process mapping for building permits only within the Community Development outlined a 20 step process. City Manager Hodgen stated a Project Review Team had been put together to review the process and currently hadn't found any steps to condense or eliminate from the overall process. City Manager also suggested that assigning an advocate for each project could help each processed permit. City Manager Hodgen stated that with fewer applications being received, it is a convenient time to review the process. The question was asked how all the current steps develop and why. City Manager Hodgen stated that few were due to policy and code requirement changes. Council recommended reviewing other localities and comparing process of how to get permits out faster.

Assistant City Manager Lewis stated the following request was for approval from Council to authorize the City Manager and Mayor to sign an IBM Smarter Cities grant project application. Assistant City Manager Lewis stated the Smarter Cities Challenge offers an invaluable opportunity for the Harrisonburg/Rockingham team to receive expert advice on how to strategically address systemic challenges and/or shortcomings associated with operating within interagency teams with specific reporting requirements unto themselves and their respective state agencies. Assistant City Manager Lewis mentioned the group also had received support from the James Madison University faculty in the Computer Information Systems department assisting both in the solution planning process and implementation. Assistant City Manager Lewis stated that Rockingham County voted at a previous meeting to authorize the County Administrator and Chairman to sign the grant. Assistant City Manager Lewis informed Council that the team would meet December 7, 2011 to finalize the grant application that is due on December 16, 2011. Assistant City Manager Lewis stated no match was required with the IBM Smarter Cities grant; however, recommendations from the review process could possibly turn into investments, at the pleasure of the Council. City Manager Hodgen stated the State had been contacted about a similar type program that would coincide with what would be reviewed. Also, City Manager Hodgen stated cases continue to expand with more paperwork and higher administrative cost and the advice that would be received could help eliminate an increase in those items. Council Member Degner offered a motion authorizing City Manager and Mayor to sign and submit an IBM Smarter Cities grant project application. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

City Manager Hodgen stated the City and County had received the final bill for the Emergency Communications (ECC) System project in the amount of \$2,023,173.42. City Manager Hodgen stated the City's share of the bill was for half the amount that equaled \$1,011,586.71. City Manager Hodgen stated it was requested that Council authorize the transfer of 22,824.91 from the General Fund unappropriated fund balance to the appropriate General Capital Projects Fund line item. Vice-Mayor Byrd offered a motion to approve the following request, and that:

\$22,824.91 chge. to: 1000-31010 Amount from fund balance
22,824.91 chge. to: 1310-34210 Transfer from General Fund

\$22,824.91 approp. to: 1000-990111-49216 Transfer to General Capital Projects Fund
22,824.91 approp. to: 1310-910141-48610 2 Way Communications System

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

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

No – None

D.D. Dawson, Harrisonburg Public School's Director of Finance, asked Council to consider approval for a supplemental appropriation to the school operating budget and the school nutrition budget for \$191,968. Mrs. Dawson stated that the reimbursable federal and state funds became available after the fiscal year began. Mrs. Dawson also noted that no additional local dollars are required from City Council for the school division to receive these funds. Vice-Mayor Byrd offered a motion to approve the following request, and that:

\$153,393.00 chge. to: 1111-33301 School Revenue – Federal
23,625.00 chge. to: 1111-32442 School Revenue – State
14,950.00 chge. to: 1114-33301 School Nutrition Revenue – Federal

\$71,024.00 approp. to: 1111-111114-40610 Instruction
9,765.00 approp. to: 1111-111114-40620 Admin., Attendance & Health
722.00 approp. to: 1111-111114-40630 Transportation
95,507.00 approp. to: 1111-111114-40680 Technology
14,950.00 approp. to: 1114-111414-40650 School Nutrition Services

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

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

No – None

City Manager Hodgen stated the City had unexpended funds in the West Market Street Railroad Crossing capital account fund. City Manager Hodgen reported all work had been completed relative to this project. The Public Works Department requested that funds be allocated to the Chicago Avenue/Mount Clinton Pike project in order to keep planning and engineering advancement. City Manager Hodgen stated Public Works recommended the transfer. Vice-Mayor Byrd offered a motion to approve the following request, and that:

\$242,908.93 chge. to: 1310-910141-48725 West Market Street RR Crossing

242,908.93 approp. to: 1310-910141-48726 Chicago Ave/Mt. Clinton Pike

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

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

No – None

City Manager Hodgen stated that City Council traditionally canceled the second meeting in December. City Manager Hodgen reminded Council that cancellation required an official action of Council. Council Member Wiens offered a motion to cancel the second meeting in December (Tuesday, December 27, 2011) Council Meeting. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen reminded Council of the Legislative Meeting that Rockingham County would be hosting on Tuesday, November 29, 2011 at 6:30 p.m. Mr. Hodgen also invited the school board to attend the meeting.

Council Member Degner asked about the policy of the Police Department when a vehicle struck an animal. City Manager Hodgen explained the current policy and that it is being reviewed to include a policy for times when the Animal Control Officer and local Harrisonburg shelters are not available.

Council Member Wiens stated Mr. Stetson, a blind citizen, informed him that as he attempted to cross a street at a pedestrian crosswalk, he had almost been struck by a vehicle once again; however, this time a police officer witnessed it and took appropriate

action. Council Member Wiens stated that the police officer told Mr. Stetson that with him coming to Council last month, it made more officers aware of blind pedestrian laws. Council Member Wiens also added that the police officer helped him cross the intersection.

Council Member Wiens reminded citizens to check their trash collection schedule due to the holiday weekend.

Council Member Chenault stated he had been contacted by downtown business owners again about weekend trash collection. Council Member Chenault asked other Council Members and staff to consider trash collection and fees, meet with individuals who are interested, or to explain the situation why the City can't provide the service. City Manager Hodgen stated the City could not pick up at no-charge due to overtime that would be paid. City Manager Hodgen stated that business owners previously offered additional service with a fee, but not enough were interested to activate the weekend trash collection. Council Member Chenault suggested checking with Harrisonburg Downtown Renaissance (HDR) to see if they would be interested to explore options with business owners.

Council Member Chenault stated a citizen that lived near Cardinal Drive contacted him about skateboarders ignoring traffic laws and creating safety concerns. Council Member Chenault brought awareness to the issue but it can't be the police departments' main enforcement. Council Member Chenault suggested addressing legislators about the issue. Council Member Degner reminded pedestrians, skateboarders, and bicyclist that they were also responsible to obey traffic laws and be visible.

Council Member Degner asked about the direction of the Downtown Historic District and animated signs. Council Member Chenault stated he would check with the Planning Commission and HDR.

Council took no action towards making appointments on both the Parks and Recreation Commission and Harrisonburg Redevelopment and Housing Authority.

Vice-Mayor Byrd offered a motion to re-appoint Mr. John C. Sease, 560 Neff Avenue, and Mr. Bob Landes, 1023 Bridle Court, to a fourth term on the Building Code Board of Appeals to expire on November 30, 2014. The motion was seconded by Council Member Degner and approved with a unanimous voice vote.

At 8:06 p.m., Vice-Mayor Byrd offered a motion that Council enter into a closed session to discuss and/or consideration of 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, and 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. The

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

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

No – None

At 8:55 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 8:56 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING
December 13, 2011

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

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

Robert Munro, 549 Pointe Drive, stated he was pleased with Council and their interest in a Dog Park. Mr. Munro stated that his guide dog is a working dog and would enjoy the opportunity to have play time with other dogs in a park. Mr. Munro invited citizens to participate in the Happy Dogs Unleashed meetings that happen every third Thursday of each month at the Parks and Recreation Community Center.

D.D. Dawson, 1160 Decca Drive, thanked Council for the support they had given for One Court Square and the beauty it has brought downtown once again. Mrs. Dawson also stated that she will miss the great asset that Lester Seal, Finance Director, has been and she stated she will miss Lester and wished him a happy retirement.

Vice-Mayor Byrd offered a motion to approve the following items on the consent agenda:

- a. Approval of minutes of the previous meeting, and dispensing with reading of minutes.
- b. Consider request to transfer \$22,824.91 from the General Fund to the General Capital Projects Fund.
- c. Consider supplemental appropriation to the school operating budget and the school nutrition budget.

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

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

No – None

Stacy Turner, Director of Community Development, presented a request from Virginia Mennonite Retirement Community (VMRC) for a special use permit per Section 10-3-48.4 (8) of the Zoning Ordinance. Mrs. Turner stated the Comprehensive Plan designates this area as an R-3 Medium Density Residential District along with the benefit of an I-1, Institutional Overlay District and also provided the zoning for the surrounding properties. The fence would be constructed along the northern property boundary of Park Village, a subsidiary of VMRC, behind the dwelling units located along Hawthorne Circle, Villa Drive,

and Spruce Court. Mrs. Turner stated currently a wooden fence that had been constructed in 1987 is in disrepair and needs to be replaced and noted at that time, building permits were not a requirement for the project. Mrs. Turner described the proposed fence being a solid, vinyl fence. Both staff and Planning Commission didn't foresee any negative impact in approval of the application. However, they did recommend approval with the following conditions: the special use shall only be applicable to the proposed fence in this application, there shall be no advertising on the fence, and if in the opinion of Planning Commission or City Council, the fence becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Mayor Baugh closed the regular session and called the evening's first public hearing to order at 7:08 p.m. The following notice appeared in the Daily News-Record on November 28, 2011 and December 5, 2011.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, December 13, 2011 at 7:00 p.m., or as soon as the agenda permits, in the City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the following:

Special Use Permit – Fence Height (VMRC)

Public hearing to consider a request from Virginia Mennonite Retirement Community (VMRC) for a special use permit per Section 10-3-48.4 (8) of the Zoning Ordinance to allow a fence to exceed the 6-foot, on average, fence height within the R-3, Medium Density Residential District. Along with being zoned R-3, the property has the benefit of the I-1, Institutional Overlay District. The property is located along Park Road, Spruce Court, Villa Drive, and Hawthorne Circle and can be found on tax map 52-D-9.

Special Use Permit – 1559 Red Oak Street

Public hearing to consider a request from Acorn Enterprises, Inc. with representative Jeff Robb, of Lee & Associates, for a special use permit per Section 10-3-97 (10) of the Zoning Ordinance to allow recreational and leisure time activities within the M-1, General Industrial District. The property is located at 1559 Red Oak Street and can be found on tax map 56-G-1.

Special Use Permit – 1106 Reservoir Street

Public hearing to consider a request from Alan E. Strawderman with representative Lynn Koerner, of Global Tower, for a special use permit per Section 10-3-91 (4) of the Zoning Ordinance to allow a communications tower, no more than 125-feet in height, within the B-2, General Business District. The property is located at 1106 Reservoir Street and can be found on tax maps 14-L-0 & 7.

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

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

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

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

At 7:09 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened.

Council Member Wiens offered a motion to approve the request from VMRC for the special use permit with the stated conditions. The motion was seconded by Council Member Degner and approved with a recorded roll call vote taken as follows:

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

No – None

Mrs. Turner presented a request from Acorn Enterprises, Inc. with representative Jeff Robb of Lee & Associates, for a special use permit, per Section 10-3-97 (10) of the Zoning Ordinance, to allow recreational activities within the M-1, General Industrial District. The property is located at 1559 Red Oak Street. Mrs. Turner stated the Comprehensive Plan designates this area as General Industrial and also provided the zonings for the surrounding properties. Mrs. Turner stated that the applicant would like to utilize the 2,500 square foot building for his training facility related to strength and conditioning business. Mrs. Turner informed Council that NextLevel Athletic Development, LLC provides sports performance training for athletes, as well as personal training for individuals seeking to improve their overall health. Training would be offered on an individual basis or in small groups by appointment only. Mrs. Turner also stated that the applicant had been granted a modification, for one year, from the Building Codes Division regarding permits, and the number of bathroom facilities that are required in a B (Business) use group. Mrs. Turner stated both staff and Planning Commission recommend for approval with the following condition: the permit shall be applicable only for the use, or a substantially similar use, as requested in this application.

Mayor Baugh closed the regular session and called the evening's second public hearing to order at 7:13 p.m. The above notice appeared in the Daily News-Record on November 28, 2011 and December 5, 2011.

Mayor Baugh called on anyone desiring to speak for or against the special use permit to be granted at the property located at 1559 Red Oak Street as presented.

Mike Martin, Owner of NextLevel Athletic Development, made himself available if there were any questions.

At 7:14 p.m., Mayor Baugh declared the public hearing closed and the regular session reconvened.

Vice-Mayor Byrd offered a motion to approve the request as presented for the special use permit at 1559 Red Oak Street. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

Mayor Baugh recused himself from the next item on the agenda and asked Vice-Mayor Byrd to lead the next agenda item.

Mrs. Turner presented a request from Alan E. Strawderman with representative Lynn Koerner, of Global Tower (GTP), for a special use permit, per Section 10-3-91 (4) of the Zoning Ordinance, to allow a communications tower, no more than 125-feet in height, within the B-2, General Business District. The property is located at 1106 Reservoir Street. Mrs. Turner stated the Comprehensive Plan designates the area as Professional and also provided the zoning for the surrounding properties. Mrs. Turner stated that the area is recommended as Commercial Use and has several residential uses. Mrs. Turner informed Council that the structure would reach 120 feet in height with a four-foot lightning rod attached at the top, bringing the entire tower structure to a height of 124 feet. The tower would be a galvanized steel finish with antennas of a neutral, non-reflective color owned by AT&T mounted at the top and would not be lighted. Mrs. Turner stated the original plan stated a chain link fence would surround the tower, however, the applicant had proposed a board fence. The tower facility would also include four additional areas for future co-location tenants. Mrs. Turner stated this tower is needed for an increased level of in-building penetration, to offer a solution for off-loading capacity from the surrounding AT&T antennae locations, and to bring 4G services in the form of LTE (Long Term Evolution) technology to the City. Mrs. Turner provided elevation points along and parallel to Reservoir Street that included HEC power pole (1,435 ft. above sea level), track/hockey field lights (1516 ft. above sea level) and upper soccer field lights (1,555 ft. above sea level) at JMU compared to the proposed cell tower (1,472 ft. above sea level). Mrs. Turner stated staff recognized that the area is a busy part of the City with nearby commercial uses, but the circumstances do not support approval of the SUP as presented. Mrs. Turner informed Council that Planning Commission recommended approval with the following conditions: if the telecommunications equipment ceases to be used for more than 12 months, all equipment, including the pole, shall be removed within a timeframe determined by the City at the owner's expense, only equipment

as shown on the submitted drawings, or equipment substantially similar to such equipment, including co-locations as shown, shall be approved under the issuance of this special use permit, future tenants shall verify with HRECC that their additional telecommunications equipment will not interfere with HRECC's equipment, placement of advertising of any kind is prohibited on the antennas and equipment, the pole and antennas are to be a neutral color that blends in with the surrounding area, the fence shall be maintained so as not to appear dilapidated or in poor condition, and evergreen landscaping shall be planted and maintained along the exterior of the fence to provide a semi-opaque screen. Such evergreen plantings shall be six feet in height when planted. If any of the above conditions are found to be in neglect, a certified letter will be sent to the property owner, at which time the provider will need to bring the equipment into compliance. If the equipment is not brought into compliance within 10 days, the special use permit will be held null and void and all equipment approved under issuance of this permit shall be removed within a timeframe determined by the City at the owner's expense, or if in the opinion of Planning Commission or City Council, the equipment becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit. If the permit is revoked, all equipment shall be removed within a timeframe determined by the City at the owner's expense. Mrs. Turner stated that the proposed location is for a small area that surrounds the tower to help with in-building penetration and dropped calls; therefore, the Washington Street Tank would not work for this specific request. The Washington Street Tank will be used as a co-location.

Vice-Mayor Byrd closed the regular session and called the evening's third public hearing to order at 7:26 p.m. The above notice appeared in the Daily News-Record on November 28, 2011 and December 5, 2011.

Vice-Mayor Byrd called on anyone desiring to speak for or against the special use permit to be granted to allow a communications tower located at 1106 Reservoir Street as presented.

Greg Tulley, Planning Consultant with Network Building and Consulting, stated he was at the meeting representing Global Tower Partner, developer of the tower location, and AT&T wireless. Mr. Tulley announced that Shentel Communication Services signed on as the second tenant, if approved. Mr. Tulley touched on four equally important areas of the tower and they were as follows: need, compatibility, no opposition, and other locations within the City. The antenna that currently stands on top of Hampton Inn and Suites drops 8-10% of calls a day that happen surrounding the proposed tower location. The proposed tower would help the capacity of the current antenna to a new location. Mr. Tulley stated that the proposed tower would also help in-building penetration and 4G technology. Mr. Tulley stated the technology that has to be used requires heavier and larger equipment. Mr. Tulley stated with the surrounding patterned infrastructures, the proposed tower would be appropriate. Mr. Tulley read a section of Chapter 12 of the CIP relating to the subject. Mr. Tulley gave other locations that were considered and after being analyzed would not improve the problem. Mr. Tulley also reinforced the proposed wooden, fence as Mrs. Turner had mentioned earlier.

Bill Latham, 427 Mountain View Drive, stated he was the President of the College Station Property Owners Association, informed Council they had not had an executive board meeting, but he was in favor of this tower. Mr. Latham stated that they have faced years of frustration and tenants not being able to get in-building penetration. Mr. Latham stated he would like Council to vote in favor of the tower proposal.

Devon Leeper, 1601 Hillcrest Drive, stated he also owns property at College Station and agreed with Latham and would like Council to approve the tower proposal.

Alan Butch Strawderman, 1106 Reservoir Street property owner, stated when the company originally contacted him he was concerned about the Copperstone Complex property owner. Mr. Strawderman stated he had contacted Ms. Brook who saw no opposition with the proposed tower. Mr. Strawderman also stated he had contacted other surrounding property owners, had available contact information, and they showed no opposition from any of them. Mr. Strawderman stated with no opposition from surrounding property owners that he is also in favor of the proposed tower.

Mac Nickels, representative of Mr. Strawderman, recapped on the need, location and no opposition of the proposal. Mr. Nickels thanked Council for their time and consideration.

At 7:41 p.m., Vice-Mayor Byrd declared the public hearing closed and the regular session reconvened.

Council Member Wiens reviewed the reasons why he was opposed to the proposed tower which included: the way the proposal was presented and how they chose the site because of surrounding neighborhood, JMU not allowing towers on their campus when they are a major part of the need for this technology to help their students, spending money for penetration for the ECC and no provisions for co-locations. Council Member Wiens also would like the Council to ask Planning Commission to develop a plan of provisions for co-locations.

Council Member Chenault stated the money spent on the ECC penetration did indeed help, but mentioned there are some areas that still have problems with penetration within buildings. Council Member Chenault also touched on the fact that the ECC towers could go down and other towers are important for possible backup. Council Member Chenault stated the one major concern he had was one dropped phone call could possibly mean one dropped emergency call. Council Member Chenault also stated that Planning Commission spoke briefly about the need of a separate ordinance specifically for cell phone towers and they plan to revisit at a future meeting.

After brief discussion, Council Member Degner offered a motion to approve the request to allow communication tower with the amended conditions, to include the wooden fence, with clarification of condition one being that the owner is the tenant of the pole. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Yes – Vice-Mayor Byrd, Council Member Degner and Council Member Chenault

No – Council Member Wiens

Abstain – Mayor Baugh

Mrs. Turner stated that staff received an inquiry from the Arts Council of the Valley about hanging decorative banners from the porch of the Smith House to better advertise the Darrin-McHone Art Gallery and the Court Square Theater box office. Mrs. Turner stated with the Arts Council not fitting in the category of corporate/business, civic, charitable, fraternal and welfare organizations they are prohibited from installing flags, banners, and similar devices from their building. Mrs. Turner stated staff believed it would be appropriate to modify Section 11-7-3 (3) & (5) of the Harrisonburg City Code. Subsection 3 pertains to signage exempted from the provisions of the Sign Regulations and the proposed amendment would add a new exemption. The amendment for subsection 5 includes the addition of cultural organizations as a use permitted to have a flag, banner, etc. Mrs. Turner stated that these changes did not have to go before Planning Commission so no recommendation of approval had been given other than staff's. Mrs. Turner presented the following two ordinances to Council for consideration:

**ORDINANCE AMENDING AND RE-ENACTING SECTION
11-7-3
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

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

**That Section 11-7-3 be amended as follows:
Section 11-7-3. General Regulations for all signs.**

Amend Subsection (3) as shown:

The following signage is exempt from the provisions of this chapter requiring a permit, but shall be in accordance with applicable safety standards:

Add:

f. Items permitted by Section 11-7-3 (5) a — e.

The remainder of Section 11-7-3 is reaffirmed and re-enacted in its entirety, except as hereby modified.

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

MAYOR

ATTESTE

CLERK OF THE COUNCIL

**ORDINANCE AMENDING AND RE-ENACTING SECTION
11-7-3
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

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

That Section 11-7-3 be amended as follows:

Section 11-7-3. General Regulations for all signs.

Amend Subsection (5) as shown:

Pennants, banners, streamers and all other fluttering, spinning or similar-type signs and advertising devices are prohibited except as specified below:

- a. National flags and flags of political subdivisions of the United States and flags associated with the Armed Forces.**
- b. Corporate/business flags only when erected on the same pole as, or directly adjacent to, displays containing flags as listed in 11-7-3 (5) a. Corporate/business flags shall be no larger in size than flags as listed in 11-7-3 (5) a., and shall be limited in number to one (1).**
- c. Flags of bona fide non-profit civic, charitable, cultural, fraternal and welfare organizations.**
- d. Flags used for decorative purposes on residentially zoned property that do not have words or images related to advertising a site for business purposes located outside of the setback from all public streets unless within five (5) feet of a permitted sign structure within the setback. Such flags must be affixed in permanent foundations, on permitted sign structures, or on principal buildings.**
- e. Pennants, banners, streamers and other fluttering, spinning or similar-type advertising devices pertaining to and during nationally recognized holiday periods, or during a special civic or cultural event.**
- f. As permitted within Section 11-7-11 of this Code.**

The remainder of Section 11-7-3 is reaffirmed and re-enacted in its entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2011.

Adopted and approved this _____ day of _____, 2011.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Council Member Degner offered a motion to approve both Section 11-7-3 (3) & (5) 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:

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

No – None

Megan Argenbright, Auditor from Brown, Edwards & Company, LLP, thanked Council for their time and staff for another year of a well prepared City's Comprehensive Annual Financial Report (CAFR). Ms. Argenbright stated that they would miss working with Lester Seal, Finance Director, but look forward to Larry Propst the new Finance Director at the beginning of the calendar year. Ms. Argenbright reported that an unqualified opinion was awarded.

Mayor Baugh recognized Lester Seal and thanked him for all his hard work and dedication to the City of Harrisonburg. Mayor Baugh also wished him a happy retirement.

Lester Seal, Finance Director, thanked Council for their support and opportunity to work with the City over the past years. Mr. Seal also mentioned that the finance department would be left in good hands with Mr. Propst.

City Manager Hodgen stated several correspondence were received from the auditor's with suggestions and recommendations. City Manager Hodgen informed Council that staff reviews and implements what they can. City Manager Hodgen also mentioned the City's financial position had improved since the previous year.

Drew Williams, Assistant Public Works Director, provided background to the Bluestone Trail project which included: decision from Council on February 9, 2010, planning of project, changes and concerns from Parks and Recreation, stakeholders, final alignment, and construction Phase I. Mr. Williams also introduced Rich Edwards with International Mountain Bicycling Association (IBMA).

Mr. Edwards, 1005 Dogwood Ave., reviewed some awards the City of Harrisonburg had received for being both a bicycle and pedestrian friendly community. Mr. Edwards stated one item the City is missing is non-motorized pathways that are used for walkers, runners, bicyclist, and commuters. Mr. Edwards provided examples of other localities with non-motorized pathways within the state of Virginia and benefits that come with them which included: health, recreation, social, economic, and increase value of adjacent land. Mr.

Edwards reviewed the steps that had occurred, current and future items to occur. Mr. Edward reviewed the original and connectivity maps and reviewed in detail smaller sections of the map. Mr. Edward provided the vision which included: connect Purcell and Ramblewood Parks, create model shared-use pathway for future trail projects, and develop a trail that is instantly popular and heavily used to showcase demand and community support for future trail projects. Mr. Edwards reviewed the next steps of the project which included: Recreational Access Grant for a portion of Phase I, remaining federal funding on Port Republic Road, Phase III, and complete preliminary engineering work by summer 2012.

Mr. Williams stated the Parks and Recreation Committee reviewed and endorsed the trail alignment on November 21, 2011. Mr. Williams also stated the Bicycle Subcommittee recommended it to the Transportation and Advisory Committee which they endorsed during their December meeting. Mr. William stated there are some challenges as Mr. Edwards mentioned including the two bridge crossings, conservation easement, and right-of-way from five property owners. Mr. Williams stated that one of the next steps would be approval of the following resolution that would help implantation of Phase I:

**RESOLUTION TO REQUEST FUNDING THROUGH THE RECREATIONAL
ACCESS PROGRAM TO PROVIDE FUNDING FOR A BIKEWAY KNOWN AS
“THE BLUESTONE TRAIL”**

At a regularly scheduled meeting of the Harrisonburg City Council held on December 13, 2011, on a motion made by _____, seconded by _____, the following resolution was adopted by a vote of ____ to ____.

WHEREAS, the Purcell Park is owned and operated by the City of Harrisonburg; and

WHEREAS, the facility is need of adequate bicycle access; and

WHEREAS, the procedure governing the allocation of recreational access funds as set forth in Section 33.1-223 of the Code of Virginia requires joint action by the Director of the Department of Conservation and Recreation (DCR) and the Commonwealth Transportation Board (CTB); and

WHEREAS, a statement of policy agreed upon by the said Director and Board approves the use of such funds for the construction of access facilities to publicly-owned recreational or historical areas; and

WHEREAS, the Council has duly adopted a zoning ordinance pursuant to Article 7 (Section 15.2-2280 et seq), Chapter 22, Title 15.2 of the Code of Virginia; and

WHEREAS, it appears to this Council that all requirements of the law have been met to permit the Director of the DCR to designate the Purcell Park as a public facility and further permit the CTB to provide funds for access to this public recreation in accordance with Section 33.1-223 of the Code of Virginia; and

WHEREAS, the right of way of the proposed bicycle access is provided by the City of Harrisonburg at no cost to the Virginia Department of Transportation; and

WHEREAS, this Council acknowledges that, pursuant to the provisions of Section 33.1-223 of the Code of Virginia, this bikeway, once constructed, shall be regulated and maintained by the City of Harrisonburg.

WHEREAS, the City of Harrisonburg acknowledges that the State Environmental Review Process (SERP) must be conducted on this project as a condition of use of the Recreational Access Fund; and

WHEREAS, the “Bluestone Trail” appears in the City’s adopted 2010 Bicycle & Pedestrian Plan; and

WHEREAS, the City of Harrisonburg’s Parks & Recreation Commission has reviewed and endorsed the trail alignment at their regular meeting on November 21, 2011 and subsequently, the Bicycle & Pedestrian Subcommittee reviewed and endorsed the trail alignment at their regular meeting on November 28, 2011 and furthermore, the City’s Transportation Safety & Advisory Commission endorsed the trail alignment at their regular meeting on December 1, 2011.

NOW, THEREFORE BE IT RESOLVED, that the Council of the City of Harrisonburg requests the Director of DCR to designate Purcell Park as a public area and recommend to the CTB that recreational access funds be allocated to serve said area; and

BE IT FURTHER RESOLVED, that the CTB is hereby requested to allocate the necessary Recreational Access Program funds to provide a suitable bikeway as hereinbefore described.

BE IT FURTHER RESOLVED, that the City Manager of his designee be authorized to act on behalf of City Council to execute any and all documents necessary to secure the funding sought through the Recreational Access Program up to, but not exceeding, \$75,000 state funds.

Mayor Richard Baugh, SEAL

ATTEST:

Kurt D. Hodgen, City Manager

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

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

No – None

Mr. Williams provided an update to Council on Old Town Neighborhood. Mr. Williams provided updates that had been completed in summer 2011 and a follow-up traffic study which included an 85th percentile speed improvement. Mr. Williams stated the group is interested in reconvening to meet about specific locations that still need attention. Mr. Williams stated the next steps would be to meet with the neighborhood and to consider additional traffic calming improvements. Mr. Williams also reviewed some challenges including funding and perception of speeding.

Council Member Degner questioned the traffic calming measures on Paul Street. Mr. Williams stated there were some measures taken on Paul Street, but the main focus of the next steps would be East of Ott Street.

City Manager Hodgen presented a request to transfer fund from the Sanitation Fund Balance to the Steam Plant Capital Projects fund which would be to repair the refractory in Unit #2 at the plant in order to operate the plant at the full capacity. Vice-Mayor Byrd offered a motion to approve the following request, and that:

\$493,500.00 chge. to: 2014-31010 Amount from Fund Balance
493,500.00 chge. to: 1324-34270 Transfer from Sanitation Fund

\$493,500.00 approp. to: 2014-992042-49216 Trans. to Sanitation Capital Projects
493,500.00 approp. to: 1324-910142-48682 Retro-fit Steam Plant

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

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

No – None

City Clerk Kann left the meeting at 8:46 p.m. and returned at 8:48 p.m.

Mike Collins, Public Utilities Director, reviewed the history of the Shenandoah River Project that began in 1996. Mr. Collins reviewed the five phases which included the following stages: initiation, planning, execution, monitoring & control and closing. Mr. Collins informed Council that the project had been broken down to 17 subprojects that go through the five stages listed above and touched on some of the subprojects and the history. Mr. Collins stated his goal is to build a water line from the Water Treatment Plant to the east corporate limits of the City by the end of the year 2012-2013. Mr. Collins stated the decision to approve the East-West Interconnector made the water line project easier since the road

would be under construction. Mr. Collins gave a breakdown of projects either completed or plan to be completed. Mr. Collins stated there were four sections of the interstate (VDOT) to cross to cross and he would like to get funding to complete before prices change due to uncontrollable changes at VDOT. Mr. Collins provided a financial overview of the project to cost \$32,519,000. Mr. Collins stated that Public Utilities has part of the \$4,724,100 available in the project fund, but is requesting transfers to complete portions as presented of the Eastern Raw Water Line. Mr. Collins stated that the remaining \$18,000,000 would be reviewed at a future date. Mr. Collins reviewed the Shenandoah Raw Water Project Portfolio, 2011-2012 Eastern Raw Water Line Financial Planning Document, and the water cash and fund balance. Mr. Collins stated with the request it would be approving repaying \$1,300,000 that was used previously from the Eastern Raw Water Line project for the new Tower Street water tank and to close existing Capital project account for Groundwater Development and transferring it balance of \$215,863.51 to the Eastern Raw Water Line Project.

After brief discussion of financial reports, Vice-Mayor Byrd offered a motion offered a motion to approve the following request, and that:

\$1,650,000.00 chge. to: 2011-31010 Amount from fund balance
1,650,000.00 chge. to: 1321-34220 Transfer from Water Fund

\$1,650,000.00 approp. to: 2011-392061-49216 Trans. to Water Capital Projects Fund
1,650,000.00 approp. to: 1321-910161-48654 Eastern Source Development

\$215,863.51 chge. to: 1321-910161-48629 Ground Water Development
1,300,000.00 chge. to: 1321-910161-48657 Water Storage Tanks
\$1,515,863.51 approp. to: 1321-910161-48654 Eastern Source Development

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

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

No – None

Mayor Baugh called a five minute recess at 9:07 p.m.

Mayor Baugh called reconvened the regular meeting at 9:12 p.m.

City Manager Hodgen stated that the City along with legislatures from surrounding jurisdictions drafted a Legislative Program for submission to Governor McDonnell, Senator Obenshain and Delegate Wilt. City Manager Hodgen stated the program outlines areas of particular interest to the City relative to pending or potential legislation that would be considered by the General Assembly in the 2012 session. City Manager Hodgen presented the following resolution for Council's consideration:

**A RESOLUTION ESTABLISHING THE CITY OF
ARRISONBURG'S
2012
LEGISLATIVEPROGRAM**

WHEREAS, The Mayor and City Council of the City of Harrisonburg, Virginia, governing from a position closest to the City's citizens and desiring to make City government more responsive to Harrisonburg citizens, believe it is important to advise the City's representatives in the Virginia General Assembly of the City's legislative positions.

THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg that the 2012 legislative principles adopted by the Virginia Municipal League are hereby endorsed:

The Governor and General Assembly should not:

- Restrict further local revenue authority or sources.**
- Impose new funding requirements or expand existing ones on services delivered by local governments.**
- Shift state funding responsibilities onto local governments.**
- Impose state fees, taxes or surcharges on local government services.**
- Place additional administrative burdens on local governments.**

BE IT FURTHER RESOLVED that the City Council respectfully requests that the General Assembly support legislation regarding the following issues:

a. State Aid to Localities

The City of Harrisonburg is extremely concerned about continuing state budget cuts that threaten essential services to citizens. State cuts to schools, libraries, juvenile detention, social services, constitutional officers, and law enforcement negatively impact the education, health, and public safety of our community. The State should fully fund K-

12 education. The continued erosion of HB 599 funds for law enforcement represents a serious breakdown by the Commonwealth in the very carefully crafted annexation moratorium arrangement. In addition, state funding for constitutional offices has been eroding at different rates without regard to the statutory requirements and

duties of those offices and without regard to equity and parity among the offices. The City opposes further reductions in the Comprehensive Services Act (CSA) funding due to increasing demands for services for high risk children/youth with severe emotional and behavioral problems.

b. BPOL and Machinery and Tools Taxes

City Council opposes any effort to eliminate the local BPOL or the machinery and tools tax without the Commonwealth providing equivalent and sustainable replacement funding. Given the history of car tax reform, HB 599 funding reductions, Line of Duty Act, etc., local governments have learned that promises of "revenue neutral" transition plans and "partnerships" with Richmond are fleeting and unreliable.

c. Transportation

- 1. City Council supports adequate, sustainable, dedicated, non-general funds from the State to support the Commonwealth's Transportation network, including public transportation and light rail. Further, the commonwealth must maintain street maintenance funding and policies to help maintain critical city infrastructure.**
- 2. The Council supports improvements to railroad infrastructure to increase freight shipment capacity and reduce truck traffic and impacts on Interstate 81. Maintaining I-81 at its current capacity and interchange configurations would only serve to discourage economic development and business expansion in the City.**
- 3. The Council supports adequate, sustainable funding for public transportation.**
- 4. City Council supports the use of non-motorized forms of transportation for health, energy conservation and cost reasons for all Virginians, including trails, pathways and greenways as an essential element of Virginia's transportation system. Maintenance of these alternative forms of transportation should be an eligible cost item for street maintenance payments.**

d. Regional Strategies

The Commonwealth should encourage, facilitate and incentivize regional cooperation to promote efficiency, mitigate inequities and overcome barriers that result from Virginia's unique local government structure and moratorium on annexation.

e. Chesapeake Bay Clean-up

The City supports a measured, balanced approach to meeting the clean-up needs of the Bay; one that balances the cost of the requirement with the potential obtainable

result. Further, the requirement must be within the scope of technology to obtain at a cost that is reasonable.

f. Eminent Domain Constitutional Amendment

City Council endorses the Virginia Municipal League policy statement on eminent domain as follows: The General Assembly should approve a resolution to call for a vote on a constitutional amendment to limit the use of eminent domain. The amendment is unnecessary and will harm Virginia's citizens by severely limiting the ability of local governments and the state to carry out projects that help improve life for the Commonwealth's population, due to the amendment's language on lost access, lost profits, and the loss of eminent domain where economic development, increasing jobs and increasing taxes are involved.

g. Predatory Lending

City Council strongly encourages the Governor and General Assembly to adopt a 36% interest rate cap on all consumer lending, to include, but not be limited to, short term "payday" loans, car title loans, and tax refund anticipation loans. Further, Council requests that the "fees" related to these loan products be considered as interest in any case calculated on a two week \$100 loan, including fees.

h. Education Funding is the largest financial burden from the Commonwealth and local government:

1. Benchmarking methodology (and establishing new "cost sharing standards") for school funding should not be used to merely to shift costs to localities without an offsetting reduction in mandates. (If funds are cut, be fair enough to acknowledge that quality may be reduced by that action, and as such evaluate laws and regulations, and identify which ones the General Assembly is willing to eliminate)
2. VRS "holiday" for School systems. This previous action now results in a hardship for both the Commonwealth and its localities. How will the contributions be "made up" and by whom, and how much will it cost?
3. Standards of Quality, Standards of Learning and Standards of Accreditation should be suspended until the Commonwealth meets its funding commitment to school systems.

i. Constitutional Officers

Eliminate the Compensation Board and convert funding to block grant. Allow employees of constitutional officers to be local employees and allow local governing bodies to establish staffing levels.

j. Economic Development

- 1. Governor's Opportunity Funding (GOF) should be maintained at the current level or increased to provide economic stimulus in the state. The guidelines for the program need to be reevaluated to provide greater flexibility to meet the challenges of attracting firms in the new economy.**
- 2. Virginia Jobs Investment Program funding level must be maintained, if not increased.**
- 3. Our delegation is asked to support innovative approaches and increased funding for higher education. Virginia is now 40th in the nation in state investment in higher education. Harrisonburg and Rockingham are focusing their economic development efforts toward high-tech, research and development-based endeavors. It is critical for the state's long-term economic competitiveness that our colleges and universities receive adequate financial support to produce the graduates necessary for business expansion and high-wage job creation not only here but throughout the Commonwealth.**

k. Public Works

Mandates for water quality improvements (which impact the cost of providing water and treating wastewater) should be adequately funded.

l. Law Enforcement/Corrections

DOC standards (federal and state) place a high financial burden on the housing of inmates. Regional jail currently has 43 inmates (almost 20% of capacity) out of compliance (meaning the prisoner remain in local jails too long).

m. Local Government Finance

- 1. Our delegation is asked to not support any legislation that: 1) restricts local taxing authority or revenues; 2) imposes new funding requirements or expands existing ones on services delivered by local government; 3) shifts funding responsibilities from the state to localities (i.e. law enforcement, public safety, etc.); 4) imposes state fees, taxes or surcharges on local government services; 5) places additional administrative burdens on local govt.**
- 2. State and federal governments should make payments-in-lieu-of-taxes for tax exempt state and federal property located within a locality (Over \$1 billion in assessed value of tax-exempt property in Harrisonburg)**

3. Carefully evaluate the proposals submitted by the Clerk's Association that allow for local fees to be charged where appropriate with the local review and appropriation of funds to offset on-going cost of operation.

BE IT ALSO RESOLVED that the City Council respectfully requests that the General Assembly oppose the following legislation:

a. Any proposed new Unfunded Mandates

There are currently 570 mandates on local governments; 456 are state mandates. During the last ten years, only four have been recommended for elimination and none have actually been eliminated. On average, five to ten new mandates are added every year. City Council strongly opposes any and all mandates from the Commonwealth that are not fully funded by the Commonwealth. The Line of Duty Act is the most recent example of the Commonwealth creating an unfunded mandate, wherein the premium for the program was recently shifted from the state to local governments.

b. Aid to the Commonwealth

City Council opposes the concept of "Aid to the Commonwealth" whereby the City must actually budget for and provide payment to the state to cover state budget reductions to the City. The City has found the alternative option of simply accepting less state funding up front is unworkable as such reductions have not been processed correctly by the state.

c. Fire Program Funds

Council opposes restricting the use of Virginia Fire Programs funding to preclude education programs.

The City Manager shall mail or deliver a copy of this Resolution to the Governor, the City's representatives in the General Assembly, other selected members of the General Assembly and area local governments; to the Virginia Municipal League, and Virginia First Cities organizations; and other interested persons, as appropriate.

Adopted this 13th day of December 2011.

Richard Baugh, Mayor

Attest: Erica S. Kann, City Clerk

Council Member Degner offered a motion to approve the 2012 Legislative Program resolution as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

No – None

City Manager Hodgen stated the City had been working with Rockingham County in a branding and marketing effort. City Manager Hodgen stated that at staff level there has been consensus with moving forward ultimately with a brand that “Harrisonburg, Virginia” would represent both the Harrisonburg and Rockingham County area. City Manager Hodgen informed Council that discussion of having joint marketing strategy and materials would be used for both economic and tourism. City Manager Hodgen stated the proposed actions currently are to review current market strategies and develop joint budget for FY2012-13 and continue to work with the Chamber of Commerce Vision 2020. City manager Hodgen stated that marketing is already in the City’s budget, but will be reviewed and used for joint marketing efforts when appropriate. Council showed no opposition.

City Manager Hodgen stated budget letters and calendar schedules were sent out to department heads and hoped to adopt the budget on April 24, 2012. City Manager Hodgen also stated that with outside uncertainties that the City will remain conservative and to maintain current operations with current funds.

Council Member Degner would like maintenance replacement not to be pushed too long. City Manager Hodgen stated better programs have been put in place to review the replacement of vehicle maintenance.

Council Member Degner thanked all those whom participated in the Holiday parade.

Council Member Chenault offered a motion to appoint Sue Haywood, 150 S. Dogwood Drive, to a first term on the Parks and Recreation Commission to expire December 31, 2015 and it was approved with a unanimous voice vote. Council had no opposition to not make an additional appointment for the other at-large position.

Council Member Chenault offered a motion to appoint Scott Gallagher, 905 Oak Hill Drive, to a term adjustment term on the Harrisonburg Redevelopment and Housing Authority which will expire on November 29, 2012 and it was approved with a unanimous voice vote.

At 9:27 p.m., Vice-Mayor Byrd offered a motion that Council enter into a closed session for discussion and/or consideration of personnel, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and 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. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

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

No – None

At 9:55 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1059, 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 9:56 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR