

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