

REGULAR MEETING

January 8, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Chief Harper.

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

Mayor Eagle read a proclamation recognizing Monday, January 21, 2008, as honoring Dr. Martin Luther King, Jr. Day in Harrisonburg.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a request to amend Article Y Floodplain Zoning District of the Zoning Ordinance and a rezoning request from Janis Brown Enterprises. The motion also included enacting Section 1-1-15 and amending and re-enacting Section 3-2-1 of Harrisonburg City Code. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent - None

City Manager Hodgen presented for Council’s consideration holding a public hearing to increase the FY 2007-2008 budget. He said this hearing will address several items: Appropriation of grant funds to purchase eight new transit buses, “Preserve America” grant funds for wayfinding signage, and transfer of funds to pay notes due on behalf of the Boys and Girls Club and the ARC that were associated with the Simms renovation project.

At 7:10 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 31, 2007.

NOTICE OF PUBLIC HEARING

The public hearing will be held by the Harrisonburg City Council on Tuesday, January 8, 2008 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

2007-2008 budget in the net amount of \$4,911,000. The funds will be used to pay a note due to the HRHA on behalf of the Boys and Girls Club and the Association of Retarded Citizens; Way Finding Signs and to purchase eight new buses. These expenditures will be funded by grants from the federal and state government and a transfer from the City's General Fund unappropriated fund balance.

The budget increases will be as noted below:

Revenues:

General Fund:

Amount from fund balance	2, 116,936
Preserve America Grant	<u>150,000</u>

Total General Fund	<u>2,266,936</u>
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Public Transportation Fund:

Capital Grant – State	435,264
Capital Grant – Federal	2,208,800
Transfer from General Fund	<u>116,936</u>

Total Public Transportation Fund	<u>2,761,000</u>
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Total	<u>5,027,936</u>
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Expenditures:

General Fund:

Boys and Girls Club	1,500,000
Association of Retarded Citizens-ARCH	500,000
Way Finding Signs	150,000
Transfer to Public Transportation Fund	<u>116,936</u>

Total General Fund	2,266,936
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Public Transportation Fund:

Transit Buses	<u>2,761,000</u>
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Total	<u>5,027,936</u>
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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 Eagle called on anyone desiring to speak for or against increasing the FY 2007-2008 budget. 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 Chenault offered a motion to approve the increase in the FY 2007-2008 budget for a first reading, and that:

\$ 435,264.00 chge. to: 2013-32518 Transit-Capital-Grant-Bus
2,208,800.00 chge. to: 2013-33305 Transit-Capital-Grant-Federal
116,936.00 chge. to: 2013-34210 Trans. from General Fund

\$ 2,761,000.00 2013-872081-48253 Transit Buses

\$ 116,936.00 1000-31010 Amount from Fund Balance

\$ 116,936.00 1000-990111-49270 Transfer to transportation fund

\$ 150,000.00 1310-33513 Preserve America Grant

\$ 150,000.00 1310-910141-48708 Way Finding Signs

\$ 2,000,000.00 1000-31010 Amount from fund balance

\$ 1,500,000.00 1000-910411-45669 Boys and Girls club

\$ 500,000.00 1000-45891 Association of Retarded Citizens-ARCH

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

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent - None

Mayor Eagle announced that agenda items eight and nine would be reviewed as one item and then acted upon separately.

Planning and Community Development Director Turner introduced a request from William B. Holtzman to amend Section 10-3-85 of the Zoning Ordinance. The amendment would allow transportation service facilities by special use permit within the B-1, Central Business District. The language in the amendment reads as follows: Transportation service facilities, including but not limited to: taxicab, limousine, or bus. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed. Staff has concerns with allowing such uses in the B-1, Central Business District. The Comprehensive Plan embraces the B-1, Central Business District as part of the Downtown Revitalization Area, an area the City of Harrisonburg and the Harrisonburg Downtown Renaissance seek to revive as the heart of the City, the civic, economic, cultural, and symbolic center. The City strives to revitalize the downtown area with services that

are more in keeping with the pedestrian scale and uses having a potential for more contribution to the nature of downtown. A transportation service facility generally requires very little in the way of buildings or aesthetics other than a parking lot. Transportation vehicles can be serviced and dispatched from other locations within the City to serve the downtown area. Mrs. Turner said that Council has received a memo from Harrisonburg Downtown Renaissance Executive Director Eddie Bumbaugh clarifying that HDR is not taking any position on any specific business proposal or site and merely states for the record that it has some concerns about allowing this type of use within the downtown business district. Mrs. Turner said during the discussion at the Planning Commission meeting, an alternative motion to this wording offered by a Planning Commissioner limited the wording strictly to taxicabs and did not include limousines or buses. However, that motion did not pass by a vote of three people voting for it and four people voting against the motion. The alternative motion offered was the language as originally proposed and advertised. That motion was to not recommend approval of inserting this language into the City's Zoning Ordinance.

Mrs. Turner said that the applicant is requesting a special use permit for a transportation service facility within the B-1, Central Business District. The Comprehensive Plan designates this area as Mixed Use Development. She reviewed the surrounding uses in the area. Currently located on the property is a non-conforming vehicle fuel station and vehicle repair garage. If approved, the lessee of the property would continue to operate these uses along with the addition of a taxi service as a secondary use. The taxi service, which is operated by Valley Cab, LLC, would utilize the site for dispatching taxicabs as well as servicing the fleet of taxi vehicles at the garage facility. The B-1 district does not have a parking requirement and if all ten of these spaces are filled by taxicabs, it does not leave much area for customer and employee parking and maneuvering. Mrs. Turner said that staff does not support this special use permit request for the transportation service facility at this site. The property is located on a highly visible corner leading into the City's downtown area. Staff feels a use with the primary purpose of vehicles coming and going at this location is not the best use. The current non-conforming uses already generate a lot of traffic to and from the site and the taxi use would increase the congestion. There are also the concerns with parking and maneuvering on the parcel when the taxicabs are parked. Should this special use request be approved, staff suggests that the following conditions be placed on the permit: 1) Limiting the number of taxicabs to eight (8) that be parked at the property at any one time. 2) Provide marked parking spaces for the eight (8) taxicabs. 3) Parking spaces shall not depend on the public right-of-way in order to maneuver into or out of parking spaces; and the moving of any vehicle on site in order to maneuver another vehicle into or out of parking spaces is not permitted. Mrs. Turner said that Planning Commission recommended that this special use permit request not be approved.

At 7:25 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearings to order. The following notice appeared in the Daily News-Record on Monday, December 24 and Monday, December 31, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Ordinance Amendment – B-1, Central Business District (Transportation Service Facilities)

Public hearing to consider a request from William B. Holtzman to amend Section 10-3-85 of the Zoning Ordinance. The amendment would allow transportation service facilities as a special use permit within the B-1, Central Business District.

Special Use Permit – 219 East Market Street (Transportation Service Facilities)

Public hearing to consider a request from Holtzman Oil Corporation, with representative William B. Holtzman for a special use permit per Section 10-3-85 of the Zoning Ordinance to allow a taxi service within the B-1, Central Business District. The property is located at 219 East Market Street and can be found on tax map 26-A-5.

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 Eagle called on anyone desiring to speak for or against amending the ordinance and a special use permit request.

Steve Weaver an attorney representing the applicant said the proposed ordinance change could provide some flexibility in having taxi service convenient to downtown especially in light of the City's efforts to revitalize downtown with more residential uses. The applicant, Holtzman Oil Corporation, has no objection to Council improved conditions as previously provided. The applicant offers four items for Council's consideration to be incorporated with the special use permit request. 1) The special use permit can be terminated if the gas station repair service goes out of business or stops operating at this site. 2) The taxicabs will be limited to eight. 3) The premises shall be kept in a neat and orderly condition. 4) The arrangements for eight parking spaces for taxicabs shall be at a defined location, and in order to provide adequate parking and access for customers at its gas pumps and repair garage, taxicabs may be "front to back" to maximize space.

Barry Kelly said as a property owner in the downtown area, he has been involved in multiple historical rehabilitations. "I don't believe the taxicabs or other cars will be parked on the site as stated. This is not the best use of this site." He objected to changing the existing use of a non-conforming use. There being no others desiring to be heard, the public hearing was declared closed at 7:31 p.m., and the regular session reconvened.

Vice-Mayor Pace said, "I believe in the future the downtown area will need taxi service and gas stations. However, the number of taxicabs being parked on site should be limited to eight.

Council Member Chenault said, "I am going to oppose the proposed ordinance amendment and special use permit request for a number of reasons. As time passes, hundreds of

more people will live downtown and specifically in this area. There will be a need for taxicabs, but I don't believe this is the location to be dispatching them from. This particular location will not significantly affect the response times. Developers are being asked to invest large amounts of money in downtown renovation, and I don't think this is consistent with what they are going to be looking for. More important, there is a gas station on this site, and it is a non-conforming use. The reasons given are not enough to change my mind."

Council Member Byrd said, "I live two blocks from this location and believe the current operators of this service station are the third owners. We ask developers to invest in the downtown area and tonight we have a business coming to us asking for an exception to the ordinance so they can continue to operate in the central downtown area. The business is co-dependent upon having the taxicabs as well as the gas and service station."

Mayor Eagle said, "There is a need for prompt and adequate taxi service in the downtown area."

Vice-Mayor Pace offered a motion to remove limousines and buses from the text of the ordinance amendment. The motion also included that a special use permit will be required to have a taxicab business in the B-1 zone. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

No - Council Member Chenault

Absent - None

Vice-Mayor Pace offered a motion to approve a special use permit request from Holtzman Oil Corporation incorporating the conditions as set forth in the letter dated January 8, 2008, by the applicant's attorney, Steve Weaver, to be incorporated with the special use permit request. 1) As long as there is a cab service operating from this location, the service station and repair facility will remain open to the general public. 2) This location will serve up to eight taxicabs, but not be used for the operation, repair, or parking of bus(es) or Limouise(s) services. 3) The premises shall be kept in a neat and orderly condition. 4) The arrangements for eight parking spaces for taxicabs shall be at a defined location and in order to provide adequate parking and access for customers at its gas pumps and repair garage, taxicabs may be "front to back" to maximize space available. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

No - Council Member Chenault

Absent - None

Planning and Community Development Director Turner introduced a request from Generation Realty, LLC, for a special use permit. The property is located at 1730 Country Club Road and zoned M-1, General Industrial District. The applicant is requesting a special use permit to allow for a restaurant at this site. She reviewed the surrounding uses in the area. Staff had a few concerns specifically related to the future widening of Country Club Road, parking, and vehicular maneuverability. The applicant's survey illustrates 37.5 feet between the proposed restaurant structure and the right-of-way. This amount of space allows just enough area to have angled parking and a travel lane. However, since Country Club Road is slated for improvements, this request could require extensive right-of-way acquisition, which would severely limit the use of the front section of this lot. Almost any amount of right-of-way obtained from this lot would prohibit parking in front of the restaurant. Since this property contains over 2 acres, there is ample room on the site if the applicant wanted to utilize other areas. The applicant will need to have 11 parking spaces exclusively for the use of restaurant and additional spaces for the auto detailing business. Mrs. Turner said that the applicant has removed an outbuilding, established access to the rear of the property, and installed proper curbing on the front of the property. Staff has recommended approval with the following conditions: 1) The applicant shall construct either a longer landscaped island or curbing along the lot frontage with Country Club Road to create safer onsite maneuverability. This design must be approved by the Planning and Community Development Department. 2) The applicant shall verify and receive approval from Planning and Community Development that parking regulations have been met for all uses on the site. 3) The special use shall be valid only for the structure as proposed within this application. Mrs. Turner said that Planning Commission has recommended approving this request.

At 7:55 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 24 and Monday, December 31, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Special Use Permit – 1740 Country Club Road (10-3-97 (1)) Restaurant

Public hearing to consider a request from Generation Realty, LLC, with representative Mark R. Smith for a special use permit per Section 10-3-97 (1) of the Zoning Ordinance to allow a restaurant within the M-1, General Industrial District. The property is located at 1740 Country Club Road and can be found on tax map 72-B-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 Eagle called on anyone desiring to speak for or against this request. There being no one desiring no one desiring to be heard, the public hearing was declared closed at 7:56 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the special use permit request as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent - None

Planning and Community Development Director Turner introduced a request from Funkhouser and Associates Properties to rezone one 1.923-acre parcel from R-3, Multiple Dwelling Residential District to R-5, High Density Residential District. The property is located along Hunters Road and can be found on tax map 4-B-2. The Comprehensive Plan designates this area as High-Density Residential, which is intended for high-density development, mostly apartment buildings with densities ranging from 12 to 15 dwelling units per acre. She reviewed the surrounding uses in the area. The property is a long, narrow, triangular shaped lot located near the cul-de-sac of Hunters Road, directly adjacent to Interstate 81 and surrounded by student housing on three sides. Since early 2006, a comprehensive site plan has been in review for two 8-unit multiple dwelling structures – 16 total units – to be constructed on the property. If approved, the applicant would be required to apply for a special use permit to exceed 12 units per building within the R-5 zoning district, as the new design plan is intended to have a total of 24 units on this foundation. Mrs. Turner said that the applicant is not interested in increasing the existing allowable density on the property. An additional special use permit would be required if the applicant desired to increase the number of units by allowing a taller building. Mrs. Turner said that Planning Commission has recommended approving this request.

At 8:00 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 24 and Monday, December 31, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – Hunters Road Extension (Funkhouser & Associates Properties, LLC)

Public hearing to consider a request from Funkhouser & Associates Properties, LLC, with representative Barry Kelley to rezone one, 1.923-acre parcel from R-3, Multiple Dwelling Residential District to R-5, High Density Residential District. The property is located along Hunters Road and can be found on tax map 4-B-2.

The Comprehensive Plan designates this area as High-Density Residential. This designation states that these areas are intended for high-density development, mostly apartment buildings with densities ranging from 12 to 15 dwelling units per acre.

The Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum. The R-5, High Density Residential District is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational and utility uses.

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 Eagle called on anyone desiring to speak for or against this request.

Dick Blackwell said Mrs. Turner did a great job on the presentation and he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 8:01 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent - None

The next item of business was recognizing Harrisonburg's Deputy Commissioners of Revenue Lisa Neunlist, Nancy Lawson, Martha Fahrney, and Dennis Rice. Commissioner of the Revenue June W. Hosaflook said it was a pleasure to recognize these aspiring, dedicated City employees who embrace their duties and perform them with enthusiasm and intelligence. The Commissioners Career Development Program was developed by the Commissioners of the Revenue of Virginia to promote professionalism and excellence in the field of tax assessment. A committee of Commissioners and the Weldon Cooper Center for Public Service at the University of Virginia administers the program, and the Virginia General Assembly recognizes it. Mrs. Nancy Lawson began her career in the Harrisonburg Commissioner's office 23 years ago. Nancy is known for her excellent service to the customers of the real estate assessment office. Mrs. Martha Fahrney began her career in the Harrisonburg Commissioner's office 21 years ago. Martha serves in the Commissioner's Office as personal property supervisor. She is responsible for assessment of personal property and has always been the go-to person in the office. Mrs. Lisa Neunlist began her career in the Harrisonburg Commissioner's office 10 years ago. Lisa is the City's Real Estate Director, and under her supervision all real estate new and existing is re-valued each year. Mrs. Dennis Rice began her career in the Harrisonburg Commissioner's office seven years ago. Dennis has worked in business license, real estate appraiser, and taxation of personal property. The new Master Deputy Commissioners of Revenue thanked City Council for their continued support.

Commissioner of the Revenue June W. Hosaflook presented a brief update on personal property tax relief for the elderly. Mrs. Hosaflook said 48 applicants applied the first year, and the cost was approximately \$3,000 to exempt those vehicles. The department will continue to monitor the program until the May 1st filing deadline.

Mr. Charlie Whetzel gave a brief overview of a Rockingham County Fair/4-H/FFA Barn Project. Mr. Whetzel said the Rockingham County Fair hosts numerous events during the year with the largest event being the 4-H/FFA Market Animals Shows during the week of the Rockingham County Fair. The 4-H/FFA organization does a terrific job of preparing youth for the future. This past year, due to a strong storm, a tent went completely down on market animals that were housed there, and the second tent was damaged and the animals were removed from the tent. A more permanent structure is needed for the safety of the animals from further natural disasters that could occur. Mr. Whetzel noted that the Rockingham County Fair Association is seeking donations to construct a new barn.

The next item of business was an update from the Boys & Girls Club on the Simms Renovation Project Loan. Heather Denman, Executive Director of the Boys and Girls Club, reviewed the organization's mission, the activities levels, and the various programs offered at the club. Several young people who have participated in the club spoke about their experiences. Ms. Denman reported on the Boys & Girls Club's progress toward paying a \$1.5 million loan for renovations to the Lucy F. Simms Center. Ms. Denman outlined an effort to hold a \$1.5 million capital campaign. The campaign raised approximately \$295,000 with \$226,000 in-kind contributions and \$69,000 in outstanding pledges. But, it spent more than \$261,000 for consulting services, including a feasibility study to determine the club's fundraising potential.

The following discussion by Council Members included: Is the consulting firm still advising and involved? Council expressed disappointment in the capital campaign effort. The City approved \$2 million to cover the outstanding amount and will probably only receive \$250,000 of the amount. Council expressed frustration that \$1.7 million will now have to come out of the general fund. Council reviews all the needs in the City, and \$1.7 million will not be available for other programs in the City. Council asked about other outstanding debt of the club?

The next item of business was a presentation by Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance (HDR), who gave an update on the progress and accomplishments of HDR. The Virginia Main Street District has expanded its service area. A successful Virginia Main Street Manager's Retreat was hosted in November. An article appearing in the Virginia Main Street Monitor mentioned James Madison University and Eastern Mennonite University are both working with Harrisonburg Downtown Renaissance to develop programs that introduce and involve their students in downtown revitalization. An orientation was held to familiarize new businesses in the downtown area with parking policies and resources. Fourteen additional parking spaces have been created along Noll Drive. He reviewed the celebration and volunteer receptions, Façade Enhancement Grant Program, several new restaurants, new technology businesses, and renovation projects in the downtown area.

Kris Ludwig, Special Events Manager of HDR, presented the new street closing form. This form has been reviewed and approved by the Fire Chief, Police Chief, Public Works Director, and Downtown Parking Services. The Court Day Festival includes closing the same streets as in previous years from the northwest corner of Court Square, next to Cally's Restaurant to the southeast corner of Court Square at Bank of America and to the intersection of West Market Street at Liberty Street from 7:00 a.m. until 6:00 p.m. Council Member Chenault offered a motion to approve a request to close the streets for the Court Day Festival on June 7th. The motion was seconded by Council Member Byrd and approved by a unanimous vote of Council.

Kristen McCombe, Grants Compliance Officer, presented an overview of a progress report on the status of Community Development Block Grant (CDBG) funded projects. A total of \$117,658.08 in available funds from previous plan years is available to be re-allocated. This funding is available as a result of a) HRHA bond repayment schedule beginning later than anticipated, b) termination of the Bright Smiles program, at the request of JMU and Social Services and c) the City's Spanish Translation project coming in under budget. Mrs. McCombe said Council may choose to a) assign this funding to one or more of the projects that are already funded by CDBG's b) assign this funding to one or more new eligible projects, or c) roll the funding over into the 2009 CDBG Program for a competitive RFP process. In any case, a public hearing must be held followed by a 30 day public comment period.

Following further discussion and comments, Council Member Chenault offered a motion to approve allocating \$99,655.60 to downtown sidewalk projects, \$13,700.80 to the Free Clinic dental program, and \$4,301.68 to be included in the competitive 2009 program. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent - None

City Attorney Thumma presented the following resolution for Council's consideration:

**RESOLUTION PROVIDING FOR THE IMPLEMENTATION OF THE
COMPREHENSIVE COMMUNITY CORRECTIONS ACT FOR LOCAL
RESPONSIBLE OFFENDERS, THE PRETRIAL SERVICES ACT AND THE
ESTABLISHMENT OF THE HARRISONBURG-ROCKINGHAM COMMUNITY
CRIMINAL JUSTICE BOARD**

WHEREAS, the Virginia General Assembly has adopted legislation entitled the Comprehensive Community Corrections Act for Local Responsible Offenders, Article 9 (Section 9.1-173 et. seq.) of the Code of Virginia and the Pretrial Services Act, Article 5 (Section 19.2-152.2 et. seq.) of the Code of Virginia, both of which were effective July 1, 1995; and

WHEREAS, Sections 9.1-174 and 19.2-152.2 of the Code of Virginia permit counties and cities or combinations thereof to develop and establish local pretrial or community-based probation services pursuant to these acts; and

WHEREAS, Sections 9.1-178 and 19.2-152.2 of the Code of Virginia require that each county and city establishing and operating community-based probation and pretrial services establish Community Criminal Justice Board, and in the case of multi-jurisdictional efforts, that each jurisdiction mutually agree upon the number of appointments to said board.

BE IT THEREFORE RESOLVED that the City of Harrisonburg jointly agrees with the County of Rockingham to implement the services and programs required by the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services Act pursuant to Section 9.1-183, with Rockingham County acting as the administrator and fiscal agent on behalf of the participating localities:

BE IT FURTHER RESOLVED that the City of Harrisonburg jointly establishes the Harrisonburg-Rockingham Community Criminal Justice Board, the said board shall fulfill its responsibilities pursuant to Section 9.1-180, and shall be composed of the following members pursuant to Section 9.1-178 of the Code of Virginia:

One representative from each the governing bodies of the City of Harrisonburg and Rockingham County.

A circuit court judge representing the 26th Judicial Circuit as agreed upon by the judges of said circuit.

A judge of the general district court representing the 26th Judicial District as agreed upon by the judges of said district.

A judge of the juvenile and domestic relations district court representing the 26th Judicial District as agreed upon by the judges of said district.

The Chief Magistrate.

A Commonwealth's Attorney of Harrisonburg and Rockingham County.

An attorney experienced in the defense of criminal matters who is a current member of the Virginia State Bar.

The Sheriff for Rockingham County.

The Chief of Police for the City of Harrisonburg.

A Community Services Board Administrator representing all agencies providing such services to the participating jurisdictions.

A representative of a local adult education program representing all agencies providing such services to the participating jurisdictions.

The City Manager for the City of Harrisonburg and the County Administrator for Rockingham County.

BE IT FURTHER RESOLVED that this resolution supersedes and replaces all prior resolutions approved by the City of Harrisonburg relating to the establishment of required services and the formation of the Harrisonburg-Rockingham Community Criminal Justice Board.

BE IT FURTHER RESOLVED that the City Council of the City of Harrisonburg appoints the City Manager as its governing body representative to begin upon the passage of this resolution and to continue indefinitely.

Approved: January 8, 2008.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

City Attorney Thumma said that this resolution is also being adopted by the Rockingham County Board of Supervisors. It reestablishes the joint city and county community-based probation and pretrial services program and sets up the membership of the Harrisonburg-Rockingham Community Criminal Justice Board. The resolution also appoints the City Manager and a City Council representative to the Board. Council Member Byrd offered a motion to adopt the resolution providing for the implementation of the Comprehensive Community Correction Act for Local Responsible Offenders, the Pretrial Services Act, and the establishment of the Harrisonburg-Rockingham Community Criminal Justice Board. The motion included that the City Manager and a Council Member will represent the City. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent - None

City Manager Hodgen presented a request to transfer funds for the Public Works Department. These funds are being transferred into capital projects for the Public Works Vehicle and Storage Building. Council Member Chenault offered a motion to approve this transfer, and that:

\$25,000.00 chge. to: 1000-410241-48295 WIP-Annexed Area – 2
4,356.18 chge. to: 1000-410541-48111 Machinery & Equipment

\$189,126.87 chge. to: 1310-910141-48706 Remodel Public Works Building

\$29,356.18 chge. to: 1310-34210 Transfer from General Fund

\$29,356.18 approp. to: 1000-990111-49216 Transfer to Capital Projects
29,356.18 approp. to: 1310-910141-48707 PW Vehicle & Storage Bldg.

\$189,126.87 approp. to: 1310-910141-48707 PW Vehicle & Storage Bldg.

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

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent - None

Council Member Chenault offered a motion that Annie H. Tanverd, 1221 Old Richmond Circle, be appointed to a second term on the Blue Ridge Disability Services Board to expire on February 1, 2011. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent - None

Council Member Chenault offered a motion that Charles H. Tibbits, 1475 Virginia Avenue, be appointed to a second term on the Blue Ridge Disability Services Board to expire on February 1, 2011. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent - None

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

CITY CLERK

MAYOR

cc: City Council
City Manager
Public Library

REGULAR MEETING

January 22, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Chief Harper.

Vice-Mayor Pace gave the invocation, and Mayor Eagle led everyone in the Pledge of Allegiance.

Elena Swartz from the cast of “Beauty and the Beast” presented a brief performance of a musical to be held at the Harrisonburg High School Auditorium February 14-17, 2007.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a request to increase the FY 2007-2008 budget and a rezoning request from Funkhouser and Associates Properties. The motion also included amending and re-enacting Section 10-3-85 of Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Kim Alexander, Director of Special Projects and Grants Management, presented an overview of priorities for the 2009 Community Development Block Grant (CDBG) Program. The entitlement amount for 2008 is \$527,554.00. Ms. Alexander reviewed the City Needs and Objectives as outlined in the CDBG Strategic Plan.

At 7:20 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Friday, January 11, 2008.

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 22, 2008 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding funding priorities for the Community Development Block Grant (CDBG)

Program. Citizen participation is essential to the City's involvement in the Federal Department of Housing & Urban Development's (HUD) CDBG Program. Citizen participation and comments on funding needs and priorities will assist the City in the development of the City's 2009 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. The entitlement amount for FY 08-09 has not yet been announced by HUD, but will likely be \$546,881.

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

REQUEST FOR PROPOSALS – The City of Harrisonburg is requesting proposals from non-profit organizations, for-profit businesses and organizations, and government agencies for the 2009 CDBG Program. The City's CDBG Program is funded by an annual entitlement from HUD. The entitlement amount for FY 08-09 has not yet been announced by HUD, but will likely be \$546,881. Projects must meet all local and federal eligibility requirements, and eligible projects must meet one of HUD's three national objectives: 1) Low and Moderate Income Benefit, 2) Elimination of Slum and Blight, or 3) Urgent Need. Furthermore, eligible projects must address at least one of the objectives identified in the City's Consolidated Plan. City objectives include funding projects related to health care and dental services, housing, child care, transportation, sidewalks and pedestrian infrastructure, employment services and job creation/retention, homeless services, recreational services, services for the disabled, parks & playgrounds, and more! Specific objectives, eligibility requirements, and the Consolidated Plan (including a listing of projects funded in previous years) are available on the City website or in the City Manager's Office.

All parties interested in applying for funding through this Program are *strongly* encouraged to attend the Public Hearing outlined above AND to contact Kristin McCombe prior to submitting an application, to ensure that the proposed project is eligible. The 2009 CDBG Application package is available on the City website at www.harrisonburgva.gov. Applications are due no later than 4:30 p.m. on Friday, February 22, 2008. Late applications will not be accepted.

Please contact Kristin McCombe, at CDBG@ci.harrisonburg.va.us or 540-432-8926 with questions. Written comments may also be mailed to Kristin McCombe, Grants Compliance Officer, Office of the City Manager, 345 South Main Street, Harrisonburg, VA 22801.

Mayor Eagle called on anyone desiring to speak for or against these CDBG funding priorities. Michael Wong Executive Director of Harrisonburg Redevelopment Housing Authority said without the CDBG funds the authority could not continue the phases of the Harrison Heights Projects. He reviewed the Harrison Heights Project and HARTS Programs.

Bucky Berry encouraged Council to provide funds for the homeless.

Bruce Dellinger representing Valley Associates for Independent Living (VAIL) said affordable accessible housing is a rare commodity in the community. Home modifications often are the difference between living independently in your own home as compared to being in a costly facility.

Cathy Galvin said Valley Program for Aging Services (VPAS) develops and implements services to enhance the independence of older persons and to help them remain in their own homes and communities for as long as possible and avoid nursing home placement.

Mary Rodihan representing Big Brothers/Big Sisters of Harrisonburg and Rockingham County requested funding to help support technological infrastructure. There being no others desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. A selection committee consisting of Stacy Turner, Kim Alexander, Kristin McCombe, Charlie Chenault and Kurt Hodgen will make recommendations to City Council at the April 8th meeting.

Kim Alexander, Director of Special Projects and Grants Management, presented an overview of the FY 2005 Action Plan, Amendments to the FY 2006 Action Plan and Amendments to the FY 2007 Action Plan. Changes due to excess funding in non-City departmental projects include \$4,301.68 from a Spanish Translation Project, \$13,700.80 from the Bright Smiles Program, and \$99,655.60 from the Harrison Heights Project. Ms. Alexander recommended that \$4,301.68 from the Spanish Translation Project be rolled into the competitive process for 2009, \$99,655.60 from Harrison Heights be applied toward the Downtown Streetscape Revitalization, and the remaining \$13,700.80 from the Bright Smiles Program applied toward the dental clinic program through the Harrisonburg-Rockingham Free Clinic. Funds remaining within City departments include \$18,000 from the 2007 Public Works Bike Paths Project, which will be moved to a new Public Works Project (lighted street signs at two intersections, Cantrell Avenue and South Main Street, and South Main Street and Maryland Avenue/Port Republic Road), and \$15,872.01 remaining in the 2007 Economic Development Façade Improvement Project, which will be moved to the Wayfinding Sign System Project (a new project for CDBG funds). All comments from tonight's public hearing must be received by February 22, 2008.

At 7:42 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Friday, January 11, 2008.

PUBLIC HEARING NOTICE
CITY OF HARRISONBURG
AMENDMENTS TO 2005, 2006 & 2007 ACTION PLANS
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PUBLIC HEARING - The City of Harrisonburg will hold a public hearing on Tuesday, January 22, 2008 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding Amendments to the 2006 and 2007 Action Plans for the for the Community Development Block Grant (CDBG) Program. These Action Plans serve as the City's guide for addressing overall community development and housing needs that will utilize the City's annual entitlement of CDBG funding available from HUD to meet those needs. Amendments to be considered at this Public Hearing include the following:

- **Funding for the City's Spanish Translation Project will be reduced by \$4,301.68 (May 2006 Amendment to the Original 2005 Action Plan)**
- **Funding for the Office of Children & Youth's Bright Smiles Program will be reduced by \$3,700.80 (2006 Action Plan)**
- **Funding for the Harrisonburg Redevelopment & Housing Authority's (HRHA) Harrison Heights Project will be reduced by \$99,655.60 (2006 Action Plan)**
- **Funding for the Bright Smiles Program will be reduced by \$10,000 (2007 Action Plan)**
- **\$4,301.68 in funding will be rolled over into the entitlement amount for the 2009 CDBG Program, to be included in the competitive Request for Proposals (RFP) process (2005 Action Plan)**
- **\$13,700.80 in funding will be put towards a NEW project that addresses the same objectives as the previously funded Bright Smiles Program – the Harrisonburg-Rockingham Dental Clinic Program, located at the Harrisonburg-Rockingham Free Clinic (2006 & 2007 Action Plans)**
- **\$99,655.60 in funding will be put towards a NEW project – Downtown Streetscape Revitalization (2006 Action Plan)**

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 Kristin McCombe, at CDBG@ci.harrisonburg.va.us or 540-432-8926 with questions. Written comments may also be mailed to Kristin McCombe, Grants Compliance Officer, Office of the City Manager, 345 South Main Street, Harrisonburg, VA 22801. All comments must be received by 5:00 p.m. on February 22, 2008.

Mayor Eagle called on anyone desiring to speak for or against these amendments.

Michael Wong Executive Director of Harrisonburg Redevelopment Housing Authority said part of the refund for the Harrison Heights project was due to financing. There being no others desiring to be heard, the public hearing was declared closed at 7:44 p.m., and the regular session reconvened.

Sam Nickels gave an overview of the New Bridges Immigrant Resource Center. Mr. Nickels and members of the immigration community expressed their interest and desire in sharing information and becoming more involved in the community. They will submit more information regarding the resource center at a later date.

The next item of business was a presentation on water and sewer fees. Public Utilities Director Mike Collins presented an overview of proposed revisions to the City's water and sewer connection and availability fee structure. Mr. Collins reviewed the amount of revenue generated

during the past four years under the existing fee structure and the projected amount of revenue had the proposed fee structure been in effect without credits and with credits. Next he discussed the importance of encouraging developers to keep installing water and sewer infrastructure, and continuing to utilize credits. Also, discussed were the proposed increases for homes, commercial, and industrial customers. Following further discussion and comments, Vice-Mayor Pace offered to approve the proposed rate increase with credits or refunds effective July 1, 2008 for a first reading. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

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

RESOLUTION

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

- 1. Collector/local streets to be deleted, totaling 0.65 centerline miles (1.30 lane miles).**
- 2. Collector/local streets to be added, which meet the requirements of Section 33.1-41.1 of the Code of Virginia as of February 22, 1985, there are eligible for maintenance payment totaling 1.95 centerline (3.90 lane miles). Said street being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.**
- 3. Principal/Minor Arterial streets to be deleted, totaling 0.00 centerline miles (0.00 lane miles).**
- 4. Principal/Minor Arterial streets to be added, which meet the requirements of Section 33.1-41.1 of the Code of Virginia as of February 22, 1985, that are eligible for maintenance payments totaling 0.00 centerline miles (0.00 lane miles). Said streets being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.**

NOW, THEREFORE, BE IT RESOLVED THAT, The City of Harrisonburg respectfully requests the Virginia Department of Transportation to make maintenance payments effective July 1, 2008.

Adopted by the Harrisonburg City Council the 22nd day of January 2008.

Mayor

Attest:

Clerk of City Council

City Manager Hodgen said that periodically the City has to update the listing of streets for which maintenance payments are received from VDOT. Council Member Chenault offered a motion to approve this resolution as presented. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

At 9:02 p.m., Council Member Chenault recused himself from the Council meeting and exited the room to avoid a potential conflict of interest.

Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority requested Council's support for an allocation of tax credits for the Franklin Heights Project. HRHA anticipates the overall cost of the program to be \$4.5 million and plans to apply for an allocation of tax credits of approximately \$350,000.00 The project involves the demolition of 32 existing units and replacing them with 30 new single story, garden-style units. Mr. Wong said this project began in 2004 because of increased maintenance and energy costs, and decreased funds from the Federal government. It is an opportunity to revitalize the public housing units. Following further discussion and comments, Council Member Byrd offered a motion to approve the HRHA Franklin Heights project. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – Council Member Chenault

At 9:08 p.m., Council Member Chenault returned to the Council meeting.

The next item of business was to consider setting up a capital project account for the Farmers Market pavilion. City Manager Hodgen said that the City will need to serve as the fiscal agent for this project. Council has endorsed the pavilion project and approved a \$50,000.00

contribution to the project. It is also requested that Council budget its share of the project cost. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$50,000.00 chge. to: 1000-31010 Amount from fund balance
50,000.00 chge. to: 1310-34210 Transfer from General Fund
250,000.00 chge. to: 1310-31833 The Community Foundation

\$ 50,000.00 approp. to: 1000-990111-49216 Transfer to Gen Capital Projects Fund
300,000.00 approp. to: 1310-910141-48713 Farmers Market Pavilion

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented a request to transfer funds for the Public Works Department. These funds will be transferred into the appropriate capital projects line item to continue right-of-way acquisition on the project. Council Member Chenault offered a motion to approve this transfer, and that:

\$1,500,000 chge. to: 1310-910141-48636 Stone Spring Road Improvement
1,000,000 chge. to: 1310-910141-48637 Erickson Avenue Ext.

\$2,500,000 approp. to: 1310-910141-48665 Erickson-South High to Main

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented a request to transfer funds for the Public Works Department. These funds will be transferred into capital projects for the Betts Road Improvements. Vice-Mayor Pace offered a motion to approve this transfer, and that:

\$150,000 chge. to: 1310-910141-48666 Greendale Road Improvements

\$150,000 approp. to: 1310-910141-48704 Betts Road Improvements

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds will be used to purchase a bullet proof vest. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$499.00 chge. to: 1000-31901 Recoveries/rebates

\$499.00 approp. to: 1000-310231-48140 Bullet proof vests

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Chenault reported that although property owners and tenants of The Market Place were interested in some of the sign proposals presented to them that would preserve the trees in front of their building, it is their desire to make a final presentation to the Tree Advisory Committee. He also noted that according to the City Code, any decisions regarding tree removal will be made by the Tree Advisory Committee. He announced that the School Liaison Committee will be meeting Friday, January 25, 2008. Also, he suggested that decisions should be made soon regarding the Reservoir Street project. Property owners need some assurance concerning land acquisition.

City Manager Hodgen reported that the Public Works Department will be presenting an overview of the project at the February 12th Council meeting.

Vice-Mayor Pace presented an overview of a recommendation regarding the outstanding \$1.5 million loan with the Boys and Girls Club. He said members of City Council have received a lot of input on this issue since the presentation at the January 8th meeting. Council has been asked to insist on accountability. The Boys and Girls Club programs impact approximately 10% of the student population in the City. Vice-Mayor Pace suggested that Council consider a change in the repayment of the note by reducing the Club's repayment obligation by \$750,000 and reducing the City's annual appropriation to the organization by \$50,000 per year. This change will be consistent with the decision made in December 2007, regarding the Arc organization. This recommendation will not compromise the ongoing operation of the Boys and Girls Club and should help strengthen their balance sheet. Mr. Pace then reviewed the organization's financial statements presented to Council at the January 8th Council meeting.

Following further discussion and comments, Council Member Chenault offered a motion that Council limit the repayment on the Boys and Girls Club debt to \$750,000 to be repaid at the rate of \$50,000 per year by withholding City discretionary contributions to the organization and that the note for the entire debt be assigned to the City. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen reported that signage is being manufactured for the wayfinding program and installation will follow later in the spring. The streetscape project will be advertised at the end of January, 2008.

Council Members noted that a few local residents have expressed concerns regarding downtown signage, parking, lack of parking, enforcement policies, and Saturday parking enforcement issues. February or March would be a good time to discuss these issues with Jessica Chase, the newly hired Downtown Parking Services Manager.

At 9:58 p.m., Council Member Byrd offered a motion that Council enter into a closed session for consultation with legal counsel requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent - None

At 10:29 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

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

CITY CLERK

MAYOR

REGULAR MEETING

February 12, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Mayor Wilfong. Absent: Council Member Carolyn W. Frank and Police Chief Harper.

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

Mayor Eagle read a resolution honoring Eastern Mennonite University on the 90th anniversary of its founding.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of appropriations for the Police Department and Farmers Market pavilion. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – Council Member Frank

The next item of business was holding a public hearing to consider a supplemental appropriation to the school operating budget. School Board Finance and Technology Director Dee Dee Dawson said these funds represent unanticipated receipts from state and federal sources as well as meal receipts. No additional City dollars are required for the school division to receive these funds.

At 7:10 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 4, 2008.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, February 12, 2008 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 2007-2008 budget in the net amount of \$726,991. The funds will be used to pay school instructional and food service expenditures. These expenditures will be funded by receipts

from state and federal sources and meal receipts all which were not known during the regular budget process.

The budget increases will be as noted below:

School Fund:	
School revenue - Other	583,000
School revenue - State	62,457
School revenue - Federal	<u>81,534</u>
Total Revenues	<u>726,991</u>
Expenditures:	
Instruction	121,991
School Food Service	<u>605,000</u>
Total Expenditures	<u>726,991</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 Eagle called on anyone desiring to speak for or against this supplemental appropriation. 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 Pace offered a motion to approve this request for a first reading, and that:

\$81,534.00 chge. to: 1111-33301 School Revenue – Federal
62,457.00 chge. to: 1111-32442 School Revenue – State
583,000.00 chge. to: 1111-31691 School Revenue – Other

\$121,991.00 approp. to: 1111-111114-40610 Instruction
605,000.00 approp. to: 1111-111114-40650 School Food Service

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

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – Council Member Frank

Planning and Community Development Director Turner introduced a request from Falling Creek, LLC to close a 13,600 sq. ft. +/- portion of undeveloped right-of-way between tax map parcels 13-B-1 and 13-B-2. The right-of-way was originally Hillside Avenue (now called Clay Street) and part of Spotswood Acres Subdivision. Interstate 81 was constructed prior to this portion of Hillside Avenue being completed, cutting the right-of-way in two and separating the remaining undeveloped portion from the existing street. During a boundary survey and title search, it was discovered the previously dedicated right-of-way had never been vacated. The applicant owns all of the surrounding properties and desires to purchase this unused right-of-way in order to add it to their property for the planned commercial development portion of the The Quarry. Mrs. Turner said that Planning Commission has recommended approving this request.

At 7:14 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Friday, February 1, and Friday, February 8, 2008.

**NOTICE OF INTENTION TO VACATE
AN UNDEVELOPED PORTION OF HILLSIDE AVENUE
LOCATED IN THE NORTHEAST PORTION OF THE CITY OF HARRISONBURG**

**City Council Chambers
409 South Main Street
Harrisonburg, VA 22801
Tuesday, February 12, 2008
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, February 12, 2008, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider an application, by Falling Creek, LLC to vacate an undeveloped portion of Hillside Avenue (now Clay Street), containing approximately 13,600 square feet, more or less, and located on the east side of Interstate 81 in the northeast portion of the City of Harrisonburg, Virginia.

A copy of the recommendations of the City Planning Commission along with a copy of the plat showing the portion of Hillside Avenue (now Clay Street) to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday.

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

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

Mayor Eagle called on anyone desiring to speak for or against this request.

Dick Blackwell said Mrs. Turner did a great job on the presentation and he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:15 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this request as presented.

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

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – Council Member Frank

Planning and Community Development Director Turner introduced a request from Harman Realty, Inc., to rezone three parcels totaling approximately 72 acres from R-3, Multiple Dwelling Residential District to R-5C, High Density Residential District Conditional. The property is located along Stone Spring Road (adjacent to Interstate 81) and can be found on tax maps 93-A-1, 1A, & 2. Mrs. Turner reviewed the surrounding uses in the area. The properties are accessible from Stone Spring Road and located directly adjacent to Interstate 81. Since the property is currently zoned R-3, multiple dwelling units are permitted by right until August 2010. Therefore, rezoning the property would allow the owner to continue to develop multiple dwelling units and increase the density for the parcel by right. Improvements would not begin at this location until late 2009. The Comprehensive Plan Land Use guide designates this parcel as Medium Density Mixed Residential, which specifically states these areas are intended for small-lot single family detached and single family attached neighborhoods where green spaces are integral design features, and then further that apartments could be permitted under special circumstances. This property is allowed to have 1,054 units of multi-family dwellings by right under the current R-3 zoning and would be allowed to continue to plan until August 2010. The applicant has submitted the following proffers: 1) An entrance will be aligned with the proposed new Ramblewood Road intersection. 2) A street will loop through the property being built as phases are developed, but it will be completed with the phase that completes 60% of the land build-out. 3) An existing drainage swale on the property will be designed as a park area with no less than three acres. 4) A paved bike/multi-use path will also be constructed which will “loop” through the property and connect to the City’s eventual bike path. The construction will coincide with the phased construction of the project and will be in addition to the sidewalks. 5) The required right-of-way and slope easements necessary for the proposed widening of Stone Spring Road will be granted to the City according to drawings provided as of November 2007. 6) The total parcel density will not exceed 1,054 total units. Mrs. Turner said that there is some area at the front where the developer has stated that they would like to do commercial development in the future. In the R-5 zoning classification, commercial development is permitted as a special use permit item. Mrs. Turner reviewed various projects currently under construction or in different development stages. Staff feels that the City could be overstrained with multi-family units by developing the multi-family units at a faster pace than is actually needed. Staff

recommended denying this rezoning; however, Planning Commission recommended that this rezoning request be approved by a vote of four to two.

At 7:34 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 28, and Monday, February 4, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, February 12, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – Harman Property R-5C (Stone Spring Road)

Public hearing to consider a request from Harman Realty, Inc., with representative Blackwell Engineering to rezone three lots totaling 72.6 +/- acres from R-3, Multiple Dwelling Residential District to R-5C, High Density Residential District Conditional. The properties are located along and near Stone Spring Road and can be found on tax map parcels 93-A-1, 1A, & 2.

The Comprehensive Plan designates this area as Medium-Density Mixed Residential. This designation is intended for small-lot single family detached and single family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. The gross density of development in these areas should be in the range of 4-12 dwelling units per acre.

The Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum. The R-5, High Density Residential District is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational and utility uses.

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 Eagle called on anyone desiring to speak for or against this rezoning.

Steve Weaver an attorney representing the applicant said the development will be limited to 1,054 units. The new design for Stone Spring Road was designed to take into consideration this parcel as a maximum density of 1,054 units. This request is good for the City in many ways because it includes R-5 flexibility, time for the City to build Stone Spring Road, and time to allow the development over a long period of time.

Ray Atkinson asked Council to deny this rezoning request because an elementary school directly adjoins this property, and new single family homes are being developed on Manor Drive. The new R-3 zoning was changed to prevent sprawl. The Comprehensive Plan does not call for high density in this area. Will this development best fit the City?

Tara Sieber said that she was against this rezoning request. The request is not in compliance with the Comprehensive Plan and does back up to an elementary school. Residents of the Stone Spring Village believe the R-3 designation fits in better with the surrounding area. There being no others desiring to be heard, the public hearing was declared closed at 7:52 p.m., and the regular reconvened.

Vice-Mayor George Pace said, “Essentially the owner of the property by right can develop this property as R-3, submit a site plan within the next two years, and develop the property in five years. The other option allows the owner to build the same number of multi-family units in the R-5 zoning and include a proposed commercial area. The R-3 zoning district does not allow commercial. The longer it takes to develop this property, the better it is for the City and traffic on Stone Spring Road.”

Council Member Ted Byrd said, “There can be 1,054 multi-family units or 1,581 townhomes in the R-3 zoning district. The R-5 designation by right without proffers can have 1,756 apartments units or 1,581 townhomes. Having 1,054 multi-family units will have the least density. The timing of this development could match the timing of the City’s road improvement.”

Council Member Charles Chenault said, “I am opposed to this rezoning request. I don’t think there is any reason been demonstrated under the City’s ordinance for this rezoning except possibly developer convenience. As Mrs. Turner has stated, a site plan filed by August 2010, once approved, has a five year construction window. If R-5 is appropriate and R-3 is not, there is still time to come back and petition for an R-5 rezoning when it appears that it does become more appropriate. Sizable rezonings require more complete plans of development than this one does. There is essentially no plan of development at all for this rezoning. Stone Spring Road is designed to be a limited access highway which is quite different from most of the other roads in the City. Very soon the City will be in a student housing glut and [he asked] developers to use caution.”

Mayor Rodney Eagle said, “The last glut of student housing was in 1991. It was over built. More housing in general is needed in the area. All developers look at market conditions and what is needed. I like the flexibility of this project. This City will continue to grow because we have what people want jobs and opportunities.”

Vice-Mayor Pace offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

No - Council Member Chenault

Absent – Council Member Frank

Planning and Community Development Director Turner introduced a request from Purple and Gold, LLC to preliminarily subdivide two parcels, totaling 14.14 acres, located at 2151 Reservoir Street. The property, zoned R-3, Multiple Dwelling Residential District, is found on tax maps 80-A-4 & 5. City Council approved the preliminary plat and the variance request in October 2006. The applicant did not file a final plat within twelve months after approval of the preliminary plat, therefore it has expired. She reviewed the surrounding uses in the area. Site work is already underway as the developer previously received approval for both the erosion and sediment control plan and the comprehensive site plan in August 2007. The development would utilize private, internal streets and parking areas, therefore a variance to the subdivision ordinance is needed to allow many of the lots to not front on a public street. The development is intended to be attractive to the City's student population by offering four bedroom units with amenities that include a clubhouse, swimming pool, open recreational areas, internal sidewalks, and paths for on-site pedestrian movement. All of the townhouse units would be on individual parcels to allow for independent ownership. Dumpsters located throughout the development would provide trash collection. The development would be constructed at the corner of Reservoir Street and Lucy Drive (currently undeveloped) with the primary entrance located off of Lucy Drive. A second right-in/right-out access point would be provided along Reservoir Street. The developer intends for Lucy Drive to line up with Woodland Drive. The applicant and the City have discussed arrangements to exchange land to assist in the townhouse development and City road improvements in this area in order to eliminate a preliminary problem with lot #1 which encroaches on the existing City right-of-way. Planning Commission has recommended approving the preliminary plat. Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – Council Member Frank

Mayor Eagle announced that a presentation by Blue Ridge Community College has been postponed.

The next item of business was an update from the Boys and Girls Club on their fundraising efforts. Derrick Whetzel, Vice-President of the Executive Board of Directors, reviewed the club's effort to raise its share of the money for improvements to the Lucy F. Simms Continuing Education Center. The Boys and Girls Club serves a large number of under privileged children and provides many opportunities for the youth programs. He said the club made mistakes in a capital campaign fundraising effort and level of advice received from a professional consultant. Also, communications needed to improve with City Council.

Walter Curt expressed and reviewed many concerns regarding a fundraising campaign project for the Boys and Girls Club although his family has been involved in the campaign project. He also noted that The Boys and Girls Club is an excellent alternative for many children.

Public Works Director Jim Baker and Public Works Superintendent Drew Williams gave a brief update on the Reservoir Street Project. Mr. Williams reviewed the status on the process of a planning document for the future of Reservoir Street. The Reservoir Street study included a public information meeting, survey, traffic analysis, evaluated alignment/widening options, and community involvement. He also reviewed the widening alternatives for Reservoir Street from University Blvd. to Neff Avenue, and the design features being considered for this corridor. Common concerns include a need for bike lanes and/or sidewalks, number of lanes, increased traffic and travel speeds, and property/business impacts. He also discussed the different options regarding advantages and disadvantages of widening University Blvd. to Neff Avenue and the estimated cost.

The next item of business was a request to advertise an alley closing. City Manager Hodgen said the City has been asked to close a downtown alley to vehicular traffic, but leave it open as a pedestrian walkway. The alley in question runs from Main Street to Mason Street and is located to the south of Jess' Quick Lunch parking lot. Closure of the alley to vehicular traffic will also help facilitate the development of a new downtown business. The City does not utilize the alley for garbage pickup or any other services and has determined that it is unnecessary to keep it open to vehicles. As a pedestrian walkway, it will be incorporated into the downtown Streetscape program. Vice-Mayor Pace offered a motion to authorize advertising the public hearing for February 26, 2008. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – Council Member Frank

The next item of business was a request to advertise sale of land near Keister Elementary School. City Manager Hodgen said the property consists of approximately 7.79 acres, zoned R-2, and currently is assessed at approximately \$623,000. Vice-Mayor Pace offered a motion to approve this request as presented subject to the survey being completed to the satisfaction of the

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

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – Council Member Frank

City Manager Hodgen presented a request to consider amendments to the Central Shenandoah Planning District Commission Charter. The Commission Board has voted to approve certain amendments to its charter that will provide more flexibility to localities in appointing representatives to the Board. Council Member Chenault offered a motion to approve these amendments. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – Council Member Frank

Council Member Byrd offered a motion asking the City Attorney to draft a proposed amendment to the tree ordinance to allow a final appeal process to the City elected body. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – Council Member Frank

Dick Blackwell suggested that the City needed a landscape ordinance. He also suggested that the City's preliminary plat ordinance needed an adjustment.

Council Member Chenault offered a motion that Kent Darrah, 682 Wyndham Woods Drive, be recommended to the Circuit Court for a second term on the Board of Zoning Appeals to expire on March 20, 2013. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd

Council Member Chenault
Mayor Eagle

Absent – Council Member Frank

Council Member Chenault offered a motion that Jimmy E. Garber, 406 West Avenue, be appointed to a second term on the Industrial Development Authority to expire on April 24, 2012. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – Council Member Frank

At 9:40 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

February 26, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Chief Harper.

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

Mayor Eagle read a proclamation recognizing March as “Youth Art Month” and announced that Harrisonburg student art exhibits are displayed in the City Municipal Building and Rockingham Memorial Hospital.

The next item of business was a request from the Harrisonburg City School Board. School Superintendent Dr. Donald Ford asked Council to provide funding in the amount of \$2.5 million for the construction of a new central office building for the city school system. Dr. Ford reviewed documentation related to the request.

Following further discussion and comments, Vice-Mayor Pace offered a motion to authorize the School Board to begin with an architectural drawing for a new central office complex. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes, the second reading of an appropriation for the School Board and a rezoning request from Harman Realty, Inc. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was holding a public hearing to consider an annual grant application for the Public Transportation Operating & Capital Funds for FY 08-09. Transportation Director Smith explained that this is an annual application for operating funds through state formula assistance and capital assistance funds. Mr. Smith said that the proposed budget is approximately \$2.5 million of which the City should receive \$780,000 in Federal operating assistance and approximately \$550,000 in formula funds from the state. Some of the funds will be used to purchase bike racks, replacement buses, bus shelters, and to begin an engineering design on a new maintenance administrative facility.

At 7:34 p.m., Mayor Eagle 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, February 9, and Saturday, February 16, 2008.

NOTICE OF PUBLIC HEARING

The City of Harrisonburg is currently preparing the annual grant application for Operating and Capital Funds for FY 09. This application is for Federal and State funds under the Federal Transit Administration 49USC Section 5307.

A public hearing for this application will be held on Tuesday, February 26, 2008, at the City Council meeting. This meeting will be held in Council Chambers next to Community Development (409 S. Main Street) at 7:30 p.m. All interested citizens are encouraged to attend.

Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Vickie Conley before February 22, 2008 at 540-432-0492, or mail comments to Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, VA 22802.

Mayor Eagle called on anyone desiring to speak for or against this grant application. There being no one desiring to be heard, the public hearing was declared closed at 7:35 p.m., and the regular session reconvened. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve the application as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was holding a public hearing to consider closing an alley to vehicular traffic. City Manager Hodgen said the City has been asked to close a downtown alley to vehicular traffic, but leave it open as a pedestrian walkway. The alley is between South Main

Street and Federal Street and is located to the south of the Jess' Quick Lunch parking lot. Closure of the alley to vehicular traffic will also help facilitate the development of a new downtown business. As a pedestrian walkway, it will be incorporated into the downtown Streetscape program.

At 7:36 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Saturday, February 16, and Saturday, February 23, 2008.

**NOTICE OF INTENTION TO
CLOSE TO VEHICULAR TRAFFIC**

**A TEN (10) FOOT WIDE ALLEY LOCATED
BETWEEN SOUTH MAIN STREET AND FEDERAL STREET
IN THE CITY OF HARRISONBURG**

**City Council Chambers
409 South Main Street
Harrisonburg, VA 22802**

Tuesday, February 26, 2008 7:00 PM

The Harrisonburg City Council will hold a public hearing on Tuesday, February 26, 2008, 7:00 p.m., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider a request by the City staff to close to vehicular traffic a ten (10) foot wide alley located between South Main Street and Federal Street and adjacent to the Jess's Quick Lunch Parking lot on the south in the City of Harrisonburg, Virginia.

A copy of the plat showing the alley to be closed to vehicular traffic is available in the City Community Development office, 409 South Main Street, Monday through Friday.

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

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

Mayor Eagle called on anyone desiring to speak for or against this request.

Tammy Brown said that as owner of a new restaurant called Pennybackers, she and her husband Ted were excited about being part of downtown revitalization.

John Sallah said he supported closing the alley to vehicular traffic.

Gus Flores did not oppose closing the alley to vehicular traffic. There being no others desiring to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to close the alley to vehicular traffic. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Kristen McCombe, Grants Compliance Officer, presented an overview of Amendments to the FY 2005, FY 2006, and FY 2007 Action Plans. There is a total of \$117,658.08 to be redistributed from the 2005, 2006, and 2007 CDBG grant cycles. Mrs. McCombe recommended that \$99,655.60 from a Harrison Heights Project be applied toward a new Downtown Streetscape Revitalization project, \$13,700.80 from the Bright Smiles Program be applied toward the Harrisonburg-Rockingham Dental Clinic Program, and \$4,301.68 be rolled over into the 2009 CDBG entitlement program. Additionally, \$18,000 from the Bike Paths project would be applied toward lighted street signs at Cantrell Avenue and South Main Street, and South Main Street and Port Republic Road, and \$15,872.01 from a facade improvement project would be applied toward a Wayfinding Sign System Project. Following further discussion and comments, Council Member Chenault offered a motion to adopt the CDBG Amendments as presented. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Kristen McCombe, Grants Compliance Officer, presented a request to transfer CDBG funds. Mrs. McCombe said that originally \$139,223 was allocated for Public Works sidewalk improvements. This originally included four projects. Of the original four projects, only one will require use of this funding (approximately \$45,000 to \$50,000). Two have been postponed and the need for one of them will be met by the Streetscape project. Staff requests that Council put the remaining funding towards replacing/improving the traffic light at the intersection of East Market Street and Mason Street and to make some sidewalk improvements in the area. The exact amount of funding to be transferred shall not be known until completion of the sidewalk project (East Water Street from South Main Street to Mason Street), but will likely be between \$89,000 and \$95,000. Staff requests that Council hold a Public Hearing on this item. This Public Hearing will mark the opening of the 30-day Public Comment period. After the required 30-day public comment period, staff will request final approval at the April 8, 2008 Council meeting.

At 7:51 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Wednesday, February 13, 2008.

**PUBLIC HEARING NOTICE
CITY OF HARRISONBURG
AMENDMENT TO 2008 ACTION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

PUBLIC HEARING - The City of Harrisonburg will hold a public hearing on Tuesday, February 26, 2008 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding an Amendments to the 2008 Action Plan for the 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:

- **Funding that remains from the Public Works Sidewalks Project will be put towards replacing/improving the traffic lights at the intersection of E. Market St. & Mason Street due to an emergency situation. The exact amount of funding to be transferred shall not be known until completion of the sidewalk project, but will likely be between \$89,000 and \$95,000.**

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 shall contact the City at least three working days in advance of the meeting.

Please contact Kimberly Alexander, at kim@ci.harrisonburg.va.us or 540-432-8923 with questions. Written comments may also be mailed to Kimberly Alexander, Director of Special Projects, Office of the City Manager, 345 South Main Street, Harrisonburg, VA 22801. All comments must be received by 5:00 p.m. on March 27, 2008.

Mayor Eagle called on anyone desiring to speak for or against these CDBG amendments. There being no one desiring to be heard, the public hearing was declared closed at 7:52 p.m., and the regular session reconvened.

At 7:56 p.m., Council Member Chenault recused himself from the Council meeting and exited the room to avoid a potential conflict of interest.

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

**RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG
REDEVELOPMENT AND HOUSING AUTHORITY OF ITS TAX-EXEMPT
MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION
AND REHABILITATION OF THE APPROXIMATELY 197 UNIT
WOODMAN WEST APARTMENTS MULTIFAMILY RESIDENTIAL RENTAL
HOUSING PROJECT LOCATED IN HENRICO COUNTY, VIRGINIA**

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

WHEREAS, the Authority previously considered and approved the request of Woodman West Preservation, L.P., a Delaware limited partnership, (the “Company”), whose address is c/o Related Apartment Preservation, LLC, a Delaware limited liability company, 60 Columbus Circle, New York, New York 10023, for the issuance by the Authority of its tax-exempt multifamily housing revenue bonds in the maximum principal amount not to exceed \$11,500,000, upon the terms and conditions to be mutually agreed upon between the Authority and the Company (the “Bonds”), to finance a portion of the cost of acquiring and rehabilitating an approximately 197 unit multifamily residential rental housing apartment project known as Woodman West Apartments (the “Project”), located in Henrico County, Virginia at 1812 Blackburn Road, Glen Allen, Virginia 23060 (the “County”); and,

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

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

WHEREAS, on February 20, 2008, the Authority conducted a public hearing on the issuance of the Bonds and, by adoption of a resolution (the “Inducement Resolution”), declared its official intent to issue the Bonds to finance the Project, and recommended that the City Council of the City of Harrisonburg (the “City Council”) approve the issuance of the Bonds; and,

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

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

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

WHEREAS, Chapter 514 of the 1983 Acts of the General Assembly of Virginia requires that any government entity established by or pursuant to an Act of the General Assembly that proposes to issue bonds that are industrial development bonds within the meaning of Section 103(b) of the Internal Revenue Code of 1954, as amended, shall, with respect to such bonds, comply with the procedures set forth in Virginia Code Sections 15.2-4906 and 15.2-4907; and,

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

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

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

- 1. the City Council approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.**
- 2. The City Council approves the issuance of the Bonds by the Authority in an amount not to exceed \$11,500,000 for the benefit of the Company and approves the Authority’s taking all actions necessary in the discretion of the Authority to the extent of and as required by Section 147(f) of the Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly and Virginia Code Sections 15.2-4906 and 15.2-4907 to permit the Authority to assist in the financing of the Project.**
- 3. The approval of the issuance of the Bonds as required by Section 147(f) of the Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly, and Virginia Code Sections 15.2-4906 and 15.2-4907, does not constitute an endorsement to the prospective owners of the Bonds of the creditworthiness of the Project or the Company and the Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto, and that neither the faith and credit nor the taxing power of the City or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.**

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

5. The approvals evidenced by this Resolution are contingent upon the satisfaction of all legal requirements applicable to the issuance of the Bonds, including the adoption by the Board of Supervisors of the County of the Section 36-23 Resolution and the Company obtaining any other approvals, including but not limited to obtaining any required approval of any housing authority that has currently outstanding bonds in the County as required by Section 36-23 of the Virginia Code.

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

READ AND ADOPTED: February 26, 2008

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 197 UNIT WOODMAN WEST APARTMENTS MULTIFAMILY RESIDENTIAL RENTAL HOUSING PROJECT LOCATED IN HENRICO COUNTY, VIRGINIA," taken at a regular meeting of the City Council held on February 26, 2008:

	AYE	NAY	ABSTAIN	ABSENT
Rodney L. Eagle, Mayor	X			
George W. Pace, Vice-Mayor	X			
Carolyn W. Frank	X			
Charles R. Chenault			X	
Ted Byrd	X			

Dated: February 26, 2008

[SEAL]

Mayor, City of Harrisonburg, Virginia

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

Harrisonburg Redevelopment and Housing Authority Director Michael Wong explained that this financing would be through the Redevelopment and Housing Authority authorizing the sale of tax exempt bonds for a project in Henrico County. The HRHA Executive Board has held

a public hearing, reviewed and approved the resolution. The bonds will not be a debt or obligation of the City. Council Member Byrd offered a motion to approve this resolution. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Recused - Council Member Chenault

Absent – None

At 8:02 p.m., Council Member Chenault returned to the Council meeting.

Elizabeth Haworth, Executive Director of First Night, gave a brief overview of the First Night 2008 program and preliminary plans for First Night 2009. Although First Night 2008 attendance was down, it still was a success with a lot of people roaming the streets and watching the fireworks display. Ms. Haworth reviewed many planned activities for First Night 2009.

The next item of business was a report on a proposed Arbor Day Project. Parks and Recreation Director Lee Foerster said a proposed Arbor Day project at Purcell Park will greatly benefit the City of Harrisonburg. Hal DuBois of the Shenandoah Valley Builders Association, Chad Layman of Fine Earth Landscaping, and Troy Lucas, chairman of the Arbor Day Committee, reviewed and discussed the Shenandoah Valley Builder's Association contribution to the project. The five year project includes multi-tree planting and re-greening developed areas of the community.

The next item of business was a brief update on Blacks Run. Stream Health Coordinator Jared Stoltzfus announced that the City has received a \$29,100 grant from the Department of Conservation and Recreation. The purpose of the grant is to remove retaining walls and slope the bank back along Blacks Run. The vegetation planted on the bank will prevent erosion, slow down the water, and help filter out pollutants. In addition to the water quality benefits it will provide, it will beautify the stream, and provide shade for the parking lot and a habitat for native birds. Mr. Stoltzfus announced that the 11th annual Blacks Run Clean-Up Day will be held on April 12th.

The next item of business was a report on the Design and Construction Standards Manual. Public Works Superintendent Drew Williams said the 2007 General Assembly adopted legislation pertaining to land use and requirements for localities. Developers will now be required to submit traffic impact analyses in site plan reviews, rezoning requests, special use permits, and subdivision requests. This legislation was supposed to begin January 1, 2008 with the full regulation becoming effective July 1, 2008. Staff requests that the full ordinance be reviewed in June prior to adoption July 1, 2008.

Public Works Superintendent Drew Williams presented the following resolution for Council's consideration of approval.

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR
VDOT REVENUE SHARING PROGRAM FUNDS**

At a regularly scheduled meeting of the City Council of Harrisonburg, held on February 26, 2008, on a motion by Council Member Ted Byrd, seconded by Vice-Mayor George Pace, the following resolution was adopted by a vote of 5 to 0.

WHEREAS, the Council of the CITY OF HARRISONBURG desires to submit an application for an allocation of funds of up to \$1,000,000 through the Virginia Department of Transportation Fiscal Year 2008-2009, Revenue Sharing Program; and

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

UPC 88543 (western terminus: box Wal-Mart Entrance to eastern terminus: relocated Pear Street)

NOW, THEREFORE BE IT RESOLVED THAT: the Council of Harrisonburg hereby support this application for an allocation of \$1,000,000 through the Virginia Department of Transportation Revenue Sharing Program.

Adopted this 26th day of February, 2008.

**BY: _____
Rodney L. Eagle, Mayor**

**ATTEST: _____
Yvonne H. Ryan, MMC, City Clerk**

VDOT is requesting applications for the Revenue Sharing Program for FY 2009. This program is a competitive process by which localities apply for additional funds for an established transportation project. The City of Harrisonburg is again applying for the maximum amount in order to be applied toward the first construction phase of the Stone Spring Road/Erickson Avenue project. Council Member Byrd offered a motion to approve this resolution as presented. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was distribution of animal friendly license plates funds received from the Department of Motor Vehicles. Funds in the amount of (\$778.45) will be distributed between the Harrisonburg/Rockingham SPCA and Cats Cradle. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$778.45 chge. to: 1000-32207 Animal Friendly license plate sale proceeds

\$389.23 approp. to: 1000-350131-45657 Harrisonburg/Rockingham SPCA

389.22 approp. to: 1000-910411-45893 Cats Cradle

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented a request to establish a capital projects account for the Water Street Pedestrian Walkway Project. These funds will be used to pay invoices and track the financial activities of the project. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$300,000 chge. to: 1000-31010 Amount from fund balance

300,000 chge. to: 1310-34210 Transfer from General Fund

\$300,000 approp. to: 1000-990111-49216 Transfer to Capital Projects Fund

300,000 approp. to: 1310-910411-48715 Water Street Pedestrian Bridge

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Fire Department. These funds were received from the Commonwealth Fire Program Fund and the “4 for Life” allocation fund. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$4,789.99 chge. to: 1000-32514 “4 for Life”
8,517.00 chge. to: 1000-32512 Fire Programs Fund

\$8,517.00 chge. to: 1000-320232-48203 Fire Programs Funds
4,789.00 chge. to: 1000-350532-46155 “4 for Life”

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds will be used to purchase in-car video cameras and stop sticks. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$7,685.00 chge. to: 1000-31010 State asset seizure

\$7,685.00 approp. to: 1000-310231-48111 Machinery and equipment

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Frank offered a motion to re-appoint Mayor Rodney Eagle to the Executive Committee of the Central Shenandoah Planning District Commission. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

At 8:45 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to boards and commissions, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, and discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

At 10:15 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 10:16 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

March 11, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC; and Police Chief Harper.

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

Vice-Mayor Pace read the following resolution honoring T. Carter Melton, Jr.

A RESOLUTION HONORING T. CARTER MELTON, JR.

WHEREAS; T. Carter Melton Jr. will retire as CEO of Rockingham Memorial Hospital on March 31, 2008; and

WHEREAS; Mr. Melton began his tenure at RMH in 1974 as assistant administrator of Planning and Development;

WHEREAS; Mr. Melton served as RMH president and CEO from 1978 to 2006 and CEO during 2007 and has also served as CEO and president of Rockingham Health Care, Rockingham Health Service, the RMH Wellness Center and the RMH Foundation Board; and

WHEREAS; throughout Mr. Melton's tenure, Rockingham Memorial Hospital has expanded in both size and services; and

WHEREAS; Mr. Melton has overseen the plans and groundbreaking on a new hospital campus to serve the region, leaving RMH well poised to meet the challenges of the future; and

WHEREAS; Mr. Melton has made both personal and professional contributions to the communities of Harrisonburg and Rockingham County, and numerous state and local organizations and advisory boards.

NOW, THEREFORE, BE IT RESOLVED, that the city council of the City of Harrisonburg, Virginia takes great pleasure in recognizing the professional and personal achievements of T. Carter Melton Jr., and expresses its sincere gratitude for the contributions he has made to the health and well-being of the community. ADOPTED THIS 11TH DAY OF MARCH, 2008.

BY: _____

Rodney L. Eagle, Mayor

ATTEST: _____

Yvonne H. Ryan, MMC, City Clerk

Mayor Eagle read a proclamation recognizing April 13-19, 2008 as “Child Abuse Prevention Month”.

Susan Barnes, Anne Stewart, and Angie Strite thanked City Council for recognizing the young children, their families, caregivers and teachers with the proclamation. They also invited everyone to a celebration for young children on April 12th in Downtown Harrisonburg Court Square.

Bucky Berry suggested that Council review the City’s policy regarding employees using City vehicles for personal use especially since the price of gasoline is so high.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of appropriations for the Fire Department, Police Department, Water Street Pedestrian Walkway Project, and proceeds from the sale of animal friendly license plates. The motion also included closing an alley to vehicular traffic and referring an alley-closing request to the Planning Commission. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from E, F, & L Development, to rezone a parcel from R-3 Multiple Dwelling Residential District to B-2C, General Business District Conditional. The property is located at 1400 South Main Street at the intersection with East Weaver Avenue and can be found on tax map 11-C-46. The Comprehensive Plan designates this area as Planned Business. She reviewed the surrounding uses in the area. The applicant has proffered that the sale of alcoholic beverages would not be allowed, either on or off premises. Since staff received a concern about an operation on the property, the property owner was notified that mercantile establishments were not permitted in the R-3 district. The property owner met with staff and decided to rezone the property to make the uses conforming. The applicant has submitted the following proffers: 1) Mercantile establishments which promote the show, sale and rental of goods, personal service establishments, and other shops and stores customary to shopping centers and convenience outlets. 2) Governmental, business and professional offices. It is further proffered that the sale of alcoholic beverages, either on or off premises, will not be permitted at this location, hookah bars or lounges and tattoo parlors will not be allowed, and regular business hours will be between 6:00 a.m. and 10:00 p.m. No freestanding sign will be erected on this site. In addition,

reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2 or M-1 will only be allowed by a special use permit. At this time, an engineered drawing of the parking lot is not available. Planning Commission has recommended approving the rezoning request.

At 7:17 p.m., Mayor Eagle 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 February 25, and Monday, March 3, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, March 11, 2008 at 7:00 p.m., in the City Chambers, 409 South Main Street to consider the following:

Rezoning - 1400 South Main Street (R-3 to B-2C)

Public hearing to consider a request from E, F, & L Development, with representative Richard E. Fulk to rezone one, .153 +/- acre parcel from R-3, Multiple Dwelling Residential District to B-2C, General Business District Conditional. The property is located at 1400 South Main Street at the intersection with East Weaver Avenue and can be found on tax map 11-C-46.

The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.

The Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

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

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

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

Mayor Eagle called on anyone desiring to speak for or against this rezoning request. Richard Fulk part owner of the business said they have been working with the current tenant and the neighborhood to resolve any problems or issues. He asked Council to approve the rezoning request. There being no others desiring to be heard, the public hearing was declared closed at 7:19 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this rezoning request as presented. The motion was seconded by Vice Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from W. Paul Thompson to rezone 6.34 acres of R-3C, Multiple Dwelling Residential District Conditional. The properties are located at 1046 Moore Street and can be found on tax maps 42-D-3A, 4, 5, 13, & 14. The Comprehensive Plan designates this area as Medium-Density Mixed Residential. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to rezone five lots totaling 6.34 acres zoned R-3C, Multiple Dwelling Residential District Conditional. Mrs. Turner reviewed the existing proffers that were approved in July 2005. In July 2007, the applicant received preliminary plat approval from City Council for a variance to allow townhouse lots to not have public street frontage. Amendments to the proffers include eliminating the sentence that the street has to meet city street design standards, allowing duplex units, and that the size of the community recreation area will be 10,000 square feet. Planning Commission has recommended approving the amended proffers.

At 7:27 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on February 25, and Monday, March 3, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, March 11, 2008 at 7:00 p.m., in the City Chambers, 409 South Main Street to consider the following:

Rezoning – Miller's Homestead Proffer Amendment

Public hearing to consider a request from W. Paul Thompson, with representative Blackwell Engineering to rezone 6.34 +/- acres from R-3C to R-3C. The rezoning would amend existing proffers on the R-3C, Multiple Dwelling Residential District Conditional lots. The properties are located at 1046 Moore Street and can be found on tax maps 42-D-3A, 4, 5, 13, & 14.

The Comprehensive Plan designates this area as Medium-Density Mixed Residential. This designation is intended for small-lot single family detached and single family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. The gross density of development in these areas should be in the range of 4-12 dwelling units per acre.

The Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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

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

CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager

Mayor Eagle called on anyone desiring to speak for or against this rezoning request. Dick Blackwell said Mrs. Turner did a great job on the presentation and he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:28 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Lynn and Betty Griffith for a special use permit to the Zoning Ordinance. The property called Roosevelt Square is located at 426 and 438 South High Street and can be found on tax maps 24-Q-6 and 24-S 3 & 4. They are requesting a special use permit to allow occupancy of not more than four persons per dwelling unit in this area. The Comprehensive Plan designates this area as

Neighborhood Residential. She reviewed the surrounding uses in the area. This property was constructed in 1989 when units zoned R-2 were allowed by-right to be occupied by four unrelated individuals. In 1998 this changed to allow no more than two unrelated individuals by-right. That regulation changed after December 1998 because new R-2 rental properties are now required to obtain a special use permit to allow up to four unrelated individuals per unit. Initially, in 1999, the property owner requested a special use permit. Despite approval, the permit expired because the units were never constructed and the special use had not been established within one year from the approval date. In December 2006, the applicant applied for a new special use permit application to allow occupancy of not more than four persons per unit *only* for a proposed two unit structure. Again, this special use permit expired because the units were never constructed. The current application is requesting a special use permit to allow up to four unrelated individuals per unit for the *entire* Roosevelt Square complex. Planning Commission recommended approval of the special use permit request with the following conditions: 1) The property may be inspected on an annual basis by appropriate city staff to ensure compliance with zoning and building requirements. 2) The Zoning Administrator shall review all complaints against this property, and if warranted, bring violations to the attention of the Planning Commission for further action. Planning Commission recommended approval of the special use permit for all of the 10 existing units as well as the single family home on the site to allow occupancy of not more than four unrelated people per unit.

At 7:38 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on February 25, and Monday, March 3, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, March 11, 2008 at 7:00 p.m., in the City Chambers, 409 South Main Street to consider the following:

Special Use Permit – Roosevelt Square 2008 Revision 10-3-40 (7)

Public hearing to consider a request from Lynn and Betty Griffith, with representative Valley Renovators, Inc. for a special use permit per Section 10-3-40 (7) of the Zoning Ordinance to allow occupancy, other than permitted by right, of not more than four persons within the R-2, Residential District. The properties are located at 426 and 438 South High Street and can be found on tax maps 24-Q-6 and 24-S-3 & 4.

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.

Mayor Eagle called on anyone desiring to speak for or against this special use permit request. Ed Blackwell representing the applicant said this property has been this use since 1989. It has been operating as student housing for 19 years. The owner has operated a good complex, it is

clean and staff has not received any complaints. There being no others desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this rezoning request with the stated conditions. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Funkhouser & Associates Properties, LLC for a special use permit within the R-5 zoning district. The property is located along Hunters Road and can be found on tax map 4-B-2. Mrs. Turner reviewed the surrounding uses in the area. This application is requesting a special use permit under the R-5 zoning to allow multiple family dwellings of more than twelve units per building within the R-5, High Density Residential District. In January 2008, City Council unanimously approved an application to rezone the subject parcel from R-3 to R-5. The Comprehensive Plan designates this area as High-Density Residential. She reviewed the surrounding uses in the area. This request would allow the applicant to have a maximum of 32 total units on the property. At this point, the applicant is unsure whether the units will be configured into two 16-unit buildings or one large 32-unit building, both of which could include two levels of sub-grade parking. Also, the applicant may need to apply for a special use permit for height. Planning Commission recommended approval of the special use permit.

At 7:47 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on February 25, and Monday, March 3, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, March 11, 2008 at 7:00 p.m., in the City Chambers, 409 South Main Street to consider the following:

Special Use Permit – Hunters Ridge Extension 10-3-55.4 (1)

Public hearing to consider a request from Funkhouser & Associates Properties, LLC, with representative Barry Kelley for a special use permit per Section 10-3-55.4 (1) of the Zoning Ordinance to allow multiple family dwellings of more than twelve units per building within the R-5, High Density Residential District. The property is located along Hunters Road and can be found on tax map 4-B-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.

Mayor Eagle called on anyone desiring to speak for or against this special use permit request. Dick Blackwell said Mrs. Turner did a great job on the presentation and he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this special use permit request as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from J.D. Land, LLC to preliminarily subdivide one parcel into three lots with a variance to the subdivision ordinance that would allow the lots to not have public street frontage. The property, zoned R-2, Residential District is located at 106 Maryland Avenue and can be found on tax map 18-F-2A. The Comprehensive Plan designates this area as General Industrial. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to subdivide this parcel to allow for the construction of a third duplex dwelling. In May 2004, the applicant received approval to construct the second duplex on the property. These proposed new lots would require the same variance granted in 2004. The property is in the floodplain, with much of it in the floodway. The applicant is aware that the private drive into these units would have to be improved to allow the fire truck access into the site as well as be able to turn around. Planning Commission recommended approval of the request. Council Member Chenault offered a motion to approve this subdivision request as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

The next item of business was a request by Vertical Connection Ministries/Bethel AME Church to hold a Worship Fest 2008/Kelley Street Block Party on July 26, 2008. Glen Adams said that the event will be held on July 26th from 9:00 a.m. until 6:00 p.m., to help promote

community unity. Council Member Frank offered a motion to approve the event. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

Staff from JMU and their engineers gave a brief update on the progress of the Viaduct project and construction timeline. The consultants for the Center for Arts, JMU, representatives from VDOT and a number of City staff have been part of the team which has been working for over two years on the plans for the pedestrian viaduct under Main Street which is associated with the new facility. Work will begin on the viaduct in mid May 2008 after JMU's graduation and finish within the right-of-way by the beginning of August 2008. While southbound traffic is rerouted off Main Street, northbound traffic will continue on Main Street within the right of way. Southbound traffic will be intercepted at Cantrell Avenue, guided west to Route 42 and then returned to Main Street via Maryland Avenue. Signage will be posted at the points of diversion.

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

**A RESOLUTION HONORING JAMES MADISON UNIVERSITY
ON ITS ONE HUNDRETH ANNIVERSARY**

WHEREAS, James Madison University was established by the Virginia General Assembly in 1908 as the State Normal and Industrial School for Women at Harrisonburg, and it opened its doors to its first student body in 1909 with an enrollment of 209 students and a faculty of 15; and

WHEREAS, The university became the State Teachers College at Harrisonburg in 1924 and continued under that name until 1938, when it was named Madison College in honor of the fourth president of the United States; and

WHEREAS, In 1966, by action of the Virginia General Assembly, the university became a coeducational institution; and

WHEREAS, In 1977, the name of the university was changed to James Madison University, and today it boasts an enrollment of nearly 18,000 students with more than 850 full-time faculty; and

WHEREAS, James Madison University, through its dedication and commitment to the noble principles of liberty and learning, has proven to be an immeasurable resource to the City of Harrisonburg and its citizens;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Harrisonburg, Virginia wishes to congratulate all the students, faculty, staff and administration of James Madison University, both past and present, on the 100th anniversary of its founding.

ADOPTED THIS 11TH DAY OF MARCH, 2008.

BY: _____

Rodney L. Eagle, Mayor

ATTEST: _____

Yvonne H. Ryan, MMC, City Clerk

Council Member Chenault offered a motion to approve the resolution honoring James Madison University's 100th Anniversary. The motion was seconded by Council Member Byrd and approved with a unanimous vote of Council.

The next item of business was a presentation by Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance (HDR), who gave an update of the progress and accomplishments of HDR. Virginia Main Street Monitor will present an award to Harrisonburg Downtown Renaissance on March 21st in Richmond, Virginia honoring the many volunteer hours involved in downtown revitalization. Mr. Bumbaugh reviewed projects receiving Façade Enhancement grants, several new restaurants, and renovation projects in the downtown area. Blacks Run Downtown Clean-Up Day is April 12, 2008.

Kris Ludwig, Special Events Manager of HDR, reviewed information regarding Downtown Employee Appreciation coupons, Discovery Magazine ads, a Mid-Atlantic College Radio Conference on April 4th and 5th, the Tour of Virginia on May 10th, the Court Days Festival on May 7th, the Valley 4th Parade, and a speed dating event.

Jessica Chase, Program Manager/Downtown Parking Services of HDR, reviewed information regarding downtown parking, the new office location, parking signs, and meter poles. The Downtown Parking Advisory Committee has recommended the addition of one complete aisle consisting of approximately 50 parking spaces to the roof of the Water Street Parking Deck. One-half of an aisle currently in the deck, which is 10 hour parking, will be converted to three hour parking. These additions are in answer to a number of requests received from downtown merchants. Ms. Chase reviewed revenue received from the parking deck hang ties. Periodically, Downtown Parking Services looks at creating additional on-street parking spaces. Areas are considered based both on feasibility and need. They recommended that the Department of Public Works be authorized by City Council to add spaces to locations on Federal Street, Liberty Street, and Rock Street. Following further discussion and comments, Council Member Chenault offered a motion to authorize the Public Works Department to conduct an assessment of the parking spaces. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

The next item of business was a request to consider amending Title 11, Chapter 7, Signs of the Harrisonburg City Code. Planning and Community Development Director Turner said amendments to the B-1 sign regulations will permit additional awning signs in the B-1 Central Business District Zoning Classification in place of otherwise permitted projected signs, and to permit wall and awning signs to be located on the faces of buildings adjacent to parking lots and alleys as well as streets. Following further discussion and comments, Council Member Chenault offered a motion to approve amending the sign ordinance as presented for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Miriam Dickler, Public Information Officer, presented an overview on the work being done in the office. The office provides citizen information, communication, Blacks Run Clean-Up Day publicity, stream health, and Linda Lane Round About education.

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

SUPPLEMENTAL RESOLUTION

WHEREAS, the Shenandoah Valley Juvenile Detention Center Commission (the "Commission") is a public body corporate duly formed under the provisions of Article 13, Chapter 11, of Title 16.1 of the Code of Virginia (1950), as amended (the "Virginia Code") by a joint resolution (the "Joint Resolution") duly approved by the governing bodies of its member jurisdictions, namely, the Counties of Augusta and Rockingham, and the Cities of Harrisonburg, Staunton and Waynesboro (the "Members"); and

WHEREAS, the Commission presently maintains and operates a secure juvenile detention facility located in the Augusta County Government Center in Verona, Virginia; and

WHEREAS, upon mature consideration, the Commission has determined the advisability to expand and increase its services and to provide a less-secure residential program for juveniles who are referred by the court system (the "Less-Secure Program"); and

WHEREAS, the Commission shall adhere to the Virginia Standards for Interdepartmental Regulation of Children's Residential Facilities, among other requirements by law, in order to provide such Less-Secure Program; and

WHEREAS, pursuant to a Resolution duly adopted on February 1, 2008, the Commission has requested each of its Members to approve a supplemental resolution to the Joint Resolution in order for the Members to confirm the establishment of the Commission and its provision of services for the benefit of juveniles, all as contemplated under the Virginia Code and deemed advisable by the Commission from time to time.

NOW, THEREFORE, BE IT RESOLVED as follows:

- 1. Authorization of Expansion and Increase of Services. The advisability for**

the Commission to expand and increase its services for the benefit of its Members and their citizens, as described above, is hereby confirmed. To such end, the establishment of the Commission by the Members and its provision of services for the benefit of juveniles are hereby ratified, confirmed and approved, in all respects, including an expansion and increase in services for juveniles by the Commission (as described above), all as contemplated under the Virginia Code and as may be deemed advisable by the Commission from time to time, in order for the Commission to serve the best interests of its Members and their citizens.

2. **Ratification of Joint Resolution, as supplemented hereby.** The provisions of the Joint Resolution, as supplemented by this Supplemental Resolution, are hereby ratified, confirmed and approved in all respects.

3. **Filing of Supplemental Resolution with the Commission.** The Clerk of this governing body is hereby authorized and directed to provide an executed copy of this Supplemental Resolution to the Superintendent of the Commission to be included in the official records of the Commission.

ADOPTED THIS 11TH DAY OF MARCH, 2008.

BY: _____

Rodney L. Eagle, Mayor

ATTEST: _____

Yvonne H. Ryan, MMC, City Clerk

City Manager Hodgen said Harrisonburg and the other commission members are being asked to adopt a resolution that will allow the Center to expand and increase its services in order to provide a less-secure residential program for juveniles who are referred by the court system and who would otherwise be transferred out of the area to more expensive residential treatment facilities under Comprehensive Services Act regulations. Council Member Byrd offered a motion to adopt this resolution as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Frank offered a motion to award an audit contract to Brown Edwards & Company, LLP for fiscal years ending June 30, 2008, 2009, and 2010, along with an option to renew for an additional three fiscal years. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council's consideration enacting Section 9-6-8 of the Harrisonburg City Code. This proposed ordinance would allow an appeal from the Public Tree Advisory Board to the City Council for any person affected by the action or inaction of the Board relating to public trees. Council Member Byrd offered a motion to approve this ordinance as presented for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council's consideration repealing Section 3-5-3 of the Harrisonburg City Code. Retirement policies of the City are set forth in the Human Resources Policies Manual and this particular section is outdated based on changes in Federal and State laws relating to retirement and age discrimination. Vice-Mayor Pace offered a motion to approve this ordinance as presented for a first reading. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Vice-Mayor Pace asked City Manager Hodgen to remind City staff and their employees about the policy regarding using City vehicles for personal use.

City Manager Hodgen announced that the low bid on the Port Republic Road Phase III project was \$1.9 million.

City Attorney Thumma presented for Council's consideration authorizing the Mayor to sign a boundary line settlement agreement between the City of Harrisonburg, The School Board of the City of Harrisonburg, and the Harrisonburg Redevelopment and Housing Authority for the Franklin Heights Project. Following further discussion and comments, Council Member Byrd offered a motion to approve this agreement as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Abstain - Council Member Chenault

Absent – None

Council Member Chenault offered a motion that Kathy Holm, 320 Dixie Avenue, be re-appointed to the Tree Advisory Committee to expire on April 11, 2011. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

At 9:25 p.m., Council Member Frank offered a motion that Council enter into a closed session for discussion and consideration of the acquisition of real estate and disposition to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

At 9:59 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters

lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 10:00 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

March 25, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Chief Harper.

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

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes and rezoning requests for W. Paul Thompson and E, F, & L Development. The motion also included repealing Section 3-5-3, amending Title 11, Chapter 7, Signs, and Section 9-6-8 of the Harrisonburg City Code. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was a request for exemption from local property taxation for several City businesses. Commissioner of the Revenue June Hosaflook presented an overview of 501(c) organizations applying for real estate and business personal property tax exemption. A committee including the City Treasurer, the Commissioner of Revenue, and the Finance Director examine the applications and make a recommendation to City Council. Current applications include Big Brothers Big Sisters, Minnick Education Center, Shenandoah Spay & Neuter Clinic, and Gemeinschaft Home. Big Brothers Big Sisters pairs children in one-to-one relationships with carefully screened, caring adult mentors and is applying for exemption from real estate tax in the amount of \$1,439.62. The Minnick Education Center provides educational and counseling services for at-risk and emotionally disturbed children and adolescents from local public school systems and communities that have not been successful in the public school setting. They are applying for exemption from real estate tax in the amount of \$4,652.15. The Shenandoah Valley Spay & Neuter Clinic has a mission of ending the euthanasia of healthy, behaviorally sound cats and dogs in the Shenandoah Valley area and is applying for exemption from real estate tax in the amount \$1,466.15. The clinic is also applying for exemption from business personal property tax in the amount of \$1,082.00. The Gemeinschaft Home provides a substance abuse treatment program and is applying for exemption from real estate tax for two properties. The first property site is located at 1360 Mt. Clinton Pike and the tax levied on this property is \$1,398.86. The second property site is located at 1001 Chicago Avenue and the tax levied on this property is \$1,355.82. Gemeinschaft is also applying for exemption from business personal property tax in

the amount of \$330.00. The committee recommended that Big Brothers Big Sisters, Minnick Education Center, Shenandoah Spay & Neuter Clinic, and Gemeinschaft Home be exempt from real estate taxes and that the Shenandoah Spay & Neuter Clinic and Gemeinschaft Home be exempt from business personal property taxes.

At 7:12 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 17, 2008.

**CITY OF HARRISONBURG
NOTICE OF PUBLIC HEARING**

Please take notice that on March 25, 2008 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 four (4) requests by non-profit corporations for exemption from local real estate and personal property taxation:

(1) Big Brothers Big Sisters, 225 North High Street, Harrisonburg, VA 22802. The assessed value of all property (Tax Map No. 35-N-2) owned by Big Brothers Big Sisters in the City of Harrisonburg for the year 2007 was \$270,000.00 and the taxes assessed by the City for the year 2007 were \$1,439.62; for the year 2006, \$677.04; and for the year 2005 – N/A.

(2) Minnick Education Center, 770 Massanutten Street, Harrisonburg, VA 22802. The assessed value of all property (Tax Map Nos. 40-N-13 thru 21 and 40-N-42 & 42A) for the year 2007 was \$793,100.00 and the taxes assessed by the City for the year 2007 were \$4,652.15 and for the years 2006 and 2005 – N/A.

(3) Shenandoah Valley Spay & Neuter Clinic, 910 North Liberty Street, Harrisonburg, VA 22802. The assessed value of all property (Tax Map No. 40-B-45) for the year 2007 was \$248,500.00 and the taxes assessed by the City for the year 2007 were \$1,466.25; for the year 2006, \$1,466.25 and for the year 2005, \$841.93. The assessed value of all personal property for the year 2007 was \$54,100.00, and the taxes assessed by the City for the year 2007 were \$1,082.00; for the year 2006, \$1,851.00; for the year 2005 – N/A.

(4) Gemeinschaft Home, 1423 Mt. Clinton Pike, Harrisonburg, VA 22802. The assessed value of all property (Tax Map No. 48-D-19A and 48-A-12) for the year 2007 was \$506,500.00 and the taxes assessed by the City for the year 2007 was \$2,754.68; for the year 2006 was \$2,168.76; and for the year 2005 – N/A. The assessed value of all personal property for the year 2007 was \$16,500, and the taxes assessed by the City for the year 2007 was \$330.00; for the year 2006 – N/A; for the year 2005 – N/A

Public comments on the proposed exemptions are invited, and all citizens shall have an opportunity to be heard. Further information is available from the Commissioner of

the Revenue Office at 345 South Main Street, Harrisonburg, Virginia between the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday.

**Kurt D. Hodgen,
City Manager**

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

Gary Wilburn speaking on behalf of the Minnick Education Center said all of the services are being funded through the Comprehensive Services Act with referrals from the public school system.

Jennie Amison, Executive Director of Gemeinschaft Home, said Gemeinschaft Home is a 501(C) non-profit organization and is recognized nationally.

Cate Mansfield representing the Shenandoah Spay & Neuter Clinic said spay and neuter programs are proactive and the most effective way to end companion over population.

Mary Rotherham, Director of Operations for Big Brothers Big Sisters, said the agency hopes in 2008 to serve more youth than any year before.

Bucky Berry encouraged Council to support these organizations. There being no others desiring to be heard, the public hearing was declared closed at 7:20 p.m., and the regular session reconvened.

Vice-Mayor Pace offered a motion to approve real estate tax exemption for Big Brothers Big Sisters, Minnick Education Center, Shenandoah Spay & Neuter Clinic, and Gemeinschaft Home, and that the Shenandoah Spay & Neuter Clinic and Gemeinschaft Home be exempt from business personal property taxes. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 2008-2009 budget. He reviewed projected revenues from state funding, Federal funding, and local funds. The budget is based on projected daily membership of 4,378 in 2008-2009. This number is used for projecting revenue. The overall budget is \$60,281,222. The budget proposal shows an increase in the local appropriation next year in the amount of \$3,312,921. Dr. Ford reviewed the 2007-08 approved expenditures in terms of function at \$53,763,220 and the proposed expenditures at \$60,281,222 with a change from the approved to the proposed at \$6,518,002 or 12.12%. The difference from the actual amended budget during the year is \$54,596,116 to \$60,481,222 with a change at \$5,686,106 or 10.41%. The revenue estimates for the school division to support the expenditures are divided into state, federal, other, local and un-appropriated. The budget includes a projected average 3% increase for current salaries and a 5% health insurance rate increase for the 2008-2009 fiscal year. The number of

new positions and other increased expenditures included in the budget are directly related to the opening of the two new schools for next year.

Dr. James Perkins, President of Blue Ridge Community College, presented an overview of the progress Blue Ridge Community College is making in serving the needs of the City of Harrisonburg. Board members Kathy Whitten and Denise Dawson were also present. Dr. Perkins reviewed a chart and graph, which provided information regarding the four selected measures of activity for Harrisonburg residents at Blue Ridge Community College (BRCC) for the three-year period from the fall 2005 through fall 2007. A shuttle service provides additional access to residents of the City to the campus. New initiatives at BRCC include a new fine arts center, campus commons, a technology building, additional parking lots, a new maintenance building, and a new bookstore.

Phil Hearne, Director of Massanutten Regional Library, gave a brief overview of the Library programs, issues and events. Massanutten Regional Library (MRL) is the largest and most active public library between northern Virginia and Roanoke. Its nine branches, each unique to its town, serve the area well. MRL offers basic public library services including a good collection of items to borrow, access to the Internet, on-line research, kids' and adults' programs and meeting space, reference and referral, exceptional local history and genealogical research, and a quiet sanctuary. The MRL has a collection of more than 187,000 unique titles, 305,000 total items, more than 40,000 active borrowers, is open 325 hours weekly, and has a budget of \$2 million. The MRL provides information, or the methods to find it, that people need for everyday living.

The next item of business was a request for Harrisonburg Downtown Stream Walk Project. John Reeves, President of Friends of Blacks Run Greenway (FBRG), announced that a ribbon cutting ceremony will be held on April 5th at the new Liberty Park Bridge, and a Downtown Blacks Run Clean-up Day will be held on April 12th. Ross Bair said the downtown walking path is primarily on Main Street and Liberty Street. The objectives are to create a pedestrian path for exercise and transportation through downtown Harrisonburg which encourages the healthy enjoyment of businesses, restaurants, pocket parks, and green spaces in downtown Harrisonburg. The downtown Stream Walk would be designated by approximately 93 three inch diameter bronze medallions imbedded in the curb along the walking route. In addition to the bronze markers, there will be four educational signs. These signs will be 'lectern' style just like the civil war trails informative signs. They will be located on the North East corner of Court Square, on the North West end of the loop, at the pocket park at the Water Street parking deck, and at Liberty Park. The educational content of the signs will pertain to storm water runoff in an urban setting, stream restoration and native plants, animals you may see in the stream, and Harrisonburg history and the stream. Mr. Bair requested approval of the plan as a whole, for the Public Works Department to accept the maintenance responsibility of the bronze medallions for the life of the stream walk, and for the Parks and Recreation Department to accept the responsibility of the upkeep on the signage for the walk. Council Member Chenault offered a motion to approve the maintenance of the project as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank

Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from the Division of Motor Vehicles for purchasing equipment and overtime for officers. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$14,484.21 chge. to: 1000-33524 Federal DMV grant

\$ 8,574.00 approp. to: 1000-310231-48111 Machinery and Equipment

267.50 approp. to: 1000-310631-45530 Training and Travel

3,079.96 approp. to: 1000-310231-41020 Salaries/wages OT

2,562.75 approp. to: 1000-310631-41020 Salaries/wages OT

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

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that R. Bradley Chewning, 1832 College Avenue, be appointed to a first term on the Industrial Development Authority to expire on April 24, 2012. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 9:00 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to boards and commissions, exempt from the public meeting requirements pursuant to Section

2.2-3711(A)(1) of the Code of Virginia, and discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 9:59 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 10:00 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

cc: City Council
City Manager
Public Library

REGULAR MEETING

April 8, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

Vice-Mayor Pace gave the invocation, and Mayor Eagle led everyone in the Pledge of Allegiance.

Mayor Eagle announced that April 13–19, 2008 is NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK and that April 25, 2008 be observed as “ARBOR DAY” in the City of Harrisonburg.

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from RMC Corporation for a special use permit to allow recreation and leisure time activities within the M-1, General Industrial District. The property is located at 1000 South High Street and can be found on tax map 19-D-10. The Comprehensive Plan designates this area as Commercial. Mrs. Turner reviewed the surrounding uses in the area. The applicants are interested in operating a competitive training center for the instruction and practice of martial arts and wrestling within a large warehouse section of the building located on site. They hope to include fitness and exercise equipment and also to allow space and time allotments for physical education for home schooled children and an area for physical therapy and sports medicine. Other sections occupying the building include two professional offices and an auction company. Because this special use permit would open the door to allow other recreational and leisure time activities such as paintball facilities and go cart tracks, staff recommends the special use be granted only for the competitive training/exercise facility. This would require an application and further review for any other uses allowed under this category. Staff has met with the applicant and discussed that if they receive approval of their request, most of the issues they would have to resolve to operate this facility would come during the building permitting phase. If this permit

is approved, before they would receive approval for their building permit, parking requirements must be met for all uses on the property. Planning Commission recommended approval of the special use permit.

At 7:08 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on March 24, and Monday, March 31, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, April 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Special Use Permit – 1000 South High Street Recreation Facility 10-3-97 (10)

Public hearing to consider a request from RMC Corporation, with representative Gary Green 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 1000 South High Street and can be found on tax map 19-D-10.

Mayor Eagle called on anyone desiring to speak for or against this special use permit request. Beau Baker, owner of the business, said he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:09 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this special use permit as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Heritage Estates LLC, to rezone R-2C property near Garbers Church Road. The property is located near Garbers Church Road and can be found on tax map 117-F-1C. The Comprehensive Plan designates this area as Low-Density Mixed Residential. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to rezone a 1.33 acre parcel zoned R-2C, Residential District Conditional. The rezoning would amend existing proffers that were approved in September 2007. The applicant intends to keep the existing single-family home and replace the formerly planned single-family dwellings with two duplex structures, a total of four new dwelling units. Heritage Estates is an age restricted neighborhood interconnected by private streets. The 2007 rezoning proffered that the parcel would be subdivided into five single-family home lots, one of which would be for the existing dwelling located on the site. Other proffers

included that all of the rezoned parcels would be incorporated into the age restricted 55+ community and the architecture of the new homes would be consistent with that of the existing Heritage Estates. The rezoning would amend existing proffers on the parcel with the following: 1) Two duplex units (a total of four new homes) would be constructed on the property along with the existing single-family home. 2) The architecture of the newly created duplex homes would be compatible with the existing French Country architecture of Heritage Estates. 3) The newly created homes would be regulated by the covenants and restrictions of the Heritage Estates 55+ community. 4) Each individual home would have a minimum of 1,600 square feet of living space above the basement level, exclusive of garage space. The overall density of the property would remain the same as was previously approved. If rezoned, these lots would need to be preliminarily platted with a variance to the subdivision ordinance to allow lots to not front on a public street, and a comprehensive site plan review would be required. Planning Commission recommended approval of the rezoning request.

At 7:14 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on March 24, and Monday, March 31, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, April 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – Heritage Estates R-2C Proffer Amendment

Public hearing to consider a request from Heritage Estates LLC, with representative Amar Gogia to rezone 1.33 +/- acres of R-2C, Residential District Conditional property. The rezoning would amend existing proffers on the parcel. The property is located near Garbers Church Road and can be found on tax map 117-F-1C.

The Comprehensive Plan designates this area as Low-Density Mixed Residential. These large undeveloped areas located at the edge of the city are planned for residential development containing a mix of large and small-lot single family detached dwellings and attractive green spaces.

The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit.

Mayor Eagle called on anyone desiring to speak for or against this rezoning request.

Amar Gogia, project manager with Heritage Estates, reviewed a few points as to why this proffer is being requested. After the original rezoning, they focused on the engineering of the four single-family homes and ran into many issues such as setbacks, drainage, and placement of and access to the houses. The idea of the duplex dwellings seemed to be a better arrangement for the site. In addition to the better engineering, the duplexes would allow the site to be a bit more golfer friendly, as there would not be as much space along the golf course taken up by the individual homes. It allows for more green space within the community as well as around the

existing house on the site. Finally, the density of the area will not change. Each individual home will have a minimum of 1,600 square feet of floor area on the main level exclusive of garage space. There being no others desiring to be heard, the public hearing was declared closed at 7:17 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this rezoning request as presented. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Heritage Estates LLC for a special use permit to the Zoning Ordinance to allow community buildings and facilities used for recreational, social, education and cultural activities within the R-1, Single Family Residential District. The property is located near Garbers Church Road and can be found on tax map 116-C-19. The applicant intends to utilize one of the existing undeveloped single-family home lots as a swimming pool/recreation area for Heritage Estates property owners and their guests. Six parking spaces are also provided on the site to meet the parking requirements. The Heritage Estate Homeowners Association has been structured to include a specific allowance to cover operation and maintenance costs for the swimming pool/recreation area. Planning Commission recommended approval of the special use permit.

At 7:20 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on March 24, and Monday, March 31, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, April 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Special Use Permit – Heritage Estates LLC 10-3-34 (5)

Public hearing to consider a request from Heritage Estates LLC, with representative Amar Gogia for a special use permit per Section 10-3-34 (5) of the Zoning Ordinance to allow community buildings and facilities used for recreational, social, educational and cultural activities within the R-1, Single Family Residential District. The property is located near Garbers Church Road and can be found on tax map 116-C-19.

Mayor Eagle called on anyone desiring to speak for or against this special use permit request. Amar Gogia, project manager with Heritage Estates, said he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at

7:21 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this special use permit as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Muhlenberg Lutheran Church to rezone two parcels totaling 1.63 acres from B-2, General Business District to B-1C, Central Business District Conditional. The properties are located at 281 East Market Street and can be found on tax maps 26-A-11 & 22. The Comprehensive Plan designates this area as Mixed Use Development. Mrs. Turner reviewed the surrounding uses in the area. The properties are located between East Market Street and Water Street within a block that has both B-1 and B-2 zoned properties. Mrs. Turner reviewed variances and site plans that have been approved in the past associated with this property. The applicant has proffered the following: 1) The B-2, General Business District parking requirements as set forth in the zoning ordinance will be maintained. 2) Front setbacks of ten (10) feet will be maintained from East Market Street and East Water Street to provide adequate sight distance. Planning Commission recommended approval of the rezoning request.

At 7:26 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on March 24, and Monday, March 31, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, April 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – Muhlenberg Lutheran Church 281 East Market Street

Public hearing to consider a request from Muhlenberg Lutheran Church, with representative Mark Byerly to rezone two parcels totaling 1.63 +/- acres from B-2, General Business District to B-1C, Central Business District Conditional. The properties are located at 281 East Market Street and can be found on tax maps 26-A-11 & 22.

The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-

work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area.

The Zoning Ordinance states that the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District. 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.

Mayor Eagle called on anyone desiring to speak for or against this rezoning request.

Mark Byerly, co-chair of the building committee for Muhlenberg Lutheran Church, spoke in favor of the rezoning. There being no others desiring to be heard, the public hearing was declared closed at 7:27 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Hugo A. Kohl, III to rezone one lot totaling 3,000 square feet lot from B-2, General Business District to B-1C, Central Business District Conditional. The property is located at 311 South Federal Street and can be found on tax map 26-K-6A. The property is also located just south of the intersection of Federal Street and Franklin Street and is improved with a 24 foot by 22 foot wood frame structure. The Comprehensive Plan designates this area as Mixed Use Development. Mrs. Turner reviewed the surrounding uses in the area. This parcel was originally part of the adjoining lot to the west, having frontage on South Main Street and Federal Street. The wood frame structure was an accessory building to the residential dwelling located on the site. The accessory building was renovated by the owner in 1997 to be used as a workshop and a storage area. In 2004, the property owner subdivided the property creating and retaining ownership of the 3,000 sq. ft. parcel in the rear and selling the remaining portion with the residential dwelling. If rezoned, the applicant’s plan for the property is to increase the size of the commercial building and add a residential dwelling unit upstairs. The applicant has proffered the following: 1) The improvements will include increasing the off-street parking to four (4) spaces. 2) Any residential unit will be limited to either two (2) unrelated persons or a single family. Planning Commission recommended approval of the rezoning request.

At 7:33 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fifth public hearing to order. The following notice appeared in the Daily News-Record on March 24, and Monday, March 31, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, April 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – 311 South Federal Street (Kohl)

Public hearing to consider a request from Hugo A. Kohl, III to rezone one lot totaling 3,000 +/- square feet from B-2, General Business District to B-1C, Central Business District Conditional. The property is located at 311 South Federal Street and can be found on tax map 26-K-6A.

The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area.

The Zoning Ordinance states that the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District. 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.

Mayor Eagle called on anyone desiring to speak for or against this rezoning request.

Hugo Kohl, owner of the property, said he does not have anything to add at this time, but would answer any questions Council might have. Mr. Kohl said that his business is not local. He manufactures jewelry for other stores. There being no others desiring to be heard, the public hearing was declared closed at 7:35 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

A scheduled public hearing rezoning request from W. Kelly Straughen was tabled.

Kim Alexander, Assistant to the City Manager, presented an overview of the Community Development Block Grant Program (CDBG) Review/Selection Committee recommendations. The 2009 Annual Action Plan for the CDBG program serves as the planning document for addressing overall community development and housing needs that will utilize the \$527,522 entitlement of CDBG funding available to the City for 2009. The City received \$962,182.62 in requests. Funding provided for various City projects include HRHA Harrison Heights renovations (\$140,000.00), Mercy House Teen Mothers House roof repair (\$4,500.00), City sidewalks (\$130,195.00), sewer rehabilitation project (\$66,300.00), Water Street Alley Extension (\$15,329.62), and administration costs (\$105,504.00). Public Services include The ARC (\$10,000.00), Free Clinic Dental Clinic (\$10,000.00), Valley Program for Aging Services (\$8,000.00), Way to Go Transportation Services (\$4,000.00), Big Brothers/Big Sisters (\$13,454.00), Salvation Army Emergency Shelter (\$13,774.30), Center for Marriage and Counseling (\$2,500.00), New Bridges Immigrant Assistance (\$6,400.00), and Harrisonburg & Rockingham Thermal Shelter (HARTS) (\$11,000.00). Staff will prepare formal documents for HUD and after a required 30-day public comment period, staff will request final approval.

At 7:42 p.m., Mayor Eagle closed the regular session temporarily and called the evening's sixth public hearing to order. The following notice appeared in the Daily News-Record on March 25, 2008.

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

The City of Harrisonburg will hold a public hearing on Tuesday, April 8, 2008, at 7:00 PM in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding the 2009 Action Plan for the Community Development Block Grant (CDBG) Program. Citizen participation is essential to the City's involvement in the Federal Department of Housing & Urban Development's (HUD) CDBG Program. The Action Plan serves as the planning document for addressing overall community development and housing needs that will utilize the \$527,522 entitlement of CDBG funding available to the City for 2009. Projects selected to receive this funding will be included in the Action Plan.

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

Copies of the Action Plan are available at the City Manager's Office, 345 South Main Street, Harrisonburg between 8:00 AM and 5:00 PM, Monday through Friday, and at the reference desk at the Massanutten Regional Library for a 30 day public comment and

review period which begins April 8, 2008. The Action Plan 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 10:00am on Friday, May 9, 2008, to be considered.

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

Sam Nichols representing New Bridges reviewed various events and activities held by the group.

Mary Ellen Chewing representing The ARC said these funds will help purchase a craft show tent, a folding hand cart, storage unit shelves, and computer memory software.

Rich Sider, Director of the Free Clinic, thanked Council for being included in the CDBG requested funding. These funds will be applied toward a new dental program.

Betty Newell representing Way to Go Transportation Services said these funds will help to provide transportation for low income workers traveling to and from work.

Twila Lee thanked Council for their consideration of Mercy House.

Mary Rodihan and Harry Reif representing Big Brothers/Big Sisters of Harrisonburg and Rockingham County thanked Council for supporting the organization.

David Penrod representing the Center for Marriage and Family Counseling said the center provides counseling services for the working poor on a sliding scale based upon a client ability to pay. Supervised visitation for parents with children is also provided. There being no others desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened.

Kim Alexander, Assistant to the City Manager, presented an overview of amendments to the FY 2007 & 2008 Action Plans. Ms. Alexander said that \$9,133.19 remains from the 2007 Public Works Bike Paths project. Staff recommends that this funding be put towards Streetscape improvements – specifically improvements to the sidewalk/alley between Water Street & Court Square. Staff requests that the \$15,872.01 in funding recently moved to the Wayfinding Sign System project be used instead to assist in funding the sewer line relocation project behind the municipal building in order to accommodate the Farmer’s Market pavilion. These amendments are on the same schedule as the 2009 Action Plan. After tonight’s public hearing, there will be a 30 day HUD-required Public comment period for this document. At the end of this comment period and at the May 13, 2008 regular Council meeting, Staff will bring these amendments to Council for approval.

At 8:01 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s seventh public hearing to order. The following notice appeared in the Daily News-Record on March 25, 2008.

PUBLIC HEARING NOTICE
CITY OF HARRISONBURG
AMENDMENTS TO 2007 & 2008 ACTION PLAN
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PUBLIC HEARING - The City of Harrisonburg will hold a public hearing on Tuesday, April 8, 2008 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding Amendments to the 2007 & 2008 Action Plans for the Community Development Block Grant (CDBG) Program. These Action Plans serve as the City's guides for addressing overall community development and housing needs that will utilize the City's annual entitlements of CDBG funding available from HUD to meet those needs. The Amendments to be considered at this Public Hearing are as follows:

- **\$9,133.19 in funding that remains from the Public Works Bike Paths Project (07CDBG04) will be put towards Streetscape Improvements (08AMEND03), specifically improvements to the sidewalk/alley between Water Street and Court Square. This is a part of the City's Downtown Streetscape Revitalization Project.**
- **\$15,872.01 in funding will be moved from the Wayfinding Sign System Project (08AMEND02) that was originally identified in the February 2008 Amendment document to a NEW PROJECT – a sewer line relocation for the City's Farmer's Market (08AMEND06). The Wayfinding Project will no longer be using any HUD / CDBG funds.**

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 Kristin McCombe, at kristinm@harrisonburgva.gov or 540-432-8926 with questions. Written comments may also be mailed to Kristin McCombe, Grants Compliance Officer, 345 South Main Street, Harrisonburg, VA 22801. All comments must be received by 10:00 on May 9, 2008.

Mayor Eagle called on anyone desiring to speak for or against these amendments to the FY 2007 & 2008 Action Plans. There being no one desiring to be heard, the public hearing was declared closed at 8:02 p.m., and the regular session reconvened.

Kim Alexander, Assistant to the City Manager, presented for Council's consideration approval of Amendments to the FY 2008 Action Plan. Ms. Alexander said that \$139,223 was set aside in the 2008 Action Plan for Public Works sidewalk improvements. This originally included four projects. Of the original four projects, only one will require use of this funding (approximately \$45K to \$50K). Two have been postponed and the need for one of them will be met by the Streetscape project. Staff requests that Council put the remaining funding towards replacing/improving the traffic lights at the intersection of East Market Street and Mason Street. The immediate need for this project recently presented itself when one of the traffic poles fell due to deterioration/corrosion. The exact amount of funding to be transferred shall not be known

until completion of the sidewalk project (East Water Street from South Main Street to Mason Street), but will likely be between \$89,000 and \$95,000. A public hearing was held on February 26th, followed by a 30 day public comment period. The comment period has ended, and the City received only one comment – from a citizen who does not think that sidewalk funds should be used to repair the traffic light. Staff requests final approval of this amendment. Council Member Chenault offered a motion to approve the amendment to the FY 2008 Action Plan. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

City Manager Hodgen presented for Council's consideration a single bid received for the sale of two lots on Central Avenue. The City received a single bid of \$240,073 for approximately 3 acres on Central Avenue and also a total of \$360,073 for both the 5 acre and 3 acre parcels. Mr. Hodgen recommended that the City reject this bid. Council Member Chenault offered a motion to reject the bid. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

City Manager Hodgen presented the proposed 2008-2009 budget. Mr. Hodgen reported that the City's population is 44,707 and tied for third having the lowest real estate rate at 59 cents among all independent cities. Primary emphasis is placed on **EDUCATION, PUBLIC SAFETY, TRANSPORTATION, and PUBLIC UTILITIES**. The total proposed budget represents a 26% decrease in net expenditures for the current fiscal revised net budget. It is recommended that the real estate tax rate remain at \$0.59 per 100 dollars, sewer rates be increased by \$0.29 per 100 gallons, water rates be increased by \$0.03 per 1000 gallons and that a new recycling fee of \$10.00 per month be imposed on those receiving recycling collection services but who are not City refuse collection customers. The budget does include a 3% pay adjustment. Premiums for health insurance will increase 5%. The School Board's proposed 2008-2009 budget remains unchanged as presented by Superintendent Donald Ford. State funds will be reduced by approximately \$200,000. It is suggested that the public hearing and first reading of the budget be held on April 22, 2008, and that the final adoption of the budget occur

on May 13, 2008. The General Fund budget is balanced; however, the use of approximately \$4.7 million from the unappropriated fund balance will be required.

Vice-Mayor Pace said, "Next year it will not be necessary to withdraw as much as \$4.7 million from the City's reserve to balance the budget. It is assumed that at July 1st, the City will be at full employment; however, through retirement or turnover there will be openings, which will allow some savings to help reduce the fund balance issue of \$4.7 million. There also should be a significant surplus at the end of the year in the school budget. It is understood that the schools will need some reserves for operational and financial commitments." Mr. Pace also suggested that the City should sell all the surplus property and use the monies to pay down existing debt and use the funds for capital projects.

Public Utilities Director Mike Collins presented a request for a supplemental appropriation for the Public Utilities Department. Mr. Collins said these funds will be used for several Water Capital projects. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$100,000.00 chge. to: 2011-31010 Fund Balance
100,000.00 chge. to: 1321-34220 Transfer from Water Fund
\$100,000.00 approp. to 2011-392061-49216 Transfer to capital projects
100,000.00 approp. to: 1321-910161 -48634 Over sizing & extensions

\$130,000.00 chge. to: 2011-31010 Amount from fund balance
130,000.00 chge. to: 1321-34220 Transfer from water fund

\$130,000.00 approp. to: 2011-392061-49216 Transfer to capital projects
130,000.00 approp. to: 1321-910161 -48635 Water Main upgrades

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

Parks and Recreation Director Lee Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. He said these funds are a reimbursement to the Blacks Run restoration project. The funds are monies from the Zane Showker Blacks Run endowment. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$10,000.00 chge. to: 1000-31824 Donations – Zane Showker Fund

\$10,000.00 approp. to: 1000-710971-46140 Other operating

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

Parks and Recreation Director Lee Foerster presented a request to reserve Parks and Recreation funds. The Parks and Recreation Department is requesting to reserve \$138,000 in unexpended funds designated for the Frazier Quarry water connection in the FY 07-08 budget which will not be expended this year. Additional study of the feasibility and cost efficiency of the project is needed. Council Member Chenault offered a motion to approve the reservation of these funds. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from state and Federal asset seizures and will be used to purchase a new filing system and bar code tracking system for the Records Department. The funds will also be used to continue work at the new training grounds for the department. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$13,000.00 chge. to: 1000-31010 Amount from fund balance

\$ 9,000.00 approp. to: 1000-31041-46010 Office supplies

4,000.00 approp. to: 1000-310231-48234 Police training facility

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

Vote: Yes - Council Member Byrd
Council Member Chenault

Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

At 9:00 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of the acquisition and disposition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

At 9:59 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 10:00 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

April 22, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Bobby Counsel, president of Communications Workers of American, Local 2275, (CWA) expressed his concerns regarding Verizon closing the store at 1790 East Market Street. He said it will be a great injustice to the residents of the community because it will eliminate a store that allows customers to talk face to face with a Verizon store associate. The store provides customers with a chance to view Verizon products and services that are available.

Chris Wilson, vice-president of the Local 2275 CWA, said a Verizon store is needed in Harrisonburg.

Mayor Eagle read and presented the following resolution to John Neff, President of Nielsen Builders, Inc., honoring Nielsen Builders, Inc., on their one hundredth anniversary.

A RESOLUTION HONORING NIELSEN BUILDERS, INC. ON THEIR ONE HUNDREDTH ANNIVERSARY

WHEREAS, Joseph Nielsen founded J. Nielsen and Company in Round Hill, Virginia in 1908 and relocated to Harrisonburg, Virginia in 1917; and

WHEREAS, over the one hundred years since its founding, the company has completed many projects of significance in the Harrisonburg-Rockingham County community and beyond including churches, health care facilities, educational facilities and historic renovations; and

WHEREAS, Nielsen Builders Inc. is now an employee –owned business with over 225 employees who contribute both personally and professionally to the Harrisonburg-Rockingham County community; and

WHEREAS, after one hundred years Nielsen Builders Inc., continues to provide the community with the exceptional construction and workmanship, and outstanding corporate citizenship that its founders envisioned.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Harrisonburg, Virginia wish to congratulate Nielsen Builders, Inc. on its 100th anniversary

and express their thanks for the many contributions that Nielsen has made to the community.

ADOPTED THIS 11TH DAY OF MARCH, 2008.

BY: _____

Rodney L. Eagle, Mayor

ATTEST: _____

Yvonne H. Ryan, MMC, City Clerk

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of appropriations for the Police Department, Public Utilities Department and Parks and Recreation Department. The motion also included rezoning requests for Heritage Estates, LLC, Muhlenberg Lutheran Church and Hugo A. Kohl, III. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented the proposed FY 2008-2009 budget. Mr. Hodgen presented an overview of the City's expenditures and revenues. The proposed budget is \$211,689,273. Primary emphasis is placed on **EDUCATION, PUBLIC SAFETY, TRANSPORTATION, and PUBLIC UTILITIES**. A highlight of expenses for education includes opening a new elementary and middle school this year and also includes a proposed 3% salary increase for school employees. An increase in the public safety budget is primarily due to the first full year of funding for the Fire Department enhancements and several new firefighters added during the fiscal year. Highlights in the Public Works Department include the start up of work on the Stone Spring/Erickson Avenue projects and traffic signal upgrades. This budget includes funding for the continuation of the streetscape program, adds a sidewalk program for the University Boulevard corridor, and new school and transit buses. The Public Utilities Department includes continuing the eastern raw water line extension project, upgrading a western raw water line project, and the City's share of the Regional Sewer Treatment Plant expansion. The budget does include a 3% pay adjustment. Premiums for health insurance will increase 5%. The budget also proposes adding 12.8 full-time employees, which includes 7.8 bus drivers. Mr. Hodgen also reviewed the major capital general projects. A new \$10.00 recycling fee is being proposed, which will not change the cost to any resident of the City that is currently a refuse customer.

At 7:15 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 14, 2008.

**CITY OF HARRISONBURG, VIRGINIA
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 2009
For information and fiscal planning purposes only**

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 22, 2008 at 7:00 p.m., or as soon as the agenda permits, in the Harrisonburg City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia. Interested citizens are encouraged to attend and express their views.

<u>Revenue-By Funds</u>	<u>Original</u>	<u>2007-08 Amendments</u>	<u>Amended</u>	<u>2008-09 As Proposed</u>
Operating:				
General	86,064,732	3,720,830	89,785,562	91,802,441
School	53,763,220	832,896	54,596,116	60,281,222
Comm Dev Block Grant	546,881	708,252	1,255,133	527,522
Water	10,023,305	31,890	10,055,195	8,982,834
Sewer	8,982,999	3,076	8,986,075	9,229,349
Public Transportation	8,342,947	2,761,000	11,103,947	6,754,939
Sanitation	12,771,416	180,331	12,951,747	14,222,397
Central Garage	832,404	-	832,404	876,412
Central Stores	115,452	-	115,452	119,389
Total Operating	<u>181,443,356</u>	<u>8,238,275</u>	<u>189,681,631</u>	<u>192,796,505</u>
Capital Projects:				
General Capital Projects	13,041,884	25,853,260	38,895,144	14,007,000
School Capital Projects	-	25,358,060	25,358,060	-
Water Capital Projects	3,607,746	6,210,002	9,817,748	1,942,905
Sewer Capital Projects	1,962,531	2,285,953	4,248,484	1,564,627
Sanitation Capital Projects	1,680,000	5,297,560	6,977,560	1,378,236
Total Capital Proj	<u>20,292,161</u>	<u>65,004,835</u>	<u>85,296,996</u>	<u>18,892,768</u>
Total	<u>201,735,517</u>	<u>73,243,110</u>	<u>274,978,627</u>	<u>211,689,273</u>

Expenditures - By Funds

Operating:				
General	86,064,732	3,720,830	89,785,562	91,802,441
School	53,763,220	832,896	54,596,116	60,281,222
Comm Dev Block Grant	546,881	708,252	1,255,133	527,522

Water	10,023,305	31,890	10,055,195	8,982,834
Sewer	8,982,999	3,076	8,986,075	9,229,349
Public Transportation	8,342,947	2,761,000	11,103,947	6,754,939
Sanitation	12,771,416	180,331	12,951,747	14,222,397
Central Garage	832,404	-	832,404	876,412
Central Stores	<u>115,452</u>		<u>115,452</u>	<u>119,389</u>
Total Operating	<u>181,443,356</u>	<u>8,238,275</u>	<u>189,681,631</u>	<u>192,796,505</u>
Capital Projects:				
General Capital Proj	13,041,884	25,853,260	38,895,144	14,007,000
School Capital Projects	-	25,358,060	25,358,060	-
Water Capital Projects	3,607,746	6,210,002	9,817,748	1,942,905
Sewer Capital Projects	1,962,531	2,285,953	4,248,484	1,564,627
Sanitation Capital Proj	<u>1,680,000</u>	<u>5,297,560</u>	<u>6,977,560</u>	<u>1,378,236</u>
Total Capital Project	<u>20,292,161</u>	<u>65,004,835</u>	<u>85,296,996</u>	<u>18,892,768</u>
Total	<u>201,735,517</u>	<u>73,243,110</u>	<u>274,978,627</u>	<u>211,689,273</u>

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 Eagle called on anyone present desiring to speak for or against the proposed FY 2008-2009 budget.

Don Plank expressed discontent that the City is proposing a \$10.00 recycling fee to private community citizens. Private community citizens pay the same tax rate but receive fewer services from the City.

Rich Sider, Director of the Free Clinic, thanked Council for supporting the new dental clinic program being started through CDBG funding. He asked Council to consider increasing the amount of funding for the Free Clinic.

There being no others desiring to be heard, the public hearing was declared closed at 7:22 p.m., and the regular session reconvened.

The following discussion by Council Members included: Next year it will not be necessary to withdraw as much as \$4.7 million from the City's reserve to balance the budget. Money throughout the year will be received from grants and reimbursements. The schools should have a surplus at the end of the year. Cutbacks from the state will have a significant impact on the local economy. Council also questioned the proposed \$10.00 recycling fee.

Following further discussion and comments, Council Member Chenault offered a motion to approve the budget as presented for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Norman Yoder, a representative from Brown, Edwards & Company, presented the 2006-2007 Comprehensive Annual Finance Report. He said his firm and the City have to comply with certain standards and guidelines set by the Government Accounting Standards Board (GASB) and the Commonwealth of Virginia Auditor of Public Accounts. He gave a brief overview of the report. Mr. Yoder expressed his appreciation to the Finance Department for all of their assistance. The City will receive an unqualified opinion, which is the highest level of assurance placed on financial statements.

City Manager Hodgen presented a request to consider appropriating General Capital Project fund monies. Mr. Hodgen said the General Capital Projects Fund receives interest from bond issues and “First Cities” funds (VDOT), reimbursements from Rockingham County for the radio project, DCR grant funds and Highway Construction funds. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$287,964.16 chge. to: 1310-31513 Investment earnings
11,232.00 chge. to: 1310-31914 Recovered cost
158,132.11 chge. to: 1310-31919 Reimb-Rockingham Co-Radio system
5,903.01 chge. to: 1310-32508 Dept. of Conservation & Recreation Grant
1,074,387.00 chge. to: 1310-33528 Street & Highway Construction

\$184,977.90 approp. to: 1310-910141-48610 2-way Communication System
5,903.01 approp. to: 1310-910141-48616 City Wide Drainage Program
50,423.75 approp. to: 1310-910141-48637 Erickson Avenue Extension
1,125,514.34 approp. to: 1310-910141-48665 Erickson – South High to Main
170,799.28 approp. to: 1310-910141-48696 Linda Lane Extension

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was a request from Eastern Mennonite University (EMU) to close Park Road during the Commencement exercises on April 27, 2008. EMU has requested that Park Road be closed beginning at Mt. Clinton Pike and ending at Parkwood Drive. The closure would be from 12:45 p.m. until 3:00 p.m. Council Member Chenault offered a motion to approve the request to close Park Road on April 27th. The motion was seconded by Council Member Byrd and approved with a unanimous vote of Council.

The next item of business was a request from Rockingham Rotary Club to close a portion of Washington Street for an “All American Soap Box Derby”. The club is requesting permission to close Washington Street from Route 11 to just about Northfield Court on Saturday, May 24th from 5:00 a.m. until 5:00 p.m. Council Member Byrd offered a motion to approve this request. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

The next item of business was a request to use City property for the Fundfest Concert Series. The concert series will be held on alternating Wednesday evenings beginning May 14th and ending August 20th. Council Member Chenault offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

The next item of business was an update on the Reservoir Street project. Public Works Superintendent Drew Williams reviewed public comments made at the January 9th Public Information Meeting and information presented to City Council on February 12th. Mr. Williams reviewed the widening alternatives including advantages and disadvantages for Reservoir Street from University Blvd. to Neff Avenue, and the design features being considered for this corridor. The Preliminary Design will move forward to refine the remainder of alignment and construction limits, street connections and entrances, drainage and utilities, and define right of way and easement needs. Another Design Public Information Meeting will be held in late spring or early summer.

The next item of business was an update of the 2007 Harrisonburg Police Department Annual Report. Police Chief Harper said that Sgt. Shane Brown received The Virginia Association of Chiefs of Police Award for Valor. This award recognizes a law enforcement officer who, in the line of duty, performs an act of extraordinary heroism while engaged with an adversary at imminent personal risk. Police Chief Harper also recognized Auxiliary Officer Steve Frysinger who gave over 500 voluntary service hours to the Police Department during the past year.

Vice-Mayor Pace offered a motion that Council appoint Stacy Turner to the Community & Economic Development Committee, Mike Collins to the Environmental Quality Committee, Lester Seal to the Finance Committee, Kurt Hodgen and Earl Thumma to the General Laws Committee, and Reggie Smith to the Transportation Committee. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

City Attorney Thumma presented for Council's consideration enacting Section 3-5-11 of the Harrisonburg City Code. The Human Resources Department of the City is requesting this ordinance in order that criminal background checks can be made on persons applying for certain City positions, persons applying for jobs dealing with minors, the elderly, emergency medical services personnel or any other position deemed necessary by the City Manager in the interest of public welfare or safety. State code requires the City to have its own ordinance prior to requesting the State Police to perform a search. The form of this ordinance has received preliminary approval from the State Police. Council Member Byrd offered a motion to approve this ordinance as presented for a first reading. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented for Council's consideration a request from former Governor Mark Warner to close two sides of Court Square for an event on May 6th to officially announce his candidacy for the U.S. Senate. Following further discussion and comments, Council Member Byrd offered a motion to give City Manager Hodgen discretion to work out the details of the street closures with the Warner campaign. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Thanh Dang be appointed to a term on the TAC Policy Board as a voting member. The motion also included that Drew Williams be appointed as an alternate on the TAC Policy Board. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

At 8:30 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to board and commissions, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia; discussion concerning the expansion of an existing business or industry where no previous announcement has been made of the business interest in expanding its facilities within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia; discussion and consideration of the acquisition

and disposition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

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

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

CITY CLERK

MAYOR

REGULAR MEETING

May 13, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Major Malcolm Wilfong. Absent: Police Chief Donald Harper.

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

Nancy Garber asked Council to provide an emergency warning device to alert citizens about tornado warnings or other disasters.

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading appropriating General Capital Project Fund monies and enacting Section 3-5-11 of the Harrisonburg City Code. The motion also included a request to close an alley between Monticello Avenue and Ott Street. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Daniel Sandberg and Karl Yoder to rezone one 11,240 square foot lot from B-2, General Business District to R-3, Multiple Dwelling Residential District. The property is located at 1035 Shenandoah Street and can be found on tax map 48-E-8. The Comprehensive Plan designates this area as Neighborhood Residential. Mrs. Turner reviewed the surrounding uses in the area. Located on site is a non-conforming single-family dwelling. The house was constructed in the 1950's when this area was still within Rockingham County's jurisdiction. In 1983 the area was annexed into the City and zoned B-2; the structure continued to be used as a residence thereby making it non-conforming to the zoning district. The applicants, who recently purchased the property and currently reside in the home, have stated they desire to have the zoning and the use of the property conform to one another while still allowing occupancy by unrelated parties. The applicants have proffered the following: 1) The property will be only used as a single family dwelling unit, which could be occupied by a family of not more than four (4) unrelated persons, and 2) Accessory buildings and uses would clearly be incidental to a single family dwelling. The dwelling could not be changed to a duplex even though there is sufficient lot area to allow a duplex in the R-3 Zoning Classification. The R-3 Zoning Classification allows for uses permitted by right of four (4) unrelated people to occupy a dwelling unit. The non-conforming

use of the property may continue; however, if the home is significantly damaged or sits vacant for more than 24 consecutive months, the structure would not be permitted to continue as a residential use and would have to be used for a permitted B-2 use. Also, as a non-conforming use, the structure cannot be enlarged, expanded, structurally altered or changed to another non-conforming use such as a duplex or multi-family dwelling. This property is situated within a neighborhood that is made up of many non conforming uses, with varying degrees of intensity. The City's Public Works Department has requested that five feet of right-of-way be dedicated along Shenandoah Street. The developers of the adjacent R-3C property proffered the dedication of five feet of right-of-way as part of their rezoning. However, at this time, right-of-way dedication has not been proffered with this request. Planning Commission recommended approval of the rezoning request.

At 7:14 p.m., Mayor Eagle 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, April 28, and Monday, May 5, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, May 13, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – 1035 Shenandoah Street (Sandberg and Yoder)

Public hearing to consider a request from Daniel Sandberg and Karl Yoder to rezone one, 11,240 square foot lot from B-2, General Business District to R-3, Multiple Dwelling Residential District. The property is located at 1035 Shenandoah Street and can be found on tax map 48-E-8.

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, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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

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

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

Mayor Eagle called on anyone desiring to speak for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 7:15 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this request as presented; however, the motion died for lack of a second.

The following discussion by Council Members included: concern that the Applicants did not proffer that five feet of right-of-way would be dedicated along Shenandoah Street; surprise and disappointment that no opposition was expressed from surrounding property owners regarding the request; and that recently an adjacent property was rezoned to allow only two unrelated persons to occupy the dwelling unit.

Council Member Byrd offered a motion to deny this rezoning request. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault

No - Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Radha Krushna to rezone a 5.89-acre parcel from R-4, Planned Unit Residential District to B-2C, General Business District Conditional. The property is located at 810 Port Republic Road and can be found on tax map 92-A-1. The Comprehensive Plan designates this area as Medium-Density Residential. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to rezone one 5.89-acre parcel from R-4, Planned Unit Residential District to B-2C, General Business District Conditional. The property is located at the corner of Port Republic Road and Devon Lane and is the site of the Campus Corner retail center, which includes a gas station, Dairy Queen, and Great Wraps Cafe. Master planned communities within the R-4 zoning district allow up to 10% of a plan of development to have concentrated non-residential uses designed for the convenience of the adjoining residential area. The regulations also state however, that no single commercial use can exceed 2,000 square feet and that those uses cannot

depend upon drive-in facilities. At this time, these two reasons are why the applicant would like to rezone the property to B-2C. The property owners plan to build an addition to the existing western side of the building that would include a two story structure with each floor having approximately 3,600 square feet. The addition would also include a basement area for storage and utilities. The main reason for these planned renovations is to create an expansion and drive-thru facility for Dairy Queen. The following proffers have been submitted: 1) The property is limited to an additional 10,000 square feet of gross leasable area; 2) No new additional entrances will be constructed onto Port Republic Road with this building addition; and 3) The total square footage of all free standing signs will be 150 square feet with the maximum height of signs limited to 25 feet, and the current lot and any future lots created will not be allowed to have an Interstate overlay sign. Mrs. Turner reviewed comments discussed at the Planning Commission meeting. Planning Commission recommended approval of the rezoning request.

At 7:41 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record Monday, April 28, and Monday, May 5, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, May 13, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – 810 Port Republic Road (Radha Krushna LLC)

Public hearing to consider a request from Radha Krushna LLC, with representative Blackwell Engineering to rezone one, 5.89-acre parcel from R-4, Planned Unit Residential District to B-2C, General Business District Conditional. The property is located at 810 Port Republic Road and can be found on tax map 92-A-1.

The Comprehensive Plan designates this area as Medium-Density Residential. This designation states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplex, and two or three story apartments and densities can range from 1 to 15 units per acre.

The Zoning Ordinance states that the R-4, Planned Unit Residential District is intended to permit the development of planned residential neighborhoods containing not less than twenty-five (25) contiguous acres under one ownership or control at the time of approval for development. Within the district the location of all buildings, playgrounds, recreation and green areas, parking areas and open spaces shall be developed in such a manner as to promote a variety of residential and permitted nonresidential buildings in orderly relationship to one another. The residential density ranges for the R-4 district are single-family, 6,000 sq. ft. minimum; two-family, 3,000 sq. ft./unit; multi-family, 3,000 sq. ft./unit; and townhouse, 2,000 sq. ft./unit. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

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

Ed Blackwell representing the owner said a recent traffic count revealed that traffic during peak hours is significantly less than a typical restaurant or convenience store. Peak hours of business are from 9:00 p.m. until 1:00 a.m. The applicant is working on a traffic study. The belief is that if leasable area is limited to a 10,000 square foot addition with the planned use it would not put them into a traffic impact analysis (TIA) situation. Mr. Blackwell said that in the future, the owner might want to develop the remainder of the property, which will require a TIA. There being no others desiring to be heard, the public hearing was declared closed at 7:52 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Downtown Rock Properties to close and vacate a 1,512 square foot alley between Newman Avenue and East Water Street. The alley is adjacent to tax map parcels 26-C-1, 2, & 3 and perpendicular to Newman Avenue and East Water Street. Mrs. Turner reviewed the surrounding uses in the area. The applicant has stated that purchasing the alley will allow the adjoining building owners to utilize the property for the construction of new fire escapes from the structures when renovated. If approved, the adjacent property owners would be given the right to purchase their portion of the alley. The alley is approximately 15 feet wide by 101 feet long. There are no public utilities located within its limits. City departments do not use the alley for trash collection or emergency services. Planning Commission has recommended approving the alley closing request.

At 8:00 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Saturday, May 3, and Saturday, May 10, 2008.

**NOTICE OF INTENTION TO VACATE
A FIFTEEN FOOT (15') WIDE ALLEY LOCATED
LOCATED BETWEEN EAST WATER STREET AND
NEWMAN AVENUE JUST EAST OF SOUTH MAIN STREET
IN THE CITY OF HARRISONBURG**

**City Council Chambers
409 South Main Street
Harrisonburg, VA 22801
Tuesday, May 13, 2008
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, May 13, 2008, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider a request by Downtown Rock Properties, LLC to vacate and close an alley that lies between East Water Street and Newman Avenue, just east of South Main Street, in the City of Harrisonburg, Virginia.

A copy of the plat showing the alley to be vacated and the recommendation of the City's Planning Commission are available in the City Community Development office, 409 South Main Street, Monday through Friday.

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

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

Mayor Eagle called on anyone desiring to speak for or against this request.

David Miller said he was available to answer any questions.

David Lee representing the trustees of the Rockingham Union Lodge #27 requested that the alley be vacated.

Gloria Miller said many members of the Shenandoah Valley Chapter of the Eastern Star depend on the accessibility through the alleyway and use of the elevator entrance to get into the building. There being no others desiring to be heard, the public hearing was declared closed at 8:08 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank

Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

The next item of business was considering a proposed real property tax increase. City Manager Hodgen briefly reviewed the real estate tax rate. Mr. Hodgen said that this year's budget is based upon the assumption of \$.59 per \$100 of assessed value. This rate is the same as the current tax rate, but represents an effective increase of about three and ½ cents per \$100 of assessed value due to the 2007 Reassessment.

At 8:18 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 14, 2008.

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The City of Harrisonburg proposes to increase property tax levies.

- 1. Assessment increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 6.45 percent.**
- 2. Lower Rate Necessary to Offset Increase Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$.5543 per \$100 of assessed value. This rate will be known as the "lowered tax rate."**
- 3. Effective Rate Increase: The City of Harrisonburg proposes to adopt a tax rate of \$.59 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$.0357 per \$100, or 6.4 percent. This difference will be known as the "effective tax rate increase."**

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

- 4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of the City of Harrisonburg will exceed last year's original budget by 4.9 percent.**

A public hearing on the increase will be held on May 13, 2008 at 7:00 PM in the Harrisonburg Council Chambers located at 409 South Main Street, Harrisonburg, Virginia.

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

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

Mayor Eagle called on anyone desiring to speak for or against this proposed real property tax increase. There being no one desiring to be heard, the public hearing was declared closed at 8:19 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the proposed real estate tax rate of \$.59 cents per \$100 assessed value. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

The next item of business was adopting the Fiscal Year 2008-2009 budget. City Manager Hodgen said that an accounting adjustment will need to be made to the final budget amount. The Sanitation Capital Project fund will increase by \$3.1 million because James Madison University will be paying for an additional chiller at the Resource Recovery Plant. A decrease of \$200,000 will occur in the Sanitation fund. The Auditors have advised that the Emergency Communication Center budget will need to be considered as a separate fund because the City and County jointly operate that fund. The changes increase the budget to \$216,081,634. City Manager Hodgen recommended that the budget be approved as presented.

**APPROPRIATION ORDINANCE
OF THE CITY OF HARRISONBURG, VIRGINIA
For the Fiscal Year Ending June 30, 2009**

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 2009. 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, 2009:

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 eighty-one thousand, eighty-five dollars (\$181,085) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$105,265
(2)	Other Operating Expenses	65,320
(3)	Capital Outlays	10,500

Paragraph Two - Office of City Manager (120111)

For the current expenses and capital outlays of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of four hundred seventy-one thousand, seven hundred thirty-five dollars (\$471,735) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$332,411
(2)	Other Operating Expenses	136,224
(3)	Capital Outlays	3,100

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 fifty-four thousand, one hundred seventy-one dollars (\$154,171) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$115,156
(2)	Other Operating Expenses	39,015

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 twenty-four thousand, seven hundred eighty-two dollars (\$224,782) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$143,466
(2)	Other Operating Expenses	79,216
(3)	Capital Outlays	2,100

Paragraph Five - Independent Auditor (120811)

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

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

For the current expenses and capital outlays of the COMMISSIONER OF REVENUE, a division of the General and Financial Administration, the sum of three hundred ninety-eight thousand, five hundred seventy-two dollars (\$398,572) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$267,900
(2) Other Operating Expenses	124,272
(3) Capital Outlays	6,400

Paragraph Seven - Board of Real Estate Assessors (121012)

For the current expenses and capital outlays of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of two hundred ninety-six thousand, two hundred one dollars (\$296,201) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$173,770
(2) Other Operating Expenses	103,581
(3) Capital Outlays	18,850

Paragraph Eight - Board of Equalization (121112)

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

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

For the current expenses and capital outlays of the CITY TREASURER, a division of the General and Financial Administration, the sum of five hundred thirty-two thousand, four hundred twenty-six dollars (\$532,426) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$324,139
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(2)	Other Operating Expenses	206,987
(3)	Capital Outlays	1,300

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 eighteen thousand, nineteen dollars (\$418,019) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$275,033
(2)	Other Operating Expenses	141,586
(3)	Capital Outlays	1,400

Paragraph Eleven – Information Technology (122011)

For the current expenses and capital outlays of INFORMATION TECHNOLOGY, a division of the General and Financial Administration, the sum of seven hundred fifty-three thousand, nine hundred fifty-two dollars (\$753,952) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$323,265
(2)	Other Operating Expenses	320,687
(3)	Capital Outlays	110,000

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 forty-nine thousand, five hundred nine dollars (\$149,509) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$102,060
(2)	Other Operating Expenses	46,649
(3)	Capital Outlay	800

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 sixty-one thousand, one hundred sixty-six dollars (\$161,166) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$77,429
(2)	Other Operating Expenses	71,237
(3)	Capital Outlays	12,500

Paragraph Fourteen - Police Administration (310131)

For the current expenses and capital outlays of the POLICE ADMINISTRATION, a division of the Department of Public Safety, the sum of seven hundred nine thousand, five hundred thirty-six dollars (\$709,536) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$397,825
(2)	Other Operating Expenses	311,211
(3)	Capital Outlays	500

Paragraph Fifteen - Police Operations Division (310231)

For the current expenses and capital outlays of the POLICE OPERATIONS DIVISION, a division of the Department of Public Safety, the sum of two million, nine hundred thirty-two thousand, five hundred thirty-six dollars (\$2,932,536) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$1,958,311
(2)	Other Operating Expenses	946,225
(3)	Capital Outlays	28,000

Paragraph Sixteen - Police Criminal Investigation Division (310331)

For the current expenses and capital outlays of the POLICE CRIMINAL INVESTIGATION DIVISION, the sum of one million, one hundred eighty-eight thousand, four hundred thirty-three dollars (\$1,188,433) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$793,905
(2)	Other Operating	351,358
(3)	Capital Outlays	43,170

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 sixty-eight thousand, seven hundred forty-four dollars (\$1,868,744) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$858,945
(2)	Other Operating Expenses	735,411
(3)	Capital Outlays	274,388

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, three hundred eighty-seven dollars (\$159,387) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$105,593
(2)	Other Operating Expenses	46,794
(3)	Capital Outlay	7,000

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, three hundred twenty thousand, forty dollars (\$1,320,040) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$895,196
(2)	Other Operating Expenses	395,254
(3)	Capital Outlays	29,590

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 sixty-two thousand, five hundred forty-five dollars (\$562,545) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$304,560
(2)	Other Operating Expenses	223,985
(3)	Capital Outlay	34,000

Paragraph Twenty-One - Fire Suppression (320232)

For the current expenses and capital outlays of the FIRE SUPPRESSION, a division of the Department of Public Safety, the sum of five million, five hundred thirty-three thousand, four hundred ninety-three dollars (\$5,533,493) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$3,444,287
(2)	Other Operating Expenses	1,739,406
(3)	Capital Outlays	349,800

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 eighty-eight thousand, seventy-eight dollars (\$388,078) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$258,598
(2)	Other Operating Expenses	122,480
(3)	Capital Outlay	7,000

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 eighty-three thousand, fifty-one dollars (\$183,051) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$119,453
(2)	Other Operating Expenses	63,598

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 thousand, six hundred eighty-four dollars (\$360,684) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$56,914
(2)	Other Operating Expenses	303,770

Paragraph Twenty-Five – Child Safety Alliance - 320732

For the current expenses of the CHILD SAFETY ALLIANCE, a division of the Department of Public Safety, the sum of forty-three thousand, thirty-seven dollars (\$43,037) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$25,179
(2)	Other Operating Expenses	17,858

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 eighty-six thousand dollars (\$86,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$86,000
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Paragraph Twenty-Seven - Building Inspection (340121)

For the current expenses and capital outlays of BUILDING INSPECTION, a division of the Department of Public Safety, the sum of six hundred fifty-one thousand, five hundred sixty-seven dollars (\$651,567) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$432,830
(2)	Other Operating Expenses	189,637
(3)	Capital Outlays	29,100

Paragraph Twenty- Eight - Animal Control (350131)

For the current expenses of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of one hundred eighty-three thousand, nine hundred eleven dollars (\$183,911) is appropriated from General Fund to be apportioned as follows:

(1)	Personal Services	\$33,950
(2)	Other Operating Expenses	149,961

Paragraph Twenty-Nine - Coroner (350331)

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

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

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of seventy-six thousand, six hundred seventy-four dollars (\$76,674) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$76,674
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Paragraph Thirty-One - General Engineering/Administration (410121)

For the current expenses and capital outlays of GENERAL ENGINEERING/ADMINISTRATION, a division of the Department of Public Works, the sum of one million, thirty-three thousand, two hundred forty-one dollars (\$1,033,241) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$648,638
(2)	Other Operating Expenses	318,203
(3)	Capital Outlays	66,400

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, eight hundred eighty-five thousand, six hundred fifty-four dollars (\$4,885,654) is appropriated from the General Fund to be appointed as follows:

(1)	Personal Services	\$1,377,692
(2)	Other Operating Expenses	3,036,902
(3)	Capital Outlays	471,060

Paragraph Thirty-Three - Street Lights (410441)

For the current expenses of STREET LIGHTS, a division of the Department of Public Works, the sum of four hundred forty-eight thousand, twenty-seven dollars (\$448,027) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 448,027
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Paragraph Thirty-Four - Snow and Ice Removal (410541)

For the current expenses and capital outlays of SNOW AND ICE REMOVAL, a division of the Department of Public Works, the sum of two hundred twenty-eight thousand, eight hundred twenty-one dollars (\$228,821) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$51,500
(2)	Other Operating Expenses	167,321
(3)	Capital Outlays	10,000

Paragraph Thirty-Five - Traffic Engineering (410741)

For the current expenses and capital outlays of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of one million, five hundred fifty-eight thousand, two hundred twenty-seven dollars (\$1,558,227) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$506,632
(2)	Other Operating Expenses	657,595
(3)	Capital Outlays	394,000

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

For the current expenses and capital outlays of HIGHWAY/STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of three hundred thousand, seven hundred thirty dollars (\$300,730) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$112,550
(2)	Other Operating Expenses	156,180
(3)	Capital Outlays	32,000

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 five hundred twenty-six thousand, ninety dollars (\$526,090) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$216,965
(2)	Other Operating Expenses	259,125
(3)	Capital Outlay	50,000

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

For the current expenses of INSECT AND RODENT CONTROL, a division of the Department of the Public Works, the sum of forty-seven thousand, two hundred eleven dollars (\$47,211) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$15,919
(1)	Other Operating Expenses	\$31,292

Paragraph Thirty-Nine - General Properties (430221)

For the current expenses and capital outlays of GENERAL PROPERTIES, a division of the Department of Public Works, the sum of five hundred twenty-five thousand, five hundred ninety-two dollars (\$525,592) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$28,562
(2)	Other Operating Expenses	392,530
(3)	Capital Outlays	104,500

Paragraph Forty - Local Health Department (510111)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of four hundred thirteen thousand, seven hundred forty-seven dollars (\$413,747) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$413,747
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Paragraph Forty-One - Community Services Board (520511)

For the current expenses of the COMMUNITY SERVICES BOARD, a division of the Health and Welfare Department, the sum of one million, seven hundred thousand, three hundred ninety-four dollars (\$1,700,394) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$1,700,394
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Paragraph Forty-Two - Tax Relief for Elderly (530611)

For the current expenses TAX RELIEF FOR ELDERLY, a division of the Health and Welfare Department, the sum of forty-nine thousand dollars (\$49,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$49,000
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Paragraph Forty-Three - Parks and Recreation Administration (710171)

For the current expenses and capital outlays of PARKS AND RECREATION ADMINISTRATION, a division of Parks, Recreation and Cultural, the sum of one million, three hundred ninety thousand, nine hundred forty-one dollars (\$1,390,941) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$375,679
(2)	Other Operating Expenses	623,262
(3)	Capital Outlays	392,000

Paragraph Forty-Four - Parks (710271)

For the current expenses and capital outlays of PARKS, a division of Parks, Recreation and Cultural, the sum of nine hundred twenty-two thousand, six hundred seventy-two dollars (\$922,672) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$479,061
(2)	Other Operating Expenses	315,611
(3)	Capital Outlays	128,000

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

For the current expenses and capital outlays of RECREATION CENTERS AND PLAYGROUNDS, a division of Parks, Recreation and Cultural, the sum of five hundred sixty-six thousand, six hundred thirty-five dollars (\$566,635) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$361,607
(2)	Other Operating Expenses	188,128
(3)	Capital Outlays	16,900

Paragraph Forty-Six - National Guard Armory (710571)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of one hundred ninety-three thousand, three hundred eighty dollars (\$193,380) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$33,405
(2)	Other Operating Expenses	67,975
(3)	Capital Outlay	92,000

Paragraph Forty-Seven - Simms Recreation Center (710671)

For the current expenses of the SIMMS RECREATION CENTER, a division of Parks, Recreation and Cultural, the sum of two hundred seventy-seven thousand, three hundred eighty-seven dollars (\$277,387) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$277,387
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Paragraph Forty-Eight - Westover Pool (710771)

For the current expenses and capital outlays of the WESTOVER POOL, a division of Parks, Recreation and Cultural, the sum of four hundred sixteen thousand, five hundred seventy-two dollars (\$416,572) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$198,648
(2)	Other Operating Expenses	192,124
(3)	Capital Outlays	25,800

Paragraph Forty-Nine - Athletics (710871)

For the current expenses and capital outlays of the ATHLETICS, a division of Parks, Recreation and Cultural, the sum of five hundred seventy thousand, five hundred thirty-five dollars (\$570,535) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$249,310
(2)	Other Operating Expenses	191,225
(3)	Capital Outlays	130,000

Paragraph Fifty – Blacks Run Greenway (710971)

For the current expenses and capital outlays of the BLACKS RUN GREENWAY, a division of Parks, Recreation and Culture, the sum of forty-seven thousand, eighty dollars (\$47,080) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$28,729
(2)	Other Operating Expenses	17,351
(3)	Capital Outlay	1,000

Paragraph Fifty-One – Parks & Recreation Golf Course Grounds Management (730271)

For the current expenses and capital outlays of the PARKS AND RECREATION GOLF COURSE GROUNDS MANAGEMENT, a division of Parks, Recreation and Culture, the sum of seven hundred fifty-eight thousand, four hundred nineteen dollars (\$758,419) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$362,355
(2)	Other Operating Expenses	346,064
(3)	Capital Outlays	50,000

Paragraph Fifty-Two – Parks and Recreation Golf Course Clubhouse (730371)

For the current expenses and capital outlays of the PARKS AND RECREATION GOLF COURSE CLUBHOUSE, a division of Parks, Recreation and Culture, the sum of five hundred seventeen thousand, eighty-nine dollars (\$517,089) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$184,881
(2)	Other Operating Expenses	308,208
(3)	Capital Outlays	24,000

Paragraph Fifty-Three - Planning (810121)

For the current expenses and capital outlays of the PLANNING. A division of the Department of Community Development, the sum of one hundred ninety-eight thousand, one hundred forty-nine dollars (\$198,149) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$113,940
(2)	Other Operating Expenses	81,309
(3)	Capital Outlays	2,900

Paragraph Fifty-Four - Zoning Administrator (810221)

For the current expenses of ZONING ADMINISTRATOR, a division of the Department of Community Development, the sum of one hundred sixty-eight thousand, five hundred nineteen dollars (\$168,519) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$112,762
(2)	Other Operating Expenses	55,057
(3)	Capital Outlay	700

Paragraph Fifty-Five - Board of Zoning Appeals (810421)

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Department of Community Development, the sum of five thousand, five hundred fifty-nine dollars (\$5,559) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 900
(2)	Other Operating Expenses	4,659

Paragraph Fifty-Six - Economic Development (810521)

For the current expenses and capital outlays of ECONOMIC DEVELOPMENT, the sum of six hundred ninety thousand, three hundred seventy-eight dollars (\$690,378) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 98,131
(2)	Other Operating Expenses	440,247
(3)	Capital Outlays	152,000

Paragraph Fifty-Seven – Downtown Renaissance - (810621)

For the current expenses and capital outlays of DOWNTOWN RENAISSANCE, the sum of one hundred sixty-seven thousand, four hundred twenty-one dollars (\$167,421) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 140,839
(2)	Other Operating Expenses	26,582

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

For the current expenses and capital outlays of TOURISM & VISITORS SERVICE, the sum of three hundred thirty-nine thousand, six hundred ninety-nine dollars (\$339,699) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$150,327
(2)	Other Operating Expenses	173,372
(3)	Capital Outlay	16,000

Paragraph Fifty-Nine – Downtown Parking Services (810921)

For the current expenses and capital outlays of DOWNTOWN PARKING SERVICES, the sum of two hundred sixty thousand, one hundred fifteen dollars (\$260,115) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$139,172
(2)	Other Operating Expenses	120,943

Paragraph Sixty – Non Departmental-Contributions (910411)

For aiding the activities of independent, civic, charitable, and other organizations, the sum one million, four hundred fifty-six thousand, one hundred eleven dollars (\$1,456,111) is appropriated from the General Fund to be apportioned as follows:

43850 Central Shenandoah Planning District	\$30,000
45642 Local Chamber of Commerce	3,150
45644 Salvation Army	20,000
45645 Rescue Squad-Gas and Oil	25,000
45647 Shen Val. Soil & Water Conservation Dist.	4,500
45648 Blue Ridge Community College	5,000
45649 Rockingham County Historical Society	2,000
45650 Valley Program for Aging Services	30,000
45651 WVPT-Public Television	2,500
45652 First Step, Inc.	21,000
45656 BRCC – Site Improvement	41,484
45659 Blue Ridge Legal Services	10,019
45660 Other Non-departmental	18,834
45662 Free Clinic Inc.	15,000
45663 Community Mediation Center	2,000
45664 Woodbine Cemetery	1,500
45669 Boys and Girls Club	51,000
45678 Newtown Cemetery	1,500
44883 First Night	10,000
45885 Arts Council of Valley	40,000
45886 Quilt Museum	2,000
45887 Camp Still Meadows, Inc.	1,500
45890 Little League Association	6,000
45893 Cats Cradle	389
45896 Roberta Webb Child Care	12,000
45897 Rockingham County Fair Association	10,000
45900 Big Brothers/Big Sisters	10,000
45902 Newbridges Immigrant Rescue	7,500
45904 Rescue Squad – Vehicles	100,000
45905 Lutheran Church – Second Home	15,000
45907 Blue Ridge Disability Service	2,000
45909 Valley 4 th	5,000
47010 Massanutten Regional Public Library-Operating	468,162
47020 Upper Valley Regional Park Authority	18,500
47030 Juvenile Detention Home	463,573

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

For the payment of joint expenses, the sum of four million, sixteen thousand, five hundred ninety-one dollars (\$4,016,591) is appropriated from the General Fund to be apportioned as follows:

47070 Expenses of Sheriff, Courts, etc.	\$2,818,247
47071 Expenses of Social Service District	1,198,344

Paragraph Sixty-Two - Non-Departmental Subscriptions/Contribution (910611)

For the payment of Airport Expenses, the sum of sixty-seven thousand, nine hundred twenty-three dollars (\$67,923) is appropriated from the General Fund to be apportioned as follows:

47040 Airport - Operating	\$67,923
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Paragraph Sixty-Three - Non-Departmental Dues to Municipal Organization (910711)

For the payment of dues to Municipal Organizations. The sum of thirty-one thousand, six hundred fifty-one dollars (\$31,651) is appropriated from the General fund to be apportioned as follows:

45810 Dues and Memberships	\$31,651
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Paragraph Sixty-Four - Reserve for Contingencies (940111)

For Reserve for Contingencies of the General Fund the sum of three hundred thirty-five thousand dollars (\$335,000) is appropriated from the General Fund to be apportioned as follows:

(1) Reserve for Contingencies	\$335,000
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Paragraph Sixty-Five – Debt Service (980142)

For the payment of interest and principal on bonds and lease purchases and bank twelve million, one hundred thirty-three thousand, five hundred ninety-nine dollars (\$12,133,599) is appropriated from the General Fund to be apportioned as follows:

(1) Principal and Interest	\$12,133,599
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Paragraph Sixty-Six - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of thirty-two million, three hundred forty-nine thousand, five hundred sixty-two dollars (\$32,349,562) is appropriated from the General Fund to be apportioned as follows:

(1) General Capital Projects Fund	\$ 1,285,000
(2) Community Center Fund	1,692,361
(3) School Fund	26,700,884
(4) Central Garage Fund	77,312
(5) Central Stores Fund	6,401
(6) Public Transportation Fund	993,111
(7) Sanitation Fund	1,594,493

SUMMARY

Expenditures and Revenues

Total General Fund Appropriation for the
Fiscal Year Ending June 30, 2009 \$89,604,680

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

Amount from Fund Balance	\$ 4,236,432
General Property Taxes	29,290,784
Other Local Taxes	37,087,385
Permits, Privilege Fees and Regulatory Licenses	795,176
Fines and Forfeitures	484,000
Revenue from use of Money & Property	1,769,000
Charges for Services	1,049,900
Miscellaneous Revenue	5,007,000
Recovered Costs	419,571
State Non-Categorical Aid	3,394,089
State Shared Expenses (Categorical-Aid)	372,908
State Other (Categorical-Aid)	3,585,745
Federal Other (Categorical-Aid)	103,585
Non revenue receipts	200,000
Transfers from other Funds	<u>1,809,105</u>
Total General Fund Revenue For the Fiscal Year Ending June 30, 2009	<u>\$89,604,680</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, 2009:

Paragraph One - Instruction (40610)

For the current expenses of INSTRUCTION, of the department of education, the sum of forty-three million, eighty-one thousand, three hundred thirty-nine dollars (\$43,081,339) is appropriated from the City School Fund to be apportioned as follows:

(1) Instruction	\$43,081,339
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Paragraph Two - Administration/Attendance & Health Service (40620)

For the current expenses of ADMINISTRATION/ATTENDANCE & HEALTH SERVICE, of the department of education, the sum of two million, eight hundred eighty-six

thousand, seventy-one dollars (\$2,886,071) is appropriated from the City School Fund to be apportioned as follows:

- (1) Administration/Attendance & Health Service \$2,886,071
Paragraph Three - Pupil Transportation Services (40630)

For the current expenses of PUPIL TRANSPORTATION SERVICES, of the department of education, the sum of one million, nine hundred seventy-three thousand, nine hundred sixty-five dollars (\$1,973,965) is appropriated from the City School Fund to be apportioned as follows:

- (1) Pupil Transportation Service \$1,973,965
Paragraph Four - Operations & Maintenance (40640)

For the current expenses of OPERATIONS AND MAINTENANCE, of the department of education, the sum of five million, five hundred sixty-nine thousand, eight hundred seventy dollars (\$5,569,870) is appropriated from the City School Fund to be apportioned as follows:

- (1) Operations and Maintenance \$5,569,870

Paragraph Five - School Food Services and Other Non-Instructional Operations (40650)

For the current expenses of SCHOOL FOOD SERVICES AND OTHER NON INSTRUCTIONAL OPERATIONS, of the department of education, the sum of three million, seven hundred forty-five thousand, five hundred ninety dollars (\$3,745,590) is appropriated from the City School Fund to be apportioned as follows:

- (1) School Food Services & Other
Non Instructional Operations \$3,745,590

Paragraph Six - Facilities (40660)

For the current expenses of FACILITIES, of the department of education, the sum of two thousand dollars (\$2,000) is appropriated from the City School Fund to be apportioned as follows:

- (1) Facilities \$2,000

Paragraph Seven - Technology (40680)

For the current expenses of TECHNOLOGY of the Department of Education, the sum of two million, five hundred fifty thousand, seven hundred ninety dollars (\$2,550,790) is appropriated from the City School Fund to be apportioned as follows:

- (1) Technology \$2,550,790

Paragraph Eight – Transfers (49210)

For sharing the costs of operation in other funds for the benefit of the School Fund, the sum of four hundred seventy-one thousand, five hundred ninety-seven dollars (\$471,597) is appropriated from the School Fund to be apportioned as follows:

(1) Transfer to General Fund	\$ 471,597
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SUMMARY

Expenditures and Revenues

Total School Fund Appropriations for Fiscal Year Ending June 30, 2009	<u>\$60,281,222</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Revenue from Other	\$ 3,725,999
Revenue from State School Funds	25,060,850
Revenue from Federal Funds	4,793,489
Transfers Receipts from City's General Fund	<u>26,700,884</u>

Total School Fund Revenue For the Fiscal Year Ending June 30, 2009	<u>\$60,281,222</u>
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SECTION III – EMERGENCY COMMUNICATION CENTER FUND (1116)

That the following sums of money be and the same hereby are appropriated for appropriated for Emergency Communication Center purposes specified for the fiscal year ended June 30, 2009:

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, six hundred ninety, one hundred twenty-two dollars (\$3,690,122) appropriated as follows:

(1) Personal Services	\$1,521,828
(2) Other Operating Services	2,168,294

SUMMARY

Expenditures and Revenues

Total Emergency Communication Center Fund Appropriations For the Fiscal Year Ending June 30, 2008	<u>\$3,690,122</u>
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To be provided for from the following estimated revenue, which is as follows:

Other Local Taxes	64,000
Use of Money and Property	80,400
Miscellaneous	1,692,361
State Shared Expenses (Categorical Aid)	161,000
Transfers from General Funds	<u>1,692,361</u>

Total Emergency Communication Center Fund Revenue
For the Fiscal Year Ending June 30, 2008 \$3,690,122

SECTION IV – 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, 2009.

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 twenty-seven thousand, five hundred twenty-two dollars (\$527,522) is appropriated from the Community Development Block Grant to be appropriated as follows:

(1) Personal Services	\$69,128
(2) Other Operating Expenses	457,094
(3) Capital Outlay	1,300

SUMMARY

Expenditures and Revenues

Total Community Development Block Fund Appropriations
For the year ending June 30, 2009 \$ 527,522

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

Federal Non-Categorical Aid \$ 527,522

Total Community Development Block Grant Fund Revenue
For the Fiscal Year Ending June 30, 2009 \$ 527,522

SECTION V – 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, 2009:

Paragraph One – Capital Projects (910141)

For the payment of capital expenditures of the General Capital Projects Fund, the sum of fourteen million, seven thousand dollars (\$14,007,000)

48611 West Elizabeth Bridge	\$ 100,000
48616 City Wide Drainage Program	50,000
48619 East Market Street Safety Improvement	100,000
48636 Stone Spring Road Improvement	4,240,667
48637 Erickson Avenue Extension	4,240,667
48639 Bicycle Routing Projects	50,000
48658 Reservoir Street Safety Improvement	50,000
48663 New Sidewalk/Trail Plan	50,000
48665 Erickson S. High to Main	4,240,666
48666 Greendale Road Improvements	150,000
48695 Garbers Church Road/Imp/HS	50,000
48699 Peach Grove Park	285,000
48701 Downtown Streetscape Plan	200,000
48714 UNIV Corridors Sidewalks	200,000

SUMMARY

Expenditures and Revenues

Total General Capital Projects Fund Appropriation For the Fiscal Year Ended June 30, 2009	<u>\$14,007,000</u>
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To be provided from the following estimated revenues, which are as follows:

32528 Street & Highway Const.	\$ 2,198,640
34110 Bond Proceeds	10,523,360
34210 Transfer from General Fund	<u>1,285,000</u>

Total General Capital Projects Fund Revenue For the fiscal Year Ending June 30, 2009	<u>\$14,007,000</u>
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SECTION VI - 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, 2009:**

Paragraph One - Capital Projects (910161)

For the payment of capital expenditures of the Water Capital Projects Fund, the sum of one million, nine hundred forty-two thousand, nine hundred five dollars (\$1,942,905) is appropriated as follows:

48621 Western Raw Water Line	\$340,000
48627 Water Tank Repairs	50,000
48633 Smithland Road	200,000
48634 Water Main Oversize/Extend	100,000
48635 Water Main Upgrades	200,000
48654 Eastern Source Development	700,000
48657 Water Storage Tanks	252,905
48668 Security & SCADA	50,000
48670 Western Potable Water Sys	50,000

SUMMARY

Expenditures and Revenues

Total Water Capital Projects Fund Appropriations For the Fiscal Year Ended June 30, 2009	<u>\$ 1,942,905</u>
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To be provided for from the following estimated revenue, which is as follows: 34220 Transfer from Water Fund	<u>\$ 1,942,905</u>
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Total Water Capital Projects Fund Revenue For the Fiscal Year Ended June 30, 2009	<u>\$ 1,942,905</u>
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SECTION VII - 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, 2009:

Paragraph One - Capital Projects (911161)

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of one million, five hundred sixty-four thousand, six hundred twenty-seven dollars (\$1,564,627) is appropriated as follows:

48641 Blacks Run Interceptor	\$ 100,000
48647 HRRSA WWTP Expansion	1,064,627
48650 Sewer Main Oversize/Extension	100,000
48651 Sewer Main Upgrades	300,000

SUMMARY

Expenditures and Revenues

Total Sewer Capital Projects Fund Appropriation
For the Fiscal Year Ended June 30, 2009 \$1,564,627

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

34230 Transfer from Sewer Fund \$1,564,627

Total Sewer Capital Projects Fund Revenue
For the Fiscal Year Ended June 30, 2009 \$1,564,627

SECTION VIII - Sanitation Capital Projects Fund (1324)

That the following sum of money be and the same hereby are appropriated for Sanitation Capital Projects purposes herein specified for the fiscal year ended June 30, 2009:

Paragraph One - Capital Projects (910142)

For the payment of capital expenditures of the Sanitation Capital Projects Fund, the sum of four million, four hundred seventy-eight thousand, two hundred thirty-six dollars (\$4,478,236) is appropriated as follows:

48681 City Landfill monitoring	\$ 178,236
48683 Steam Plant for CISAT	3,300,000
48684 County Landfill Development & Closure	300,000
48685 Recycling Development	700,000

S U M M A R Y

Expenditure and Revenue

Total Sanitation Capital Projects Fund Appropriation
For the Fiscal Year Ended June 30, 2009 \$4,478,236

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

34270 Transfer from Sanitation Fund \$4,478,236

Total Sanitation Capital Projects Fund Revenue
For the Fiscal Year Ended June 30, 2009 \$4,478,236

SECTION IX - 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, 2009:

Paragraph One - Administration (312061)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of three hundred fifty-two thousand, six hundred forty-nine dollars (\$352,649) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$208,997
(2)	Other Operating Expenses	143,652

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 fifty-nine thousand, one hundred eighty-one dollars (\$559,181) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$62,562
(2)	Other Operating Expenses	496,619

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 thousand, four hundred twenty-one dollars (\$800,421) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$448,355
(2)	Other Operating Expenses	352,066

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 fourteen thousand, twenty-eight dollars (\$314,028) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$160,825
(2)	Other Operating Expenses	153,203

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of two million, two hundred thirty-nine thousand, three hundred dollars (\$2,239,300) is appropriated from the Water Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$16,000
(2)	Depreciation	1,829,112

(3) Taxes, etc. 394,188

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 eighty-seven thousand, five hundred eighty-three dollars (\$987,583) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$553,425
(2) Other Operating Expenses 434,158

Paragraph Seven - Capital Outlay (372061)

For the capital outlays of the WATER DEPARTMENT, a division of the Water Fund, the sum of three hundred twenty-two thousand, five hundred dollars (\$322,500) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlays \$322,500

Paragraph Eight – Debt Service (382061)

For the payment of interest and principal, etc., on bonds of the Water Department, the sum of six hundred eighty thousand, eight hundred seven dollars (\$680,807) is appropriated from the Water Fund to be apportioned as follows:

(1) Principal and Interest \$680,807

Paragraph Nine – Transfers (392061)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of two million, seven hundred twenty-six thousand, three hundred sixty-five dollars (\$2,726,365) is appropriated from the Water Fund to be apportioned as follows:

(1) General Fund-Share of Accounting, Collecting & Data Processing \$ 680,088
(2) Water Capital Projects Fund 1,942,905
(3) Central Stores Fund 103,372

S U M M A R Y

Expenditures and Revenues

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 2009 \$8,982,834

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

Permits, Privilege Fees and Regulatory Licenses	800,000
Revenue from use of Money & Property	584,047
Charges for Services	5,765,900
Recovered Costs	2,775
Miscellaneous Revenue	1,000
Transfers for depreciation	<u>1,829,112</u>
Total Water Fund Revenues for the Fiscal Year Ending June 30, 2009	<u>\$8,982,834</u>

SECTION X - 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, 2009.

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-four thousand, one hundred two dollars (\$594,102) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$347,219
(2) Other Operating Expenses	246,883

Paragraph Two - Treatment and Disposal (422061)

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of two million, one hundred seven thousand, four hundred forty-two dollars (\$2,107,442) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 2,107,442
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Paragraph Three - Collection and Transmission (432061)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of eight hundred fifty-six thousand, eight hundred forty-seven dollars (\$856,847) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$448,682
(2) Other Operating Expenses	408,165

Paragraph Four - Miscellaneous (442061)

For the current expenses, depreciation and the payment of taxes, the sum of one million, four hundred ninety-eight thousand, four hundred dollars (\$1,498,400) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 8,000
(2)	Depreciation	1,222,380
(3)	Taxes, etc.	268,020

Paragraph Five - Utility Billing (452061)

For the current expenses of UTILITY BILLING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of two hundred forty-two thousand, eight hundred fifty-nine dollars (\$242,859) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$144,224
(2)	Other Operating Expenses	98,635

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 thousand, five hundred two dollars (\$140,502) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$65,286
(2)	Other Operating	75,216

Paragraph Seven - Capital Outlay (472061)

For the capital outlays of the SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one hundred ninety-two thousand, five hundred dollars (\$192,500) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Capital Outlays	\$192,500
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Paragraph Eight – Debt Service (482061)

For the payment of the City's share of interest and principal on HRSA debt, the sum of one million, three hundred sixty-five thousand, thirty-four dollars (\$1,365,034) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Serial Bonds, Interest, etc.	\$1,365,034
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Paragraph Nine - Transfers to Other Funds (492061)

For sharing the cost of operation of other funds for the benefit of the Sewer Fund, the sum of two million, two hundred thirty-one thousand, six hundred sixty-three dollars (\$2,231,663) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	General Fund - Share of Accounting, Collecting, & Data Processing Costs	\$657,420
(2)	Sewer Capital Projects Fund	1,564,627
(3)	Central Stores Fund	9,616

SUMMARY

Expenditures and Revenues

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 2009	<u>\$9,229,349</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Permits, Privilege Fees and Regulatory Licenses	1,000,000
Revenue from use of Money & Property	310,604
Charges for Services	6,678,905
Recovered Costs	17,460
Transfers for depreciation	<u>1,222,380</u>

Total Sewer Fund Revenues for the Fiscal Year Ending June 30, 2009	<u>\$9,229,349</u>
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SECTION XI - 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, 2009:

Paragraph One - Transit Buses (812081)

For the current expenses and depreciation of the TRANSIT BUSES, a division of the Public Transportation Fund, the sum of three million, four hundred thirty-seven thousand, eight hundred twenty dollars (\$3,437,820) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$1,448,062
(2)	Other Operating Expenses	1,836,974
(3)	Depreciation	152,784

Paragraph Two - School Buses (822081)

For the current expenses and depreciation of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of two million, one hundred seventy-eight thousand, six hundred forty dollars (\$2,178,640) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$983,607
(2)	Other Operating Expenses	1,042,249
(3)	Depreciation	152,784

Paragraph Three - Field Trips & Charters (832081)

For the current expenses of FIELD TRIPS AND CHARTERS, a division of the Public Transportation Fund, the sum of one hundred seventy-four thousand, nine hundred fifteen dollars (\$174,915) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$105,854
(2)	Other Operating Expenses	69,061

Paragraph Four - Miscellaneous (842081)

For the current expenses and depreciation of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of sixty-two thousand, sixty-four dollars (\$62,064) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$ 3,893
(2)	Other Operating Expenses	8,167
(3)	Depreciation	50,004

Paragraph Five - Capital Outlay (872081)

For the capital outlays of the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of nine hundred one thousand, five hundred dollars, (\$901,500) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Capital Outlays	\$901,500
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SUMMARY

Expenditures and Revenues

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 2009	<u>\$6,754,939</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Use of Money and Property	\$ 49,000
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Charges for Services	3,413,077
Miscellaneous Revenue	55,840
State Categorical Aid	816,339
Federal Categorical Aid	1,072,000
Transfers from General Fund and depreciation	<u>1,348,683</u>
Total Public Transportation Fund Revenues for the Fiscal Year ending June 30, 2009	<u>\$6,754,939</u>

SECTION XII - SANITATION FUND (2014)

That the following sums of money be and the same hereby are appropriated for Sanitation purposes herein specified for the fiscal year ending June 30, 2009:

Paragraph One - CISAT Facility (912242)

For the current expenses of the CISAT FACILITY, a division of the Sanitation Fund, the sum of five million, two hundred eighty-three thousand, six hundred ninety-six dollars (\$5,283,696) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$1,415,662
(2) Other Operating Expenses	3,868,034

Paragraph Two - Refuse Collection (922041)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of seven hundred fifty-two thousand, nine hundred forty-nine dollars (\$752,949) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$403,369
(2) Other Operating Expenses	349,580

Paragraph Three - Landfill (932042)

For the current expenses of the LANDFILL, a division of the Sanitation Fund, the sum of one million, two hundred thirty-six thousand, seven hundred seventy-one dollars (\$1,236,771) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$ 54,261
(2) Other Operating Expenses	1,182,510

Paragraph Four - Miscellaneous (942042)

For depreciation, bonds issue cost and the payment of taxes of MISCELLANEOUS, a division of the Sanitation Fund, the sum of one million, two hundred twenty-eight thousand, six

hundred ninety-eight dollars (\$1,228,698) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 3,163
(2)	Depreciation	1,181,904
(3)	Bond Issue cost	17,086
(4)	Land and steam agreement	26,545

Paragraph Five - Recycling (952042)

For the current expenses of the RECYCLING, a division of the Sanitation Fund, the sum of one million, one hundred forty-five thousand, two hundred forty-four dollars (\$1,145,244) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$480,037
(2)	Other Operating Expenses	665,207

Paragraph Six - Capital Outlay (972043)

For the capital outlays of the SANITATION DEPARTMENT, a division of the Sanitation Fund, the sum of three hundred twenty thousand dollars (\$320,000) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Capital Outlays	\$320,000
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Paragraph Seven - Debt Service (982042)

For the payment of interest and principal, etc., on bonds of the Sanitation Fund, the sum of two million, eight hundred seventy-six thousand, eight hundred three dollars (\$2,876,803) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Principal and Interest	\$2,876,803
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Paragraph Eight - Transfers (990242)

For transfers to Capital Projects of the Sanitation Fund. The sum of one million, one hundred seventy-eight thousand, two hundred thirty-six dollars (\$1,178,236) is appropriated from the Sanitation Fund to be apportioned as follows.

(1)	Transfers to Sanitation Capital Projects Fund	\$1,178,236
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SUMMARY

Expenditures and Revenues

Total Sanitation Fund appropriations
for the Fiscal Year Ending June 30, 2009 \$14,022,397
To be provided for from the following Estimated Revenues, which are as follows:

License permits & priv. fee	300
Revenue from use of Money & Property	500,000
Charges for Services	8,301,930
Miscellaneous Revenues	175,200
Recovered Costs	2,224,939
Transfers from General Fund, depreciation, etc.	<u>2,820,028</u>

Total Sanitation Fund Revenues
for the Fiscal Year Ending June 30, 2009 \$14,022,397

SECTION XIII - 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, 2009:

Paragraph One - Operating (612141)

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of eight hundred fifty-one thousand, four hundred twelve dollars (\$851,412) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services	\$585,522
(2) Other Operating Expenses	265,890

Paragraph Two - Capital Outlay (672141)

For the capital outlays of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of twenty-five thousand dollars (\$25,000) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Capital Outlays	\$25,000
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SUMMARY

Expenditures and Revenues

Total Central Garage Fund Appropriations
for the Fiscal Year Ending June 30, 2009 \$876,412

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

Use of Money and Property	8,000
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Charges for Services	791,100
Transfer	<u>77,312</u>

Total Central Garage Fund Revenue for the Fiscal Year Ending June 30, 2009	<u>\$876,412</u>
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SECTION XIV - 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, 2009:

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of one hundred nineteen thousand, three hundred eighty-nine dollars (\$119,389) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services	\$ 67,900
(2) Other Operating Expenses	51,489

S U M M A R Y

Expenditures and Revenues

Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 2009	<u>\$119,389</u>
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To be provided for from the following Estimated Revenue, which is as follows:

Transfers from other Funds	<u>\$119,389</u>
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Total Central Stores Fund Revenue for the Fiscal Year Ending June 30, 2009	<u>\$119,389</u>
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**TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XVI
IN THIS ORDINANCE
FOR THE FISCAL YEAR ENDING June 30, 2009
RECAPITULATION**

Section I	General Fund	\$89,604,680
Section II	School Fund	60,281,222
Section III	Emergency Communication Center Fund	3,690,122
Section IV	Community Development Block Grant Fund	527,522
Section V	General Capital Projects Fund	14,007,000
Section VI	Water Capital Projects Fund	1,942,905
Section VII	Sewer Capital Projects Fund	1,564,627

Section VIII	Sanitation Capital Projects Fund	4,478,236
Section IX	Water Fund	8,982,834
Section X	Sewer Fund	9,229,349
Section XI	Public Transportation Fund	6,754,939
Section XII	Sanitation Fund	14,022,397
Section XIII	Central Garage Fund	876,412
Section XV	Central Stores Fund	<u>119,389</u>
TOTAL APPROPRIATIONS		<u>\$ 216,081,634</u>

SECTION XVI

All of the monies appropriated as shown by the contained items in Sections I through XV are appropriated upon the terms, conditions and provisions herein before set forth in connection with said items and those set forth in this section and in accordance with the provisions of the official code of the City of Harrisonburg, Virginia, Edition 1979, now in effect or hereafter adopted or amended, relating hereto.

That the rate of taxation of Real Estate and Manufactured Homes as defined in Section §36-85.3, Code of Virginia, 1950, as amended, be fixed at Fifty-nine cents (\$0.59), and that the rate of taxation on tangible Personal Property as defined by Article 1 of Chapter 35 of §58.1 of the Code of Virginia, 1950, as amended, be fixed at Three Dollars and No Cents (\$3.00) on each one hundred dollars (\$100) assessed valuation for the year 2009 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 2009; 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 2009; real estate taxes to be collectible one half on or before December 5, 2008 and one half on or before June 5, 2009. 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, 2008 and one half on or before June 5, 2009. The above service charge shall apply to all real property except those specifically exempted from the service charge as provided in such section. (Such as property owned by the Commonwealth, hospitals, cemeteries, churches, etc.)

That the salaries, wages and allowances set out in detail in the budget statement and in the documents entitled "Classification titles and compensation ranges effective March 2008", and "Salary Schedule as of July 1, 2008", and adopted by the City Council for the fiscal year beginning July 1, 2008, and ending June 30, 2009, both dates inclusive, be, and they are hereby authorized and fixed as the maximum compensation to be allowed officers and employees for the services rendered, unless otherwise directed by the City Manager and that the City Manager is authorized to make such re-arrangements of salaries in the several departments within and between funds herein named as may best meet the needs and interest of the City and to transfer parts of salaries from one department to another when extra work is transferred from one department to another. The City Manager is also authorized to transfer funds from reserve for contingencies to other expenditure line items and funds, as he may deem necessary. Any positions not specifically listed in the Budget document may not be filled without prior written approval of the City Manager.

Any budgeted funds remaining in 910411-45904, Rescue Squad Vehicles, at year end will be reserved in the General Fund for the exclusive benefit of the rescue squad.

At the end of the fiscal year, June 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, 2008.

Given under my hand this _____ day of _____, 2008.

CITY CLERK

MAYOR

Council Member Frank offered a motion to adopt the Fiscal Year 2008-2009 budget as amended for a second reading. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Kristen McCombe, Grants Compliance Officer, presented for Council's consideration final approval of the FY 2009 Annual Action Plan for the Community Development Block Grant (CDBG). There is \$540,956.92 to be allocated for next's year program, which includes new

monies and the remainder of allocated money from previous plan years. Funding provided for various City projects include HRHA Harrison Heights renovations (\$140,000.00), Mercy House Teen Mothers House roof repairs (\$4,500.00), City sidewalks (\$130,195.00), sewer rehabilitation project (\$66,300.00), Water Street Alley Extension (\$15,329.62), and administration costs (\$105,504.00). Public Services include the ARC (\$10,000), Free Clinic Dental Clinic (\$10,000.00), Valley Program for Aging Services (\$8,000.00), Way to Go Transportation Services (\$4,000.00), Big/Brothers/Big Sisters (\$13,454.00), Salvation Army Emergency Shelter (\$13,774.30), Center for Marriage and Counseling (\$2,500.00), New Bridges Immigrant Assistance (\$6,400.00), and Harrisonburg & Rockingham Thermal Shelter (HARTS) (\$11,000.00). A 30 day Public Comment period was held from April 8th until May 9th. Mrs. McCombe reviewed all comments received and the responses to the comments. Vice-Mayor Pace offered a motion to approve the final FY 2009 Action Plan as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Abstained - Council Member Byrd
Council Member Chenault

Absent – None

Kristen McCombe, Grants Compliance Officer, presented for Council's consideration final approval of amendments to the FY 2007 & 2008 Action Plans. Mrs. McCombe said \$9,133.19 remains from the 2007 Public Works Bike Paths project. Staff recommends that this funding be put towards Streetscape improvements – specifically improvements to the sidewalk/alley between Water Street & Court Square. Staff requests that the \$15,872.01 in funding that was recently moved to the Wayfinding Sign System project via a previous amendment be used instead to assist in funding the sewer line relocation project behind the municipal building in order to accommodate the Farmer's Market pavilion. The 30-day Public Comment period required by HUD ended on May 9, 2008. Council Member Chenault offered a motion to approve the amendments to the FY 2007 & 2008 Action Plans as presented. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Dr. Christie Joy-Brodrick and Laura Pagliarulo presented a final update on the development of baseline emissions and greenhouse gas inventory for the City of Harrisonburg's municipal operations. Council joined (ICLEI) a Local Governments for Sustainability project in 2007. As the first stem in ICLEI's Climate Protection campaign, a baseline inventory was conducted to develop an Action Plan for the City to increase energy use efficiency and reduce air emissions. Ms. Pagliarulo reviewed the information that was analyzed and used for the report and received from various City departments.

City Manager Hodgen presented for Council's consideration appropriating a portion of the proceeds from the sale of land. The City received \$7 million from the sale of land located on Port Republic Road and Neff Avenue. The land was purchased originally by the City with the proceeds of an issued bond. When the land was later sold by the City, bond counsel advised that approximately \$3 million of the monies received from the sale would need to be placed in a debt reserve account for payment on the issued bonds. Bond counsel has since advised that the money does not have to be held in reserve as long as it is spent on other capital projects. It is recommended that the funds be appropriated as follows: Port Republic Road Phase III (\$1,438,000), Reservoir Street Project (\$912,000), Dream Come True Playground (\$300,000), and Retaining Wall at Noll & Gay Street (\$350,000). Following further discussion and comments, Vice-Mayor Pace offered a motion to amend the request of \$912,000 for the Reservoir Street Project by allocating \$679,800 for the Reservoir Street Project and the balance of \$232,200 for the East-West Corridor. Vice-Mayor Pace offered a motion to approve this transfer, and that:

\$2,417,800.00 1000-34012 Sale of land
2,417,800.00 1310-34210 Transfer of General Fund

\$2,417,800.00 1000-990111-49216 Transfer to Capital Projects
2,417,800.00 1310-34110 Bond proceeds

\$ 1,438,000 48617 Port Republic Road Street Improvement
679,800 48659 Reservoir Street Project
300,000 48706 Peach Grove Park-A Dream Come True

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$582,200.00 1000-34012 Sale of land
582,200.00 1310-34210 Transfer from General Fund
\$582,200.00 1000-990111-49216 Transfer to Capital Projects
350,000.00 1310-910141-48669 Retaining Wall at Noll Drive & Gay Street
232,200.00 1310-910141-48637 Erickson Avenue Extension

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Chenault offered a motion to authorize City Manager Kurt Hodgen to award a contract for the Elizabeth Street Bridge and Gay Street Retaining Wall reconstruction to Hammon-Michell, Inc. The bid was \$744,797.00. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Chenault offered a motion to authorize City Manager Kurt Hodgen to award a contract for the Port Republic Road Phase III project to Perry Engineering. The low bid was \$1,925,972.20. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

City Manager Hodgen presented a request to charge off delinquent utility bills incurred through December 2006. These accounts are currently with the collection agency, which will still be pursued. Vice-Mayor Pace offered a motion to write off the list of 241 delinquent

accounts for a total value of \$31,320.52. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Public Works Department. These funds were received from the state and Federal government and will be applied to the Stone Spring Road/Erickson Avenue accounts. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$950,000 chge. to: 1310-33553 Street & Highway Construction Funds
500,000 chge. to: 1310-32528 Street & Highway Constructions Funds

\$500,000 approp. to: 1310-910141-48665 Erickson Avenue (South High to Main)
950,000 approp. to: 1310-910141-48637 Stone Spring Rd (Erickson Ave. Extension)

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Fire Department. This request is for appropriation of funds for the firefighter salary increases and the three firefighter positions that were added in October 2007 with the acceptance of the SAFER Act grant. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$180,930 chge. to: 1000-31010 Amount from Fund Balance

\$ 4,667 approp. to: 1000-320132-41010 Salaries
168,484 approp. to: 1000-320232-41010 Salaries
4,667 approp. to: 1000-320332-41010 Salaries
3,112 approp. to: 1000-320432-41010 Salaries

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Police Major Wilfong presented a request for a supplemental appropriation for the Police Department. These funds were received through state asset seizure money and will be used to purchase equipment for an existing vehicle to convert it to the department's crisis negotiator vehicle. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$6,000 chge. to: 1000-31010 Amount from Fund Balance

\$6,000 approp. to: 1000-310131-48257 Crisis Negotiator Vehicle

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council's consideration amending Section 4-2-25 and Section 4-2-23 of the Harrisonburg City Code. Mr. Thumma said these ordinance changes amend the water and sewer connection fees. Council Member Byrd offered a motion to approve this ordinance as presented for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Council asked City Manager Hodgen to provide recommendations on Energy Conservation/Reduction of CO2 that he thinks are reasonable and also reflect and are consistent with the actions that JMU is considering, in order to avoid cross purposes with each other.

Council asked City Manager Hodgen and Commissioner of Revenue Hosaflook to review language regarding real estate and personal property tax exemptions for the elderly and disabled to bring the City into compliance with state statute and possibly raise the maximum relief granted for real property tax from \$500.00 to \$1,000.00.

Council Member Chenault offered a motion to refer a request to the Planning Commission from the City of Harrisonburg to close the remaining portion of an alley that runs between East Market Street and East Water Street from Ott Street. The motion was seconded by Council Member Byrd and approved with a recorded vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that Eugene Stoltzfus, 61 South Main Street, be appointed to a term on the Tree Advisory Committee to expire on May 13, 2011. The motion was seconded by Council Member Byrd and approved with a recorded vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that Brian J. Moore, 360 East Elizabeth Street, be appointed to a second term on the Community Services (Chapter 10) Board to expire on July 1, 2011. The motion was seconded by Council Member Byrd and approved with a recorded vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

At 9:38 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to boards and commissions, 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; and discussion and consideration of the acquisition and disposition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

At 10:45 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.

City Attorney Thumma presented the following resolution for Council's consideration.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, DIRECTING THE CITY ATTORNEY
TO PREPARE AND FILE A PETITION FOR A WRIT OF ELECTION**

WHEREAS, on May 9, 2008, Rebecca B. Neal, City Treasurer resigned her position as City Treasurer thereby creating a vacancy in the constitutional office of the Treasurer for the City of Harrisonburg, Virginia; and

WHEREAS, Section 24.2-228.1 of the Code of Virginia, 1950, as amended, provides that a vacancy in any elected constitutional office shall be filled by special election; and

WHEREAS, pursuant to state law the governing body of the City in which the vacancy in a constitutional office occurs shall petition the Circuit Court to issue a writ of election to fill the vacancy; and

WHEREAS, Section 24.2-682 of the Code of Virginia, 1950, as amended provides that every special election shall be held on a Tuesday; no special election shall be held within sixty (60) days prior to a general or primary election; and no special election shall be held on the same day as a primary election; and

WHEREAS, the next general election is scheduled to be held on November 4, 2008; and

WHEREAS, the City Council determines that it would be difficult and contrary to the best interest of the citizens to have a special election in the short amount of time available prior to the upcoming November 4, 2008 general election; and

WHEREAS, the City Council determines that the months of June, July and August are not appropriate times for conducting a special election due to the likelihood of extremely small voter turnout because of vacation schedules after the closing of public schools and the availability of election officials and workers;

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

That the City Attorney of the City of Harrisonburg, Virginia, is hereby authorized and directed, upon the entry of the final order in the case of Commonwealth v. Rebecca B. Neal, to file a Petition for Writ of Election with the Circuit Court of Rockingham County, Virginia, requesting that a Writ of Election be entered by the Circuit Court and that the date set for the special election to fill the vacancy in the constitutional office of the Treasurer for the City of Harrisonburg, Virginia, be held on November 4, 2008 at the same time as the next general election.

Approved: May 13, 2008.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

At 10:50 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

May 27, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Samantha Jo Earman and Candice Baker received a “Saved by the Belt” award as part of the “Click It or Ticket It” program. It was noted that these young ladies lives were saved because they were wearing their seat belt prior to being involved in an accident.

The Harrisonburg Elks Lodge presented a “Citizenship Award” to Master Police Officer Greg Deeds for his distinguished service to the community.

A special invitation was issued by re-enactors (Mayor Isaac Hardesty “1850’s” and Mrs. Hardesty) to everyone to attend the Court Days Festival on Saturday, June 7, 2008.

Vice-Mayor Pace requested that Item 5b on the consent agenda be removed and considered as a separate item.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of appropriations for the Public Works Department, Fire Department, and Police Department. The motion also included a rezoning request from Radha Krushna LLC, closing an alley between East Market Street and East Water Street, and amending and re-enacting Sections 7-4-22 and 7-4-23 of the Harrisonburg City Code. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council’s consideration an ordinance to grant a license to place a fire escape on the public right-of-way located between Main Street and Federal Street. Mr. Thumma said the applicants, Rocktown Development Group, LLC (Pennybackers Restaurant), want to install a fire escape to serve the second floor of the restaurant, located at 14 East Waster Street, in the pedestrian alley located between Main Street and Federal Street along

the rear of the building. Council Member Byrd offered a motion to approve an ordinance granting a license to place a fire escape on the public right-of-way. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

Commissioner of the Revenue June Hosaflook presented for Council's consideration amending and re-enacting Section 4-2-23, 4-2-25, and 4-2-124 of the Harrisonburg City Code. Ms. Hosaflook reviewed the proposed changes in these ordinances, which will provide tax relief for the elderly. Vice-Mayor Pace offered a motion to approve these ordinances as presented for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for Comprehensive Services Act costs. Mr. Hodgen said services mandated for children and families in the City have exceeded budgeted amounts. Charlotte McNulty, Chair of the Community Policy and Management Team (CPMT), gave a brief overview of the costs associated in providing mandated services for these children. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$704,658.00 chge. to: 1000-31010 Amount from Fund Balance

\$704,658.00 approp. to: 1000-910511-47071 Expenditures of Social Services District

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

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace

Mayor Eagle

Absent – None

Vice-Mayor Pace offered a motion to approve the second reading of a supplemental appropriation to transfer part of the funds received from the sale of the Port Republic Road land to the General Capital Projects Fund for the Public Works Department. This money will be used to fund the retaining wall at Noll and Gay Street. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

Parks and Recreation Director Lee Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. These funds will reimburse the Parks and Recreation budget for donations received to help cover expenses incurred for the African-American Festival on May 10, 2008. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$5,750 chge. to: 1000-31809 Donations

\$5,750 approp. to: 1000-710171-45803 Festivals

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

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

Parks and Recreation Director Lee Foerster presented a request to transfer funds for the Parks and Recreation Department. This request is to transfer funds allocated for the Hillandale Comfort Station project, which was funded by CDBG funding to the “Dream Come True Playground” Capital Projects fund. Also, the second request is to transfer funds allocated to the Westover Pool Capital Outlay budget to the Swimming Pool Renovation Capital Projects fund. Council Member Chenault offered a motion to approve this transfer, and that:

\$110,000.00 chge. to: 1000-710271-48181 Buildings and Grounds
110,000.00 chge. to: 1321-34210 Transfer from General Fund

\$110,000.00 approp. to: 1310-910141-48699 Peach Grove Park
110,000.00 approp. to: 1000-990111-49216 Transfer to Capital Projects

\$96,500.00 chge. to: 1000-710771-48184 Improvements
96,500.00 chge. to: 1310-34210 Transfer from General Fund

\$96,500.00 approp. to: 1310-910141-48702 Swimming Pool Renovations
96,500.00 approp. to: 1000-990111-49216 Transfer to Capital Projects

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

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. This request is to recover funds received from the “Four for Life” program, Hazmat response reimbursements, Child Safety Seat program, and other donations and recovered costs. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$28,867.96 chge. to: 1000-31930 Reimb for Safety Seat Tech
25,384.99 chge. to: 1000-32514 Four for Life
1,948.97 chge. to: 1000-32501 Reimb for Hazmat Response
13,643.20 chge. to: 1000-31809 Donations
40.00 chge. to: 1000-31812 Donations
13,017.44 chge. to: 1000-31914 Recovered Costs

\$25,384.99 approp. to: 1000-350532-46155 Four for Life
57,517.57 approp. to: 1000-320232-41020 Overtime

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were received from Rockingham County through the 2005 COPS METH Grant for investigators overtime. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$3,374.29 chge. to: 1000-33555 2005 Cops Meth. Grant

\$3,374.29 approp. to: 1000-310331-41020 Salaries/Wages OT

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were received through a Division of Motor Vehicles Grant for overtime and training/travel for officers. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$3,663.02 chge. to: 1000-33524 DMV grant

\$3,332.48 approp. to: 1000-310231-41020 Salaries/wages OT
330.54 approp. to: 1000-310631-45530 Training/travel

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were received through a law enforcement block grant to purchase

equipment for the Police Department. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$15,000.00 chge. to: 1000-33509 Law Enforcement Block Grant

\$15,000.00 approp. to: 1000-310331-48211 Machinery and equipment

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Byrd offered a motion to approve a request from the Catholic Church to close Federal Street from Elizabeth Street to Wolfe Street on Sunday, June 8th for an event. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Ron Ross, 2193 Deyerle Avenue, be appointed to a term on the Social Services Advisory Board to expire on July 1, 2012. The motion was seconded by Vice-Mayor Pace and approved with a recorded vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 8:10 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

June 10, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of appropriations for the Fire Department, Parks and Recreation Department, Comprehensive Services, and Police Department. The motion also included placing a fire escape on the public right-of-way, and amending and re-enacting Sections 4-2-23, 4-2-25 and 4-2-124 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

Planning and Community Development Director Turner presented for Council’s consideration a request to amend Article B. Plats Generally, Section 10-2-26(a) and (d) of the Subdivision Ordinance to extend the timeline to file final plats from twelve months (12) months to twenty-four (24) months after the approval of the preliminary plat. Currently, subsections (a) and (d) require an applicant to submit at least a section of a final plat within 12 months following approval of their preliminary plat. If the applicant fails to submit their final plat within the timeframe, the plat becomes null and void. Mrs. Turner said during the past several years at least six preliminary plats have exceeded the timeframe. In general, the design, plan review, and financial phases of some projects take longer than others. Some developments have needed supplementary infrastructure that has consequently required further review by City departments, which ultimately delays developers from filing their final plat. Extending the amount of time from one year to two years should help curtail some of the time constraints that many developments have been experiencing. Planning Commission recommended amending the ordinance.

At 7:06 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s public hearing to order. The following notice appeared in the Daily News-Record Tuesday, May 27, and Monday, June 2, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing to on Tuesday, June 10, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Ordinance Amendment – Subdivision Ordinance Section 10-2-26 (a) & (d)

Public hearing to consider amending Article B. Plats Generally, Section 10-2-26 (a) and (d) of the Subdivision Ordinance to extend the timeline to file final plats from twelve months (12) months to twenty-four (24) months after the approval of the preliminary plat.

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 Eagle called on anyone desiring to speak for or against amending this ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:07 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to amend this ordinance as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Founders Way, LLC, to preliminarily subdivide one, 3.02-acre parcel into 36 townhouse lots. This is the second time this preliminary plat has been reviewed. This subdivision of 36 townhouses is intended to be an extension of the Founders Way townhouse community. The development would have two entrances off of Founders Way with all internal roads designed to be private streets. The developer intends to make this development part of the Liberty Square Homeowners Association. A condition of the subdivision restricts occupancy to a family or two unrelated persons per unit. This development would be built upon private streets with travel ways that are too narrow to accommodate on-street parking; therefore, to minimize parking problems on site and to reduce the amount of vehicles associated with this development. Planning Commission has recommended approving the preliminary plat. Vice-Mayor Pace

offered a motion to approve this preliminary plat as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

School Board Finance and Technology Director, Dee Dee Dawson, presented a transfer request for the School Board. Ms. Dawson said these funds will be transferred from the instruction function into the administration/attendance, health, and technology function. No additional City dollars are required for the school division to receive this transfer. Council Member Byrd offered a motion to approve transferring these funds, and that:

\$150,000.00 chge. to: 1111-111114-40610 Instruction
\$100,000.00 approp. to: 1111-111114-40620 Administration/Attendance & Health
50,000.00 approp. to: 1111-111114-40680 Technology

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

The next item of business was a request from the Interim City Treasurer Jeff Shafer to advertise delinquent real estate taxes for 2005/2006 and 2006/2007. The advertisement will be published in the Daily News-Record. Council Member Frank offered a motion to approve this request. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

The next item of business was a request from the Interim City Treasurer Jeff Shafer to charge off uncollectible personal property taxes for the year 2002 and real estate taxes for the year 1987. Following further comments and discussion, Council Member Frank offered a motion to approve this request. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

Vice-Mayor Pace requested that Interim City Treasurer Jeff Shafer review the last three years of uncollected tax related to real estate because the amount has doubled several times.

Mr. Shafer commented that he has noticed the large amount and will be reviewing collection measures to make the department more effective.

Planning and Community Development Director Turner presented a transfer request for the department. These monies will be transferred from Planning, Building Inspections and Engineering budgets to capital projects funds to allow for continuation of property renovation. Vice-Mayor Pace offered a motion to approve this transfer, and that:

\$81,200.00 chge. to: 1000 Salaries & Wages
81,200.00 chge. to: 1310-1310-34210 Transfer from General Fund
\$81,200.00 approp. to: 1000-990111-49216 Transfer to Capital Projects Fund
50,000.00 approp. to: 1310-910141-48698 Capital Projects-Mun.Bldg.
31,200.00 approp. to: 1310-910141-48710 Capital Project-409 S. Main Street

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

Parks and Recreation Director Lee Foerster presented a request to reserve Parks and Recreation Department funds. The Parks and Recreation Department is requesting to reserve \$13,120.00 in unexpended funds designated for the Blacks Run budget. These expenditures will

be used for stream restoration projects. Vice-Mayor Pace offered a motion to approve the reservation of these funds.

\$13,120.00 chge. to: 1000-32509 VA Dept. of Forestry Grant
\$13,120.00 approp. to: 1000-710971-46140 Other Operating Supplies

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council's consideration amending and re-enacting Sections 11-1-1, 11-6-1, and 13-1-3 of the Harrisonburg City Code. Mr. Thumma explained that each year Council is asked to amend and re-enact these ordinances, which are related to changes in the state statutes. These sections adopt the state changes to the Uniform Statewide Building Code, Property Maintenance Code, and the motor vehicle and DUI laws. This will be the last year Council will have to adopt these changes. The General Assembly amended the state statute to allow localities to adopt the amendments each year by including certain language in the ordinances. Council Member Byrd offered a motion to approve these ordinances for a first reading. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

Public Utilities Director Mike Collins presented for Council's consideration amending and re-enacting Section 7-4-1 of the Harrisonburg City Code. Mr. Collins proposed adding a seasonal charge of 8 cents per 1,000 gallons during a five-month period beginning with July each year. This proposed change will affect all customers. Council had previously approved a 3 cent per 1,000 gallon increase in the adopted Fiscal Year 2008-2009 budget. Also, the proposal will help the City comply with a mandated Virginia water supply planning requirement and encourage water conservation measures. Following further discussion and comments, Council Member Chenault offered a motion to approve the rate structure as presented in this ordinance for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

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

**A Resolution Calling on the Governor and General Assembly
to Address Virginia's Transportation Funding Crisis**

WHEREAS, the package of transportation taxes and fees enacted by the 2007 Session of the General Assembly to address statewide maintenance and regional transportation needs failed because the Virginia Supreme Court invalidated the Northern Virginia regional fees and because the 2008 General Assembly repealed the abusive driver fee program; and

WHEREAS, the Commonwealth Transportation Board is ready to approve a \$1.1 billion reduction in the official six-year forecast, forcing a 44 percent cut in primary, urban roads and secondary roads construction; and

WHEREAS, the Virginia Municipal League has advocated for a transportation funding model that is adequate, sustainable, and dedicated with non-general funds to support Virginia's transportation network; and

WHEREAS, Governor Timothy M. Kaine has called the General Assembly into special session on June 23 to address these funding matters;

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Harrisonburg does hereby support efforts of the Governor and the General Assembly to act swiftly and decisively to approve legislation that will address the transportation funding crisis at the statewide, regional and local levels; and

BE IT FURTHER RESOLVED THAT, such legislation should recognize that it is the Commonwealth's responsibility to impose any new taxes and fees that are necessary to support regional and statewide transportation needs and that the funding purposes must be restricted to ensuring safe roads, relieving traffic congestion, maintaining and increasing transit investments, promoting economic development throughout the state, and providing multi-modal options.

ADOPTED THIS 10th DAY OF JUNE, 2008.

BY: _____

Rodney L. Eagle, Mayor

ATTEST: _____

Yvonne H. Ryan, MMC, City Clerk

City Manager Hodgen said this resolution encourages the Governor and the General Assembly to adopt legislation that will address the transportation funding crisis at the statewide, regional and local levels when a special session of the General Assembly is convened on June 23. The resolution is non-partisan in nature and does not specifically endorse any programs or recommendations that have been presented to date. Vice-Mayor Pace offered a motion to approve this resolution. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

At 8:10 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to boards and commissions, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Mayor Eagle

Absent – None

At 8:45 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 8:47 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

June 24, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

Vice-Mayor Pace gave the invocation, and Mayor Eagle led everyone in the Pledge of Allegiance.

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Parks and Recreation Department. The motion also included amending and re-enacting Sections 11-1-1, 11-6-1 and 13-1-3, and amending Section 10-2-26 of the Harrisonburg City Code. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Vice-Mayor Pace offered a motion to amend and re-enact Section 7-4-1 (Schedule of rates and charges for water and sewer) of the Harrisonburg City Code for a second reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was a request from Interim City Treasurer Jeff Shafer to write-off an insurance deductible charge. Mr. Shafer said that in March of 2005, a theft occurred in the Treasurer’s office resulting in the loss of \$7,547.97. Insurance covered \$6,297.97 of this amount with the balance of \$1,250 being the deductible amount of the insurance policy. Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Miriam Dickler, Public Information Officer and Thanh Dang, Environmental Specialist, presented an overview of the Virginia Municipal League’s “Green Government Challenge”. The “GoGreen Virginia” initiative is encouraging communities to reduce energy usage and promote sustainability at the government level. The “Challenge” is designed to encourage implementation of specific environmental policies and practical actions that can save local governments money. If Harrisonburg receives 100 points out of a possible 200 points, it can become a certified “Green City”. Ms. Dang reviewed the many accomplishments the City achieved to earn points toward the “GoGreen Virginia” challenge. These accomplishments include formal adoption of a sustainability plan, membership in ICLEI, conducting a baseline emissions inventory, implementing an internal government recycling program, and adopting a “Green Fleet” policy. Further accomplishments include adopting land-use policy plans for higher-density development, promoting permanent conservation easements, implementing a tree preservation plan, implementing an educational program, establishing a Safe Routes to School program, implementing a local farm/produce program, and innovation credits. Following further discussion and comments, Council Member Chenault offered a motion to participate in the Virginia Municipal League’s Green Government Challenge. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Chenault offered a motion to extend the re-appointment of City Manager Kurt D. Hodgen until January 3, 2011. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Chenault offered a motion to extend the term of office and employment agreement with City Attorney Earl Thumma until January 2, 2009. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Frank offered a motion to refer a request for a dance hall permit from Luis Gomez (Pupuseria y Restaurant Sonia) to the Police Department. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Transportation Department. These funds will be used for various department services. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$20,000.00 chge. to: 2111-31695 Sale of Services to Departments

\$ 4,000.00 approp. to: 2111-612141-42110 Workers comp

12,000.00 approp. to: 2111-612141-43330 Maint & Rep-Mach & equip

4,000.00 approp. to: 2111-612141-42050 Hospital insurance

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Council asked City Manager Hodgen to provide information regarding whether a business owning vacant lots on Pleasant Hill Road can offer parking spaces to James Madison University's freshmen, especially since freshmen cannot have cars on campus.

At 8:10 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

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

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

CITY CLERK

MAYOR

REGULAR MEETING

July 8, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

City Manager Hodgen presented for Council’s consideration issuing general obligation debt not to exceed \$1.4 million. The City plans to install a 1,500 ton chiller at the City’s Recovery Facility which will replace the current 500 ton chiller. The purpose of this new chiller is to provide cooling for the JMU ISAT campus. The City will issue the bond for the project and James Madison University will service the debt for the bond.

At 7:01 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, June 24, and Tuesday July 1, 2008.

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, of general obligation bonds in a principal amount not to exceed \$1,400,000 (the “Bonds”), the proceeds of which will be used to finance a chiller for the City’s resource recovery facility and related costs, as well as pay the costs of issuance of the Bonds.

The public hearing, which may be continued or adjourned, will be held at 7:00 p.m. on Tuesday July 8, 2008, before the Council at a regularly scheduled meeting in the Council Chambers at 409 South Main Street in Harrisonburg, Virginia 22801. Any person interested in the issuance of the Bonds and the purposes for which the Bonds are being issued may appear at the hearing and present his or her views.

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

Mayor Eagle called on anyone desiring to speak for or against authorizing the issuance of this general obligation debt. There being no one desiring to be heard, the public hearing was declared closed at 7:02 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the issuance of this general obligation debt not to exceed \$1.4 million. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from the City of Harrisonburg to close 8,722 sq. ft. of a paved alley located perpendicular to Ott Street. The alley is approximately 20-foot wide and 455-foot long, located adjacent to tax map parcels 26-A-1, 9, 10, 11, 16, 18, & 22. Mrs. Turner reviewed the surrounding uses in the area. The Muhlenberg Lutheran Church has stated their main reason for wanting to take ownership of the alley is to prohibit traffic, which could increase due to the Urban Exchange development. They hope by closing this alley that a more pedestrian safe environment would be created. The Harrisonburg Electric Commission will need an easement for the section behind Blakemore's Flower Shop for facilities they will be installing in association with the Urban Exchange development. The City may also need an access easement to allow the Sanitation Division accessibility to the rear portion of these buildings to pick up trash and recycling. Also, an adjacent property owner may need an access easement to his property. Planning Commission recommended approving the alley closing.

At 7:09 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Saturday, June 28, and Saturday, July 5, 2008.

**NOTICE OF INTENTION TO VACATE
A VARIABLE WIDTH ALLEY LOCATED
BETWEEN EAST MARKET STREET AND EAST WATER STREET
FROM OTT STREET WEST TO A PREVIOUSLY CLOSED ALLEY**

**IN THE CITY OF HARRISONBURG
City Council Chambers
409 South Main Street
Harrisonburg, VA 22801
Tuesday, July 8, 2008
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, July 8, 2008, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider a proposed motion by the City Council to vacate and close a variable width alley that lies between East Market Street and East Water Street from Ott Street west to a previously closed alley, in the City of Harrisonburg, Virginia.

A copy of the plat showing the alley to be vacated and the recommendation of the City's Planning Commission are available in the City Community Development office, 409 South Main Street, Monday through Friday.

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

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

Mayor Eagle called on anyone desiring to speak for or against closing the alley.

Mark Byerly, co-chair of the building committee for Muhlenberg Lutheran Church, spoke in favor of the alley closing and granting access easements to adjoining property owners.

Bob Rivera, an adjoining property owner, said he would need access to his garage, which sits in the rear of his property, if this alley is closed. There being no others desiring to be heard, the public hearing was declared closed at 7:15 p.m., and the regular session reconvened. Council Member Chenault offered a motion to close the alley in its entirety and easements be granted to the Harrisonburg Electric Commission and the City's Sanitation Division to be established at a location to be determined between them and the City Attorney. The motion also included that an access easement be reserved to Bob Rivera's property from Ott Street to the rear of the property line and also that the same access easement be reserved for the piano building from Ott Street west to its property line. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from RMC Corporation for a special use permit to allow a religious use at 1054 South High Street. The property is currently zoned M-1, General Industrial District classification and can be found on tax map 19-D & 16A. The applicant is requesting a special use permit to use this building for religious purposes within the M-1, General Industrial Zoning District classification. Mrs. Turner reviewed the surrounding uses in the area. This property has access rights to the east, across the adjoining RMC Corporation property, and out to South Avenue. It is suggested that the applicants make the entrance off South High Street one-way, then exit out onto South Avenue or restrict parking along the southern side of the building allowing for two-way traffic to enter and exit South High Street. The applicant has stated that the building will seat up to seventy-five (75) members. Based on that number, fifteen (15) on-site parking spaces would be required. The applicant has been informed by staff that if they receive approval of the request, they would need to apply for a change of use permit from the Building Division. The Comprehensive Plan recognizes this area along South High Street as Commercial and although zoned M-1, the industrial uses found along this corridor are not intensive enough that a church at this location would not be in concert with the surrounding uses. Planning Commission recommended approving the special use permit with two conditions: 1) Entrance only off of South High Street (onto the property). 2) Limit the special use permit to the current building only.

At 7:23 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 23, and Monday, June 30, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, July 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Special Use Permit – 1054 South High Street (Lion of Judah Ministries)

Public hearing to consider a request from RMC Corporation, with representative Gary Green for a special use permit per Section 10-3-97 (9) of the Zoning Ordinance to allow a religious use within the M-1, General Industrial District. The property is located at 1054 South High Street and can be found on tax maps 19-D-15 & 16A.

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 Eagle called on anyone desiring to speak for or against this special use permit.

Jeanne Carter, associate minister for Lion of Judah Ministries, said they currently have 22 active members consisting of four families. Part of the reason they are looking for a space of their own is for growth, and this building would accommodate approximately 70 people comfortably. They plan to have a one way entrance off of South High Street and to exit out the back of the property. In addition, they plan on making the side parking spaces parallel to provide more access. There being no others desiring to be heard, the public hearing was declared closed at 7:26 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this special use permit request. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Randal Johnson to rezone one, 4,940 +/- square foot parcel from B-2, General Business District to R-2, Residential District. The property is located at 1050 and 1058 Park Road and can be found on tax map 48-D-39. Situated on the parcel is a duplex and multiple parking spaces. The purpose of this rezoning is to secure permanent financing for the property. This property came into the City through annexation in 1983 with a business classification. That designation most closely correlated with the City's B-2, General Business District and was brought into the City under this designation. The Comprehensive Plan designates this area as Neighborhood Residential. Mrs. Turner reviewed the surrounding uses in the area. Planning Commission recommended approval of the rezoning request.

At 7:32 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 23, and Monday, June 30, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, July 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – 1050 & 1058 Park Road (Randall Johnson)

Public hearing to consider a request from Randall Johnson to rezone one, 4,940 +/- sq. ft. lot from B-2, General Business District to R-2, Residential District. The property is addressed at 1050 & 1058 Park Road and can be found on tax map 48-D-39.

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, 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 two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit.

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

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

CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager

Mayor Eagle called on anyone desiring to speak for or against this rezoning request.

Randy Johnson, owner of the property, said the property was purchased in October 2007. He would like to obtain conventional financing because of the B-2 zoning of the property. There being no others desiring to be heard, the public hearing was declared closed at 7:33 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the rezoning request. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Cosner Development, LC to rezone three lots totaling 4.5 +/- acres from R-2, Residential District and R-3, Multiple Dwelling Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 1720 Pear Street and can be found on tax map 9-E-1, 2, & 3. The applicant is requesting to rezone three lots, two of which are zoned R-2, Residential

District and one that is zoned R-3, Multiple Dwelling Residential District to R-3C, Multiple Dwelling Residential District Conditional. The Comprehensive Plan designates the majority of this property as Medium-Density Residential. Mrs. Turner reviewed the surrounding uses in the area. The submitted plan of development has been proffered. The design would include two, 12-unit apartment buildings, an additional three unit apartment building, and seven duplex structures (14 units). In addition, the existing single family home will either remain or could be removed and another duplex building would be constructed on that lot for a total of 42 or 43 units. A 6-foot high privacy fence with landscaping bordering will be provided adjacent to the railroad tracks. Staff had several concerns regarding street design variance technical alignment, site distance easements, and variance requests for safety modifications. There are complicated transportation issues related to this request. Due to the location of the subject property, the road alignment of Pear Street with South High Street, and the added complication that the nearby intersection also has a railroad crossing, staff is not only concerned about the long term development at this location but also the short term construction and the safety issues related to ingress and egress from this property. The first phase of the Erickson Avenue/Stone Spring Road project included the improvements planned for the railroad trestle bridge at the junction of South High Street, Erickson Avenue, and Pear Street. These improvements are scheduled to begin by October of this year. Staff has made clear to the applicant that any rezoning does not suggest that they will be able to get an entrance permit during the construction period or that they will be able to reroute traffic in order to start development of this property. At this time, staff is content with the proffered public street design to bring Pear Street to a "T" intersection with the new cul-de-sac street and believes this could help alleviate some of the concerns. If this layout is approved, staff would make the new cul-de-sac street the "through" movement for traffic. The Public Works Department is very concerned about the timing of this potential development and how it would impact the control of traffic. The applicant has shown on their proffered plan an area where they would dedicate future right-of-way to allow for a realignment of Pear Street. The applicant has proffered the following: 1) The concept plan prepared by Hamrick Engineering, P.C. dated June 10, 2008, is proffered except for the location of street trees which may vary due to necessary sight distance easements. 2) Occupancy will be limited to two unrelated people or a single family. 3) Each duplex unit will have three parking spaces - one in the garage and two in the driveway. Planning Commission recommended approval of the rezoning request with the proffers.

At 7:48 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fifth public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 23, and Monday, June 30, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, July 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – Cosner Development, LC (1720 Pear Street)

Public hearing to consider a request from Cosner Development, LC, with representative Hamrick Engineering to rezone three lots totaling 4.5 +/- acres from R-2, Residential District and R-3, Multiple Dwelling Residential District to R-3C, Multiple Dwelling Residential District Conditional. The properties are located at 1720 Pear Street and can be found on tax maps 9-E-1, 2, & 3.

The Comprehensive Plan designates this area as Medium-Density Residential. This designation states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplex, and two or three story apartments and densities can range from 1 to 15 units per acre.

The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft./unit. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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

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

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

Mayor Eagle called on anyone desiring to speak for or against this rezoning request. Brasil Hamrick representing Hamrick Engineering in Verona said he was available to answer any questions. They have had several meetings with City Staff and have enjoyed working out most of the issues on this project. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve the rezoning request as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault

Mayor Eagle

Absent – None

A scheduled public hearing rezoning request from WRock Street, LLC has been withdrawn.

A scheduled public hearing rezoning request from W. Kelly Straughen has been withdrawn.

Planning and Community Development Director Turner introduced for Council consideration amending Article B. Plats Generally, Section 10-2-23 (14) of the Subdivision Ordinance; amending Article U. Amendments and Changes Section 10-3-118, and Article C. Site Plan Review, Section 10-3-16 (d) of the Zoning Ordinance. Mrs. Turner said these amendments will reflect new Traffic Impact Analysis (TIA) review fees for preliminary plats, comprehensive site plan reviews, and rezoning. In 2006, the General Assembly passed legislation requiring developments occurring within 3,000 feet of a state maintained road to submit a Traffic Impact Analysis (TIA) to be reviewed by the Virginia Department of Transportation (VDOT). If the parcel is located within VDOT's area of review, then the state would receive the review fees. If the parcel is not located within VDOT's area of review, then only the City would evaluate the TIA and would collect \$1,000 for the analysis. Planning Commission recommended approval of the proposed ordinance amendments to reflect fees associated with Traffic Impact Analysis review with preliminary plat applications submissions.

At 7:56 p.m., Mayor Eagle closed the regular session temporarily and called the evening's sixth public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 23, and Monday, June 30, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, July 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Ordinance Amendment – Subdivision Ordinance Section 10-2-23 (14)

Public hearing to consider amending Article B. Plats Generally, Section 10-2-23 (14) of the Subdivision Ordinance to reflect fees associated with Traffic Impact Analysis reviews with preliminary plat application submissions.

Ordinance Amendment – Zoning Ordinance Section 10-3-16 (d)

Public hearing to consider amending Article C. Site Plan Review, Section 10-3-16 (d) of the Zoning Ordinance to reflect fees associated with Traffic Impact Analysis reviews with site plan application submissions.

Ordinance Amendment – Zoning Ordinance Section 10-3-118

Public hearing to consider amending Article U. Amendments and Changes, Section 10-3-118 of the Zoning Ordinance to reflect fees associated with Traffic Impact Analysis reviews with rezoning application submissions.

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 Eagle called on anyone desiring to speak for or against amending these ordinances. There being no one desiring to be heard, the public hearing was declared closed at 7:57 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve amending these ordinances as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council's consideration amending and re-enacting Article B of Title 4, Chapter 1 of the Harrisonburg City Code. Mr. Thumma reviewed the amendments for consideration including prohibiting the Treasurer from cashing checks, adding an administrative fee for "bad checks", and regarding certain departmental collections being deposited directly to the bank when the Treasurer's Office is not open during its regular office hours. Council Member Chenault offered a motion to approve these ordinances for a first reading. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council's consideration enacting Section 4-1-75 of the Harrisonburg City Code. Mr. Thumma said this ordinance transfers responsibility for

investment of City funds from the Treasurer's Office to the Director of Finance. Council Member Chenault offered a motion to approve these ordinances for a first reading. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. This money was received through a block grant to purchase equipment for the department. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$15,000.00 chge. to: 1000-31010 Amount from fund balance

\$15,000.00 approp. to: 1000-310331-48211 Machinery & Equipment

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. This money was placed in the department budget to equip a Crisis Negotiator vehicle. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$2,639.00 chge. to: 1000-31010 Amount from Fund Balance

\$2,639.00 approp. to: 1000-310131-48257 Crisis Negotiator vehicle

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank

Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Chenault offered a motion to not charge the Salvation Army, a non-profit or 501(c)(3) organizations, for vacating a street closing. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Mayor Eagle

Abstained - Council Member Byrd

Absent – None

Council Member Chenault gave a brief overview of a School Liaison Committee meeting. The School Board has asked to retain \$600,000 or 1% in reserve funds. Additionally, they have asked to retain \$400,000, which has been retained from various bond capital issues. They would like to use these funds for school capital improvements. Also, they have projected that another \$800,000 in funds, which is over and above the \$600,000 in reserve funds be designated for construction of a new school office complex.

Council Member Chenault offered a motion to give back to the Rockingham Union Lodge a portion of an alley between Newman Avenue and E. Water Street. This alley was donated to the City many years ago at no charge. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that Brian Shull be appointed to a term on the Massanutten Regional Library Board of Trustees to expire on July 1, 2011. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank

Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Chenault offered a motion to authorize the Finance Department to release \$500,000 in reserve funds effective June 30, 2008, from the Virginia Municipal League Insurance and place the money back into the General Fund. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

At 8:10 p.m., Council Member Chenault offered a motion that Council enter into a closed session for 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; and discussion and consideration of the use of real estate to be used for public purposes, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

Absent – None

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

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

CITY CLERK

MAYOR

REGULAR MEETING

July 22, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

Mayor Rodney Eagle gave the invocation and led everyone in the Pledge of Allegiance.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of appropriations for the Police Department and rezoning requests from Randall Johnson and Cosner Development. The motion also included amending and re-enacting Sections 10-2-23, 10-3-118, 10-3-16, 4-1-75, and Article B of Title 4, Chapter 1 of the Harrisonburg City Code. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

City Engineer Dan Rublee presented a brief overview of proposed changes to the City Design & Construction Standards Manual. These changes are necessary for compliance with the City’s VPDES Permit for Small Municipal Separate Storm Sewer Systems (MS4), issued by the VA Department of Conservation & Recreation (DCR). DCR is requesting the City move forward with an abbreviated program, as major changes to the VA Stormwater Management Regulations are currently under development. This program involves establishing maintenance agreements with property owners for perpetual maintenance of stormwater Best Management Practices (BMPs) installed with development projects. During the plan review, plan submission stage, and permit stage the City will have plans that can be implemented correctly in the field and contain sufficient information for construction and maintenance. The City will also have a third party certification statement at the end of the construction. The revisions “soften up” the Certification statement to reduce potential liabilities. These new requirements will be incorporated into the Design and Construction Standards Manual (DCSM) and will be effective on all projects which disturb one acre or more. Implementation will begin August 1, 2008.

At 7:30 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s public hearing to order. The following notice appeared in the Daily News-Record Friday, July 11, and Friday, July 18, 2008.

**NOTICE OF PUBLIC HEARING ON ENACTING
A STORMWATER PROGRAM
FOR THE CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on July 22, 2008 at 7:00 p.m. in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, to solicit public comments concerning the enacting of a Stormwater Program within the Design & Construction Standards Manual for the City of Harrisonburg.

Specific information on the proposed Stormwater Program is available on the City's web site under the Design & Construction Standards Manual link, and at the City's Department of Community Development, 409 South Main Street, Harrisonburg, Virginia, Monday through Friday, 8:00 a.m. – 5:00 p.m.

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

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

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

Mayor Eagle called on anyone desiring to speak for or against making changes to the City Design & Construction Standards Manual. There being no one desiring to be heard, the public hearing was declared closed at 7:31 p.m., and the regular session reconvened. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve these changes to the manual. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was a request to issue a dance hall permit for Pupuseria Restaurant. City Manager Hodgen said the Police Department has completed its review of the request. All aspects meet approval with the exception of the following: 1) Plans call for a dining occupancy of 56, but seating was only present for approximately 46 dining customers outside of the dancing area. Seating must be provided for 56. 2) The dance floor area needs to be defined about floor level (denoted by rope or some type of above floor level separation). Mr. Hodgen

said Pupuseria Restaurant meets all the requirements for issuance of the dance hall permit with the exception of the two items listed. The City's recommendation is that the dance hall permit be approved subject to the two items being satisfied. Council Member Chenault offered a motion to table this request until the two items are satisfied. The motion was seconded by Council Member Byrd and approved with a unanimous vote of Council.

The next item of business was a presentation by People Incorporated. Rob Goldsmith, President of People, Inc., provided an overview of the agency and its purposes, which are primarily to benefit low and moderate income persons. He has met with a number of public and non-profit organizations in the City. People Incorporated has expressed a desire to be designated as Harrisonburg's Community Action Program.

The following discussion by Council Members included: Are most of the Community Development Block Grants competitive based applications? Is the organization prepared to deal with the many foreign languages spoken in this area? It was also pointed out that the organization's web site reported a loss of \$227,000 in 2007 fiscal year.

The next item of business was an update on the Reservoir Street project. Public Works Superintendent Drew Williams reviewed the information presented at the June 25th Public Information Meeting held at Stone Spring Elementary School. Improvements will include widening the existing two-lane roadway to a five-lane roadway, bicycle lanes, and sidewalks. Mr. Williams reviewed the alignment of the Reservoir Street Widening project and the two-phased approach. Council Member Chenault offered a motion to approve the alignment of the project as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Mayor Eagle

No - Vice-Mayor Pace

Absent – None

The next item of business was a presentation by Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance (HDR), who gave an update of the progress and accomplishments of HDR. Harrisonburg Downtown Renaissance was selected by Virginia Main Street as a pilot community for their first YouTube video, featuring downtown attractions. Mr. Bumbaugh reviewed projects receiving Façade Enhancement grants, several new restaurants, signage, new technology businesses, the streetscape project, the downtown stream walk, and renovation projects in the downtown area. The City received a \$150,000 grant from "Preserve America".

Alexis Morehouse, Promotions Manager of HDR, reviewed the downtown walking tours, new promotional visitor's center rack cards, gift certificates, student art contest, downtown events, and the Discovery Magazine.

Kris Ludwig, Special Events Manager of HDR, reviewed information regarding the Valley 4th Parade, the Court Days Festival, and other events in the downtown area. She requested permission for the welcome back students "Block Party in the Burg" event on September 12th, from 4:00 to 8:00 p.m.

Council Member Chenault offered a motion to approve the closure of the Court Square streets for the September 12th "Block Party in the Burg" event. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

Jessica Chase, Program Manager/Downtown Parking Services of HDR, reviewed information regarding new downtown parking spaces, the new office location, and organization/community events in the Downtown area. Ms. Chase discussed adding additional parking for scooters and bikes in the downtown area and not eliminating spaces for car parking.

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

RESOLUTION
Safe Routes to School Project
Keister Elementary School

WHEREAS, in accordance with the Safe Routes to School Program of the Virginia Department of Transportation allocation procedures, it is necessary that a request by City Council resolution be made in order that the Virginia Department of Transportation fund Safe Routes to School be awarded for:

- **A project grant of \$455,330 to make safety improvements around Keister Elementary School including sidewalks along South Avenue, Central Avenue and Maryland Avenue, addition of signalized pedestrian crossings, crosswalk improvements, and yield to pedestrian signage.**

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City Manager is authorized, for and on behalf of the City of Harrisonburg, hereafter referred to as the PUBLIC BODY, to enter into agreement with the Department of Transportation, Commonwealth of Virginia, hereafter referred to as the DEPARTMENT, in the amount of \$455,330 to defray the costs borne by the PUBLIC BODY for this Safe Routes to School project; and to accept from the DEPARTMENT reimbursements in such amounts as expenses are submitted, and to authorize the City Manager to furnish to the DEPARTMENT such documents and other information as may be required for meeting grant requirements. The City Council certifies that the funds shall be used in accordance with the requirements of Section 58.1-638.A of the Code of Virginia.

BE IT FURTHER RESOLVED, that the **PUBLIC BODY** is not required to provide local matching funds and that the records of receipts of expenditures of funds granted the **PUBLIC BODY** may be subject to audit by the **DEPARTMENT** and by the State Auditor of Public Accounts, and that funds granted to the **PUBLIC BODY** for defraying the expenses of the **PUBLIC BODY** shall be used only for such purposes as authorized in the Code of Virginia.

ADOPTED: _____
Date

RODNEY L. EAGLE, MAYOR

ATTEST:

YVONNE RYAN, MMC, CITY CLERK

Thanh Dang, Environmental Technology Specialist, said approval of this Resolution will authorize City Manager Hodgen to enter into agreement with the Virginia Department of Transportation (VDOT) to begin the Safe Routes to School project around Keister Elementary. Ms. Dang reviewed the tentative project schedule. Council Member Byrd offered a motion to approve this resolution as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

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

RESOLUTION
Affirmation of Authorization to Pick-up the Employee’s Contribution to
VRS for City of Harrisonburg, 55208
Under §414(h) of the Internal Revenue Code

WHEREAS, the City of Harrisonburg provides its employees with tax deferral pursuant to §414(h) of the Internal Revenue Code with respect to their member contributions to the Virginia Retirement System (referred to as VRS) by picking up member contributions to VRS; and

WHEREAS, VRS keeps track of such picked up member contributions, and treats such contributions as employee contributions for all purposes of VRS; and

WHEREAS, the Internal Revenue Service in Notice 2006-43 has provided transition relief for existing pick up arrangements provided that an authorized person takes formal action to evidence the establishment of the pick-up arrangement no later than January 1, 2009; and

WHEREAS, in order to avail itself of the protection given under Notice 2006-43, the City of Harrisonburg desires to affirm its intention to establish and maintain a pick-up arrangement through formal action by its governing body.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the existing member contribution pick-up arrangement is hereby affirmed as it relates to salary reduction elections in effect prior to the date of this Resolution and it is further

RESOLVED, that effective the first pay day on or after July 22, 2008, the City of Harrisonburg shall pick up member contributions of its employees to VRS, and such contributions shall be treated as employer contributions in determining tax treatment under the Internal Revenue Code of the United States; and it is further

RESOLVED, that such contributions, although designated as member contributions, are to be made by the City of Harrisonburg in lieu of member contributions; and it is further

RESOLVED, that pick up member contributions shall be paid from the same source of funds as used in paying the wages to affected employees; and it is further

RESOLVED, that member contributions made by the City of Harrisonburg under the pick up arrangement shall be treated for all purposes other than income taxation, including but not limited to VRS benefits, in the same manner and to the same extent as member contributions made prior to the pick up arrangement; and it is further

RESOLVED, that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the pick up contributions made by the City of Harrisonburg directly instead of having them paid to VRS; and it is further

RESOLVED, that notwithstanding any contractual or other provisions, the contributions of each member of VRS who is an employee of the City of Harrisonburg shall be picked up either through a reduction in the current salary of such employee or as an offset against future salary increases of such employee or as a combination of both at the option of the employer by the City of Harrisonburg on behalf of such employee pursuant to the foregoing resolutions.

ADOPTED THIS 22nd DAY OF JULY, 2008.

BY: _____

Rodney L. Eagle, Mayor

ATTEST: _____

Yvonne H. Ryan, MMC, City Clerk

City Manager Hodgen said that a recent IRS ruling requires VRS to conduct a full audit of “pick up” plan resolutions and to obtain a formal resolution from VRS employers. The City must reaffirm that its plan meets the requirements of the new ruling. Vice-Mayor Pace offered a motion to approve this resolution as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council’s consideration amending and re-enacting Sections 6-1-22 and 6-1-23 of the Harrisonburg City Code. Mr. Thumma said these ordinances are being amended to reflect City Council’s desire to not charge non-profits or 501(c)(3) corporations for vacating a street or alley. Vice-Mayor Pace offered a motion to approve these ordinances for a first reading. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were received through the Alcoa Foundation for Youth Community Safety Project. These funds will be used to purchase equipment for the police department. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$15,000.00 chge. to: 1000-31835 Alcoa Foundation Grant

\$15,000.00 approp. to: 1000-310431-48211 Machinery and Equipment

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

Vote: Yes - Council Member Frank
Council Member Byrd

Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

City Manager Hodgen presented a request to adjust the budget as a result of reductions in State Aid to Localities. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1,127.00 chge. to: 1000-120912-41030 Part time salaries & wages – regular
2,000.00 chge. to: 1000-120912-48272 Hardware
1,227.00 chge. to: 1000-121313-45210 Postage
1,300.00 chge. to: 1000-121313-46010 Office supplies
1,360.00 chge. to: 1000-130114-48111 Machinery and equipment
1,000.00 chge. to: 1000-130114-48121 Furniture and fixtures

\$3,127.00 approp. to: 1000-32303 State share of Comm. of Revenue
2,637.00 approp. to: 1000-32304 State share of Treasurer
2,360.00 approp. to: 1000-32306 State share – Registrar

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

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

Mayor Eagle welcomed Assistant City Manager Evan Vass to Harrisonburg.

City Manager Hodgen reported that the School Board has transferred funds back to the City's General Fund in the amount of \$1,600,719.00.

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, ADDING A TEN DOLLAR PER MONTH
SOLID WASTE MANAGEMENT FEE TO ALL RESIDENTS
OF THE CITY OF HARRISONBURG**

WHEREAS, city residents in the past have been charged a fee of twenty dollars (\$20.00) per month for city trash and refuse collection; and

WHEREAS, on May 13, 2008, the City Council adopted the 2008-2009 City Budget and within that budget split the monthly trash and refuse collection fee with ten dollars (\$10.00) being for solid waste management and ten dollars (\$10.00) being for refuse collection; and

WHEREAS, in order to help the City recover a portion of the costs associated with its solid waste management and recycling programs, City Council determined that the ten dollar (\$10.00) per month solid waste management fee would apply to all city residences to whom the programs are available;

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

That all city residences be charged a ten dollar (\$10.00) per month solid waste management fee, beginning July 1, 2008, as previously adopted within the 2008-2009 City Budget on May 13, 2008.

Approved: July 22, 2008

MAYOR

ATTEST:

CLERK OF THE COUNCIL

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

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance closing a 1,512 square foot alley between East Water Street and Newman Avenue, approximately 120 feet East of South Main Street in the City of Harrisonburg. Council Member Chenault offered a motion to approve this ordinance. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance closing a portion of an alley containing approximately 6,839 square feet located South of East Market Street and West of Ott Street in the City of Harrisonburg. Council Member Chenault offered a motion to approve this ordinance. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance closing a portion of Monroe Street containing approximately 0.216 acre located in the Northern portion of the City of Harrisonburg. Council Member Chenault offered a motion to approve this ordinance. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Abstained - Council Member Byrd

Absent – None

At 8:10 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from the 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 Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd

Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

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

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

CITY CLERK

MAYOR

REGULAR MEETING

August 12, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Major Malcolm Wilfong. Absent: Police Chief Donald Harper.

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

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of an appropriation for the Police Department, adjusting State Aid to Localities budgets, and making changes to the City Design & Construction Standards Manual. The motion also included amending and re-enacting Sections 6-1-22 and 6-1-23 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

Absent – None

The next item of business was holding a public hearing to authorize the re-appropriation of several encumbrances that were outstanding at June 30, 2008. City Manager Hodgen explained that the City has outstanding encumbrances for purchase orders issued prior to June 30, 2008. The 2008-2009 budget will be increased by \$7,732,499.13.

At 7:05 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 4, 2008.

NOTICE OF PUBLIC HEARING

The public hearing will be held by the Harrisonburg City Council on Tuesday, August 12, 2008 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 2008-2009 budget in the amount of \$7,732,499.13. This amount represents outstanding encumbrance at June 30, 2008. The budget increases will be as noted below:

Revenues:

General Fund:	
Amount from fund balance	1, 810,125.85
School Fund:	
Amount from fund balance	452,442.73
Water Fund:	
Amount from fund balance	12,165.00
Sewer Fund:	
Amount from fund balance	16,700.00
Public Transportation Fund:	
Amount from fund balance	4,923,738.00
Sanitation Fund:	
Amount from fund balance	<u>517,327.55</u>
Total revenues	<u>7,732,499.13</u>

Expenditures:

General Fund	1,810,125.85
School Fund	452,442.73
Water Fund	12,165.00
Sewer Fund	16,700.00
Public Transportation Fund	4,923,738.00
Sanitation Fund	<u>517,327.55</u>
Total expenditures	<u>7,732,499.13</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 Eagle called on anyone desiring to speak for or against this supplemental appropriation. There being no one desiring to be heard, the public hearing was declared closed at 7:06 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$1,810,125.85 chge. to: 1000-31010 Amount from fund balance	
452,442.73 chge. to: 1111-31010 Amount from fund balance	
12,165.00 chge. to: 2011-31010 Amount from fund balance	
16,700.00 chge. to: 2012-31010 Amount from fund balance	
4,923,738.00 chge. to: 2013-31010 Amount from fund balance	
<u>517,327.55</u> chge. to: 2014-31010 Amount from fund balance	
<u>\$7,732,499.13</u>	Total

48.75 approp. to: 1000-120511-45210 Postage
 35.27 approp. to: 1000-120511-45530 Training and travel
 509.84 approp. to: 1000-120511-46010 Office supplies
 237.60 approp. to: 1000-120511-46120 Books & subscriptions
 1,550.12 approp. to: 1000-120511-46140 Other operating supplies
 1,095.00 approp. to: 1000-120511-48121 Furniture and fixtures
 599.00 approp. to: 1000-120511-48172 Hardware
 411.54 approp. to: 1000-121012-48171 EDP equipment
 11,341.58 approp. to: 1000-121313-48111 Maintenance & equipment
 11,550.84 approp. to: 1000-122011-48272 Hardware
 5,000.00 approp. to: 1000-122011-48273 Software
 1,215.00 approp. to: 1000-130114-43330 Maintenance & repair – M & E
 16,250.00 approp. to: 1000-310231-46100 Police Supplies
 4,829.00 approp. to: 1000-310431-46010 Office Supplies
 37,810.00 approp. to: 1000-320132-48113 Equipment
 112,190.00 approp. to: 1000-320232-48113 Equipment
 370.80 approp. to: 1000-340121-46110 Uniforms
 1,105.56 approp. to: 1000-410121-46110 Uniforms
 61,885.00 approp. to: 1000-430221-48181 Buildings and Grounds
 1,007.80 approp. to: 1000-410241-43100 Professional services
 887,342.56 approp. to: 1000-410241-43374 Maintenance & repair – Allowable
 10,500.00 approp. to: 1000-410241-43710 Uniforms maintenance contract
 130,000.00 approp. to: 1000-410241-48106 Sidewalks
 40,000.00 approp. to: 1000-410241-48173 Software
 44,021.00 approp. to: 1000-410241-482902 Work in progress
 536.16 approp. to: 1000-410741-43100 Professional services
 3,300.00 approp. to: 1000-410741-43710 Uniform maintenance contract
 55,740.00 approp. to: 1000-410741-46070 Repair and maintenance supplies
 217,920.25 approp. to: 1000-410741-48111 Machinery and equipment
 1,200.00 approp. to: 1000-410841-43710 Uniform maintenance contract
 1,800.00 approp. to: 1000-420241-43710 Uniform maintenance contract
 5,861.50 approp. to: 1000-410171-43100 Professional services
 88.50 approp. to: 1000-710171-46130 Recreational supplies
 83.00 approp. to: 1000-710171-46140 Other operating supplies
 16,542.78 approp. to: 1000-710171-48184 Improvements
 7,681.22 approp. to: 1000-710171-48284 Improvements
 397.00 approp. to: 1000-710271-43710 Uniform maintenance contract
 11,585.40 approp. to: 1000-710271-48184 Improvements
 22.00 approp. to: 1000-710471-43710 Uniform maintenance contract
 834.00 approp. to: 1000-710471-46140 Other operating supplies
 22.00 approp. to: 1000-710571-43710 Uniform maintenance contract
 77.00 approp. to: 1000-710871-46132 Ed/Rec Supplies – Athletics
 4,835.00 approp. to: 1000-810521-43100 Professional services
 24,750.00 approp. to: 1000-810521-43600 Advertising
 943.00 approp. to: 1000-810521-45530 Travel and training
 75,000.00 approp. to: 1000-810521-48228 Development cost reimb.

226,649.79 approp. to: 1111-111114-40610 Instruction
 46,784.12 approp. to: 1111-111114-40620 Admin-Attend-Health ser.
 97,460.55 approp. to: 1111-111114-40640 Operations & maintenance
 81,548.27 approp. to: 1111-111114-40680 Technology
 12,165.00 approp. to: 2011-332061-46074 Main & repair supplies-mains
 16,700.00 approp. to: 2012-472061-48181 Buildings and grounds
 4,923,738.00 approp. to: 2013-872081-48253 Transit buses
 79,077.72 approp. to: 2014-912242-43320 Service contracts
 9,600.00 approp. to: 2014-912242-43710 Uniform maintenance contract
 268.08 approp. to: 2014-922041-43100 Professional services
 1,156.84 approp. to: 2014-922041-43710 Uniform maintenance contract
 268.08 approp. to: 2014-950242-43100 Professional services
 1,156.83 approp. to: 2014-952042-43710 Uniform maintenance contract
425,800.00 approp. to: 2014-972043-48151 Motor vehicles and equipment

\$7,732,499.13 Total

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

Vote: Yes - Vice-Mayor Pace
 Council Member Byrd
 Council Member Chenault
 Council Member Frank
 Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Forest Hills Manor to rezone three lots totaling 1.68 +/- acres from R-4, Planned Unit Residential District to R-1, Single Family Residential District. The properties are located at 1094, 1096, & 1098 Ridgewood Road and can be found on tax maps 86-C-10, 11 & 12. The Comprehensive Plan designates this area as Low-Density Residential. Mrs. Turner reviewed the surrounding uses in the area. The master plan has gone through several revisions since it has been located within the city limits, and although the other sections of the master planned area have been developed over the past three decades, these three lots have remained vacant. Mrs. Turner said staff understands the original plan for these lots was to have single family homes built on the properties. The applicant is removing any doubt of that intention by rezoning them to R-1, which is consistent with the established single family home neighborhood of Forest Hills Subdivision and uniform with the Low Density Residential Land Use designation. Planning Commission recommended approval of the rezoning request.

At 7:11 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 28, and Monday, August 4, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, August 12, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning –Ridgewood Road (Aslam lots 10, 11, & 12)

Public hearing to consider a request from Forest Hills Manor, LLC to rezone three lots totaling 1.68 +/- acres from R-4, Planned Unit Residential District to R-1, Single Family Residential District. The properties are located at 1094, 1096, & 1098 Ridgewood Road and can be found on tax maps 86-C-10, 11, & 12.

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.

The Zoning Ordinance states that the R-4, Planned Unit Residential District is intended to permit the development of planned residential neighborhoods containing not less than twenty-five (25) contiguous acres under one ownership or control at the time of approval for development. Within the district the location of all buildings, playgrounds, recreation and green areas, parking areas and open spaces shall be developed in such a manner as to promote a variety of residential and permitted nonresidential buildings in orderly relationship to one another. The residential density ranges for the R-4 district are single-family, 6,000 sq. ft. minimum; two-family, 3,000 sq. ft./unit; multi-family, 3,000 sq. ft./unit; and townhouse, 2,000 sq. ft./unit. The R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges from 1 to 4 units per acre, with a minimum lot size of 10,000 sq. ft.

Mayor Eagle called on anyone desiring to speak for or against this rezoning request.

Gene Leffel said the neighbors would like to see some type of buffer that blends in well with the residential neighborhood.

Dick Blackwell said his client would like the property rezoned. There being no others desiring to be heard, the public hearing was declared closed at 7:13 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Alan Strawderman and Be Tran to rezone approximately 34,270 +/- square feet of a 1.583-acre parcel from M-1, General Industrial District to B-2, General Business District. The property is located at 1090 Virginia Avenue and can be found on tax map 47-0-68. The Comprehensive Plan designates this area as Commercial. Mrs. Turner reviewed the surrounding uses in the area. This is a request to rezone the southern half of a split zoned parcel from M-1, General Industrial District to B-2, General Business District. The site is located about 350 feet south of the intersection of Mt. Clinton Pike and Virginia Avenue. The northern half of the 1.583 acre parcel is currently zoned B-2, and the southern half is M-1. Located on the site are two unoccupied buildings, both recently painted and renovated. The site also contains a canopy structure and some paved parking areas. In 1992, the owner of this split zoned parcel requested to rezone the entire parcel to M-1. City staff recommended against that rezoning request because it was adjacent to a densely populated area. Rezoning the southern portion of the parcel to create one cohesive zoning classification for commercial use would be in conformance with the Comprehensive Plan. Planning Commission recommended approval of the rezoning request.

At 7:17 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 28, and Monday, August 4, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, August 12, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – 1090 Virginia Avenue (Tran)

Public hearing to consider a request from Alan Strawderman and Be Tran to rezone approximately 34,270 +/- square feet of a 1.583-acre parcel from M-1, General Industrial District to B-2, General Business District. The remaining 34,472 +/- square feet of this parcel is zoned B-2, General Business District. The property is located at 1090 Virginia Avenue and can be found on tax map 47-O-68.

The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City.

The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

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

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

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

Mayor Eagle called on anyone desiring to speak for or against this rezoning request.

Be Tran, owner of the property, requested that Council rezone the property. There being no others desiring to be heard, the public hearing was declared closed at 7:18 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Roger and Patricia and Simmons for a sign ordinance variance to allow off premises signage to be located at 1161 West Market Street. The applicants received a variance to create a 2.6 acre lot having no street frontage in 2004. The sign ordinance states: “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.” The ordinance further authorizes City Council in granting such a variance, to impose conditions of location, character and other features it deems necessary in the public interest. Mr. and Mrs. Simmons are proposing to redesign the existing freestanding sign located on the carwash site to accommodate signage for all uses on both lots. One freestanding sign of approximately 120 square feet at 25 feet tall is proposed. Approximately 72 square feet of this sign area will be devoted to tenants of the rear lot, and approximately 24 square feet will be devoted to the carwash. Additionally, the existing 23 square foot LED reader board is proposed to remain on the new sign. The freestanding sign is proposed to remain in the existing location, using the existing footer which was designed to accommodate a sign of the proposed size. The sign as proposed is far less than the square footage allowances of the ordinance. In addition, wall signage would still be available for all businesses. Planning Commission recommended approval of the sign ordinance variance.

At 7:25 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Friday, August 1, and Friday, August 8, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, August 12, 2008, at 7:00 p.m. in City Council Chambers, 409 South Main Street, to consider the following:

Request for a variance to the sign regulations per City Code Section 11-7-9:

Public hearing to consider a request for a variance to allow signage for uses located on a lot which has no street frontage to be located off premises on an adjacent lot. Proposed sign would be located at 1161 West Market Street, shown as tax map 37-A-8 and would serve the adjacent parcel shown as tax map 37-A-9.

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 this public hearing. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager's Office at 432-7701 at least five days prior to the date of the meeting.

Mayor Eagle called on anyone desiring to speak for or against this sign ordinance variance request. There being no one desiring to be heard, the public hearing was declared closed at 7:26 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve this sign ordinance variance request as presented. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Heritage Estates, LLC to subdivide 2.96 acres into 12 duplex lots and one single-family home lot. The properties, zoned R-2C, Residential District Conditional, are located near Garbers Church Road and can be found on tax maps 116-C-20, 21, 22, 23, 27, & 28 and 117-F-1C. This parcel was rezoned to R-2C in 2007 to allow the paired home development to continue. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to subdivide seven existing parcels into thirteen residential dwelling lots with a variance to allow parcels to not front on a public street. Twelve of the proposed lots would be for duplex dwellings and one for an existing single-family dwelling currently located on the site. The preliminary plat meets the lot and area requirements for duplex and single-family dwellings within the R-2 zoning

classification, and the lots fronting on private streets are in accord with the existing subdivision. Planning Commission recommended approval of the preliminary plat with the variance request.

Amar Gogia, project manager with Heritage Estates, reviewed new photos of the recently completed swimming pool at the Heritage Estates. Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

Absent – None

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, gave an update on school projects. Dr. Ford reported that the school's annual growth rate has been approximately 2.3% for several years. The student population at the end of the 2008 school year was 4,228. Dr. Ford expressed appreciation on behalf of the School Board, teachers, students, and parents for the commitment the City Council has shown to providing good quality facilities for the students and staff. The new combined school is actually two separate schools housed under one roof. Combined school cost advantages include an efficient building system, one large kitchen rather than two smaller kitchens, a shared structural wall, a full auditorium and stage, two large parking lots, and a full-size outdoor track. The shared facility promotes instructional cooperation across grade levels, mentoring, advanced placement, and resource sharing.

City Manager Hodgen presented a transfer request from the Public Works Department. Mr. Hodgen said that the Public Works Department is requesting the transfer of funds from the Greendale Road capital project account to a South Main Street project account. In light of new development occurring on South Main Street, this gives the City the opportunity to partner with a private developer to make some road and drainage improvements. Vice-Mayor Pace offered a motion to approve transferring these funds, and that:

\$175,000 chge. to: 1310-910141-48666 Greendale Road Improvements

\$175,000 approp. to: 1310-910141-48718 South Main Street Improvements

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

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

Absent – None

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

A Resolution to Provide Local Aid to the Commonwealth

WHEREAS, the General Assembly chose to respond to shrinking revenue growth by shifting to local governments the responsibility for reducing \$100 million of core services; and

WHEREAS, the Governor signed into law this \$100 million appropriation reduction for local governments in the 2008-2010 biennium without identifying the programs to be reduced; and

WHEREAS, these reductions are in addition to those made by the General Assembly and approved by the Governor affecting law enforcement, elementary and secondary education, profits from the Alcoholic Beverage Control Enterprise Fund and distributions of wine liter tax collections, constitutional offices, the upgrade of wastewater treatment facilities in conformance with water quality standards and goals, and farmland preservation to name but a few; and

WHEREAS, the \$100 million reduction will likely be carried forward into future biennia forcing city and county governments to choose between raising taxes or reducing services;

NOW, THEREFORE, BE IT RESOLVED that the Harrisonburg City Council does hereby support the recording of this intergovernmental revenue reduction from the Commonwealth as Local Aid to the Commonwealth Contra Revenue; and

BE IT FURTHER RESOLVED that this recording on all financial records shall be shared with the delegation, the Governor and local news media so that citizens understand the decisions made by this governing body in response to the Commonwealth's choice to delegate their constitutional obligation to local governments.

ADOPTED THIS 12th DAY OF AUGUST, 2008.

**BY: _____
Rodney L. Eagle, Mayor**

**ATTEST: _____
Yvonne H. Ryan, MMC, City Clerk**

City Manager Hodgen said that the General Assembly and Gov. Kaine have imposed a \$50 million per year reduction in services delivered by localities and jointly paid for by the state

and by the cities and counties. Local governments must submit reduction plans to the state by August 30, 2008. Cities and counties have the option to “reimburse” the state for all or a portion of the reduction, which allows localities greater flexibility in determining how to best sustain the reduction to their budgets. The “reimbursement” must be paid to the state no later than January 9, 2009. Harrisonburg’s “reimbursement” for this year would be in the amount of \$200,681.00. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve this resolution as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

Absent – None

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

**Joint Resolution for the Transition of the Grand Caverns Park
to the Commonwealth of Virginia**

WHEREAS, the Grand Caverns Park (“the Park”), an asset owned by the Upper Valley Regional Park Authority (“the Authority”) has unique historic and geological features that should be preserved from commercialization in order to protect this valuable asset for current and future Virginians; and

WHEREAS, the member jurisdictions, concerned for the perpetuation, protection and conservation of this valuable asset, believe that the Commonwealth of Virginia is best positioned to ensure the Cavern’s protection; and

WHEREAS, through its legislative delegation, the member local governments have petitioned the Commonwealth to assume ownership of the Park; and

WHEREAS, the General Assembly authorized the acceptance of the Park as an addition to the Commonwealth’s park system and directed the Department of Conservation and Recreation to prepare and submit a plan to assume such ownership; and

WHEREAS, the Authority, as an inducement to the Commonwealth, committed to expend and did complete \$400,000 of capital improvements to the Park in 1999 and 2000; and

WHEREAS, since 2000, the Authority has approved and completed additional capital maintenance and improvement projects to the Park as a steward of this important asset; however future critical capital maintenance and improvement projects are in

jeopardy of being completed as each member jurisdiction of the Authority is stressed to maintain and improve the recreational assets owned and operated by the respective local government for the citizens of its jurisdiction;

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Supervisors of Rockingham, acting through its Chairman; the Board of Supervisors of Augusta County, acting through its Chairman; the Harrisonburg City Council, acting through its Mayor; and the City of Staunton, acting through its Mayor, do hereby affirm that the respective Board or Council authorizes the following actions in support of the transfer of ownership of Grand Caverns Park from the Upper Valley Regional Park Authority to the Commonwealth of Virginia through its designee, the Department of Conservation and Recreation:

- 1. Gift all real estate, including all buildings and appurtenances, located in Grottoes, Virginia, commonly known as Grand Caverns Park, to the Commonwealth of Virginia,**
- 2. The member jurisdictions of the Authority, in order to assist in an orderly transition of the Park from the Authority to the Commonwealth agree to make the following financial appropriation to the Commonwealth for four years beginning with Year 1 commencing July 1 of the year in which ownership is assumed by the Commonwealth, which date shall in no case be later than July 1, 2010:**
 - a. Augusta County - \$50,000 in year 1, \$37,500 in year 2, \$25,000 in year 3, and \$12,500 in year 4.**
 - b. Rockingham County - \$50,000 in year 1, \$37,500 in year 2, \$25,000 in year 3, and \$12,500 in year 4.**
 - c. Harrisonburg - \$20,000 in year 1, \$15,000 in year 2, \$10,000 in year 3, and \$5,000 in year 4.**
 - d. Staunton- \$20,000 in year 1, \$15,000 in year 2, \$10,000 in year 3, and \$5,000 in year 4.**

The total amount of such payments shall equal \$350,000. Payments under this agreement shall be subject to the annual appropriation of funds by the respective governing body as a part of its normal budgetary process; and

BE IT FURTHER RESOLVED THAT, the Augusta County Administrator, Rockingham County Administrator, Harrisonburg City Manager and Staunton City Manager shall include the financial commitment made this date in the locality's proposed annual budget submitted for consideration by the governing body; and

BE IT FURTHER RESOLVED THAT, the Augusta County Board of Supervisors, the Rockingham County Board of Supervisors, the Harrisonburg City Council and the Staunton City Council do hereby authorize its County Administrator or City Manager to take all necessary actions that may be required to affect the gifting of the Park to the Commonwealth, and that the Virginia Department of Conservation and Recreation take all necessary actions necessary for the Commonwealth to accept the Park on July 1, 2009, but in no event later than July 1, 2010.

Given under my hand this _____ day of August, 2008 as authorized by and on behalf of the Augusta County Board of Supervisors.

Name	Title
_____	_____
Clerk	

Given under my hand this _____ day of August, 2008 as authorized by and on behalf of the Rockingham County Board of Supervisors.

Name	Title
_____	_____
Clerk	

Given under my hand this _____ day of August, 2008 as authorized by and on behalf of the Harrisonburg City Council.

Name	Title
_____	_____
Clerk	

Given under my hand this _____ day of August, 2008 as authorized by and on behalf of the Staunton City Council.

Name	Title
_____	_____
Clerk	

City Manager Hodgen said this is a joint resolution for the transition of the Grand Caverns Park to the Commonwealth of Virginia. This resolution will transfer all property to the Commonwealth and also commits each of the participating localities to a financial contribution. Following further discussion and comments, Council Member Chenault offered a motion to

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

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

Absent – None

Council Member Chenault offered a motion naming Mayor Rodney Eagle as the voting delegate and Council Member Frank as the alternate voting delegate for the Virginia Municipal League Conference scheduled for October 19-21, 2008. City Manager Hodgen was selected as a staff assistant to represent the City at the Conference. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

Council Member Chenault offered a motion not to accept the proposal made by Robert G. Goldsmith, President & CEO, of People, Inc., designating People, Inc. as the City's Community Action Agency. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that David Holsinger, 210 Stone Spring Road, be appointed to a term on the Shenandoah Valley Workforce Investment Board to expire on June 30, 2010. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that Bonnie Keppel, 104 S. Pope Street, be appointed to a term on the Shenandoah Valley Workforce Investment Board to expire on June

30, 2010. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

Absent – None

At 8:26 p.m., Council Member Frank offered a motion that Council enter into a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from the 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 - Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

Absent – None

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

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

CITY CLERK

MAYOR

REGULAR MEETING

August 26, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC; and Chief of Police Harper.

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

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several outstanding encumbrances at June 30, 2008. The motion also included rezoning requests from Alan Strawderman and Be Tran and Forest Hills Manor. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was approving a State Performance Contract for the Community Services Board. City Manager Hodgen said the Code of Virginia calls for a formal vote on this contract. However, if no action is taken by September 15, 2008, it is considered approved. Vice-Mayor Pace offered a motion to approve the FY 2009 State Performance Contract for the Harrisonburg-Rockingham Community Services Board. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was a request to increase the Public Utilities Petty Cash Fund. City Manager Hodgen said that the Public Utilities Department is requesting an increase in their petty cash fund of \$250.00. Currently, all customer service representatives in Public Utilities

must share cash boxes. In order to fully implement the department's new safe system and accountability procedures, each individual service representative needs to have their own box. The additional funds requested will allow each service representative to have a cash box of \$100.00 and will add \$50.00 to the change fund. Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

City Manager Hodgen presented a transfer request for the Public Works Department. Mr. Hodgen said that the Public Works Department is requesting to transfer "left over" funds from the Evelyn Byrd Avenue project to a capital projects account for improvements to Linda Lane between East Market Street and County Club Road. This request will not change the current FY 08-09 budget. Council Member Chenault offered a motion to approve transferring these funds, and that:

\$52,949.75 chge. to: 1310-910141-48667 Evelyn Byrd Avenue
\$52,949.75 approp. to: 1310-910141-48696 Linda Lane Extension

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Mayor Eagle

No - Vice-Mayor Pace

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. This money was received from the U.S. Marshals Service for assisting with Operation Falcon from June 1, 2008 to June 7, 2008. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$1,000.00 chge. to: 1000-31901 Recoveries/rebates
\$1,000.00 approp. to: 1000-310531-41020 Salaries/wages overtime

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were received from state asset seizure money. The money will be used to purchase a filing system and additional furniture for the criminal investigative bureau. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$6,081.00 chge. to: 1000-31010 Amount from fund balance
\$6,081.00 approp. to: 1000-310331-48121 Furniture and fixtures

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council asked City Manager Hodgen to provide information regarding whether truck traffic could be prohibited from the downtown area because of anticipated future zoning changes encouraging outdoor dining along Main Street.

Council asked City Manager Hodgen to provide information regarding whether the traffic light sequence on Port Republic Road was logical, especially since traffic is backing up at the traffic light at the I-81 ramp and the traffic light at Forest Hills Road.

Council Member Chenault, City Manager Hodgen and City staff met with representatives of apartment complexes in the City at their request regarding the \$10.00 waste management fee, which was enacted July 1, 2008. Since the City's ordinance does allow the waste management fee to be waived for complexes offering an acceptable solid waste management and recycling program, several requests were made. 1) Upon an apartment complex presenting a legitimate recycling program, would the City waive the \$10.00 waste management fee for a two month evaluation period? 2) Would the City waive the waste management fee retroactively for the two months that participating complexes have paid? Following further discussion and comments,

Vice-Mayor Pace offered a motion to approve waiving the \$10.00 waste management fee for a two month evaluation period, once an apartment complex has submitted a recycling program plan to the Public Works Department. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council asked whether the Transportation Safety Committee had provided a public service announcement regarding the “rules of the road” concerning the increased usage of bicycles and motor scooters.

City Manager Hodgen presented a request for a transfer from the Finance Department. The auditors are requesting retroactively adjusting the fiscal year 2007-2008 General Fund budget by removing the revenues and expenditures of the Harrisonburg-Rockingham Emergency Communication Center (HRECC). Council Member Chenault offered a motion to approve transferring these funds, and that:

\$154,100.00 1116-31221 E911 Tax – Wireless Phones
16,900.00 1116-31523 Rental of ECC Tower Space
1,499,850.00 1116-31805 ECC Payments from R’ham County
160,357.00 1116-32308 State Share – Dispatchers
1,499,950.00 1116-34210 Transfer from General Fund

\$3,331,057.00 1116-321132-Various Various Codings

(\$154,101.00) 1000-31221 E911 Tax – Wireless Phones
(16,900.00) 1000-31523 Rental of ECC Tower Space
(\$1,499,850.00) 1000-31805 ECC Payments from R’ham County
(\$160,357.00) 1000-32308 State Share - Dispatchers

(\$3,331,057.00) 1000-320532-Various Various Codings
1,499,849.00 1000-990111-49218 Transfer to ECC Fund

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace

Mayor Eagle

Absent – None

City Manager Hodgen presented a request to close Court Square on September 11, 2008, from 5:00 p.m. to 7:30 p.m. for a POW MIA Recognition Day Ceremony. Council Member Chenault offered a motion to approve the closure of the Court Square streets for the event. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

City Manager Hodgen read a letter from Michael R. Peters, Regional Plant Manager for Tenneco Automotive, thanking the Department of Public Utilities employees for participating in the repair of a recent water main break at its facility.

City Manager Hodgen presented a request from the Fire Department. The Fire Department will be constructing an addition onto the Rock Street Fire Station. This construction will require a partial closure of Community Street, which runs perpendicular to Rock Street. The closure should last approximately 120 days. Council Member Chenault offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

At 7:50 p.m., Council Member Frank offered a motion that Council enter into a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from the 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 - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 9:00 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

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

CITY CLERK

MAYOR

REGULAR MEETING

September 9, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; and Chief of Police Harper. Absent: City Clerk Yvonne “Bonnie” Ryan, MMC.

Vice-Mayor Pace gave the invocation, and Mayor Eagle led everyone in the Pledge of Allegiance.

Martin Solomon complained about Police officers stopping him because he operates a free ride service for students.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department. The motion also included a request to close an alley between East Market Street and E. Water Street. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request to amend Article B. Plats Generally, Sections 10-2-23 and 10-2-25 of the Subdivision Ordinance. The City’s Small Municipal Separate Storm Sewer Systems (MS4) Permit requires the enforcement of six stormwater management control measures; one of which is post-construction stormwater management. To enforce this control measure, the City is requiring property owners to demonstrate where their BMP areas will be located and to submit a stormwater management/BMP facilities maintenance agreement to be accepted by the City and then recorded along with or in advance of the plat. Both amendments are part of the City’s method to bring awareness and accountability to the MS4 Permit, which ultimately leads to compliance with the Virginia Pollutant Discharge Elimination System (VPDES) Program. Planning Commission recommended amending these ordinances.

At 7:08 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 25, and Tuesday, September 2, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, September 9, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Ordinance Amendment – Subdivision Ordinance Section 10-2-23 Stormwater BMP Areas

Public hearing to consider amending Article B. Plats Generally, Section 10-2-23 of the Subdivision Ordinance to include language to require showing the location of stormwater Best Management Practice (BMP) Areas on preliminary subdivision plats.

Ordinance Amendment – Subdivision Ordinance Section 10-2-25 Stormwater BMP Areas

Public hearing to consider amending Article B. Plats Generally, Section 10-2-25 of the Subdivision Ordinance to include language to require showing the location of stormwater Best Management Practice (BMP) Areas on final subdivision plats.

CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager

Mayor Eagle called on anyone desiring to speak for or against amending these ordinances. There being no one desiring to be heard, the public hearing was declared closed at 7:09 p.m., and the regular session reconvened. Council Member Frank offered a motion to amend these ordinances as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request to amend Chapter 14 of the Comprehensive Plan-Revitalization. Mrs. Turner said City Staff composed the language as an amendment to the Comprehensive Plan under Goal 13 to enhance and revitalize existing residential and commercial areas. The objective is to make downtown revitalization a major, high priority public/private initiative, the cornerstone of the City's economic development, tourism, historic preservation, and civic pride enhancement efforts. Mrs. Turner said they had been approached by Harrisonburg Downtown Renaissance and other businesses requesting whether outdoor dining facilities were permitted. No special permission is required, but a business would have to appear before City Council and ask for a permit to use the public right-of-way. Since some businesses would like to have public endorsement, Staff added a statement: *Encouraging flexibility and creativity in the use of public property and resources in*

the downtown (i.e. restaurant/café use of public sidewalk, consideration of development proposals for public properties, etc.). Planning Commission recommended inserting the proposed language into Chapter 14 of the City's Comprehensive Plan-Revitalization.

At 7:13 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 25, and Tuesday, September 2, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, September 9, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Comprehensive Plan Amendment– Chapter 14 Revitalization

Public hearing to consider a request to amend the Comprehensive Plan Chapter 14 Revitalization by adding language to encourage flexibility and creativity in the use of public property and resources in the downtown.

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 Eagle called on anyone desiring to speak for or against the proposed language.

Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance (HDR), spoke in support of the amendment to the Comprehensive Plan as proposed by the Planning Commission. This proposed amendment falls under the section of the Harrisonburg Downtown Renaissance initiatives within the Comprehensive Plan. This is not a totally new concept; it has been discussed numerous times on the committee level, and the organization would like to encourage it. The HDR staff recently attended a Virginia Main Street Workshop on downtown restaurants and outdoor dining. The presenter made very strong recommendations that as part of a revitalization effort, downtowns need to permit and encourage sidewalk cafes.

Howard Simmons, owner of Old Dominion Coffee Company, said he has several tables on the sidewalk and asked Council to support outside dining.

Howard Weiner, owner of a new restaurant and sidewalk café opening up on the corner of East Market and South Mason Streets, said he is taking a proactive approach with the outdoor seating as far as safety is concerned. All of the tables and chairs will be on a private sidewalk but, since it is a very busy intersection, concrete columns will be used around the seating to prevent a vehicle from hitting pedestrians. There being no others desiring to be heard, the public hearing

was declared closed at 7:22 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Chenault offered a motion to amend Chapter 14 of the Comprehensive Plan-Revitalization. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Orden and Reba Harman to preliminarily subdivide one, 33.69 +/- acre lot into 2 lots with a variance. The Comprehensive Plan designates this area as Medium-Density Mixed Residential. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to subdivide a 33.69 acre parcel into a 13.97 acre lot and a 19.72 acre lot. The property will be partially divided by the dedication of a public street. The property is located along Stone Spring Road and adjacent to Interstate 81. In February of this year, City Council approved the rezoning of this property from R-3, Multiple Dwelling Residential District to R-5C, High Density Residential District Conditional. The proffers specified that a dedicated public street would line up with the realigned Ramblewood Road and that the street would loop through the property and be completed when 60% of the development occurred on site. Other proffers included green space, a bike/multi-use path, a total of 1,054 residential units, and that they would dedicate the necessary right-of-way and easements for the Erickson Avenue/Stone Spring Road improvement project. Ultimately, the units that are constructed on the overall project site will be served by one public street. The applicant has accommodated all the requirements that were part of the rezoning proffers in February. The City has a standard variance requirement that a cul-de-sac serving a residential development shall be designed to a length that will carry a maximum of 250 vehicles per day, not to exceed 800 feet in length. The comprehensive site plan, which is already in review, further reveals that 182 units will be developed in the first phase, generating approximately 1,200 vehicles per day. Planning Commission recommended approving a variance to the cul-de-sac length. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was recognizing Harrisonburg's Master Deputy Commissioner of the Revenue Jeffery Lewis Shafer. Commissioner of the Revenue June W. Hosaflook said it was a pleasure to recognize an employee for a professional achievement. The Commissioners of the Revenue Association of Virginia have announced that Jeffery Lewis Shafer, while employed as Harrisonburg's Chief Deputy Commissioner of the Revenue, has been awarded the title of Master Deputy Commissioner of the Revenue under the Master Designation Program administered by the University of Virginia's Weldon Cooper Center for Public Service. The Master Program was developed to enhance the professionalism of local government officials and their staffs. Mr. Shafer thanked the City Council for their continued support.

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, SETTING THE PERCENTAGE OF PERSONAL PROPERTY
TAX RELIEF FOR THE YEAR 2008**

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 2008 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 2008 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 9, 2008

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Commissioner of the Revenue June Hosaflook said this resolution will set the percentage of tax relief commonly known as the car tax for 2008. The car tax is a fixed amount of money set by the state. The amount will be forty percent (40.0%). Following further discussion and comments, Vice-Mayor Pace offered a motion to adopt the resolution setting the percentage of personal property tax relief for the year 2008 at 40.0%. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA REGARDING THE CITY’S SUPPORT FOR RENOVATION OF PUBLIC
HOUSING UNITS BY THE HARRISONBURG REDEVELOPMENT AND HOUSING
AUTHORITY**

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the “Authority”), in order to promote low income public housing in the City of Harrisonburg, Virginia (the “City”), has decided to rehabilitate and improve some of its public housing units known as Franklin Heights and Scattered Sites located in the City (the “Project”);

WHEREAS, it is anticipated that the Authority will borrow up to \$2,000,000 for a term of no more than 1 year at an interest rate not to exceed 3.50 percent per year (the “Loan”) from one or more banks (together, the “Lender”) to provide financing for the Project and that such loan will be documented by a loan or financing agreement, note or other similar documents (together, the “Loan Documents”);

WHEREAS, to encourage the rehabilitation and improvement of the public housing units the City will enter into an agreement with the Authority (the “Support Agreement”) in which the City will agree that if funds of the Authority (“Authority Funds”) are not sufficient to pay the costs of renovating, insuring and maintaining the Project and paying the debt service and other costs due under the Loan Documents, the City has a moral, but non-binding, obligation to pay moneys to the Authority in such amounts and at such times as will allow the Authority to pay such costs and debt service in a timely manner;

WHEREAS, all payments due from the City under the Support Agreement will be subject to and conditioned upon the City Council making annual appropriations to make such payments and if such appropriations are not made, such payments will not be made, and

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

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

2. The City will have a moral, but non-binding, obligation to make payments under the Support Agreement in amounts sufficient to allow the Authority to make up shortfalls from Authority Funds to pay the costs of renovating, operating, insuring and maintaining the Project and paying the debt service and other costs due under the Loan Documents. The Support Agreement will provide that the City Manager or other officer charged with the responsibility for preparing the City's annual budget shall include in the budget for each fiscal year as a single appropriation an amount sufficient to cover such shortfall. Throughout the term of Support Agreement, the City Manager or other officer charged with the responsibility for preparing the City's annual budget will be required to deliver to the Authority within 10 days after the adoption of the annual budget for each fiscal year, but no later than 10 days after the beginning of each fiscal year, a certificate stating whether such amount has been appropriated by the City Council in such budget.

3. The Support Agreement will set forth the City's responsibilities for renovating, operating, insuring and maintaining the Project, all subject to annual appropriation by the City Council. The City will work with the Authority and the Lender to devise a plan for such renovations, operations, insurance and maintenance reasonably acceptable to all parties.

4. The City Council approves the signing of the Support Agreement, and authorizes and directs the City Manager, the Mayor or the Vice-Mayor, any one of whom may act, to execute and deliver the Support Agreement in such form as they shall approve as shall be necessary to accomplish the intended purposes of the Support Agreement. The execution of the Support Agreement shall be deemed to evidence such approval.

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

6. The Resolutions shall take effect immediately upon its adoption.

READ AND ADOPTED: September 9, 2008

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading of a resolution titled "RESOLUTION OF THE CITY OF HARRISONBURG, VIRGINIA REGARDING THE RENOVATION OF PUBLIC HOUSING UNITS BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY," taken at a regular meeting of the City Council held on ____ day of September, 2008.

	AYE	NAY	ABSTAIN	ABSENT
Rodney E. Eagle, Mayor				
George W. Pace, Vice Mayor				
Charles R. Chenault				
Ted Byrd				
Carolyn Frank				

By: _____

Mayor or Vice Mayor,
City of Harrisonburg, Virginia

(SEAL)

ATTEST: _____

Clerk, City Council of the City of
Harrisonburg, Virginia

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 the ____ day of September, 2008, 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 September, 2008.

Clerk, City Council of the
City of Harrisonburg, Virginia

Harrisonburg Redevelopment and Housing Authority Director Michael Wong requested a resolution for support of a renovation project in the amount of \$2,000,000 for the Franklin Heights development and scattered sites. Mr. Wong reviewed the renovation project, eligibility and exempt status, and project Section 8 housing. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve this resolution as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Abstained - Council Member Chenault

Absent – None

The next item of business was a concurring Resolution for Bonds issued by the Town of Broadway Industrial Development Authority on behalf of Eastern Mennonite University. City Attorney Thumma said that the Industrial Development Authority for the Town of Broadway, Virginia is issuing bonds in an amount not to exceed 10 million dollars on behalf of Eastern Mennonite University to finance a dorm and to refund a prior issue. Since EMU is located within the City limits, the Broadway IDA needs a concurring resolution approving the issuance of the bonds by the City Council. The City has no obligation to repay the bonds, nor do they apply against the City's debt limit or bank qualified bonds for the year 2008. Council Member Byrd offered a motion to approve this resolution as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were reimbursed by a Division of Motor Vehicles Grant (Click It or Ticket) and will be used for overtime, travel and training. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$12,203.47 chge. to: 1000-33524 Federal DMV Grant

\$ 3,079.62 approp. to: 1000-310231-41020 Salaries/wages OT

8,640.19 approp. to: 1000-310631-41020 Salaries/wages OT

483.66 approp. to: 1000-310631-45530 Training/travel

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was a report on possible re-routing of downtown truck traffic. Public Works Superintendent Drew Williams said the Code of Virginia does make specific provisions to restrict truck traffic if the local elected body chooses to do so. VDOT's policy states that a reasonable alternate route must be able to accommodate the same amount of truck

traffic. Mr. Williams reviewed some potential issues and suggested presenting a report to Council in late October or early November.

At 8:48 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

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

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

CITY CLERK

MAYOR

REGULAR MEETING

September 23, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Harper. Absent: Vice-Mayor George W. Pace.

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

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department. The motion also included amending Article B. Plats Generally, Sections 10-2-23 and 10-2-25 of the Subdivision Ordinance. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA REGARDING THE CITY’S SUPPORT FOR RENOVATION OF PUBLIC HOUSING UNITS BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the “Authority”), in order to promote low income public housing in the City of Harrisonburg, Virginia (the “City”), either has renovated or will rehabilitate and improve some of its public housing units known as Harrison Heights, Franklin Heights and Scattered Sites located in the City (the “Project”);

WHEREAS, it is anticipated that the Authority will borrow up to \$2,000,000 for a term of no more than 1 year at an interest rate not to exceed 3.50 percent per year (the “Loan”) from one or more banks (together, the “Lender”) to provide financing for the Project and that such loan will be documented by a loan or financing agreement, note or other similar documents (together, the “Loan Documents”);

WHEREAS, to encourage the rehabilitation and improvement of the public housing units the City will enter into an agreement with the Authority (the "Support Agreement") in which the City will agree that if funds of the Authority ("Authority Funds") are not sufficient to pay the debt service and other costs due under the Loan Documents, the City has a moral, but non-binding, obligation to pay moneys to the Authority in such amounts and at such times as will allow the Authority to pay such debt service in a timely manner;

WHEREAS, all payments due from the City under the Support Agreement will be subject to and conditioned upon the City Council making appropriations to make such payments and if such appropriations are not made, such payments will not be made, and

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

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

2. The City will have a moral, but non-binding, obligation to make payments under the Support Agreement in amounts sufficient to allow the Authority to make up shortfalls from Authority Funds to pay the debt service and other costs due under the Loan Documents. The Support Agreement will provide that the City Manager or other officer charged with the responsibility for preparing the City's budget shall request an amendment to the budget in an amount sufficient to cover such shortfall. Throughout the term of Support Agreement, the City Manager or other officer charged with the responsibility for preparing the City's budget will be required to deliver to the Authority within 10 days after the adoption of an amendment to the annual budget, but no later than 10 days after the effective date of the amendment, a certificate stating whether such amount has been appropriated by the City Council in such budget.

3. The Support Agreement will set forth the City's responsibilities for advancing funds to the Authority if there is a shortfall, subject to appropriation by the City Council.

4. The City Council approves the signing of the Support Agreement, and authorizes and directs the City Manager, the Mayor or the Vice-Mayor, any one of whom may act, to execute and deliver the Support Agreement in such form as they shall approve as shall be necessary to accomplish the intended purposes of the Support Agreement. The execution of the Support Agreement shall be deemed to evidence such approval.

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

6. The Resolutions shall take effect immediately upon its adoption.

READ AND ADOPTED: September 23, 2008

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading of a resolution titled “RESOLUTION OF THE CITY OF HARRISONBURG, VIRGINIA REGARDING THE RENOVATION OF PUBLIC HOUSING UNITS BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY,” taken at a regular meeting of the City Council held on 23rd day of September, 2008.

	AYE	NAY	ABSTAIN	ABSENT
Rodney E. Eagle, Mayor				
George W. Pace, Vice Mayor				
Charles R. Chenault				
Ted Byrd				
Carolyn Frank				

By: _____

Mayor or Vice Mayor,
City of Harrisonburg, Virginia

(SEAL)

ATTEST: _____

Clerk, City Council of the City of
Harrisonburg, Virginia

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 the 23rd day of September, 2008, 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 September, 2008.

Clerk, City Council of the
City of Harrisonburg, Virginia

Harrisonburg Redevelopment and Housing Authority Director Michael Wong presented revisions to a resolution supporting the renovation of public housing units. Mr. Wong had presented a resolution and support agreement to Council on September 9, 2008 for the renovation project for Franklin Heights and “scattered sites” owned by the Authority. At that time, Council requested some modifications to the resolution and agreement, which have been incorporated in this resolution. Council Member Byrd offered a motion to adopt this modified resolution as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Byrd
Mayor Eagle

Abstained - Council Member Chenault

Absent – Vice-Mayor Pace

City Manager Hodgen presented a request for a supplemental appropriation for the Public Works Department. These funds are for expenses associated with repairs for a traffic engineering vehicle that was damaged when hit by a tractor trailer. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$34,599.16 chge. to: 1000-31010 Amount from Fund Balance
23,932.84 chge. to: 1000-34011 Insurance Recovery

\$58,532.00 approp. to: 1000-410741-48111 Machinery & Equipment

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

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

City Manager Hodgen presented a request for a supplemental appropriation for the Public Utilities Department. These appropriated funds will be used for installation of new services, oversizing and extension of water mains, and construction of a low zone storage tank. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$2,000,000.00 chge. to: 2011-31010 Amount from Fund Balance
\$1,850,000.00 chge. to: 1321-34220 Transfer from Water Fund

\$1,850,000.00 approp. to: 2011-392061-49216 Transfer to Capital Projects
150,000.00 approp. to: 2011-372061-48298 Install Service Lines
100,000.00 approp. to: 1321-910161-48634 H2O Main Oversize & Extensions
1,750,000.00 approp. to: 1321-910161-48657 Low Zone Storage

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

Vote: Yes - Council Member Frank

Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

City Manager Hodgen presented a request for a supplemental appropriation for the Public Utilities Department. These funds will be used for a HRRSA enhanced nutrient removal project, the Shandshill Pump Station, and the Smithland Road Sewer project. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1,000,000.00 chge. to: 2012-31010 Amount from Fund Balance
1,000,000.00 chge. to: 1322-34230 Transfer from Sewer Fund

\$1,000,000.00 approp. to: 2012-492061-49216 Transfer to Capital Projects

850,000.00 approp. to: 1322-911161-48647 HRRSA ENR Project
50,000.00 approp. to: 1322-911161-48648 Shandshill Pump Station
100,000.00 approp. to: 1322-911161-48649 Smithland Road Sewer

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

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

City Manager Hodgen presented for Council's consideration amending the City's Sign Ordinance. Mr. Hodgen said that amending this ordinance would allow a property owner having property divided by a City right-of-way to submit a comprehensive sign plan that would allow the usage of the single sign. An amendment to the sign ordinance would modify allowances for freestanding and "off premises" signage for shopping centers. Council Member Frank offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

City Manager Hodgen reported that staff is still reviewing a complaint from Martin Solomon regarding operating a taxi/free ride service for students. Also, the City is in the process of considering changes to the taxi ordinance.

Council agreed to allow First Night to use Council Chambers for a First Night event.

At 7:32 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from the 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 Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

At 8:20 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council Members present: 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 8:21 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

October 14, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC; and Chief of Police Harper. Absent: Vice-Mayor George W. Pace.

Mayor Eagle gave the invocation.

Eric Beighe, Zac Brown, and Darrin Humphrey, from Boy Scout Troop #72 sponsored by Grace Covenant Church, led everyone in the Pledge of Allegiance.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Public Works Department, and water and sewer projects. The motion also included amending and re-enacting Section 11-7-6 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

Kristen McCombe, Grants Compliance Officer, presented an overview of the CDBG 2007-2008 Consolidated Annual Performance & Evaluation Report (CAPER). Mrs. McCombe reviewed the remaining funding for the CDBG programs. This report requires a 15-day public comment period, which will end at 9:00 a.m. on October 30, 2008.

At 7:08 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, September 30, 2008.

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 07-08.

Comments may be submitted during the CDBG / CAPER Public Hearing portion of the regular City Council meeting on October 14, 2008, at 7:30 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 October 30, 2008, at 9:00 A.M. Comments may be submitted to Kristin McCombe, CDBG Compliance Officer, at 345 South Main Street, Harrisonburg, Virginia 22801, CDBG@ci.harrisonburg.va.us, or (540) 432-8926.

Copies of the draft CAPER will be available for review in the City Manager's Office, 345 South Main Street, Harrisonburg, Virginia 22801 and at www.ci.harrisonburg.va.us on the CDBG homepage.

A summary of the CAPER is as follows:

In 2007, the City was awarded \$546,881 in CDBG entitlement funds. 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	\$162,000.00	\$139,852.80	\$22,147.20
Community & Public Facilities	\$249,223.00	\$193,716.77	\$55,506.23
Administration	\$104,658.00	\$58,414.15	\$46,243.85
Public Services	<u>\$31,000</u>	<u>\$30,975.72</u>	<u>\$24.28</u>
Total	\$546,881.00	\$422,959.44	\$123,921.56

Mayor Eagle called on anyone desiring to speak for or against the CAPER. There being no one desiring to be heard, the public hearing was declared closed at 7:09 p.m., and the regular session reconvened.

Planning and Community Development Director Turner introduced a request from Cosner Development LC to preliminarily subdivide 4.5 +/- acres at 1720 Pear Street. These variances are being requested from the Design and Construction Standards Manual Sections 3.1.10.2, 3.6.2.1, and 3.6.3. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to preliminarily subdivide three R-3C, Multiple Dwelling Residential District Conditional parcels into 15 lots, and to dedicate right-of-way for a public street. The layout of the preliminary plat is consistent with the plan of development that was proffered and approved by City Council in July 2008. There will be two, 12-unit apartment buildings, an additional three unit apartment building, and seven duplex structures (14 units). The existing single family home would either remain or it could be removed to allow an additional duplex building to be built. The proffers for the rezoning include a 6-foot high privacy fence, a single row of evergreen trees adjacent to the railroad tracks, three small recreational areas, and a double staggered row of evergreen trees to separate homes from the adjoining neighborhood. The street would be built within a 50-foot right-of-way with curb, gutter, and a five-foot sidewalk and two-foot grass strip down one side of the street. The applicant would also dedicate additional right-of-way near the intersection with Pear Street to allow for future road realignment. First, the

applicant is requesting a variance from Section 3.1.10.2 because the development could generate approximately 20 more than the required 250 vehicles per day on a public residential cul-de-sac. The second variance is from Section 3.6.2.1, which requires at least a 100-foot tangent between horizontal curves. The design of this street provides no tangent. The last variance is to deviate from Section 3.6.3, which enforces a minimum centerline radius on cul-de-sacs to 180 feet. The design of this cul-de-sac would provide radii of 110 and 150 feet. The applicant will post an “S” curve sign recommending speed of 20 mph to alert drivers to slow down. Planning Commission recommended approving this request. Following further discussion and comments, Council Member Frank offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

Assistant Parks and Recreation Director David Wigginton presented a transfer request for the Parks and Recreation Department. This request is to transfer funds for improvements to Ralph Sampson Park from the Parks & Recreation Capital Outlay budget to a Capital Projects Fund. Improvement to the Park will be accomplished in four phases through different fiscal years. Council Member Frank offered a motion to approve transferring these funds, and that:

\$225,000.00 chge. to: 1000-710171-48184 Improvements
225,000.00 chge. to: 1310-34210 Transfer from General Fund

\$225,000.00 approp. to: 1000-990111-49216 Transfer to General Capital Projects
225,000.00 approp. to: 1310-910141-48719 Ralph Sampson Park Improvement

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

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

Assistant Parks and Recreation Director David Wigginton presented a request for a supplemental appropriation for the Parks and Recreation Department. This request is to transfer funds received from a VA Department of Forestry grant into the Blacks Run Greenway project at Purcell Park. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$13,120.00 chge. to: 1000-31020 Amount from fund balance

\$13,120.00 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:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, REGARDING THE REIMBURSEMENT OF EXPENSES AND COSTS
INCURRED BY THE CITY, OUT OF A LEASE PURCHASE AGREEMENT TO BE
USED FOR THE PURCHASE OF A FIRE TRUCK**

WHEREAS, the City is in the process of purchasing a new fire truck for the City’s Fire Department; and

WHEREAS, the acquisition of the fire truck will require the City to enter into a three (3) year lease purchase agreement in an amount estimated to be around Three Hundred Sixty Thousand Dollars (\$360,000.00); and

WHEREAS, the City intends to reimburse itself out of the proceeds of the three (3) year lease purchase agreement for all expenditures and costs associated with the acquisition of fire truck, which are properly reimbursable under all State and Federal laws, and which are incurred and paid prior to the city entering into and executing the lease purchase agreement;

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

1. The City of Harrisonburg will be entering into a three (3) year lease purchase agreement that is estimated to be in the approximate amount of Three Hundred Sixty Thousand Dollars (\$360,000.00) to pay for the acquisition of a new fire truck.

2. The City of Harrisonburg shall be reimbursed from the proceeds of the three (3) year lease purchase agreement and for all costs and expenditures, which are properly reimbursable under State and Federal laws, incurred for the acquisition of the new fire truck. The City represents that it will pay certain expenditures out of general funds for the acquisition of the new fire truck prior to the issuance of the three (3) year

lease purchase agreement. Therefore, it is hereby declared to be the intent to reimburse the City with a portion of the proceeds of the three (3) year lease purchase agreement for expenditures related to the acquisition of the new fire truck that were paid with general 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 lease purchase agreement to reimburse each of the expenditures, no later than 18 months after the later of the date of which each expenditure is paid or the fire truck is acquired, 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 lease purchase agreement used for reimbursement.

Approved: October 14, 2008.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

City Manager Hodgen said that a new fire truck will be delivered in the next several weeks. The fire truck will be paid for by securing funds through a three-year lease purchase. Council Member Byrd offered a motion to approve this request as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

City Attorney Thumma presented for Council's consideration amending and re-enacting Section 12-3-40 of the Harrisonburg City Code. Mr. Thumma said the Commissioner of the Revenue has requested this ordinance be amended to allow the department to collect the adult business application fee at the same time as the business license fee for that business. Council

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

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, ADOPTING THE REVISED PROCEDURES REGARDING REQUESTS
MADE PURSUANT TO THE PUBLIC-PRIVATE EDUCATION FACILITIES AND
INFRASTRUCTURE ACT OF 2002**

WHEREAS, on October 26, 2004, the City Council adopted the City of Harrisonburg, Virginia Procedures Regarding Requests made Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002; and

WHEREAS, since the original adoption of that document by the City the Virginia General Assembly has made a number of changes and amendments to the state statute; and

WHEREAS, City staff has prepared a revised document to reflect these changes and amendments which will bring the City’s procedures in compliance with the state statute;

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 and approves the City of Harrisonburg, Virginia Procedures Regarding Requests Made Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 which were revised in September, 2008, a copy of which are attached hereto and made a part hereof.

Adopted: October 14, 2008

MAYOR

ATTEST:

CLERK OF THE COUNCIL

City Attorney said since the City Council adopted the Procedures Regarding Requests Made Pursuant to the Public-Private Education Facilities and Infrastructure Act of 2002 on

October 26, 2004, the General Assembly has made a number of changes and amendments to the original statute. This revised resolution incorporates those changes and amendments into our original document and brings it into compliance with the state. Council Member Chenault offered a motion to adopt this revised resolution. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

The next item of business was a report on removing a traffic signal at the intersection of Bruce Street and Mason Street. Public Works Superintendent Drew Williams said that a new program in the Public Works Department is reviewing the City's transportation system and conducting a study to determine whether the traffic flow and signals are meeting the public needs. This particular traffic signal was identified in a preliminary study as a potential candidate for removal. Mr. Williams reviewed various information used to conduct the study.

The following discussion by Council Members included: Had other traffic signals been studied? Expressed concern for pedestrians crossing and slowing down traffic at this intersection. It was pointed out that there is no sidewalk on the West side of Bruce Street to Campbell Street. Speed could be higher on Mason Street without a traffic signal.

Council Member Chenault requested an update regarding the design and cost of replacing or building new bicycle crossings on South Main Street and Country Club Road. Mr. Chenault said that according to the October minutes of the Transportation Safety Commission the improvements would cost approximately \$70,000 and a verbal approval had been received from the railroad regarding this project. Following further discussion and comments, Council Member Chenault offered a motion to authorize the City Manager to move forward with the project. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

City Manager Hodgen reported that the City did not receive a grant from the state for the Emergency Notification System. Council Member Byrd offered a motion to appropriate funds not to exceed \$8,000 for an Emergency Notification System study. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

Council Member Chenault offered a motion to appoint Judge James Lane to the Community Criminal Justice Administrative Advisory Board. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

Council agreed to hold the first meeting in November on November 11th at 7:00 p.m., and not reschedule to another day because of the Veteran's Day holiday.

Council agreed to have a meeting with Rockingham County on October 28th at 6:00 p.m.

City Manager Hodgen reminded everyone of a meeting with state officials from Social Services and the Health Department on October 30th from 10:30 a.m. until 1:30 p.m., at the Rockingham County Administrative Complex.

City Manager Hodgen reminded everyone of a meeting with Delegate Lohr and Delegate Landes to discuss mandates and other information before the next General Assembly session in Staunton on October 29th from 7:00 p.m. until 9:00 p.m.

Council Member Byrd offered a motion that John N. Neff, 456 Myers Avenue; and John C. Sease, 560 Neff Avenue; be re-appointed to third terms on the Building Code Board of Appeals. The motion also included that Bob Landes, 11176 Morning Star Circle, be appointed to a first term on the Building Code Board of Appeals. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

At 7:25 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of the acquisition and disposition of real estate to be

used for public purposes, exempt from the 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 Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – Vice-Mayor Pace

At 8:20 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council Members present: 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 8:21 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

October 28, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Parks and Recreation Department. The motion also included amending and re-enacting Section 12-3-40 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Karen Wigginton, United Way President, presented an overview of the United Way’s overall goals. Mrs. Wigginton thanked City Council for past support.

The next item of business was a request for waiver to the Design and Construction Standards Manual. City Manager Hodgen said that Copper Beech is requesting a waiver of standards of applicable sections of the Design and Construction Standards Manual (DCSM), which deal with building permit prerequisites and pump station approval.

Ed Blackwell representing Copper Beech said that this project has two phases. The first phase can be served by the existing water pressure system, which is under construction. The second phase will need a new water pump station to achieve the fire protection requirements. The second phase has been approved by City staff for water and sewer infrastructure, parking lot, and the storm system. However, plans for the pump station serving this second phase will need to be approved. Mr. Blackwell presented an overview of the construction Copper Beech would like to proceed with, pending approval of the pump station, which will address the concerns of City staff. Also, since the company has posted a bond on both the water and sewer infrastructure, they will post a bond on the pump station as well.

Following further discussion and comments, Council Member Chenault offered a motion to allow Copper Beech to proceed with the infrastructure improvements and foundation of this project. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, ADOPTING AND APPROVING THE PROCEDURES FOR
OBTAINING AN OUTDOOR DINING FACILITY LICENSE
IN THE B-1 BUSINESS DISTRICT**

WHEREAS, on September 9, 2008, the City Council amended the City’s comprehensive plan to encourage outdoor dining facilities in the B-1 business district; and

WHEREAS, city staff has been working on a licensing procedure that would allow the use of city owned property for an outdoor dining facility in the B-1 business district; and

WHEREAS, city staff has prepared an application, regulations and requirements relating to outdoor dining facility licenses and a form outdoor dining facility license 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 Outdoor Dining Facility License Application, the Regulations and Requirements Relating to Outdoor Dining Facility Licenses Issued for City Right of Way in the B-1 Business District in the City of Harrisonburg, VA and the form Outdoor Dining Facility License, prepared by city staff be approved and adopted for use in applying and in issuing outdoor dining facility licenses for the City of Harrisonburg.

Approved: October 28, 2008.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

City Attorney Thumma said this resolution approves and adopts the license application, regulations, and requirements for obtaining a license to have an outdoor dining facility in the City right-of-way in the B-1 business district, as well as the Outdoor Dining Facility License form that will be used in the future when the City has application requests. A business must have sufficient sidewalk space available for outdoor dining to obtain a license. It is a revocable license. Vice-Mayor Pace offered a motion to approve this resolution adopting and approving the procedures for obtaining an Outdoor Dining Facility License. The motion also included changing the agreement language, “unless approved by City Council” as it relates to prohibited music. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council’s consideration amending and re-enacting Chapter 1 of Title 14 of the Harrisonburg City Code. This taxicab ordinance is being updated and amended to reflect changes requested by public transit regulating taxicabs. Mr. Thumma reviewed the ordinances especially the use of the term “taxi”. Council Member Frank offered a motion to approve these ordinances for a first reading. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were reimbursed by a U.S. Department of Justice Assistance Grant and will be used to purchase computers. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$3,519.07 chge. to: 1000-33546 Justice Assistance Grant

\$3,519.07 approp. to: 1000-310431-48171 EDP Equipment

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was a request to hold the Veterans Day Parade on Sunday, November 9, 2008, at 2:00 p.m. City Manager Hodgen reviewed the route. Council Member Chenault offered a motion to approve the request. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was a request to close City streets for Generations Crossing 5K Run/Walk. City Manager Hodgen said that Generations Crossing has partnered with First Night to sponsor a fund raising run/walk on New Years Eve. Council Member Chenault offered a motion to approve the request. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, REMOVING THE
CITY'S ONE PERCENT (1%) SALES TAX ON HEATING FUEL**

WHEREAS, on September 25, 2001 at its regular meeting, a previous City Council by motion and a unanimous vote approved the repeal of the one percent (1%) sales tax on heating fuel, effective October 1, 2001; and

WHEREAS, the pursuant to Section 56 of the City Charter, the City Council shall only act by ordinance or resolution, except in dealing with parliamentary procedure; and

WHEREAS, the City Council wishes to correct the previous action by adopting this resolution to repeal the one percent (1%) sales tax on heating fuel, effective October 1, 2001;

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 repeals the one percent (1%) sales tax on heating fuel, effective October 1, 2001.

Approved: October 28, 2008

MAYOR

ATTEST:

CLERK OF THE COUNCIL

City Attorney Thumma said that on September 25, 2001, at its regular meeting, a previous City Council by motion and a unanimous vote approved the removal of one percent (1%) sales tax on heating fuel, effective October 1, 2001. The City has not been charging the one percent (1%) sales tax on heating fuel. The Commissioner of Revenue has received a request from the state for a copy of the City's ordinance or adopted resolution. Therefore, it is necessary to correct the previous action by adopting the resolution to repeal the one percent (1%) sales tax on heating fuel. Council Member Chenault offered a motion to approve this resolution as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, AUTHORIZING THE
CITY MANAGER TO EXECUTE A DEED OF RELEASE FOR AN EASEMENT**

WHEREAS, on October 23, 2007 the City Council by ordinance vacated a 9,777 square foot variable width alley located on the south side of East Market Street to Hi-Sky Enterprises, LLC, a Virginia limited liability company; and

WHEREAS, within that ordinance the City Council reserved an electric utility easement for overhead power lines and poles; and

WHEREAS, the vacated alley is now owed by C City, LLC, a Virginia limited liability company, and they have given Harrisonburg Electric Commission another electric utility easement to replace the easement that was reserved in the ordinance and the power lines and poles have been moved; and

WHEREAS, C City, LLC, is requesting that the original electric utility easement be abandoned and vacated so they can construct a building over the vacated alley;

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 abandons and vacates the electric utility easement reserved in the ordinance, dated October 23, 2007 and recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, in Deed Book 3207, Page 40 and further directs the City Manager to execute a deed vacating and abandoning the easement to C City, LLC, a Virginia limited liability company.

Approved: October 28, 2008

MAYOR

ATTEST:

CLERK OF THE COUNCIL

City Attorney Thumma said by ordinance on October 23, 2007, the City vacated a 9,777 square foot variable width alley on East Market Street, which was owned by Hi-Sky Enterprises. The vacated alley is now owned by City Exchange, and they have given Harrisonburg Electric Commission another electric utility easement to replace the easement that was reserved in the ordinance. Council Member Chenault offered a motion authorizing the City Manager to execute a deed of release for an easement. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Byrd offered a motion to recommend Donna Stone (for a three-year term) to the Circuit Court for appointment to the Board of Equalization. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that Michael L. Ellis, 84 Middlebrook Street, be re-appointed to a second term on the Harrisonburg Parks and Recreation Commission to expire on December 31, 2012. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that John Marr, 251 Maryland Avenue, be appointed to fill the unexpired term of Alex Banks to expire on December 31, 2009. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Vice-Mayor Pace offered a motion that Doug Light, 610 Ott Street, be appointed to a first term on the Harrisonburg Electric Commission to expire on December 31, 2011. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Abstained - Council Member Chenault

Absent – None

At 8:10 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of the acquisition and disposition of real estate to be used for public purposes, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

At 9:00 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

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

CITY CLERK

MAYOR

JOINT CITY COUNCIL/COUNTY BOARD OF SUPERVISORS
MEETING

October 28, 2008

At a joint City Council/Board of Supervisors held this evening at 6:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; and City Clerk Yvonne "Bonnie" Ryan, MMC. Absent: Vice-Mayor George W. Pace. Rockingham County Board of Supervisors Members Pablo Cuevas; Dee Floyd; Frederick Eberly; County Administrator Joseph Paxton; and Assistant County Administrator Stephen King. Also, present were representatives from Anderson and Associates, Wiley & Wilson, Public Utilities Directors Mike Collins and Warren Heidt

Mayor Eagle called the meeting to order.

The purpose of the meeting was for both City Council and the Board of Supervisors to share information on future water supply. Public Utilities Director Mike Collins and Warren Heidt gave a brief overview of the City and County's water supply needs. Representatives from the engineering firms of Wiley & Wilson and Anderson and Associates then presented an overview of joint City-County water project that could address the near-term needs of both localities. Following further discussion and comments, Council agreed to move forward with an additional study to implement a plan and provide a cost estimate regarding a water supply partnership.

At 6:52 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

November 11, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department. The motion also included amending and re-enacting Chapter 1 of Title 14 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA REGARDING THE ACQUISITION OF FEE SIMPLE INTEREST AND
EASEMENTS FOR THE CONSTRUCTION OF THE NEW LIMITED ACCESS
ERICKSON AVENUE/STONE SPRING ROAD IMPROVEMENT PROJECT ACROSS
PARCELS OF REAL ESTATE OFF OF SOUTH MAIN STREET IN THE CITY OF
HARRISONBURG**

WHEREAS, the Department of Public Works for the City of Harrisonburg is in the process of planning, acquiring real estate and constructing the Erickson Avenue/Stone Spring Road Improvement Project in the southern portion of the City of Harrisonburg, Virginia; and

WHEREAS, the construction of the new roadway and installation of utilities will improve the movement of traffic across the city and provide better utility service and storm drainage to the citizens of the city; and

WHEREAS, the City of Harrisonburg needs to acquire the fee simple property interests and easements along with temporary construction easements in order to make the improvements to the city street system, storm drainage and utilities; and

WHEREAS, the Department of Public Works, through its agent the Virginia Department of Transportation, has been attempting to negotiate the purchase of fee simple interest and easements for the Erickson Avenue/Stone Spring Road Improvement Project; and

WHEREAS, the City of Harrisonburg desires to purchase the fee simple interests and easements for the public use at a fair price mutually agreed to by the current owners and the City; and

WHEREAS, the City of Harrisonburg through its Department of Public Works and the Virginia Department of Transportation has made an offer to the owners of the real estate for the purchase of the fee simple interests and easements and should those offers be refused or should the owners not respond within the time period as set forth in the offers, then the City of Harrisonburg wishes to use its power of eminent domain to acquire said fee simple interests and easements; and

WHEREAS, pursuant to Section 15.2-1903(B) of the Code of Virginia, as amended, the City Council of the City of Harrisonburg prior to initiating the condemnation proceedings, held a public hearing on November 11, 2008 and subsequently adopts this resolution approving the public use of the street project and the use of the fee simple interests and the easements for the needed improvements to the city's street system, storm drainage and its public utilities, and directs the acquisition of these property interests by the use of condemnation or other means;

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

1. That the Limited Access Erickson Avenue/Stone Spring Road Improvement Project is approved as a public use by providing improved movement of traffic within the city and by making improvements to the city's public utilities.

2. That acquisition of the fee simple interests and easements are necessary to construct the new public street and install the improved public utilities and storm drainage.

3. That the City Council of the City of Harrisonburg by this resolution authorizes the use of its power of eminent domain or condemnation to acquire the fee simple interests and easements for this public use by improving city streets, storm drainage and public utilities, should the owners of the real estate and the city fail to agree on a purchase price for these property interests.

Approved: November 11, 2008

MAYOR

ATTEST:

CITY CLERK

City Attorney Thumma explained that the Public Works Department is presently negotiating the purchase of fee simple interests and easements (both permanent and temporary) for the Limited Access Erickson Avenue/Stone Spring Road Improvement Project. The Code of Virginia requires that City Council hold a public hearing and enact a resolution prior to using condemnation to acquire property interests for a public use project. The City has only four to five parcels remaining to be acquired for this project. If the Public Works Department is unable to reach an agreement to purchase these parcels they are requesting adoption of this resolution so the parcels can be acquired by condemnation.

At 7:06 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 3, and Monday, November 10, 2008.

**NOTICE OF INTENTION TO ADOPT A RESOLUTION
TO USE CONDEMNATION PROCEEDINGS
TO ACQUIRE FEE SIMPLE INTEREST AND EASEMENTS
FOR THE ERICKSON AVENUE/STONE SPRING ROAD IMPROVEMENT PROJECT
IN THE CITY OF HARRISONBURG**

**City Council Chambers
409 South Main Street
Harrisonburg, VA 22801
Tuesday, November 11, 2008
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, November 11, 2008, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider the adoption of a resolution to use condemnation proceedings to acquire the fee simple interest and easements for the Erickson Avenue/Stone Spring Road Improvement Project in the southern portion of the City of Harrisonburg, Virginia. This is a street project that is for the public good of the citizens of the city and the city may need to use condemnation to acquire the necessary fee simple interest and easements to accomplish this public use.

A copy of the plans showing the Erickson Avenue/Stone Spring Road Improvement Project are available in the Department of Community Development, 409 South Main Street, Monday through Friday.

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

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

Mayor Eagle called on anyone desiring to speak for or against this resolution.

Dan Brubaker questioned the procedure the City will use for eminent domain.

City Attorney Thumma reviewed the procedure the City will use for eminent domain. There being no others desiring to be heard, the public hearing was declared closed at 7:07 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this resolution as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request to make modifications to the Zoning Ordinance. The proposed ordinance amendments include Sections 10-3-35, 10-3-41, 10-3-47, 10-3-48.5, 10-3-53, 10-3-55.5, 10-3-64, 10-3-72, 10-3-80, 10-3-86, 10-3-92, 10-3-98, and 10-3-105 of the Zoning Ordinance. Mrs. Turner said these amendments would correct errors that occurred as ordinances were updated. These amendments include correcting references made to Article F, which should be Article T, correcting references to townhouse classifications, removing R-2 from townhouse developments, adding R-5 into the townhouse reference, correcting references made to Article T, which should be Article U, addressing new setback regulations for bus shelters, and adding a bus shelter definition. Planning Commission recommended approving all of these changes.

At 7:12 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, October 27, and Monday, November 3, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, November 11, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Ordinance Amendments

Public hearing to consider requests to make amendments to the Zoning Ordinance Sections 10-3-35, 10-3-41, 10-3-47, 10-3-48.5, 10-3-53, 10-3-55.5, 10-3-64, 10-3-72, 10-3-80, 10-3-86, 10-3-92, 10-3-98, and 10-3-105. These modifications would correct references made to Articles F and S written within the above listed sections, which should be made to Article T. A second amendment would add the R-5, High Density Residential District to the list of zoning classifications that are affected by the additional townhouse regulations within Section 10-3-113 of the Zoning Ordinance. A third amendment would make modifications to the Zoning Ordinance Sections 10-3-127 (a) and 10-3-128 (a) and (b). These amendments would correct references that are made to Article T, which should be made to Article U. The fourth amendment would add language to Section 10-3-114 of the Zoning Ordinance to allow zero lot line setbacks for bus shelters at designated bus stops. The final amendment would add the definition of a bus shelter to Section 10-3-24 of the Zoning Ordinance.

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

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

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

Mayor Eagle called on anyone desiring to speak for or against making these modifications to the Zoning Ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:13 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve making modifications to the Zoning Ordinance as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Harman Realty for a special use permit to allow multiple family dwellings of more than 12 units per building. The property is located along Stone Spring Road and is adjacent to Interstate 81. The property can be found on tax map parcel 93-A-3. The Comprehensive Plan designates this area Medium-Density Mixed Residential. Mrs. Turner reviewed the surrounding uses in the area. This site is a portion of a larger tract that was rezoned in February of this year from R-3, Multiple Dwelling Residential District to R-5C, High Density Residential District Conditional.

Specific proffers with the rezoning included a public street that would loop through the property and be completed when 60% of total site development occurred. The street would also be lined up with the realigned Ramblewood Road. Other proffers included green space, a bike/multi-use path, and limiting the total number of residential units to 1,054. The applicant also agreed to dedicate the necessary right-of-way and easements for the Erickson Avenue/Stone Spring Road improvement project. Presently, the applicant has a comprehensive site plan in review which depicts 15 residential buildings, 12 dwelling units in each, for a total of 180 dwelling units. The applicant would like to remove one building and then redistribute those units throughout the 14 remaining structures. Six of the proposed residential buildings would have 14 dwelling units each, while the remaining eight buildings would have 12 dwelling units each. The total number of units would remain the same at 180. Planning Commission recommended approving the request.

At 7:18 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, October 27, and Monday, November 3, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold several public hearings on Tuesday, November 11, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Special Use Permit – The Overlook at Stone Spring (10-3-55.4(1))

Public hearing to consider a request from Harman Realty with representative Blackwell Engineering for a special use permit per Section 10-3-55.4 (1) to allow multiple family dwellings of more than 12 units per building. The property, zoned R-5C, High Density Residential District Conditional, is located along Stone Spring Road and can be found on tax map parcel 93-A-3.

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 Eagle called on anyone desiring to speak for or against this request.

Dick Blackwell said the applicant wanted to utilize the terrain to its best advantage. The residential units will remain at 1,054.

Orden Harman thanked Council for doing an outstanding job while serving the citizens of Harrisonburg. There being no others desiring to be heard, the public hearing was declared closed

at 7:20 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to accept the Planning Commission recommendation and approve this request. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Robert Beck to preliminarily subdivide 7.82 acres into 38 single family home lots with a variance to the Subdivision Ordinance. The property can be found on tax maps 74-B-2, 3, 4, 5 & 6. The Comprehensive Plan designates this area as Low-Density Residential. In July 2006, the applicant rezoned these five parcels from R-1, Single Family Residential District to R-6, Low Density Mixed Residential Planned Community. The current request is to preliminarily subdivide 38 single family home lots, which will front on private streets. These private streets will be owned and maintained by a property owner's association. Road improvements adjoining the subdivision include one entrance into the subdivision with a right turn in and out from Market Street. Mrs. Turner reviewed the surrounding uses in the area. Each home will have a two car garage that would be set back from the house and accessed by either a private or a shared driveway. The master plan includes common/open space, a gazebo, a walking trail around the entire development, and other open areas to provide additional recreational opportunities. The subdivision will have a four foot tall brick wall along the boundary of the rear lot lines. The preliminary plat is in conformance with the previously approved master plan. Planning Commission recommended approving the request. Council Member Chenault offered a motion to approve this request as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

An update on the HARTS Program was deferred until December.

City Manager Hodgen presented a request from the Harrisonburg Parks and Recreation Department, Rockingham County Recreation Department, the Downtown Merchants Association, and Harrisonburg Downtown Renaissance to hold the annual Christmas parade on December 5, 2008, at 7:00 p.m., with a makeup date on December 12, 2008. The request also included holding the "Holidays on Main Street" event on December 6, 2008, from 4:00 p.m.

until 8:00 p.m. Council Member Chenault offered a motion to approve these requests. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

City Attorney Thumma presented for Council's consideration amending and re-enacting Section 13-1-60.01 of the Harrisonburg City Code. This is a change in the residential parking zones ordinance that will exempt certain days for events at James Madison University (JMU). Council Member Frank offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Fire Department. Mr. Hodgen explained that the City has purchased a new fire truck and initially planned to pay for it through a 3-year lease purchase arrangement, but interest rates are such that it is advantageous to pay cash for this transaction. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$ 73,348.00 chge. to: 1000-980142-49118 Fire Truck Lease purchase principal
8,376.00 chge. to: 1000-980142-49128 Fire Truck purchase interest
267,806.00 chge. to: 1000-31010 Amount from fund balance

\$349,530.00 approp. to: 1000-320232-48165 Fire Truck

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. \$50,000.00 in funding is being requested from the general fund balance to serve as the required match for a Federal grant of \$150,000.00. The grant is for mobile data terminals for police vehicles. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$ 50,000.00 chge. to: 1000-31010 Amount from Fund Account
150,000.00 chge. to: 1000-33556 Mobile Data Terminals

\$200,000.00 approp. to: 1000-310431-48211 Machinery & Equipment

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

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Chenault urged staff to begin talking to owners of older housing developments on Port Republic Road about installing surveillance cameras and increasing police patrols to help curb crime. Students and senior citizens in these complex developments need to be safe.

Council Member Byrd encouraged all non-profit agencies who apply directly to the City for funding to first complete the CDBG funding application before seeking City funding.

City Manager Hodgen said that some non-profit agencies receiving City funding will not be eligible for CDBG funding. Making some modifications to the CDBG application will be considered.

Economic Development Director Brian Shull presented an overview of a public-private partnership act proposal to construct a parking deck structure to accommodate between 500 and 600 vehicles and a 30,000 square foot office space to meet the needs of the school board staff. The proposed location is City owned property, which is located behind Harrison Plaza. A City staff review team has been formed to study the proposed project. According to the PPEA guidelines, within ten days the City will need to advertise for competing bids. The proposal will be advertised until January 9, 2009. Mr. Shull recommended moving forward with advertising the project and receiving other bids. Council Member Chenault offered a motion to move forward with advertising the project and allowing competing proposals. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 7:56 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, Harrisonburg Planning Commission, Harrisonburg Electric Commission, and Harrisonburg Board of Zoning Appeals, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 9:00 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

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

CITY CLERK

MAYOR

REGULAR MEETING

November 25, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

Vice-Mayor Pace gave the invocation, and Mayor Eagle led everyone in the Pledge of Allegiance.

Bucky Berry said that the Salvation Army will be accepting donations for a food drive on Saturday, December 6th from 4:00 p.m. until 8:00 p.m., in the downtown Court Square area.

Wanda Willis of the Harrisonburg Fire Department, Barbara Emswiler of Rockingham Group Insurance, and the “Safe Kids” program displayed “Fire Prevention Week” contest posters.

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department and Fire Department and making modifications to the Zoning Ordinance. The motion also included amending and re-enacting Section 10-3-42 and 13-1-60.01 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

Mayor Eagle presented the following resolution for Council’s consideration of approval.

RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 83-UNIT RIVERWOOD APARTMENTS MULTIFAMILY RESIDENTIAL RENTAL HOUSING PROJECT LOCATED IN THE TOWN OF COLONIAL BEACH, VIRGINIA

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

WHEREAS, the Authority previously considered and approved the request of Riverwood Preservation, L.P., a Delaware limited partnership, (the “Company”), whose address is c/o Related Apartment Preservation, LLC, a Delaware limited liability company, 60 Columbus Circle, New York, New York 10023, for the issuance by the Authority of its tax-exempt multifamily housing revenue bonds in the maximum principal amount not to exceed \$4,200,000, upon the terms and conditions to be mutually agreed upon between the Authority and the Company (the “Bonds”), to finance a portion of the cost of acquiring and rehabilitating an approximately 83-unit multifamily residential rental housing apartment project known as Riverwood Apartments (the “Project”), located in Town of Colonial Beach, Virginia at 368 Riverwood Drive, Colonial Beach, Virginia 22443 (the “Town”); and,

WHEREAS, pursuant to Section 36-23 of the Code of Virginia of 1950, as amended (the “Virginia Code”), the Authority may exercise its powers in the territorial boundaries of the Town by issuing the Bonds (as hereinafter defined) for the Project provided the governing body of the Town adopts a resolution (the “Section 36-23 Resolution”) declaring there is a need for the Authority to exercise its powers within the Town and the Town’s redevelopment and housing authority consents to such issuance; and,

WHEREAS, the Company has requested, and the Town has begun the process necessary for, the adoption of a Section 36-23 Resolution authorizing the Authority to exercise its powers in the Town with respect to the Project and the Town’s housing authority to consent to the issuance of the Bonds; and

WHEREAS, on November 19, 2008, the Authority conducted a public hearing on the issuance of the Bonds and, by adoption of a resolution (the “Inducement Resolution”), declared its official intent to issue the Bonds to finance the Project, and recommended that the City Council of the City of Harrisonburg (the “City Council”) approve the issuance of the Bonds; and,

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

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

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

WHEREAS, Chapter 514 of the 1983 Acts of the General Assembly of Virginia requires that any government entity established by or pursuant to an Act of the General Assembly that proposes to issue bonds that are industrial development bonds within the meaning of Section 103(b) of the Internal Revenue Code of 1954, as amended, shall, with respect to such bonds, comply with the procedures set forth in Virginia Code Sections 15.2-4906 and 15.2-4907; and,

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

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

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

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

2. The City Council approves the issuance of the Bonds by the Authority in an amount not to exceed \$4,200,000 for the benefit of the Company and approves the Authority's taking all actions necessary in the discretion of the Authority to the extent of and as required by Section 147(f) of the Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly and Virginia Code Sections 15.2-4906 and 15.2-4907 to permit the Authority to assist in the financing of the Project.

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

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

5. The approvals evidenced by this Resolution are contingent upon the satisfaction of all legal requirements applicable to the issuance of the Bonds, including the

adoption by the Town Council of the Town of the Section 36-23 Resolution and the Company obtaining any other approvals, including but not limited to obtaining any required consent of the Town's housing authority as required by Section 36-23 of the Virginia Code.

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

READ AND ADOPTED: November 25, 2008

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 83-UNIT RIVERWOOD APARTMENTS MULTIFAMILY RESIDENTIAL RENTAL HOUSING PROJECT LOCATED IN THE TOWN OF COLONIAL BEACH, VIRGINIA," taken at a regular meeting of the City Council held on November 25, 2008:

	AYE	NAY	ABSTAIN	ABSENT
Rodney L. Eagle, Mayor	X			
George W. Pace, Vice-Mayor	X			
Carolyn W. Frank	X			
Charles R. Chenault			X	
Ted Byrd	X			

Dated: November 25, 2008

[SEAL]

Mayor, City of Harrisonburg, Virginia

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

Steve Heitz, an attorney representing the Harrisonburg Redevelopment and Housing Authority, explained that this financing would be through the Harrisonburg Redevelopment and Housing Authority, to authorize the sale of tax exempt bonds for a project in Colonial Beach. The HRHA Executive Board has held a public hearing and reviewed and approved the resolution. The bonds will not be a debt or obligation of the City. Vice-Mayor Pace offered a motion to approve this resolution. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
 Council Member Frank
 Vice-Mayor Pace
 Mayor Eagle

Abstained - Council Member Chenault

Absent – None

The next item of business was a presentation by Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance (HDR), who gave an update of the progress and accomplishments of HDR. Mr. Bumbaugh announced that approximately 20 people from the Town of Martinsville will be visiting Harrisonburg on January 26th to see the City's revitalization progress. HDR, Virginia Main Street Monitor, and the Virginia Downtown Development Association will be hosting a conference in Harrisonburg in May 2009. Mr. Bumbaugh reviewed projects receiving Façade Enhancements grants, several new businesses and restaurants, and renovation projects in the downtown area. The Merchants of Historic Downtown Harrisonburg thanked Council for its support for the streetscape project. Mr. Bumbaugh suggested that the “grassy area across from the Daily News-Record building” should have an official name for the park.

Kris Ludwig, Special Events Manager of HDR, reviewed information regarding events that occurred during the last several months. Vice-Mayor Pace offered a motion to approve a request from First Night Harrisonburg for street closure and fire works on December 31, 2008. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

Jessica Chase, Program Manager/Downtown Parking Services of HDR, reviewed information regarding downtown parking and adding approximately 50 parking spaces to the roof of the Water Street Parking Deck.

Josie Showalter, Manager of the Harrisonburg Farmers Market and representing the board, expressed deep gratitude for the amazing support from the City for the Turner Pavilion project.

The next item of business was a request for approval of a Dance Hall at 2241 South Main Street. Assistant City Manager Vass said that this request was originally tabled during a regular council meeting held on July 22, 2008 until two issues (adequate seating provided and delineation of dancing area) were satisfactorily addressed and a re-inspection was completed by the Harrisonburg Police Department. A re-inspection by HPD found the two issues to have been addressed by the applicant. Vice-Mayor Pace offered a motion to approve a Dance Hall permit for Pupuseria y Restaurant Sonia located at 2241 South Main Street. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

Fire Chief Shifflett presented a request for the Fire Department. Chief Shifflett reviewed the breakdown of the funds from last year's budget, grant funds, and funds for the Community Alerting System study into the Fire Department budget. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$ 2,086.00 chge. to: 1000-32512 Fire Programs Fund
164,807.70 chge. to: 1000-31010 Amount from Fund Balance
50,000.00 chge. to: 1000-33534 Haz Mat Grant

\$ 68,784.75 approp. to: 1000-320232-48203 Fire Programs Fund
50,784.75 approp. to: 1000-350532-48113 Equipment
45,820.04 approp. to: 1000-320132-48151 Motor Vehicles & Equipment
44,288.91 approp. to: 1000-320532-46155 Two for Life
8,000.00 approp. to: 1000-320132-43100 Professional Services

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

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were reimbursed by a Division of Motor Vehicles Grant (Click it or Ticket) and will be used for overtime. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$3,723.30 chge. to: 1000-33524 DMV Federal grant

\$3,723.30 approp. to: 1000-310631-41020 Salaries/wages OT

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

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

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

**A Resolution for Drinking Water Resource Management
for the George Washington Forest Management Plan**

WHEREAS, the U.S. Forest Service is in the process of revising its 1993 Land and Resource Management Plan for the George Washington National Forest; and

WHEREAS, the U.S. Forest Service's agency-wide strategic plan seeks to achieve six goals, including "Improve watershed condition"; and

WHEREAS, the provision of clean, safe drinking water is one of the primary benefits that the George Washington National Forest provides to the communities that surround it; and

WHEREAS, approximately 44 percent of the land in the George Washington National Forest lies within watersheds that provide public drinking water to more than 260,000 Virginia residents in 22 adjacent communities, by means of reservoirs and surface waters; and

WHEREAS, drinking water sources within the George Washington National Forest serve an estimated 52,635 residents in the City of Harrisonburg and Rockingham County; and

WHEREAS, the watersheds of the five reservoirs in the George Washington National Forest include the Switzer Lake Reservoir, which serves the City of Harrisonburg and some Rockingham County residents; and

WHEREAS, the greatest threats to water quality within the George Washington National Forest are ground disturbing activities, such as timber harvesting and road construction, which result in erosion and sedimentation; and

WHEREAS, under the 1993 George Washington National Forest Management Plan most of the land in drinking water reservoirs watersheds (72 percent) is managed without ground disturbing activities and the U.S. Forest Service reports that water quality in the reservoir watersheds is substantially better than in surface watersheds in other parts of the George Washington National Forest; and

WHEREAS, the 1993 George Washington National Forest Management Plan permits ground disturbing activities on most of the land (64 percent) in surface watersheds that provide drinking water through river intakes.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Harrisonburg, Virginia does hereby support the following revisions to the George Washington National Forest Management Plan to ensure the quality and quantity of drinking water sources within the forest boundaries:

1. The U.S. Forest Service shall formally identify all the drinking watersheds serving reservoir and surface water resources within the George Washington National Forest.
2. The U.S. Forest Service shall establish management objectives that encompass the health of the entire drinking watershed, in order to ensure that conditions within the watershed will maintain, protect and enhance drinking water quality.
3. The U.S. Forest Service shall gather more information to describe and assess watershed conditions; develop a plan to systematically monitor water resource programs and obtain all data pertinent to water quality and watershed conditions, in cooperation with other agencies, organizations, local communities and volunteers.
4. The U.S. Forest Service shall seek to communicate more effectively with the localities that obtain drinking water from sources within the George Washington National Forest in order to ensure that the drinking watersheds are managed effectively, appropriately and for the public good.
5. The U.S. Forest Service shall work with local communities, agencies and the larger public to establish policies and develop management plans for the drinking watersheds to permanently maintain, protect and enhance drinking water quality.

ADOPTED THIS 25th DAY OF NOVEMBER, 2008.

BY: _____
Rodney L. Eagle, Mayor

ATTEST: _____
Yvonne H. Ryan, MMC, City Clerk

City Manager Hodgen said that the U.S. Forest Service is currently in the process of revising its 1993 Land and Resource Management Plan for the George Washington National Forest. The City has been asked to consider supporting a resolution that emphasizes the identification and protection of all drinking watersheds within the George Washington National Forest area and the maintenance of open communications between localities, the general public and the Forest Service throughout the revision process. Council Member Chenault offered a motion to adopt the resolution. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Chenault offered a motion to cancel the December 23rd Council meeting. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Frank offered a motion to approve a temporary modification of Section 13-1-60.01 of the Harrisonburg City Code by adding November 29, December 6 and December 13 to the days that are exempt from the provisions of residential permit parking. December 6 and December 13 are contingent upon JMU winning the playoff games. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that Morgan McComas be re-appointed to a term on the Central Shenandoah Emergency Medical Services Council to expire November 22, 2011. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

At 8:06 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of the acquisition and disposition of real estate to be used for public purposes, exempt from the 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 Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault

Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

At 9:00 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

Council Member Frank offered a motion that Alan P. Finks, 1133 Bluebird Court, be re-appointed to a second term on the Harrisonburg Planning Commission to expire on December 31, 2012. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Frank offered a motion that William L. Jones, Jr., 94 Laurel Street, be re-appointed to a second term on the Harrisonburg Planning Commission to expire on December 31, 2012. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

At 9:04 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

December 9, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC; and Police Major Malcolm Wilfong. Absent: Police Chief Donald Harper.

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

Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance (HDR), gave a brief overview of the new wayfinding sign project.

Kerri Wilson, Greg Coffman, Michael Walsh, and Tom Mendez of the Harrisonburg City School Board, expressed their appreciation and thanks to the departing members of City Council.

Kai Degner expressed his gratitude to the departing members of City Council especially for their spirit of collaboration.

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

RESOLUTION

IN REGARD TO SHENANDOAH VALLEY REGIONAL AIRPORT COMMISSION

WHEREAS, the Shenandoah Valley Regional Airport Commission (the "Commission") was duly established pursuant to the Code of Virginia, 1950, as amended, and by resolution and agreement of the several political subdivisions of the Commonwealth of Virginia comprising the Commission, namely the Counties of Augusta and Rockingham and the Cities of Harrisonburg, Staunton and Waynesboro (collectively, the "Member Localities"), to have and exercise, on behalf of such Member Localities, the power and authority to operate the Shenandoah Valley Regional Airport ("SVRA") located in Augusta County, Virginia.

WHEREAS, the Commission has determined that it is necessary and desirable to issue and sell its aggregate up to \$550,000 taxable airport revenue bond, in one or more series, including an interim financing therefor, if necessary (the "Local Obligation"), in order to finance any one or more of the following capital costs to: (i) acquire, construct and equip site improvements in connection with the development of open span aircraft storage hangars and facilities relating thereto at SVRA on a site consisting of approximately 12 Acres, including grading, drainage and building pad preparation improvements and

various other preliminary costs in connection therewith, (ii) acquire, construct and equip all or any portion of such hangars and facilities, and (iii) pay issuance costs (collectively, the "Project").

WHEREAS, the Commission shall issue the Local Obligation to finance the Project (including an interim financing therefor, if required), pursuant to the terms and conditions of the Financing Agreement and as otherwise may be necessary or convenient in connection with requirements by (an interim lender for short-term financing, if necessary) and by Virginia Resources Authority ("VRA") for long-term financing of the Project under the Virginia Airport Revolving Fund (or any other applicable financing program administered or otherwise offered from time to time by VRA).

WHEREAS, the Commission desires that the governing bodies of the Member Localities approve the incurrence of indebtedness by the Commission in connection with the Project, subject to the determination of the final terms and provisions therefor (all such undertakings by the Commission, including any interim financing therefor, if necessary, being collectively referenced herein as the "Loan").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia (the "Council"), as follows:

1. The incurrence of the Loan by the Commission, from time to time, is hereby approved and authorized, to the fullest extent as may be required, if at all.
2. It is to be understood that nothing contained in this Resolution or any documentation in connection with the Loan by the Commission is or shall be deemed to be a debt of the City or a pledge of the faith and credit or the taxing power of the City, and nothing herein or therein shall legally bind or obligate the Council or any future Council of the City to appropriate funds for such purposes. The indebtedness of the Commission represented by the Local Obligation (or otherwise in connection with the Project) shall not be deemed to constitute a debt or pledge of the faith and credit of the taxing power of the City, and neither the faith and credit nor the taxing power of the City shall be pledged for the payment of the principal of, premium, if any or interest on the Local Obligation or any other obligation of the Commission in connection with the Project or any other costs incident thereto.
4. The Mayor and Vice Mayor of the Council, and the City Manager, any one or more of whom may act, and such officers, employees, and agents of the County as any of them may designate, are each authorized and directed to take all such further actions and to execute and deliver any and all instruments, certificates and other documents, if necessary or convenient, in order to carry out the purposes hereof and in furtherance, otherwise, of the financing by the Commission of the Project (including an interim financing therefor, if required).
5. This Resolution shall be effective immediately.

Adopted: December 9, 2008

CITY OF HARRISONBURG, VIRGINIA

Mayor

CERTIFICATE OF VOTES

The undersigned hereby certifies that the foregoing Resolution constitutes a true and correct copy thereof duly adopted by the City Council of the City of Harrisonburg, Virginia, at a regular meeting thereof duly held on December 9, 2008, and that the recorded roll-call vote is as follows:

	AYE	NAY	ABSTAIN	ABSENT
Rodney Eagle, Mayor	X			
George Pace, Vice Mayor			X	
Charles Chenault	X			
Ted Byrd	X			
Carolyn Frank	X			

Dated: December 9, 2008

[SEAL]

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

Greg Campbell, Executive Director of the Shenandoah Valley Regional Airport Commission (SVRAC), said that SVRAC will be issuing bonds for an expansion of aircraft storage hangars at the airport. Since Harrisonburg is a participating member of SVRAC it is necessary that Harrisonburg adopt this resolution. The City will not be responsible for this debt. Council Member Byrd offered a motion to approve this resolution as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Council Member Byrd
Mayor Eagle

Abstained - Vice-Mayor Pace

Absent -- None

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department and Fire Department. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Ellen E. DeSarno to rezone one 19,810 square foot parcel from R-1, Single Family Residential District to B-2C, General Business District Conditional. The property is located at 1320 Port Republic Road and can be found on tax map 88-C-6. The Comprehensive Plan designates this area as Low-Density Residential. The property became part of the City during the 1983 annexation. This is the site of a former child day care facility and also the former site of the University Market. When the property was annexed into the City it was zoned R-1, Single Family Residential and became a non-conforming use. The property has recently lost its non-conforming status because the property has been operating as child day care center for the past few years with an approved special use permit as allowed in this district. Since approval of the special use permit, only the use of the parcel has been conforming to the R-1 zoning district. It remains non-conforming to the R-1 zoning district and non-conforming to parking and setback regulations. Mrs. Turner reviewed the surrounding uses in the area. The building has been non-conforming to setback regulations since annexation. The structure would remain non-conforming as it sits approximately five feet from the eastern boundary and two feet from the southern boundary. The applicant has proffered the following: 1) The “by right” use of the property is limited to mercantile establishments and accessory uses, including those which promote the show, sale and rental of goods or equipment for impaired, handicapped or disabled persons, inclusive of goods or equipment for their medical treatment or rehabilitation or mobility or transportation. 2) The existing playground area will be maintained in its present state and will not be paved, except as provided for the purposes of the special use permit for the property. 3) If in the future exterior lighting is regulated by a City ordinance applicable to the B-2, General Business zone, then the property will comply with the regulations at that time. 4) The building will not be open later than 9:00 p.m. 5) No drive-thru, restaurant or shopping center uses will be allowed. 6) Any freestanding sign on the property will be restricted to 24 square feet and 6 feet in height. This area in the land use guide is recommended for low density single family residential use. The Port Republic Road contains a mixture of uses including commercial, high density mixed residential, and recreational. Mrs. Turner said that VIP Scooters is interested in leasing this property; however, staff does not approve this rezoning because it could set a precedent and generate significantly more traffic, noise, and disturbance than the other rezonings that have already been approved. Planning Commission recommended denying the rezoning request to B-2, General Business District Conditional.

At 7:31 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 24, and Monday, December 1, 2008.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, December 9, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – 1320 Port Republic Road (DeSarno)

Public hearing to consider a request from Ellen E. DeSarno, with representative Steven M. Blatt to rezone one, 19,810 square foot parcel from R-1, Single Family Residential District to B-2C, General Business District Conditional. The property is located at 1320 Port Republic Road and can be found on tax map 88-C-6. 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. The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges from 1 to 4 units per acre, with a minimum lot size of 10,000 sq. ft. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

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

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

CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager

Mayor Eagle called on anyone desiring to speak for or against this rezoning request.

Steven Blatt, attorney for the applicant, said he is representing Mrs. DeSarno, who is the owner of the property. The business was operated as University Market and a daycare center, but now sits empty.

Bob Early, President of VIP Scooters, said that VIP Scooters is a durable medical equipment company doing 90 percent of their business with the Federal government. It is also the only place in Harrisonburg that has powered rehab wheel chairs.

Richard Baugh said he opposed the rezoning because the proffers have changed since Planning Commission reviewed this request. The proffers are a step in the right direction; however, there are many examples in the City that were approved for the existing use and then changed at a later date. He encouraged Council to reject this request, table it, or send it back to Planning Commission.

Dave Wiens said it is important to remember that staff studied and spend a lot of time on this request. It can become a dangerous precedent changing proffers after Planning Commission has reviewed them and made a recommendation. He encouraged Council to table this request and send it back to Planning Commission. There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Byrd offered a motion to approve this rezoning request with the submitted proffers dated December 5, 2008. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Council Member Byrd
Mayor Eagle

Abstained – Vice-Mayor Pace

Absent – None

City Attorney Thumma presented for Council's consideration amending and re-enacting Section 1-1-12 of the Harrisonburg City Code. Because more than 4,000 votes were cast in Precinct No. 3 in the November election, Section 24.2-307 of the Code of Virginia, requires the governing body to revise and redraw the precincts to have no more than 5,000 registered voters in the precinct. This ordinance revises Precinct No. 2 and Precinct No. 3 in Ward No. 1 (east ward) to meet the requirements of the state statute.

At 7:57 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Friday, November 28, and Friday, December 5, 2008.

**NOTICE OF PUBLIC HEARING ON THE
ESTABLISHMENT OF VOTING PRECINCTS IN THE
CITY OF HARRISONBURG TO COMPLY WITH THE
REQUIREMENTS OF SECTION 24.2-307 OF THE CODE OF VIRGINIA**

The Harrisonburg City Council will hold a public hearing on December 9, 2008 at 7:00 P.M. in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, concerning the establishment of voting precincts in the City of Harrisonburg to comply with Section 24.2-307 of the Code of Virginia, which requires all precincts to have no more than 5,000 registered voters.

Copies of the proposed ordinance along with maps showing the proposed voting precincts are available in the Registrar's Office, Room 107, 345 South Main Street, Harrisonburg, Virginia, Monday through Friday, 8:00 A.M. to 5:00 P. M.

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

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

CITY OF HARRISONBURG

**Kurt D. Hodgen,
City Manager**

Mayor Eagle called on anyone desiring to speak for or against amending this ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:58 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve amending and re-enacting Section 1-1-12 of Harrisonburg City Code for a first reading. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Norman Yoder, a representative from Brown, Edwards & Company, presented the 2007-2008 Comprehensive Annual Financial Report. He said his firm and the City have to comply with certain standards and guidelines set by the government Accounting Standards Board (GASB) and the Commonwealth of Virginia Auditor of Public Accounts. He gave a brief overview of the report. Mr. Yoder expressed his appreciation to the Finance Department for all of their assistance. The City will receive an unqualified opinion, which is the highest level of assurance placed on financial statements.

Vice-Mayor Pace pointed out that the findings in the audit report states that three out of thirty-two elected and appointed officials did not file their statements of economic interest by the January 15 required submission deadline as set forth by the *Code of Virginia*. Mr. Pace suggested until the individual has submitted the statement, they must recuse themselves from any votes.

City Manager Hodgen presented a request for a supplemental appropriation for the Commonwealth of Virginia. This action is being taken as a result of the Commonwealth's reduction in aid to localities due to its projected revenue shortfall for the current fiscal year. The City's portion of the reduction is \$200,681, of which \$5,675 is aid to the regional library and \$2,386 is an appropriation to the Juvenile Crime Control program. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$192,620.00 chge. to: 1000-31010 Amount from fund balance

\$192,620.00 approp. to: 1000-910411-45911 Local aid to the Commonwealth

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

School Superintendent Dr. Donald Ford presented a request for a supplemental appropriation for the School Board. These funds represent interest that has been received from the investment of the school's portion of the proceeds from the \$50 million bond issue. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$94,226.67 chge. to: 1311-31010 Amount from fund balance
11,535.65 chge. to: Investments earnings

\$105,762.32 approp. to: 1311-910114-48700 Elementary/Middle School

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

School Superintendent Donald Ford presented a transfer request for the School Board. Dr. Ford said these funds will be transferred from the new high school project into the school's operating budget to replace playground equipment at Waterman Elementary School. No additional City dollars are required for the school division to receive this transfer. Council Member Byrd offered a motion to approve transferring these funds, and that:

\$40,028.00 chge. to: 1311-910114-48692 Amount from New High School Construction
40,028.00 chge. to: 1111-34292 Transfer from School Capital Projects

\$40,028.00 approp. to: 1311-910114-49220 Transfer to School Fund
40,028.00 approp. to: 1111-111114-40640 Operations & Maintenance Services

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was an update on the Harrisonburg Rockingham Thermal Shelter Program (HARTS). Harrisonburg Redevelopment and Housing Authority Director Michael Wong said that HARTS mission is to provide temporary shelter and housing by accommodating the needs of the homeless. Host churches will provide temporary shelter and housing for one week and volunteers to assist in the program for the “chronically homeless”. HARTS has worked with other organizations to create these housing services. Mr. Wong reviewed the funding, community donations, and other services provided. Following further discussion and comments, Council Member Chenault offered a motion to approve \$15,000 for HARTS for a first reading, and that:

\$15,000.00 chge. to: 1000-31010 Amount from fund balance

\$15,000.00 approp. to: 1000-910141-45805 Harrisonburg/County Thermal Shelter

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

Vote: Yes - Council Member Chenault
Council Member Frank
Mayor Eagle

No - Vice-Mayor Pace
Council Member Byrd

Absent – None

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

**RESOLUTION AUTHORIZING THE PURCHASE OF
RESIDENTIAL UNITS BY THE HARRISONBURG REDEVELOPMENT AND
HOUSING AUTHORITY**

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the “Authority”) has decided to purchase a ground lease which includes sixty (60) residential

units with improvements (the "project") from Lineweaver L.P., a Virginia limited partnership, or such other designated entities, pursuant to an Option Agreement, dated December 9, 1992, and recorded in the Clerk's Office of the Circuit Court for Rockingham County, Virginia ("Clerk's Office") in Deed Book 1170, page 105. The ground lease was established in a Ground Lease Agreement, dated November 25, 1991, as amended and restated by an Amended and Restated Ground Lease Agreement, dated December 1, 1992, and a Memorandum thereof was recorded in the Clerk's Office in Deed Book 1096, page 129 (collectively referred to as the "Ground Lease") for property located at 60 Rock Street, Harrisonburg, Virginia; and,

WHEREAS, the Authority intends to utilize the project for housing purposes pursuant to its mission of providing safe and sanitary dwellings to persons of low income, age and disability, as set forth in the Housing Authorities Law, Chapter 1, Title 36 of the Virginia Code; and,

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

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

1. The City approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein; and
2. The City authorizes and approves the Authority purchasing the project as set forth herein.

This resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: December 9, 2008

CERTIFICATE

The following is a record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon a reading of a resolution titled "RESOLUTION AUTHORIZING THE PURCHASE OF RESIDENTIAL UNITS BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY" taken at a regular meeting of the City Council held on December 9, 2008:

	AYE	NAY	ABSTAIN	ABSENT
Rodney Eagle, Mayor				
George Pace, Vice-Mayor				
Charles Chenault				
Carolyn Frank				
Ted Byrd				

Dated: December 9, 2008

(SEAL)

 Mayor, City of Harrisonburg, Virginia

ATTEST:

 Clerk, City Council of the City of
 Harrisonburg, Virginia

Harrisonburg Redevelopment and Housing Authority Director Michael Wong requested approval for the Harrisonburg Redevelopment and Housing Authority to purchase the Lineweaver Apartments, which includes sixty (60) residential complex units with improvements on West Rock Street. Council Member Frank offered a motion to approve this resolution. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
 Council Member Frank
 Council Member Byrd
 Mayor Eagle

Abstained - Council Member Chenault

Absent - None

The next item of business was an application for re-issuance of a Certificate of Public Convenience and Necessity for Valley Cab LLC dba ABC Cab. Assistant City Manager Vass noted that according to Section 14-1-42 of the Harrisonburg City Code, Council can require a public hearing prior to re-issuing the certificate or choose under its discretion to move forward with either a denial or approval.

The following discussion by Council Members included: Why wasn't the fraudulent purchase of inspection stickers mentioned in the Public Transportation Director's report? There was concern about allowing an owner of a company to continue operating in a business that is so intimately tied to public safety. Council requested that the Public Transportation Director provide a report containing more information regarding re-issuing the certificate including providing maintenance records of the vehicles.

Following further discussion, Vice-Mayor Pace offered a motion to table this agenda item and requested that the City Manager schedule a public hearing and issue a temporary certificate for a period not exceeding sixty (60) days for a Certificate of Public Convenience and Necessity for Valley Cab LLC dba ABC Cab. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was a request to issue a Certificate of Public Convenience and Necessity for Taxi Cab Services dba Bridgewater Taxi Cab. Assistant City Manager Vass said the applicant's business is based in Bridgewater, VA. The applicant frequently delivers and retrieves customers within the City of Harrisonburg. Because the applicant occasionally operates a taxi cab within the City of Harrisonburg, a Certificate, of Public Convenience and Necessity is required. Vice-Mayor Pace offered a motion to issue a Certificate of Public Convenience and Necessity for Taxi Cab Services for a five-year period to expire on December 9, 2013. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Harrisonburg Rockingham Emergency Communications Center (HRECC). Mr. Hodgen said that HRECC has received a grant from the VA Department of Emergency Management (VDEM) to install VHF/UHF nationwide interoperability channels into the HRECC radio system. The grant is an 80/20 matching grant, with the City and County's 20% match consisting of "in-kind contributions" that have already been expended as part of the radio project and installation work over the 3-year grant period. There are no additional "hard cash" expenses to the City or Council for the project. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$400,000.00 chge. to: 1310-33557 Public Safety Interoperable Grant

\$400,000.00 approp. to: 1310-910141-48717 ECC PSCI Interoperative Project

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Harrisonburg Rockingham Emergency Communications Center (HRECC) for a radio cache project. HRECC has received an additional grant from the VA Department of Emergency Management (VDEM) to augment the original radio cache project. The grant is an 80/20 matching match, with the City and County’s 20% match consisting of “in-kind contributions” as part of the radio cache work over the 3-year grant period. There are no additional “hard cash” expenses to the City or Council for the project. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$700,000.00 chge. to 1310-33557 Public Safety Interoperable Grant

\$700,000.00 approp. to: 1310-910141-48716 Radio Cache Phase 2

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented a certified receipt of 2008 government election results provided by the Electoral Board.

President and Vice-President of the United States

Barack Obama and Joe Biden	8444
John McCain and Sarah Palin	6048
Chuck Baldwin and Darrell L. Castle	24
Bob Barr and Wayne A. Root	68
Cynthia McKinney and Rosa Clemente	9
Ralph Nader and Matt Gonzalez	49

United States Senate

Mark R. Warner	9867
James S. "Jim" Gilmore III	4268
Glenda Gail Parker	83
William B. Redpath	102

House of Representatives

S. "Sam" Rasoul	7367
R.W. "Bob" Goodlatte	6402
Janice Lee Allen	367

Harrisonburg City Treasurer

William J. "Bill" Ney	4188
Penny Paul Imeson	3647
Jeffrey L. Shafer	5233

Harrisonburg City Council

Richard A. Baugh	5134
Kai E. Degner	6063
Dave K. Wiens	4664
Charles R. Chenault	4537
Tracy J. Evans II	3112
Joseph M. "J.M." Snell II	2137
Roger D. Baker	2357
Rodney L. Eagle	4033

Harrisonburg School Board

Dominic D. "Nick" Swayne	6188
Kerri M. Wilson	7586
Greg L. Coffman	9418

Vice-Mayor Pace offered a motion to accept the election results and asked the City Clerk to enter the names into the official minutes. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for Tourism office. The City has received a grant from the Virginia Tourism Corporation Marketing Leverage Program and from local business, etc. These funds were received for a Heritage Marketing Initiative to develop and print the “Wilderness Road Heritage” brochure. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$3,500.00 chge. to: 1000-31901 Recoveries and Rebates
9,124.83 chge. to: 1000-32456 VA Tourism Marketing Leverage Grant

\$12,624.83 approp. to: 1000-810821-43600 Advertising

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Hodgen presented a request for a supplemental appropriation for the Port Republic Road Phase III. During the construction of the Phase III Port Republic Road improvements it was discovered during onsite inspections that the existing 8 inch water line along the area of Port Republic Road was in need of a comprehensive replacement. The line in question is approximately thirty years old; however, environmental factors including poor backfill and the presence of wet weather springs have compromised the existing line’s serviceable life. The appropriation will be drawn from the fund balance of the water department and expended through the water main upgrades account within the Water Capital Projects Fund. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$264,000.00 chge. to: 2011-31010 Amount from fund balance
264,000.00 chge. to: 1321-34220 Transfer from Water Fund

\$264,000.00 approp. to: 2011-392061 Transfer to Water Capital Projects Fund
264,000.00 approp. to: 1321-910161-48635 Watermain Upgrades

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

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank

Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was approving revisions to SRI Memorandum of Agreement (MOA). SRI International entered into a MOA with the Virginia Economic Development Partnership Authority, Rockingham County, James Madison University and the City in December of 2006. Among other things, the MOA established certain conditions to the payment of funds from the Commonwealth to SRI. Council is requested to authorize the City Manager to execute the Letter on behalf of the City, which will indicate Council's approval of the revisions. Council Member Byrd offered a motion to approve the revisions to the SRI Memorandum of Agreement (MOA). The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

Vice-Mayor Pace thanked the citizens of Harrisonburg for the honor of representing them on City Council. He also said that it has been a pleasure to serve with everyone on Council.

Vice-Mayor Pace read and presented the following resolution to Mayor Rodney L. Eagle.

**A RESOLUTION HONORING RODNEY L. EAGLE
FOR SERVICE AS MAYOR AND COUNCIL MEMBER
FOR THE CITY OF HARRISONBURG**

WHEREAS; Mayor Rodney L. Eagle has served the City of Harrisonburg with distinction as a Council member, Vice Mayor and Mayor; and

WHEREAS; Mayor Eagle has represented the City of Harrisonburg at countless events and celebrations; and has supported the community through generous donations of time and resources; and

WHEREAS; throughout Mayor Eagle's service on city council he has made consistent and concerted efforts to engage the community both professionally and personally; and

WHEREAS; Mayor Eagle has made significant contributions to the City of Harrisonburg and to the numerous state, regional and local organizations on which he has represented the City; and

WHEREAS; Mayor Eagle has never faltered in his enthusiastic support for the City and its positive growth and development.

NOW, THEREFORE, BE IT RESOLVED THAT the members of the Harrisonburg City Council take great pride in recognizing and honoring the achievements of Mayor Rodney L. Eagle, and express their sincere gratitude for the service he has rendered and the contributions he has made in making the City a better place to live.

Adopted this 9th Day of December, 2008.

BY: _____

George W. Pace, Vice Mayor

ATTEST: _____

Yvonne H. Ryan, MMC, City Clerk

Mayor Eagle thanked everyone for the pleasure of representing the citizens, working with a great staff, Council, and other City employees.

Council Member Chenault said it has been a real privilege to serve on Council. The City has the best employees of any jurisdiction in the state.

Council Member Frank said that it has been a great opportunity and a rewarding experience serving on City Council for the past two one-half years.

Council Member Byrd thanked everyone for listening to his questions. He also expressed his appreciation to the citizens.

City Manager Hodgen presented appreciation plaques to Council Member Charles Chenault, Mayor Rodney Eagle, and Vice-Mayor George Pace for their service during the past four and one-half years. Mr. Hodgen thanked the outgoing Council Members for their support and noted that becoming City Manager was his dream job from the time he graduated from James Madison University.

City Attorney Thumma thanked everyone for their support and encouragement.

Council Member Chenault presented a request for Harrisonburg Downtown Renaissance (HDR). HDR had requested \$5,000 that was not used for the "Tour of Virginia" be returned to the department to be used to secure the "Tour of Virginia" for Harrisonburg 2009. Harrisonburg would be an equal sponsor with "The Homestead" and Bath County. Council Member Chenault offered a motion to approve this request. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank

Council Member Byrd
Mayor Eagle

Absent – None

At 9:19 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of the acquisition and disposition of real estate to be used for public purposes, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent – None

At 10:00 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

Council Member Byrd offered a motion that Peter Yates, 108 Fairway Drive, be appointed to a first term on the Harrisonburg Electric Commission to expire on December 31, 2011. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Vice-Mayor Pace
Council Member Frank
Council Member Byrd
Mayor Eagle

Absent - None

At 10:04 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR