

## 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:**

<b>General Fund:</b>	
Amount from fund balance	1, 810,125.85
<b>School Fund:</b>	
Amount from fund balance	452,442.73
<b>Water Fund:</b>	
Amount from fund balance	12,165.00
<b>Sewer Fund:</b>	
Amount from fund balance	16,700.00
<b>Public Transportation Fund:</b>	
Amount from fund balance	4,923,738.00
<b>Sanitation Fund:</b>	
Amount from fund balance	<u>517,327.55</u>
<b>Total revenues</b>	<u><b>7,732,499.13</b></u>

**Expenditures:**

<b>General Fund</b>	1,810,125.85
<b>School Fund</b>	452,442.73
<b>Water Fund</b>	12,165.00
<b>Sewer Fund</b>	16,700.00
<b>Public Transportation Fund</b>	4,923,738.00
<b>Sanitation Fund</b>	<u>517,327.55</u>
<b>Total expenditures</b>	<u><b>7,732,499.13</b></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 preliminarily 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.**

<b>Name</b>	<b>Title</b>
_____	_____
Clerk	

**Given under my hand this \_\_\_\_\_ day of August, 2008 as authorized by and on behalf of the Rockingham County Board of Supervisors.**

<b>Name</b>	<b>Title</b>
_____	_____
Clerk	

**Given under my hand this \_\_\_\_\_ day of August, 2008 as authorized by and on behalf of the Harrisonburg City Council.**

<b>Name</b>	<b>Title</b>
_____	_____
Clerk	

**Given under my hand this \_\_\_\_\_ day of August, 2008 as authorized by and on behalf of the Staunton City Council.**

<b>Name</b>	<b>Title</b>
_____	_____
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