

REGULAR MEETING

January 27, 2009

The Harrisonburg City Council met at 5:30 p.m. There were present: Mayor Kai Degner; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank, and Ted Byrd; and City Clerk Yvonne "Bonnie" Ryan, MMC.

The following notice appeared in the Daily News-Record on Friday, January 23, 2009.

NOTICE OF HARRISONBURG CITY COUNCIL MEETING AT 5:30 PM ON JANUARY 27, 2009

The Harrisonburg City Council will meet at 5:30 P.M. on January 27, 2009 in the City Council Chambers located in the Municipal Building, 345 South Main Street, Harrisonburg, Virginia, and immediately go into closed session to interview candidates for the City of Harrisonburg Planning Commission. The regular City Council meeting will begin at its usual time of 7:00 P.M. on January 27, 2009.

CITY OF HARRISONBURG

**Kurt D. Hodgen,
City Manager**

At 5:31 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Planning Commission, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

At 6:55 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan 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 6:57 p.m., there being no further business and on motion adopted, the meeting was adjourned.

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; Assistant City Manager Evan Vass; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Richard A. Baugh; Council Members David Wiens, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Chief of Police Donald Harper.

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

Tucker Obenshain, Elana Swartz, and Jessica Rutledge from the cast of “Hello Dolly” presented a brief performance of a musical to be held at the Harrisonburg High School Auditorium February 19-21, 2009.

Thomas Jenkins, co-owner of Shenandoah Bicycle Company, said that the 1,400 acres of City owned property connecting Riven Rock Park to Switzer Dam has a great potential for non-motorized multi user trail for hikers, walkers, and cyclists of all ages. He believes that such a trail would not have a negative impact on the water shed, but could be beneficial to citizens and tax revenue for the City.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes as amended and the second reading of supplemental appropriations for the Fire Department, Police Department, and First Tee Building. The motion also included a rezoning request from Funkhouser & Associates Properties. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Council Member Frank offered a motion to approve selling the old Police Department property to Rosetta Stone for a second reading. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Planning and Community Development Director Turner presented the 2009-2010 through 2013-2014 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program allows the City to plan for capital expenditures for a five-year period. These are projects that cost \$30,000 or greater. The Emergency Communications Center (ECC) has requested a new Next Generation 911 System and a Wireless Mobile Data System. Both of these projects would be cost shared with the county. The IT Department has requested implementing Strategic Plan Part One and Two. The Fire Department has requested a continuation of the Traffic Light Intervention System, a Tactical Rescue Vehicle, and a Structural Burn Building. Other department requests include replacing windows, HVAC improvements, and replacing the shingled roof on the Municipal Building. Several large projects in the Public Works Department include Stone Spring Road/Erickson Avenue, Carlton Street, Annual Pavement Plan; a Traffic Data Collection Program; and a New Traffic Signal at Country Club and Keezletown Roads. The Department of Parks and Recreation projects include Purcell Park Stream Bank Restoration, replacing four bridges within the parks, Ralph Sampson Park improvements, Community Activities Center Expansion and Renovation, developing additional soccer fields, and installation of lights on some fields. On going projects include the Western Raw Waterline and Eastern Source Development project and transit and school buses replacement.

At 7:23 p.m., Mayor Degner closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, January 17, and Saturday, January 24, 2009.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 27, 2009, at 7:00 p.m. in the City Council Chamber located at 409 South Main Street, to consider the following:

The proposed Capital Improvement Program, for fiscal years 2009-2010 through 2013-2014. The Capital Improvement Program is a multi-year projection and scheduling of capital projects of \$30,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvement needs over a subsequent five-year period. Copies of the Capital Improvement Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.

For any additional information, contact the City Manager's office, 345 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 at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager

Mayor Degner called on anyone desiring to speak for or against adopting the Capital Improvement Program. There being no one desiring to be heard, the public hearing was declared closed at 7:24 p.m., and the regular session reconvened. Council Member Byrd offered a motion to adopt the Capital Improvement Program. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Kim Alexander, Assistant to the City Manager, presented an overview of priorities for the 2009-2010 Community Development Block Grant (CDBG) Program. The City became an entitlement community in 2004 and has received annual funding from the Department of Housing and Community Development. The purpose of the program is to benefit low and moderate income people and groups in the City. The entitlement amount will most likely be less than \$527,522. Ms. Alexander reviewed the City Needs and Objectives as outlined in the CDBG Strategic Plan. The tentative schedule for 2009 CDBG Program was reviewed. There is no action needed on this item at this time.

At 7:31 p.m., Mayor Degner 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 Tuesday, January 13, 2009.

PUBLIC HEARING NOTICE & REQUEST FOR PROPOSALS
CITY OF HARRISONBURG
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PUBLIC HEARING - The City of Harrisonburg will hold a public hearing on Tuesday, January 27, 2009 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding funding priorities for the Community Development Block Grant (CDBG) Program. Citizen participation is essential to the City's involvement in the Federal Department of Housing & Urban Development's (HUD) CDBG Program. Citizen participation and comments on funding needs and priorities will assist the City in the development of the City's 2009-2010 Action Plan. The Action Plan serves as the City's guide for addressing overall community development and housing needs that will utilize the City's annual entitlement of CDBG funding available from HUD to meet those needs.

All citizens and organizations are invited to attend the public hearing to comment orally or in writing on funding needs and priorities. Questions regarding the grant program are also encouraged. The City of Harrisonburg will make reasonable accommodations and services

necessary for sensory-impaired and disabled citizens at the public meeting. Additionally, translation services may be offered upon request and availability. Persons requiring such accommodations/services should contact the City at least three working days in advance of the meeting.

REQUEST FOR PROPOSALS – The City of Harrisonburg is requesting proposals from non-profit organizations, for-profit businesses and organizations, and government agencies for the 2009-2010 CDBG Program. The City's CDBG Program is funded by an annual entitlement from HUD. The entitlement amount for FY 09-10 has not yet been announced by HUD, but will likely be less than \$546,881. Projects must meet all local and federal eligibility requirements, and eligible projects must meet one of HUD's three national objectives: 1) Low and Moderate Income Benefit, 2) Elimination of Slum and Blight, or 3) Urgent Need. Furthermore, eligible projects must address at least one of the objectives identified in the City's Consolidated Plan. City objectives include funding projects related to health care and dental services, housing, child care, transportation, sidewalks and pedestrian infrastructure, employment services and job creation/retention, homeless services, recreational services, services for the disabled, parks & playgrounds, and more! Specific objectives, eligibility requirements, and the Consolidated Plan (including a listing of projects funded in previous years) are available on the City website or in the City Manager's Office.

All parties interested in applying for funding through this Program are *strongly* encouraged to attend the Public Hearing outlined above AND to contact Kimberly Alexander prior to submitting an application, to ensure that the proposed project is eligible. The 2009-2010 CDBG Application package is available on the City website at www.harrisonburgva.gov. Applications are due no later than 9:00 am on Monday, February 23, 2009. Late applications will not be accepted.

Please contact Kimberly Alexander, at kima@ci.harrisonburg.va.us or 540-432-8923 with questions. Written comments may also be mailed to Kimberly Alexander, Assistant to the City Manager, 345 South Main Street, Harrisonburg, VA 22801.

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

Jennie Amison representing Gemeinschaft Home requested \$25,000 for a new local program for homeless people with substance abuse problems from the City and County. There being no others desiring to be heard, the public hearing was declared closed at 7:34 p.m., and the regular session reconvened.

Kim Alexander, Assistant to the City Manager, presented an overview of Amendments to the 2007/2008 and 2008/2009 Action Plans. Ms. Alexander said that staff proposes that unused funds in the amount of \$54,223 be moved from the 2007/2008 Public Works Sidewalk Project to the 2008/2009 Public Works Sidewalk Project. This project covers improvements to Vine Street, Old Furnace Road, East Washington Street, and Devon Lane. There will be a 30 day public comment period following tonight's public hearing. There is no action needed on this item at this time.

At 7:36 p.m., Mayor Degner 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 Tuesday, January 13, 2009.

PUBLIC HEARING NOTICE
CITY OF HARRISONBURG
AMENDMENTS TO THE 2007-2008 and 2008-2009 ACTION PLANS
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PUBLIC HEARING - The City of Harrisonburg will hold a public hearing on Tuesday, January 27, 2009 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding amendments to the 2007-2008 and 2008-2009 Action Plans for the for the Community Development Block Grant (CDBG) Program. Action Plans serve as the City's guide for addressing overall community development and housing needs that will utilize the City's annual entitlement of CDBG funding available from HUD to meet those needs. The amendments to be considered at this Public Hearing are as follows:

- **Funding for the City's 2007-2008 Sidewalks project will be reduced by \$54,223.**
- **\$54,223 in funding will be applied to the City's 2008-2009 Sidewalks Project.**

Following the Public Hearing, there will be a 30 day Public Comment Period. All citizens and organizations are invited to attend the public hearing to comment orally or in writing on funding needs and priorities. Questions regarding the grant program are also encouraged. The City of Harrisonburg will make reasonable accommodations and services necessary for sensory-impaired and disabled citizens at the public meeting. Additionally, translation services may be offered upon request and availability. Persons requiring such accommodations/services should contact the City at least three working days in advance of the meeting.

Please contact Kimberly Alexander at kima@HarrisonburgVA.gov or 540-432-8923 with questions. Written comments may also be mailed to Kimberly Alexander, Assistant to the City Manager, 345 South Main Street, Harrisonburg, VA 22801. All comments must be received by 5:00 p.m. on February 27, 2008.

Mayor Degner called on anyone desiring to speak for or against these amendments. There being no one desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened.

The next item of business was consideration of a Resolution supporting VA Housing Development Authority financing for the proposed Colonnade at Rocktown mixed-use project proposed for the block bordered by Mason, Gay, and Rock Streets downtown. Economic Development Director Brian Shull said that Pinnacle is seeking financing from the Virginia Housing Development Authority (VHDA). The project includes 22,000 square feet of commercial space on the first floor. VHDA does not currently have the authority to loan money for a development that is not 100% residential on the property in question. City Council endorsement of a resolution is needed to empower VHDA to loan money on a mixture of residential and commercial uses within the same development.

Economic Development Director Brian Shull introduced William Park, President of Pinnacle Construction and Development Corporation. Mr. Park presented a brief overview of the project, which includes a mixture of residential and commercial uses within the same development. The project will have 66 residential units consisting of one, two, and three bedrooms units, a fitness center, club room, leasing area, and approximately 22,000 square feet of retail/commercial. Approximately 150 parking spaces on site will be available.

RESOLUTION

WHEREAS, pursuant to Section 36-55.30:2.A of the Code of Virginia of 1950, as amended, the City Council of the City of Harrisonburg, Virginia, desires to designate the area (the “Area”) described on Exhibit A attached hereto as a revitalization area;

NOW, THEREFORE, BE IT HEREBY DETERMINED as follows:

(1) the commercial or other economic development of the Area will benefit the City but the Area lacks the housing needed to induce manufacturing, industrial, commercial, governmental, educational, entertainment, community development, healthcare or nonprofit enterprises or undertakings to locate or remain in the Area; and

(2) private enterprise and investment are not reasonably expected, without assistance, to produce the construction or rehabilitation of decent, safe and sanitary housing and supporting facilities that will meet the needs of low and moderate income persons and families in the Area and will induce other persons and families to live within the Area and thereby create a desirable economic mix of residents in the Area.

NOW, THEREFORE, BE IT HEREBY RESOLVED that pursuant to Section 36-55.30:2.A of the Code of Virginia of 1950, as amended, the Area is hereby designated as a revitalization area.

NOW, THEREFORE, BE IT HEREBY FURTHER DETERMINED that the following nonhousing portion of the building located or to be located in the Area are necessary or appropriate for the commercial or other economic development of the Area:

Situated on the first floor of the four-story building to be constructed on the Area (with a total of approximately 110,000 gross square feet) will be approximately 22,000 gross square feet of commercial space.

Adopted this 27th day of January, 2009

MAYOR

ATTEST:

CITY CLERK

Council Member Frank offered a motion to approve the resolution supporting the VA Housing Development Authority (VHDA) financing for the proposed Colonnade at Rocktown mixed use project. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

The next item of business was a request to approve a comprehensive sign plan for Forbes Crossing Phase I and II. Assistant City Manager Vass said that on October 14, 2008 City Council amended Section 11-7-6.1 permitting commercial developments under common management or ownership, which are divided by a public street to advertise all establishments within the commercial area on one free standing sign as opposed to two separate free standing signs. The owner desires to advertise both commercial centers on one LED electronic sign currently located on the Forbes I commercial site. Council Member Frank offered a motion to approve a comprehensive sign plan for Forbes Crossing Phase I and II. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Mayor Degner presented the following resolution for Council’s consideration of approval:

RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 120-UNIT LAUREL PINES APARTMENTS MULTIFAMILY RESIDENTIAL RENTAL HOUSING PROJECT LOCATED IN THE COUNTY OF HENRICO, VIRGINIA

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

WHEREAS, the Authority previously considered and approved the request of Laurel Pines Preservation, L.P., a Delaware limited partnership, (the “Company”), whose address is c/o Related Apartment Preservation, LLC, 60 Columbus Circle, New York, New York 10023, for the issuance by the Authority of its tax-exempt multifamily housing revenue bonds in the maximum principal amount not to exceed \$8,000,000, upon the terms and conditions to be mutually agreed upon between the Authority and the Company (the “Bonds”), to finance a portion of the cost of acquiring and rehabilitating an approximately 120-unit multifamily residential rental housing apartment project known as Laurel Pines Apartments (the “Project”), located in the County of Henrico, Virginia (the “County”) at 4123 East Wood Harbor Court, Richmond, Virginia 23231; and

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

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

WHEREAS, the County does not have a redevelopment and housing authority; and

WHEREAS, on January 21, 2009, the Authority conducted a public hearing on the issuance of the Bonds and, by adoption of a resolution (the “Inducement Resolution”), declared its official intent to issue the Bonds to finance the Project, and recommended that the City Council of the City of Harrisonburg (the “City Council”) approve the issuance of the Bonds; and

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

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

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

WHEREAS, Chapter 514 of the 1983 Acts of the General Assembly of Virginia requires that any government entity established by or pursuant to an Act of the General Assembly that proposes to issue bonds that are industrial development bonds within the meaning of Section 103(b) of the Internal Revenue Code of 1954, as amended, shall, with

respect to such bonds, comply with the procedures set forth in Virginia Code Sections 15.2-4906 and 15.2-4907 requiring a public hearing and a fiscal impact statement; and

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

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

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

1. The City Council approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.

2. The City Council approves the issuance of the Bonds by the Authority in an amount not to exceed \$8,000,000 for the benefit of the Company and approves the Authority's taking all actions necessary in the discretion of the Authority to the extent of and as required by Section 147(f) of the Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly and Virginia Code Sections 15.2-4906 and 15.2-4907 to permit the Authority to assist in the financing of the Project.

3. The approval of the issuance of the Bonds as required by Section 147(f) of the Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly, and Virginia Code Sections 15.2-4906 and 15.2-4907, does not constitute an endorsement to the prospective owners of the Bonds of the creditworthiness of the Project or the Company and the Bonds shall provide that neither the City nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto, and that neither the faith and credit nor the taxing power of the City or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.

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

5. The approvals evidenced by this Resolution are contingent upon the satisfaction of all legal requirements applicable to the issuance of the Bonds, including the adoption by the Board of Supervisors of the County of the Section 36-23 Resolution and the Company obtaining any other approvals.

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

READ AND ADOPTED: January 27, 2009

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS TAX-EXEMPT MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 120-UNIT LAUREL PINES APARTMENTS MULTIFAMILY RESIDENTIAL RENTAL HOUSING PROJECT LOCATED IN THE COUNTY OF HENRICO, VIRGINIA," taken at a regular meeting of the City Council held on January 27, 2009:

	AYE	NAY	ABSTAIN	ABSENT
Kai E. Degner, Mayor	X			
Richard A. Baugh, Vice-Mayor	X			
Ted Byrd	X			
Carolyn W. Frank	X			
David K. Wiens	X			

Dated: January 27, 2009

[SEAL]

Mayor, City of Harrisonburg, Virginia

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

Harrisonburg redevelopment and Housing Authority Director Michael Wong explained that this financing would be through the Redevelopment and Housing Authority authorizing the sale of tax exempt bonds for a project in Henrico County. The HRHA Executive Board has held a public hearing, reviewed and approved the resolution. The bonds will not be a debt or obligation of the City. Council Member Frank offered a motion to approve this resolution. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

The next item of business was a presentation on Forest Management – Dry River/Switzer Dam area. Kim Alexander, Assistant to the City Manager, said that the City of Harrisonburg owns approximately 1,450 acres of land northwest of Rawley Springs, along Dry River and two of its principal tributaries, Dry Run and Skidmore Fork. A consultant was selected to develop a Forest Management Plan for the property. The purpose is to address the long term protection and enhancement of the quality of water arriving at the intake stations on the property. Objectives include promoting plant and animal species diversity, exploring the possibilities of fishing and recreational opportunities in the area, reducing or eliminating some of the detrimental activities and providing an appropriate timber management strategy for the area. There are two water reservoir/flood control impoundments on the property – Dry Run Lake and Switzer Lake. City facilities on the property include a water intake station, Riven Rock Park, the police firing range, and a communication tower. The key consideration overall is to maintain a healthy, vigorous forest cover on the property. The plan suggests appropriate activities for this property include hiking, bird watching, fishing, and hunting. Inappropriate activities carry environmental health concerns and can have impact on water quality. Ms. Alexander reviewed recommendations made in the Forest Management Plan.

City Manager Hodgen presented a request for a supplemental appropriation for Comprehensive Services Act Costs. Mr. Hodgen said the City share for services for mandated children and families under CSA is expected to exceed budgeted amounts by \$752,197.00. The City's share of Social Services District costs are expected to exceed budgeted amounts by \$13,098.00. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$765,295.00 chge. to: 1000-31010 Amount from fund balance

\$752,197.00 approp. to: 1000-520511-45621 CSB – Comprehensive Services Act

13,098.00 approp. to: 1000-910511-47071 Expenditure of Social Service District

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

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

The next item of business was to consider appointing a standing committee to review new and renewal requests for Certificates of Public Convenience and Necessity. Assistant City Manager Vass said the City Code has a provision that a standing committee can be appointed by City Council to provide a recommendation to City Council for a new and renewal requests for the Certificates of Public Convenience and Necessity. The committee consists of the Assistant City Manager, the Chief of Police, and the Director of Public Transportation. In addition, there

are non-voting members appointed from the public transportation industry in which the City has deemed are holding current certificates. There are currently four (4) companies who hold a valid Certificate of Public Convenience and Necessity: 1) ABC Cab; 2) Royal Cab; 3) Yellow Cab; and 4) Bridgewater Taxi. The committee will meet shortly after appointment to consider the Certificates renewal request for Valley Cab Company doing business as ABC Cab prior to a public hearing on the matter tentatively scheduled for February 10, 2009. Council Member Frank offered a motion to appoint a Taxi Task Force for the City of Harrisonburg. The motion was seconded by Vice-Mayor Baugh and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Council Member Byrd offered a motion that Barbara McKee, 1213 Windsor Road, be re-appointed to the Tree Advisory Committee to expire on January 27, 2012. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Council Member Byrd offered a motion that Howard E. Beierle, 1104 Ridge Wood Road, be re-appointed to the Tree Advisory Committee to expire on January 27, 2012. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

Council Member Byrd offered a motion that Wayne Lilly, 105 Sunbright Drive, be re-appointed to a second term on the Blue Ridge Disability Services Board to expire on February 1,

2012. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

At 8:50 p.m., Council Member Byrd offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Planning Commission, Industrial Development Authority, and Board of Zoning Appeals, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia and discussion and consideration of the acquisition and disposition of real estate used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Baugh
Council Member Frank
Council Member Wiens
Mayor Degner

Absent – None

At 9:40 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

Council Member Frank offered a motion that Charles Chenault, 976 South Dogwood Drive, be appointed to fill the unexpired term of Richard Baugh on the Harrisonburg Planning Commission to expire on December 31, 2011. The motion was seconded by Council Member Byrd and approved by a voice vote of four to one (4-1).

Council Member Frank offered a motion that Muawia Da'Mes, 1526 Hillside Avenue, be appointed to a first term on the Harrisonburg Planning Commission to expire on December 31, 2012. The motion was seconded by Council Member Wiens and approved with a unanimous voice vote.

At 9:45 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR