



# City of Harrisonburg

409 South Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final City Council

*Mayor Ted Byrd*  
*Vice-Mayor Charles Chenault*  
*Council Member Kai Degner*  
*Council Member Richard Baugh*  
*Council Member Abe Shearer*

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Tuesday, April 22, 2014

7:00 PM

Council Chambers

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### 1. 7:00 p.m. roll call

#### Roll Call

**Present:** 5 - Mayor Ted Byrd, Vice-Mayor Charles Chenault, Council Member Richard Baugh, Council Member Kai Degner, and Council Member Abe Shearer

Also present: Assistant City Manager Anne C. Lewis; City Attorney G. Chris Brown; City Clerk Erica S. Kann; and Chief of Police Stephen Monticelli. Absent: City Manager Kurt D. Hodgen.

### 2. Invocation

Offered by Council Member Richard Baugh.

### 3. Pledge of Allegiance

Led by Mayor Byrd.

Mayor Byrd declared the following with proclamations: the month of May as Bike Month and the Week of May 11, 2014 through May 17, 2014 as National Police Week.

### 4. Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)

Boyd Reese, 1651 South Burkwood Court, brought attention to the per capita for public funding received from both the Commonwealth and local governments for both Massanutten Regional Library (MRL) as well as other jurisdictions throughout the Commonwealth. Mr. Reese reviewed several factors to why he shows concern towards this issue. Mr. Reese stated the funding for MRL is pathetic and would like a reasonable goal over the next five years to be set to bring per capita funding for MRL up to at least the Commonwealth median, with annual increases starting in the FY 2015 budget.

Karen Thomas, 158 East Johnson Street, stated she had come to the April 8, 2014

Council Meeting and requested Council to reconsider the decision made by the CDBG Selection Committee for the CDBG Program funding of the Northeast Neighborhood Association (NENA) and the enclosure surrounding the Newtown Cemetery. Ms. Thomas noted an e-mail that Mr. Ande Banks sent stating that Council hadn't indicated to him or other committee members that they would like to reconsider and haven't typically overruled the committee's recommendations. Ms. Thomas stated she was frustrated and wondered why there was a public comment period if no action was going to be taken and she felt they had a strong application. Ms. Thomas noted that in the report given it was stated that there were \$80,000 in funds leftover from last year that could be used by an agency and doesn't understand why anything would be leftover and just sitting in the City's account. Ms. Thomas also noted that it was not the Newtown Trustees that applied for the grant and again asked Council to reconsider funding the protective enclosure around Newtown Cemetery.

Robin Lyttle, Shenandoah County, also asked that funding for the protective enclosure be reconsidered. Ms. Lyttle noted several individuals who were buried at the cemetery and stated that the fence is a onetime cost that would last for generations.

David Ehrenpreis, 282 Franklin Street, commented on just a few items that have happened over the past year that involved democracy participation: Martin Luther King Jr. Way, bike and pedestrian infrastructure investment, and City Hall. Mr. Ehrenpreis stated several conversations have come up over the past of how to honor the past and shape the future. Mr. Ehrenpreis stated conversations have happened about how to revitalize the Northeast Neighborhood and noted a group would be in contact about a comprehensive plan to help do that. Mr. Ehrenpreis also stated he felt that the Northeast Neighborhood has been treated differently and doing the fence would be the beginning of transforming the area. Mr. Ehrenpreis also suggested looking at other funding options.

Michael Snellfeikema, 1174 Westmoreland Drive, stated the renaming of Cantrell to Martin Luther King, Jr. Way was a very powerful moment and would like to see the momentum continue and was in support of the enclosure for Newtown Cemetery.

Katrina Gerald, 915 Broadview Drive, stated she knew that Council voted on a portion of a sidewalk/bike path from the trailer park on Country Club Road to Linda Lane. Mrs. Gerald stated she would like to see the same type of path on Country Club Road that is on Linda Lane because it would be cheaper and the grass surrounding the path it would positively affect the stormwater runoff. Mrs. Gerald also asked about the new construction adjacent to Route 33 and the end of Country Club Road and why it wasn't required for them to insert sidewalks.

Stan Maclin, Harriet Tubman Cultural Center Representative, stated in 1867 a first request was made for an enclosure for the cemetery that didn't take place. Mr. Maclin stated NENA felt that CDBG funds would be a way to be able to get an enclosure around the cemetery. Mr. Maclin stated he felt that the City needs to go beyond the scoring committee because money is given for general purposes and the government is given a lot of flexibility of how the money is used. Mr. Maclin read part of the CDBG

application and stressed the part referencing the citizens' participation. Mr. Maclin stated with the constant rejection and the lack of scoring, it seems as though the Council have taken over the process. He would like to see a community where diversity is reflected, and he would like to see the request reconsidered.

Podi Giannakouros, 98 Emory Drive, stated he has worked with the Northeast Neighborhood on a number of occasions and stated he would like to address some concerns that were noted in the Daily News-Record (DNR) about the recent denial of their application regarding the enclosure. Mr. Giannakouros noted that he had sat in on meetings with Mr. Banks about other projects. Mr. Giannakouros stated one concern that was noted in the DNR was that NENA didn't have the capacity to administer the funds, but he stated the funds would be administered through the participating entity of the Community Foundation. Mr. Giannakouros stated when he had asked about the Community Foundation he was under the impression that they would qualify, but the only question was if they would be willing to act as a fiscal agent for the Northeast Neighborhood Association. Mr. Giannakouros stated he couldn't speak for others but he was assured the Community Foundation would do that. Mr. Giannakouros stated the concerns that went along with managing and complexity of the project he found hard to object to, as it was a fence that needed to be installed. Mr. Giannakouros stated in reference to the impact of the project, he has data that reflect the good will of the Northeast Neighborhood. Mr. Giannakouros stated proactive zoning enforcement was recently credited due to increasing code compliance in the City. However, he felt those numbers and the report showed it differently, showing an exception in the Northeast Neighborhood. Similar, he noted the tall grass and weeds ordinance. Mr. Giannakouros stated both he and the Northeast Neighborhood feel that the neighborhood is still recovering from the devastation of both being zoned R-4 and R-16 and he feels that it is important for the City to recognize the value of the infrastructure in that community and find ways to support it.

**5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)**

**Approval of the Consent Agenda**

**A motion was made by Council Member Degner, seconded by Vice-Mayor Chenault, to approve the Consent Agenda. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Byrd, Vice-Mayor Chenault, Council Member Baugh, Council Member Degner, and Council Member Shearer

**No:** 0

- 5.a.** Consider a request to enact Section 16-6-60 of the Harrisonburg City Code to add restrictions on solicitations, begging, etc

**This Ordinance was approved on second reading.**

- 5.b.** Consider a supplemental appropriation for VML Safety Grants

**This Supplemental Appropriation was approved on second reading.**

- 5.c.** Consider a supplemental appropriation in the amount of \$270,000 for the Public Works Department.

**This Supplemental Appropriation was approved on second reading.**

- 5.d.** Consider a supplemental appropriation in the amount of \$1,000,686.58 for the Public Works Department in order to construct the Bluestone Trail.

**This Supplemental Appropriation was approved on second reading.**

- 5.f.** Consider an ordinance closing and vacating a 1,434 square portion of street right-of-way at the intersection of West Bruce Street and Old South High Street.

**This Ordinance was approved on second reading.**

- 5.e.** Public Hearing - Consider an ordinance closing and vacating a 3,647 square foot, twenty foot wide alley located perpendicular to Maplehurst Avenue.

**This Ordinance was approved on second reading.**

## **6. Public Hearings**

- 6.a.** Consider request for exemption from local personal property taxation for one City non-profit organization.

Karen Rose, Commissioner of the Revenue, presented a request from Cat's Cradle of the Shenandoah Valley for exemption from local personal property taxation for the non-profit organization. Mrs. Rose reviewed the process for a non-profit when they file an application and City Council's authority to exempt the non-profit organization. Mrs. Rose stated that they are located at 124 S. Main Street, founded in 1998, serve both the City of Harrisonburg and the surrounding areas, and reviewed what services they provide. The organization's personal property consists of typical office equipment, furnishings, and computer equipment as well as pet traps, cages, and exam tables. The property also includes two Ford vehicles and the total assessed value for 2014 is \$30,475 with the total taxes for 2014 being \$821.00. Mrs. Rose stated the committee recommends taxes for Cat's Cradle of the Shenandoah Valley to be exempt.

Mayor Byrd closed the regular meeting and called the evening's first public hearing to order at 7:44 p.m. A notice appeared in the Daily News-Record on Wednesday, April 16, 2014.

Suzanne Auckerman, Executive Director of Cat's Cradle, thanked Council for their consideration of this request and made herself available for questions.

At 7:45 p.m., Mayor Byrd declared the public hearing closed and the regular meeting reconvened.

**A motion was made by Council Member Baugh, seconded by Vice-Mayor Chenault, that the request for personal property tax exemption be approved. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Byrd, Vice-Mayor Chenault, Council Member Baugh, Council Member Degner, and Council Member Shearer

**No:** 0

**6.b.** Consider enacting City Code Section Title 10, Section 7 "Stormwater Management" and related fees and standards

Dan Rublee, City Engineer, presented the request to enact City Code Section Title 10, Section 7 "Stormwater Management" and related fees and standards. Mr. Rublee reviewed that this ordinance and associated permit program regulates land development and redevelopment projects that disturb certain acreages of land. Mr. Rublee reviewed the State administered Virginia Stormwater Management Program (VSMP) that was going to be delegated to the City beginning July 1, 2014 which he presented during the January 14, 2014 Council meeting. He reviewed the City program elements by ordinance which included the following: based on Virginia Department of Conservation and Recreation (DCR)/Virginia Department of Environmental Quality (DEQ) model; include schedule of civil penalties, progressive by severity and repeat violations; recent modifications per DEQ and legislative action (Single Family Home (SFH), grandfathering)). He also reviewed the City program elements through the fee schedule which included the following: using fees recommended by state as adequate for program funding; fees included for plan review, permitting, annual permit renewal and permit transfer, 28% of plan review/permit fees reimbursed to DEQ after permitting; reduced fees for SFH disturbing <5 acres; City analysis shows fees do not cover all costs; and also includes for Council approval reduced fees for site and erosion control plan resubmission fees. Mr. Rublee presented on the policies and procedures documents which included revisions to the Design & Construction Standards Manual (DCSM). Mr. Rublee handed out an update to the Best Management Practice (BMP) Table that was going to be submitted to DEQ. Mr. Rublee stated he was at tonight's meeting for approval of the ordinance, fee schedule, revisions to the existing fee schedule, and revisions to the DCSM for the final submission of the City program that is due to DEQ by June 15, 2014. The following discussion took place: penalty structures are related to the construction period; once construction is completed the permit is terminated and it moves to a maintenance agreement; BMP does provide the authority to bill the customer if the work is completed by us; this is about land development and permitting and does carry the long term maintenance requirement; whoever is listed on the BMP agreement is the one that is responsible for staying compliant; agreements are written to go along with the same process of land owners and is recorded with the Court House, developers will have to include all the necessary elements in the common plan development to comply for the ultimate subdivision development; and applications and fines are more relevant for the larger land development.

Mayor Byrd closed the regular meeting and called the evening's second public hearing to order at 8:00 p.m. A notice appeared in the Daily News-Record on April 12, 2014 and April 19, 2014.

At 8:01 p.m., Mayor Byrd declared the public hearing closed and the regular meeting reconvened.

**A motion was made by Council Member Shearer, seconded by Vice-Mayor Chenault, to enact City Code Section Title 10, Section 7 "Stormwater Management" and related fees and standards into the Harrisonburg City Code. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Byrd, Vice-Mayor Chenault, Council Member Baugh, Council Member Degner, and Council Member Shearer

**No:** 0

## 7. Regular Items

### 7.a. Update on Ten Year Plan to End Homelessness.

Michael Wong, Executive Director of Harrisonburg Redevelopment Authority (HRHA), along with Dr. Suraj Jacob (JMU) and Rachel Gamble (student) presented an update on the status of homelessness and data analysis of the most recent point-in-time counts completed in January 2014. Mr. Wong stated in the three years the Ten Year Plan to End Homelessness has been implemented, small steps of success have happened and hopes the upcoming year continues with the success. Mr. Wong stated he can't say the Plan has gotten us resources, but it has acted as a framework to help access additional funds. The City of Harrisonburg was one of six localities that received funding for Rapid Rehousing Pilot in the community. The HRHA was also successful in a grant application through the Virginia Housing Development Authority for lowering housing tax credits for the permissible housing project. Also, HRHA received a grant award for the Virginia Housing Trust fund which allows for a \$3.4M project to be fully funded. The organization is also actively involved in continuing to seek federal and state grant funds. Mr. Wong reported in the last year, HRHA was successful in \$6K of federal funds and about to apply for another grant to address prevention, rapid rehousing, and shelter operations. Mr. Wong stated the HRHA has been gathering point and time counts for around ten years and in the last four years these counts have been gathered with the partnership of JMU. The group shared the following information: 98 homeless adults and 26 children are in shelters; five unsheltered adults; out of 85 interviewed 1/3 have been homeless at least for one year; 10% of those 85 interviewed have had four or more episodes of being homeless in the last three years; 41% have been homeless for one year or have had four plus (4+) episodes, which is much larger compared to both the US and Virginia population of 18%; 46% have been previously housed in Harrisonburg; biggest reason for homelessness is unemployment followed by change in family situation; 60% of male population is homeless, which is similar to US population; women are homeless for a shorter duration than men; 13% of adult homelessness are under the age of 25 years old; ages 45 to 55+ years are more likely to have chronic homelessness; 21% of the

homeless population is employed; 20% have had previous incarceration; difficult time getting health support; and 42% have had substance abuse. The five top health problems are as follows: asthma, heart, head trauma, heart stroke, and diabetes. The group provided the following information about Veteran homelessness: 9% of the 85 individuals interviewed are homeless; homeless longer; difficult to get health support; and only ¼ getting healthcare from the VA. The group shared a chart of services that are being offered and those being utilized by the homeless. Mr. Wong stated there is a job fair scheduled this Thursday, April 24, 2014, from 12:00 p.m. to 5:00 p.m. at the Church of Nazarene along with many other activities to help address the issue.

**7.b. Presentation from Shenandoah Valley Innovation Coalition**

Brian Shull, Director Economic Developer, stated the Shenandoah Valley Innovation Coalition (SVIC) is a public-private initiative that is actively working to build a culture of innovations throughout the Central Shenandoah Valley. Mr. Shull stated the City of Harrisonburg has served as a founding partner in this coalition. Mr. Shull provided a brief history of how discussions began when the City and County met with SRI in 2006.

Carol Hamilton, SVIC member, reviewed more of the history of how a group of 14 came together in 2012 and wanted to create a culture of innovation. Mrs. Hamilton shared the mission, vision and values of the group.

Dennis Brunette, Director of Shenandoah Valley Partnership, stated the group wanted to have accountability and reviewed the goals of the strategic plan.

Keith May, Broker at Cottonwood Commercial and owner of Kline/May Realty, stated the group wanted to create a balance that included individuals that represent education, private enterprise, and government agencies. Mr. May explained the Start-Up Weekend the group hosts and the outcome has been very positive. Mr. May thanked Council for their continued support.

Council Member Degner noted that a lot of the non-profit groups represented are those whom the City supports.

**At 8:31 p.m., Mayor Byrd called a brief recess.**

**At 8:36 p.m., Mayor Byrd called the regular session back in session.**

**7.c. Harrisonburg Downtown Renaissance update**

Trisha Blosser, Harrisonburg Downtown Renaissance Director of Resources, reported that the Taste of Downtown event has again increased in participation; a rebranding with the HDR logo along with a new website would be up and running soon; and the organization is up for the 2014 Great American Main Street award. Mrs. Blosser

reported that the organization received the Virginia Main Street Milestone Achievement Award for 85,000 volunteer hours and \$55M investment. On February 25, 2014, the Celebration and Reception was held and Renaissance Night would be held on May 17, 2014.

Katie Yount, Harrisonburg Downtown Renaissance Director of Events reported the Rocktown Beer and Music Festival would be held on Saturday, April 26, 2014. Mrs. Blosser reported the upcoming events were as follows: Valley Fourth, Block Party in the 'Burn, Rocktown Fall Festival; Halloween on the Square; Veterans Day; and First Night. Mrs. Blosser also reminded citizens of street closures for the following events: Rocktown; Soapbox Derby; Valley Fourth; and Three Brother 3 Miler.

**7.d. Consider request for Fundfest 2014 through the Rockingham Harrisonburg SPCA.**

Ms. Yount presented a request for Rockingham Harrisonburg SPCA event FundFest. Ms. Yount requested reservation of the Turner Pavilion and the adjacent parking lot to the first median with consideration to the construction for the new City Hall on May 14, May 28, June 11, June 25, July 9, July 23, August 6, and August 20 from 4:30 p.m. until 8:30 p.m. Council Member Baugh offered a motion to approve the request as presented. It was noted the band stage would be set up at the first median.

**A motion was made by Council Member Baugh to approve the request as presented. The motion was seconded by Vice-Mayor Chenault an approved with a unanimous voice vote.**

**7.e. Update on Harrisonburg/Rockingham Jail Expansion Needs**

Assistant City Manager Lewis explained as Council is aware the City and County have been working with the Middle River Jail Authority on a possible "buy in" to the Middle River facility given that our jail has reached capacity. The City/County has been sending 60 to 100 prisoners to the facility with the cost approximately at \$35.00 per night. An agreement has not been able to be reached on a "buy in" amount and as such for the near term, we will continue to rent space at that facility as needed while seeking other opportunities. Assistant City Manager Lewis stated tonight the City is looking for approval from Council to move forward to have the County issue a RFP for a Community Based Corrections Plan (CBCP), which would then follow with a planning study and site assessment. Normally, these plans are either done at the same time or close to each other and in most cases the plan will go before the Board of Corrections one month and the planning study a month or two later with the deadline of December 31, 2014 to submit both documents to the Virginia Department of Corrections to be considered two years later. If we submit both by December 31, 2014 it would be reviewed and approved in 2015 by the Board of Corrections planning and budget, then into the Governor's budget and considered into the General Assembly's budget in 2016 and approved around April 2016. Assistant City Manager Lewis stated the site is anticipated to be 30 to 40 acres. After the plan is complete,



we could also receive unsolicited PPEA proposals for the project. Assistant City Manager Lewis noted that this RFP is for the CBCP and Facilities Planning Study which is required by the Virginia Department of Corrections to submit to build. Council Member Degner stated he would like to continue to look at alternative sentencing and require other partnerships to implement, but could be a lot more cost effective. Council Member Degner stated he would like to see a study completed to see what could be done or options to avoid a new jail facility or alternative. It was noted that the study would consider building solutions as well as discussion of options to reduce incarceration (research to see what success other localities have had with alternatives, estimate number of potential program participants, what resources are needed, what type of physical plant or equipment is needed and input from judges as to whether or not they would use alternative programs). It was also noted with alternatives to incarceration is going to be addressed very little at the local level. County will be discussing this request tomorrow night at their meeting. Discussion took place on the following: it is a mandate; County will be handling the studies; Council needs to be kept up to date, because the public will be asking question; understand general scope, but would like to know more details about the process.

**A motion was made by Vice-Mayor Chenault, seconded by Council Member Shearer, to adopt the recommendation and move forward with the studies. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Byrd, Vice-Mayor Chenault, Council Member Baugh, Council Member Degner, and Council Member Shearer

**No:** 0

**7.f. Presentation of Draft Fiscal Year 2014-15 Budget**

Assistant City Manager Lewis presented the draft 2014-2015 budget for review and stated the formal presentation and public hearing would be on May 13, 2014 with final adoption on May 27, 2014. Assistant City Manager Lewis noted the following: \$0.06 real estate tax increase; \$0.50 personal property tax increase; \$0.12 machinery and tools tax increase; \$10.00 motor vehicle fee increase; doesn't propose the use of any amounts from the general fund balance; \$1.6M to make up due to the use of fund balance to balance current budget; up to \$700K increase in "shared services" with the County (primarily due to increased jail costs); \$300K increase in health insurance costs; \$212K combined increase in Community Services Board, Social Services, and Juvenile Detention Center costs; includes option 2 of the compensation study (movement to minimum amount of pay grades or 2% pay increase); and planned increases in water and sewer enterprise funds. Assistant City Manager Lewis thanked staff for helping with the preparation of the challenging budget and it would be posted tomorrow on the City's website and at the library. Vice-Mayor Chenault stated he would like option 3d from the compensation study to be factored in as an alternative

and look for ways to reduce other items in the budget. Vice-Mayor Chenault stated he would like to see what it takes in tax rates to fund that option and items to cut to get there. It was decided a budget work session would be held to discuss budget matters.

- 7.g.** Consider a supplemental appropriation in the amount of \$10,229.88 for the Police Department.

Assistant City Manager Lewis presented a supplemental appropriation for the police department in the amount of \$10,229.88. These funds were used for overtime worked by the CHARGE Task Force for assisting the US Marshal's Service. Funds in the amount of \$2,229.88 were reimbursed from FY12-13 and \$8,000.00 was awarded for FY13-14.

\$2,229.88 chge. to: 1000-33554 US Marshals JLEO Overtime FY2012-13  
8,000.00 chge. to: 1000-33554 US Marshals JLEO Overtime FY2013-14

\$10,229.88 approp. to: 1000-310331-41020 Police Criminal Investigations

**A motion was made by Vice-Mayor Chenault, seconded by Council Member Baugh, that this Supplemental Appropriation be approved. The motion carried with a recorded roll call vote taken as follows:**

## **8. Other Matters**

Council Member Baugh stated he had received an e-mail about signage concerns from a small business. Council Member Baugh stated there has been a history about reviewing these specific items on occasion. Mayor Byrd stated he was the one that had originally been contacted and had suggested the individual contact the rest of the group knowing the history of the sign ordinance originated through the Comprehensive Plan. The question from Council was if they felt this needed to be reviewed by staff and/or Planning Commission because this issue on the flags has come up before. It was stated that an ordinance always existed, but the City received a complaint and then started to enforce the ordinance. Vice-Mayor Chenault stated he would like to know what Planning Commissions' thoughts were and if they suggest it needs to be reviewed. Council Member Baugh stated that he and Assistant Manager Lewis would inform Community Development of the issue.

Vice-Mayor Chenault addressed the issues that were raised tonight about the CDBG funding. Vice-Mayor Chenault stated not only does he serve as a member of the Northeast Neighborhood Association, but he was also a long time participant, supporter, and assisted in the development with the Newtown Cemetery and the Trustees from an organization, tax-exempt, by-laws standpoint; and serves as a member of the CDBG Selection Committee. Vice-Mayor Chenault stated he speaks for himself not other members, but when considering both the private type of charity grant and infrastructure grants, he reviews them with certain issues and their status in our community, such as poverty, homelessness, hunger, and education. Vice-Mayor

Chenault stated if you look at the groups who were funded, the theme is those just stated. Vice-Mayor Chenault stated the Suitcase Clinic was mentioned tonight to help alleviate hospital visits for a number of homeless in the City. Vice-Mayor Chenault stated from the Northeast Neighborhood stand point, it has been the bulk recipient of the majority of CDBG funds when looked at on an area wide distribution in the community. This year over \$250,000 of CDBG money was allocated to Northeast Neighborhood purposes with no funds being given to Purcell Park or Kiwanis Park area that also had applications for infrastructure improvements. Vice-Mayor Chenault stated it is looked at from a stand point of diversity and the past righting of wrongs in our community from a discrimination stand point. He stated he fully understands and he hopes those are issues that have been addressed and will continue to be addressed and perhaps they would be best addressed informs for infrastructure improvements other than this particular grant situation this year. Vice-Mayor Chenault continued saying as a City we know that Salvation Army has lost over \$100,000 in homeless funding and we have tried to assist to help them make it up. He also said when push comes to shove we have an obligation to our fellow human beings who have no place to live, no food to eat, and live in abject poverty. Although, those items we can put our hands on are sometimes just as deserving but they don't affect the human condition for living purposes. Additionally, one of the focuses for him was education and some of the grant recipients are headquartered in Lucy Simms Center and the projects are geared toward education. Vice-Mayor Chenault stated that \$150,000 was appropriated to the traffic light preemption system because it is a public safety necessity. Vice-Mayor Chenault stated there were charities that weren't funded and deserved, but there weren't enough funds. He went on by saying awarding \$41,000 to \$43,000 to the Cemetery would have possibly wiped out some of the charitable funding that the City was able to do. Vice-Mayor Chenault stated he was sorry for those who didn't stay, but he wanted to take this time as an opportunity to educate citizens and he was happy to answer to any questions after the meeting. Council Member Degner stated he had nothing new on the points made and there are lots of ways to \$40,000 and a fence outside of this process and with the goals that were outlined, he showed support of the Committee's recommendations. It was noted that there were \$1.5M in qualifying projects. Also, the City is constrained by HUD guidelines that only 15% of CDBG funds can be directed toward charitable projects. There is great guidance by staff to those groups who are seeking funds through CDBG. Assistant City Manager Lewis stated due to funding time frames and time lines, the projects sometimes create left over funds for the year. However, those left over funds are allocated already or will be accumulated and reprogrammed. Vice-Mayor Chenault stated the City doesn't have the authority mid-year to reallocate those funds, and they have to wait until the fiscal year process.

Council Member Baugh stated the variances on Chicago Avenue and the new City Hall were reviewed during the last Planning Commission meeting and were both approved.

Assistant City Manager Lewis informed Council that the Virginia Municipal League (VML) has sent out an invitation for localities to participate in the legislative and policy committee process. It was noted in the past years, all of Council has participated in

some form and she would be sending an e-mail out to get nominations which are due May 2, 2014.

## 9. Boards and Commissions

9.a. Boards and Commissions

9.b. Tree Advisory Board

## 10. Closed Session

At 9:17 p.m., Vice-Mayor Chenault offered a motion to enter into closed session into a closed meeting as authorized by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3711(A), under: subsection 7 for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel.

**A motion was made by Vice-Mayor Chenault, seconded by Council Member Baugh, that this be approved. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Mayor Byrd, Vice-Mayor Chenault, Council Member Baugh, Council Member Degner, and Council Member Shearer

**No:** 0

## Closed Session Ended

At 9:49 p.m., the closed session ended and the regular session reconvened. City Attorney Brown read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify that to the best of my knowledge (1) only public business matters lawfully exempted from open meeting requirements under Chapter 37 of Title 2.2 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.

## 12. Adjournment

At 9:50 p.m., there being no further business and on motion adopted, the meeting was adjourned.