

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