

## REGULAR MEETING

November 9, 2010

At a regular meeting held this evening at 7:00 p.m., there were present: Mayor Kai Degner; City Manager Kurt Hodgen; 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 Police Captain Daniel L. Claytor. Absent: Assistant City Manager Anne C. Lewis and Chief of Police Donald Harper.

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

Quiet T. Please – Mr. Please brought concerns to City Council about Chicago Avenue and Waterman Drive. Mr. Please was concerned about safety on those specific roads for both motorists and bicyclists. He wants Council to put pressure on those responsible for improving conditions around that specific area before a more serious accident happens.

Michael Wong - Executive Director of Harrisonburg Redevelopment and Housing Authority reported to City Council that Franklin Heights, the residential housing units that opened this past June, received an award for Best Housing Development in the Commonwealth of Virginia for 2010. Mr. Wong invited City Council to attend the awards ceremony that will be held at the Governor’s Housing Conference on Thursday, November 18, 2010.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading to consider amending and re-enacting Section 4-2-90 and Section 12-1-3.1 of the Harrisonburg City Code. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner presented a request from James L. Eby for a special use permit to allow a religious use within the M-1, General Industrial District. The property is located at 1560 North Liberty Street and can be found on tax map 45-D-8. The Comprehensive Plan designates this area as General Industrial. Mrs. Turner reviewed the surrounding property uses in the area. If approved, New Life Church of the Shenandoah Valley will work with the property owner to occupy the structure by January or February 2011.

Mrs. Turner stated the church utilizes the Lucy F. Simms Center for Continuing Education’s auditorium for Sunday morning worship services and would continue to do so if the

special use permit is granted. The applicant desires to utilize the subject property for church offices and small church group meetings of 10 to 20 persons, which would meet during weekday mornings and evenings and on weekends. However, there is potential to have larger assembly gatherings inside and/or outside or perhaps within an accessory building or within an addition to the existing structure. Staff suggested that the existing structure would only be used for specified uses.

If the request is granted the applicant has been informed they would need to apply for a change of use permit. Also, the applicant has been informed that all required parking for the church use must be provided on site. The applicant also understands that other, more intense industrial uses could locate on the vacant land surrounding this property.

Mrs. Turner stated as a final note, staff made the applicant aware that the authorized special use permit will be established, constructed, or commenced and diligently pursued within twelve (12) months from the approval date of the permit, unless otherwise specified by City Council.

Planning Commission recommended approval of the special use permit request with the following two conditions: 1) to limit the uses to the church offices and small group meetings as specified, 2) that the use be granted only for the existing building, and 3) there be a minimum of ten parking spaces be provided.

At 7:15 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 Monday, October 25, and Monday, November 1, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, November 9, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Special Use Permit – 1560 North Liberty Street (New Life Church)***

**Public hearing to consider a request from James L. Eby with representative Webb Hypes for a special use permit per Section 10-3-97 (9) of the Zoning Ordinance to allow a religious use within the M-1, General Industrial District. The property is located at 1560 North Liberty Street and can be found on tax map 45-D-8.**

**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 (5) five days prior to the date of the meeting.**

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

Mayor Degner called on anyone desiring to speak for or against the Special Use Permit for 1560 North Liberty Street (New Life Church). There being no one desiring to be heard, the public hearing was declared closed at 7:16 p.m., and the regular session reconvened.

Vice-Mayor Baugh offered a motion to approve Planning Commission's recommendation as presented. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

Mayor Degner announced that agenda items #7 and #8 regarding an alley closing and rezoning amending proffers on three parcels zoned R-2C located at 1043, 1045, and 1047 Virginia Avenue will be covered by one staff presentation. Mrs. Turner reviewed the surrounding property uses in the area.

Planning and Community Development Director Turner presented a request to Council to close 759 +/- square feet of an undeveloped portion of an alley and to rezone approximately 21,766 +/- square feet by amending proffers on three parcels zoned R-2C located at 1043, 1045, and 1047 Virginia Avenue. The properties are located along Virginia Avenue between the block of the undeveloped 6<sup>th</sup> and 7<sup>th</sup> Streets. Mrs. Turner said the Comprehensive Plan designates this area as Neighborhood Residential.

Mrs. Turner stated that in November 2005, the subject properties were rezoned from M-1 to R-2C. The existing proffers limit the uses of the properties as well as regulate specifics regarding ingress and egress. Below are the existing proffers, written verbatim: 1) only one single family detached dwelling would be constructed on each lot or one duplex which would be constructed on two lots or a combination of these two, 2) site entrance will meet the distance established by the Design and Construction Standards Manual with the understanding that this distance is currently meeting approval from your office, and 3) there will be one shared ingress and egress onto Virginia Avenue with a shared maintenance and access agreement easement among the three lots.

Mrs. Turner stated since the 2005 rezoning, a minor subdivision has occurred and a duplex was constructed on lots 39-K-4 & 5, currently addressed as 1043 and 1045 Virginia Avenue. Each unit is independently owned. The units share a single driveway that snakes up the steep topography from the street. With the construction of the duplex, the proffers limit the use

of tax map 39-K-6 to one, single family detached dwelling. The applicant would like to amend the proffers by eliminating the restriction of building only a single family home to permit the construction of a duplex.

The applicant would like to amend the proffers to permit the construction of a duplex; in particular, he has proposed to eliminate proffer #1 and he has amended the language within the existing proffer #3 to ensure that all units share and maintain the ingress and egress. The applicant proposes the proffers to be amended and approved as follows: 1) site entrance will meet the distance established by the Design and Construction Standards Manual with the understanding that this distance is currently meeting approval from your office; and 2) There will be one shared ingress and egress onto Virginia Avenue with a shared maintenance and access agreement easement for all units built on the subject properties.

Mrs. Tuner stated along with the rezoning request, the applicant is requesting to close a 759 +/- square foot portion of an undeveloped alley located between the undeveloped sections of 6<sup>th</sup> and 7<sup>th</sup> Streets. If approved, the applicant would add the area to his undeveloped property, which is located at 1047 Virginia Avenue. The applicant's reasoning for closing the alley is to add more square footage to his property to build a duplex. Currently, his property, which fronts Virginia Avenue and is identified as tax map 39-K-6, has 10,766 square feet; 234 square feet short of the 11,000 square foot required minimum to build a duplex in the R-2, Residential District.

Mrs. Turner stated that as with all street and alley closing applications, if City Council approves the request, each adjoining property owner of the area to be closed would have the option to purchase up to half of the area immediately adjacent to their property. If the applicant's neighbors choose to purchase their half, the applicant would still acquire enough area to meet the 11,000 square foot minimum.

Mrs. Turner also stated that closing the alley and acquiring the additional square footage is not the only obstacle for the applicant to build a duplex. Currently, his property is zoned R-2C with an existing proffer that limits his construction to building only a detached single family home. Therefore, immediately following this alley closing request, the applicant is requesting to amend the regulating proffers to permit the construction of a duplex.

Mrs. Turner stated as described above, the alley is undeveloped and is located between the undeveloped portions of 6<sup>th</sup> and 7<sup>th</sup> Streets. The City has no plans to develop the streets or the alley. The northern portion of this alley is heavily vegetated and would be difficult and costly to build and maintain due to the steep topography.

Mrs. Turner also stated that the alley is not utilized by City Departments for trash collection or emergency services. The only utilities that exist within this area are overhead power lines and communications equipment; thus if City Council approves the closing, the Harrisonburg Electric Commission (HEC) has requested the City Attorney to reserve an easement to allow them continued access to maintain their equipment. An easement over this area would prohibit structures from being developed within what is now the undeveloped alley.

Mrs. Turner also stated if the request is approved, the applicant, and any interested adjoining property owners must pay the City for the area they wish to purchase and also supply a survey of how the property is to be deeded.

Planning Commission recommends closing this section with a reserved easement over the entire area for HEC.

The following discussion by Council Members included: Do we know where the other landowners stand on wanting or not wanting a portion of the alley? If this portion of the alley closes, will the whole alley be useless, so do we want to offer the rest of the alley to the landowners if they are interested? There seems to be some purpose further south of the alley with landowners using their alleys. The alley designated when the subdivision was platted many years ago, and it was a common practice at that point to establish alleys.

At 7:32 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 Monday, October 25, and Monday, November 1, 2010.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold several public hearings on Tuesday, November 9, 2010 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:**

***Alley Closing – Adjacent to 39-K-6, 12, & 13 (Hostetter)***

**Consider a request from Steven E. Hostetter to close a 757 +/- square foot undeveloped portion of an alley located within the block bounded by Virginia Avenue, undeveloped 6<sup>th</sup> Street, Lee Avenue, and undeveloped 7<sup>th</sup> Street.**

***Rezoning – Proffer Amendment 1043, 1045, & 1047 Virginia Avenue (Hostetter)***

**Public hearing to consider a request from Steven E. Hostetter to rezone approximately 21,766 +/- square feet by amending proffers on three parcels zoned R-2C, Residential District Conditional. The properties are located at 1043, 1045, and 1047 Virginia Avenue and can be found on tax maps 39-K-4, 5, & 6. The Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots. The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit.**

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

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

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

Mayor Degner called on anyone desiring to speak for or against the alley closing and rezoning.

David Nam, an attorney for the applicant, stated that Mr. Hostetter is not interested and would not be able to build anything in the alley. The alley is serving the purpose of providing Mr. Hostetter with enough land to build a duplex on his adjoining property. Mr. Nam also stated that he believes it is Mr. Hostetter's intension to leave the trees that exist in the alley and to try and maybe plant more to make a noise barrier. He also stated the Mr. Hostetter's desire is to do something beneficial for the location.

Kay Estep – Mrs. Estep lives directly behind the alley and the lot where the proposed duplex is going to be built. Mrs. Estep stated she would prefer a single-family home instead of a duplex. Mrs. Estep is concerned about her views from her home. She also feels that a duplex will have more noise, cars, people, and a structure much larger than a house. She also stated that a duplex will generate more taxes for the City, however she feels that the alley should remain open since it allows access to utility lines. Mrs. Estep requested that Council deny the request.

Darlene Newman – Mrs. Newman stated that she was present at the meeting in 2005 when some of the same issues were discussed and disapproved. Mrs. Newman stated she agreed with outcome of 2005 and the property should remain the same. Mrs. Newman also stated that she currently owns the property that has a duplex built on it and would like to see the property next door remain as it was proposed for a single-family home.

Bill and Karen Dean – Mrs. Newman read a letter on their behalf due to a prior commitment. Mr. & Mrs. Dean stated that they were not in approval of the first duplex that was built. They stated that the noise increased since the duplex went up. Mr. & Mrs. Dean stated that they understood that Mr. Hostetter would build regardless of how they feel about it, but would be more comfortable with a single-family home instead of a duplex. They stated that they were aware that the Planning Commission gave approval for the alley to be closed to give adequate yardage to build this duplex. Mr. & Mrs. Dean stated that they bought their home because of the neighborhood and the area surrounding their lot. Mr. & Mrs. Dean would like Council to consider the thoughts and feelings of the surrounding property owners and restrict the construction to a single-family home.

Dean Hayward – Mr. Hayward stated that he did not intend to speak at tonight's meeting, but that he came because he thought there was a proposal to close 6<sup>th</sup> Street. Mr. Hayward, however, did state that a few years ago he tried to purchase his portion of an alley, and it was denied because the City wanted access to the alley. Mr. Hayward was concerned because he was refused his portion of the alley because the City wanted to have access to the alley for emergency purposes, what he is questioning if the City wanted the alley then, why wouldn't the City want it

now. Mr. Hayword stated that he did not see much purpose for the alley, except for when the utility company and cable company needed access to their equipment. Mr. Hayword also stated that he feels that Mr. Hostetter should just build a single-family home on the property.

Steve Hostetter – Mr. Hostetter stated that he plans to build the duplex and hold onto the property and to rent it. He also stated that he plans to keep as many trees as possible. Mr. Hostetter did state that the trees are cedar and keep falling over because when a dense cedar grows they become weak because they support each other. Mr. Hostetter stated that he understood the homeowners' feelings when the property around their homes is being developed around their own. Mr. Hostetter also stated that when he purchased the property it was for investment. Mr. Hostetter also stated that if he would build a single-family that it would have to be a two-story home.

Mayor Degner declared the public hearing closed at 7:48 p.m., and the regular session reconvened. Vice-Mayor Baugh offered a motion to approve the alley closing, rezoning, and easements that are described in agenda items # 7 and #8 as presented.

The following discussion by Council Members included: The alley is currently being used to access utility lines. Does the City have a duty to keep alleys open? This particular alley is at a dead end. The height of the home will be the same regardless of a single-family or duplex being built. The only thing that has changed since 2005 was that there wasn't enough space to build a duplex and the idea closing the alley never came up. Mr. Hostetter was not the owner in 2005. There is a Comprehensive Plan in place and this fits along the guidelines for the Comprehensive Plan. Another concern included taking this situation to another location, with one party interested and the other party not in closing an alley will this decision affect future alley closings. With Mr. Hostetter even purchasing half the lot, if the adjacent property owner would be interested he would still have enough property to build a duplex. Since the adjacent property owner is not interested in purchasing their portion, Mr. Hostetter has to purchase the whole alley described adjacent to his property.

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

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

No - Council Member Byrd

Absent – None

Director of Special Projects and Grants Ande Banks presented to City Council the amendment to the FY 2010-2011 Action Plan. Mr. Banks stated that there will be a change in the Annual Action Plan and U.S. Department of Housing and Urban Development (HUD) requires that if a change is being made, it needs to go through an amendment process which includes a Public Hearing. Mr. Banks stated Public Works requested that the funds for Pleasant

Hill Road shoulder construction and the West Bruce Street sidewalk project be reallocated toward a new sidewalk along West Washington Street. He also stated the entire \$147,000.00 would be applied to the West Washington Street project. Mr. Banks stated that this Public Hearing serves as the opening of a 30-day Public Comment Period, which will then close with a final approval at the December 14, 2010 Council meeting.

At 8:09 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 Tuesday, October 26, 2010.

**PUBLIC HEARING NOTICE  
CITY OF HARRISONBURG  
AMENDMENT TO 2010 ACTION PLAN  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**PUBLIC HEARING - The City of Harrisonburg will hold a public hearing on Tuesday, November 9, 2010 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to receive citizen input regarding an Amendments to the 2010 Action Plan for the for the Community Development Block Grant (CDBG) Program. This Action Plan serves as the City's guide for addressing overall community development and housing needs that will utilize the City's annual entitlement of CDBG funding available from HUD to meet those needs. The Amendment to be considered at this Public Hearing is as follows:**

- **\$120,000 that was allocated to the Public Works Pleasant Hill Road shoulder construction and reconstruction project (11CDBG05) will be moved to the NEW 2010-2011 Public Works West Washington Street (11AMEND1).**
- **\$27,000 that was allocated to the Public Works West Bruce Street Sidewalk Project (11CDBG06) will be moved to the NEW 2010-2011 Public Works West Washington Street (11AMEND1).**

**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 Ande Banks, at [ande.banks@harrisonburgva.gov](mailto:ande.banks@harrisonburgva.gov) or 540-432-8923 with questions. Written comments may also be mailed to Ande Banks, Director of Special Projects and Grant Management, Office of the City Manager, 345 South Main Street, Harrisonburg, VA 22801. All comments must be received by 9:00 a.m. on December 10, 2010.**

Mayor Degner called on anyone desiring to speak for or against the FY 2010-2011 Action Plan. There being no one desiring to be heard, the public hearing was declared closed at 8:10 p.m., and the regular session reconvened.

Director of Special Projects and Grants Ande Banks presented to City Council the Community Development Block Grant (CDBG) 2009-2010 Consolidated Annual Performance Evaluation Report (CAPER). Mr. Banks stated that this is a self evaluation process that we have to do as an Entitlement Community where we look back on the previous program year and report the successes to U.S. Department of Housing and Urban Development (HUD). Mr. Banks stated that this Public Hearing will commence a 15 day public comment period, which will end at 9:00 a.m. on November 25, 2010.

At 8:11 p.m., Mayor Degner closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record Tuesday, October 26, 2010.

**NOTICE OF PUBLIC HEARING & COMMENT PERIOD  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG)  
CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER)**

**The City of Harrisonburg is seeking public comments for the required CAPER - a document required by the U.S. Department of Housing & Urban Development (HUD) for the evaluation and review of CDBG programs in fiscal year 09-10.**

**Comments may be submitted during the CDBG / CAPER Public Hearing portion of the regular City Council meeting on November 9, 2010, at 7:00 P.M. in the City Council Chambers, Harrisonburg Community Development Building, located at 409 S. Main St., Harrisonburg, VA.**

**All comments must be received no later than November 25, 2010, at 9:00 A.M. Comments may be submitted to Ande Banks, Director of Special Projects and Grants Management, at 345 South Main Street, Harrisonburg, Virginia 22801, [ande.banks@harrisonburgva.gov](mailto:ande.banks@harrisonburgva.gov), or (540) 432-8923.**

**Copies of the draft CAPER will be available for review in the City Manager's Office, 345 South Main Street, Harrisonburg, Virginia 22801 and at [www.ci.harrisonburg.va.us](http://www.ci.harrisonburg.va.us) on the CDBG homepage.**

**A summary of the CAPER is as follows:**

**In 2009, the City was awarded \$539,947 in CDBG entitlement funds. An additional \$90.96 was added to this amount from previous award years, bringing the total to \$540,037.96. To date, the following is a summary report of Obligated, Expended, and Remaining Funds:**

|                                   | <u>Obligated</u> | <u>Expended</u> | <u>Remaining</u> |
|-----------------------------------|------------------|-----------------|------------------|
| Housing and Property Improvements | \$155,000        | \$155,000       | \$0              |

|  |                        |                           |                           |
|--|------------------------|---------------------------|---------------------------|
| <b>Community &amp; Public Facilities</b> | <b>\$202,541.96</b>    | <b>\$142,262.49</b>       | <b>\$60,279.47</b>        |
| <b>Administration</b>                    | <b>\$107,996</b>       | <b>\$1,846.48</b>         | <b>\$106,149.52</b>       |
| <b>Public Services</b>                   | <b><u>\$74,500</u></b> | <b><u>\$60,352.79</u></b> | <b><u>\$14,147.21</u></b> |
| <b>Total</b>                             | <b>\$540,037.96</b>    | <b>\$359,461.76</b>       | <b>\$180,576.20</b>       |

Mayor Degner called anyone desiring to speak for or against the CDBG 2009-2010 Consolidated Annual Performance Evaluation Report (CAPER). There being no one desiring to be heard, the public hearing was declared closed at 8:12 p.m., and the regular session reconvened.

City Manager Hodgen presented to City Council that in December 2007, City Council voted to limit the repayment of the ARC's debt of \$500,000 to the \$262,850.00 that they had paid at the time. City Manager Hodgen stated the debt was associated with the Lucy F. Simms Center renovation and expansion project. He also stated that due to possible tax credit issues, the City could not officially release or forgive the remaining balance due until the City assumed full ownership of the building, which occurred in September of this year. With that being said, City Manager Hodgen presented the following resolution for Council's consideration:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, FORGIVING THE BALANCE DUE ON  
THE ARC OF HARRISONBURG AND ROCKINGHAM, INC. NOTE**

**WHEREAS, The ARC of Harrisonburg and Rockingham, Inc., a Virginia non-profit corporation executed a note in the original amount of Five Hundred Thousand Dollars (\$500,000.00) payable to the City of Harrisonburg for the Lucy F. Simms School renovation project; and**

**WHEREAS, the Lucy F. Simms School renovation project was completed and the property has been re-conveyed to the City of Harrisonburg; and**

**WHEREAS, The ARC of Harrisonburg and Rockingham Inc. has repaid to the City of Harrisonburg Two Hundred Sixty Two Thousand Eight Hundred Fifty Dollars (\$262,850.00) of the original Five Hundred Thousand Dollar (\$500,000.00) amount; and**

**WHEREAS, The ARC of Harrisonburg and Rockingham, Inc. has requested that the City Council forgive the balance due under the original note;**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:**

**That the City Council of the City of Harrisonburg, Virginia, hereby forgives the balance due, in the amount of Two Hundred Thirty Seven Thousand One Hundred Fifty Dollars (\$237,150.00) and that The ARC of Harrisonburg and Rockingham, Inc., a Virginia non-profit corporation, is hereby released from its obligation to repay to the City of Harrisonburg, the balance due under the original note. .**

**Approved: October 26, 2010**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Council Member Byrd offered a motion to approve the Resolution releasing The ARC of Harrisonburg and Rockingham from financial obligation to the City. The motion was seconded by Council Member Wiens and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented to Council for consideration an addendum to lease agreement between the Arts Council of the Valley, Harrisonburg Redevelopment and Housing Authority and City of Harrisonburg for the Court Square Theater. City Manager Hodgen stated that the original lease agreement was between the Arts Council, Harrisonburg Redevelopment and Housing Authority and the City of Harrisonburg for the Council's use of the Court Square Theater that was signed in 2001 and had a 10 year term. The Arts Council has requested a 3 year extension to that agreement for continued use of the Theater. The original agreement also included a monthly grant to the Council for support of Theater operations and in recognition of its role in the promotion of Downtown Harrisonburg through exhibits and programs of the highest possible quality. The addendum proposes a monthly grant of \$5,000.00 for the three year period beginning July 1, 2011.

Vice-Mayor Baugh offered a motion to approve the addendum to the lease agreement between the Arts Council of the Valley, Harrisonburg Redevelopment and Housing Authority and City of Harrisonburg for Court Square Theater. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Abstain – Council Member Byrd

Absent – None

Michael Wong, Executive Director of the Harrisonburg Redevelopment and Housing Authority and Chairman of the Plan Steering Committee, presented the Ten Year Plan to End Homelessness in Harrisonburg and Rockingham County. Mr. Wong also presented to Council the following resolution:

**A RESOLUTION ADOPTING “ENDING HOMELESSNESS IN TEN YEARS:  
HARRISONBURG AND ROCKINGHAM COUNTY- A PLAN”**

***WHEREAS***, homelessness is a serious community problem in Harrisonburg and Rockingham County, with 163 people, including 66 children, identified as homeless in a “Point in Time” survey conducted in January 2010, and with more at risk of being homeless; and

***WHEREAS***, our community is committed to a coordinated effort to eliminate homelessness in Harrisonburg and Rockingham County, with a focus on working with homeless individuals and families from our community who share a personal commitment to achieving self-sufficiency to the best of their abilities; and

***WHEREAS***, the community, including local governments, the Harrisonburg Redevelopment and Housing Authority, the Harrisonburg-Rockingham Department of Social Services, the Harrisonburg-Rockingham Community Services Board, the United Way of Harrisonburg and Rockingham County, non-profit organizations, the faith community, and individual citizens concerned with this issue have collaborated over the last several months to develop a plan to coordinate efforts to eliminate homelessness in our community; and

***WHEREAS***, the Harrisonburg City Council understands the importance in a collaborative initiative to address this issue;

***NOW, THEREFORE, BE IT RESOLVED***, that the Harrisonburg City Council concurs with the findings outlined in the attached 10 year plan to end homelessness for residents of the Harrisonburg and Rockingham County community, “Ending Homelessness in Ten years: Harrisonburg and Rockingham County - A Plan” and endorses the Plan’s goals and objectives; and,

Be it further resolved that, the Council agrees to work with the Plan’s Steering Committee to implement this plan over the next ten years, to appoint a representative to serve on the Steering Committee, and to work with the Committee and the community to seek additional resources to meet the goals included in the plan.

***RESOLVED*** this 9<sup>th</sup> day of November, 2010.

**Kai Degner,  
Mayor**

**Richard A. Baugh,  
Vice-Mayor**

**Ted Byrd,  
Council Member**

**Carolyn W. Frank,  
Council Member**

**David Wiens,  
Council Member**

**Attest:**

**Kurt Hodgen,  
City Manager**

Council Member Wiens offered a motion to approve the resolution for the Ten Year Plan to End Homelessness in Harrisonburg Rockingham County. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented to Council's consideration of approving the contract to purchase 1530 Country Club Road in the City of Harrisonburg. The City Manager and the Public Works Department recommended the purchase of 1530 Country Club Road for purposes of future improvements to County Club Road as well as an entrance off the same and for future storm drainage improvements in that area. City Manager Hodgen also stated the purchase price of \$150,300.00 is the same as the assessed value of the real estate. Funds are available for this acquisition in the Country Club Road capital project account. The contract is contingent on approval by the City Council in open session.

Council Member Byrd offered a motion to approve the contract of purchasing 1530 Country Club Road in the City of Harrisonburg. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented two separate requests for supplemental appropriations for the Police Department's budget in the amount of \$200,000.00. City Manager Hodgen stated that these funds were a reimbursement from a Federal DMV grant that paid 75% for a Criminal Justice Records System, which the City was required to match 25% of the total for the new software and hardware.

\$150,000.00 chge. to: 1000-33550 Criminal Justice Records System Localities  
50,000.00 chge. to: 1000-31010 City's match amount from fund balance

\$174,800.00 approp. to: 1000-310431-48273 Software  
25,200.00 approp. to: 1000-310431-48272 Hardware

City Manager Hodgen presented a request for supplemental appropriations for the Police Department's budget in the amount of \$4,593.15. City Manager Hodgen stated that these funds were a reimbursement from a Federal DMV grant for overtime for police officers.

\$4,593.15 chge. to: 1000-33524 Federal DMV grant

\$4,104.11 approp. to: 1000-310231-41020 Salaries/Wages OT  
489.04 approp. to: 1000-310631-41020 Salaries/Wages OT

Vice Mayor Baugh made a motion to approve both Police supplemental appropriations that were presented at tonight's meeting. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Hodgen presented a request for supplemental appropriations for the Public Work's budget in the amount of \$66,096.00. City Manager Hodgen stated that these funds were a reimbursement of funds received from James Madison University (JMU) and Eastern Mennonite University (EMU) for the installation of crosswalks on South Main Street and Park Road. The projects were paid for "in advance" by the City of Harrisonburg, so these funds will reimburse the capital projects fund line item. Council Member Byrd offered a motion to approve this request for the first reading, and that:

\$66,096.00 chge. to: 1310-31914 Recovered Cost

\$66,096.00 approp. to: 1310-910141-48663 New Sidewalk/Trail Plan

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

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

Council Member Byrd  
Mayor Degner

Absent – None

City Manager Hodgen stated that the Fire Chief was advised of additional funding that the Fire Programs will receive from a grant provided from an annual funding of the Department of Emergency Management. City Manager Hodgen stated that the City has deferred installing additional Opticom Systems, a traffic signal intervention system that lets police, fire, and rescue change signals to travel through the intersection, in our traffic signals. City Manager Hodgen stated that Fire Chief Shifflett is proposing to use the additional funds to install the Opticom equipment in the corridor along Maryland Avenue and Port Republic Road to the new hospital. He also stated that Rockingham County has already agreed to fund the traffic signal at Port Republic Road and Reservoir Street. City Manager Hodgen stated that there are other signals in the City that we would like to do in the future.

City Manager Hodgen stated the initial planning and basic design of improvements for Waterman Drive and Mount Clinton Pike is underway and should be completed in the spring. City Manager Hodgen also stated with that being said, it will begin a plan of what the City needs to do to improve the road, and from there the City will then begin a preliminary engineering report document.

City Manager Hodgen stated that the City met with the School Liaison Committee last week and they stated they were planning to grant a December bonus to employees instead of a pay increase for the year. City Manager Hodgen stated the School Board is using some of the Jobs Bill funding that the Federal government provided. He also stated it is a one-time issue of money that will not be added to salaries or retirement. City Manager Hodgen stated that if giving a bonus to City employees is something Council would be interested in doing, an ordinance would need to be passed.

At 9:00 p.m., Vice-Mayor Baugh offered a motion that Council enter into a closed session for discussion and/or consider the 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 and consultation with legal counsel requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

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

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 9:32 p.m., there being no further business and on motion adopted, the meeting was adjourned.

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CITY CLERK

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MAYOR