

REGULAR MEETING

JANUARY 9, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Council Member Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC, and Chief of Police Donald Harper.

Council Member Byrd gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Bucky Berry, a resident of Harrisonburg, said a survey should be conducted to increase the salaries and benefits of the Harrisonburg’s Police Department.

Steven Jones one of the owners of Boston Beanery in Harrisonburg complained about being assessed a penalty for the Food and Beverage Tax collected in July 2006. He requested that the penalty be waived insisting that his office had mailed the check, but apparently the post office did not postmark it until August 21st since August 20th was a Sunday.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and second reading of a supplemental appropriation for the Public Works Department, Parks and Fire Department. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Gary L. Beatty for a special use permit at 1101 South Main Street. The Comprehensive Plan designates this area as professional. In November of 2002, the applicant requested a special use permit to allow up to four persons to occupy one unit of the two-unit dwelling; however, he was unsuccessful in attaining the permit. The applicant is again requesting a special use permit to allow not more than four persons to occupy the upper unit. The structure is a two-unit dwelling, with one unit on the basement floor and one unit upstairs. There appears to be adequate parking spaces on the site. She reviewed the surrounding uses in the area. The Comprehensive Plan designates this lot and the remaining lots of this block to the south of the subject parcel as professional. If approved, this would set an unwanted precedent that the City endorses high density for this section of South Main Street. She said that staff does not support this special use permit request, but if Planning Commission does endorse this proposal, staff recommends the

following conditions be added to the request. 1) The property would be inspected on an annual basis by staff to ensure compliance with zoning and building requirements. 2) The Zoning Administrator could revoke the special use permit if the inspection does not take place every 12 months. 3) The Zoning Administrator will review all complaints against this property, and if warranted, bring violations to the attention of the Planning Commission for further action. She said that Planning recommended that the request not be approved.

At 7:11 p.m., Mayor Eagle closed the regular session temporarily and called the evening first public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, December 26, 2006, and Tuesday, January 2, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on January 9, 2007 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Special Use Permit – 1101 S. Main St.

Public hearing to consider a request from Gary L. Beatty for a special use permit per Section 10-3-40 (7) to allow an increase in occupancy from two to four persons. The property, zoned R-2, Residential District, is located at 1101 S. Main Street and can be found on tax map 18-H-19.

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

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Eagle called on anyone desiring to speak for or against this special use permit request. Gary Beatty said he was pleased with the Land Use Guide's designation, but unfortunately had to deal with the current zoning of the property. He described the uses in the area and said there was only one owner occupied dwelling in this area. He said his area was different than the Maplehurst Avenue neighborhood especially because five lanes of traffic separated them. Some concerns were expressed at the Planning Commission meeting regarding the appearance of the property. "There is no one more concerned about maintaining that property than I am since I have owned property in the area for 12 years". He has also provided sufficient parking for the property. The special use permit will allow the City to have more control of the property because of the annual inspection.

Ruth Gera said that she was opposed to this request because some of houses in the area are occupied by students. Students sit on the roof drinking, make a lot of noise and create a lot of trash, which has not been seen because residents in the neighborhood pick up the trash.

Calvin Farrell, a resident of the City, said a lot of the neighborhood were against the special use request. There being no others desiring to be heard, the public hearing was declared closed at 7:19 p.m., and the regular session reconvened.

Kathy Barnes said there is a big difference between businesses and student houses in the neighborhood. Businesses close at 5:00 p.m., but students are there all night and weekends.

The following discussion by Council Members included: Were most of the houses in the area being used for R-1 or R-2 zoning classification? How many houses were connected to the Catholic Student Center? It is a density issue. It would allow six unrelated people to live in a single family house. It is related to spot zoning. All neighborhoods of the City should be protected at all costs. This request could also place a strain on policing policies and inspection. Following further discussion and comments, Council Member Frank offered a motion to approve the special use permit; however, the motion failed for lack of a second.

Council Member Byrd offered a motion to deny the special use permit. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

No - Council Member Frank

Absent – None

Planning and Community Development Director Turner introduced a request from Wayne Engel for a special use permit at 547 East Market Street. The property is zoned R-2, Residential District and can be found on tax map 27-F-24. The Comprehensive Plan designates this area as Professional. She said that in March of 2000 the applicant was granted a special use permit to operate the Stonewall Jackson Bed and Breakfast facility at 547 East Market Street. At that time, the applicant stated on his application that the house would have six to eight guest rooms, but a condition was not placed on the special use permit. The applicant would now like to modify the previous special use permit request to include the additional four guest rooms along with the construction of a ground floor living space for his son who will be the proprietor of the bed and breakfast. The City ordinance requires the innkeeper to live on premises. This update to the previous permit will reflect the current number of rooms open for public rental. She reviewed the surrounding uses in the area. There is sufficient space on site to provide this parking. She said that Planning Commission recommended approving the special use permit.

At 7:38 p.m., Mayor Eagle closed the regular session temporarily and called the evening second public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, December 26, 2006, and Tuesday, January 2, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on January 9, 2007 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Special Use Permit – 547 E. Market Street (Wayne Engel)

Public hearing to consider a request from Wayne Engel, LLC to modify an existing special use permit per Section 10-3-40(8) to enlarge the bed and breakfast operation at 547 East Market Street. The property is zoned R-2, Residential District and can be found on tax map 27-F-24.

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

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

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Eagle called on anyone desiring to speak for or against this request.

Wayne Engel said that the bed and breakfast facility has been successful. He said that he would be moving from the facility and his son would move into the innkeeper's living space. There being no others desiring to be heard, the public hearing was declared closed at 7:40 p.m. Council Member Chenault offered a motion to approve this special use permit request. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Leonard and Sylvia Aamodt to subdivide two parcels totaling 5.96 acres located at the end of

Wyndam Drive. The property, zoned R-1, Single Family Residential, is located at the end of Wyndam Drive and can be found on tax map 23-X-10&11. The Comprehensive Plan designates this area as Low-Density Residential. She reviewed the surrounding uses in the area. The applicants are requesting to subdivide two undeveloped parcels, zoned R-1, Single Family Residential District, into six lots. This new configuration requires the vacation of one existing property line that bisects these two properties. The applicants would extend Wyndham Drive approximately five hundred feet from the current termination at the existing temporary cul-de-sac. The new extension would end with a temporary T-turnaround. In the future, this road could be extended through to intersect with Neyland Drive, if and when Neyland Drive is ever extended. The applicants have offered to dedicate right-of-way for a potential street connection to James Place, which is currently under construction. Because the Aamodts are not maximizing their lot densities and the future street connection is uncertain because of the required participation of adjacent property owners, staff feels the dedication of this right-of-way is all that should be required. She said that Planning Commission recommended approving this request. Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Gary Bodkin to subdivide one, .77-acre parcel located at 2541 Reservoir Street into nine townhouse lots. The property, zoned R-3, Multiple Dwelling Residential District, is located at 2541 Reservoir Street and is found on tax map 81-A-12. The Comprehensive Plan designates this area as Medium-Density Mixed Residential. In September 2005, City Council approved a request to preliminarily plat 10 townhouse lots on .77-acres of land along Reservoir Street near the City limits; however, in September 2006 the applicant asked for an extension to this preliminarily plat because it was about to expire. The applicant's new plan reduced the number of units from 10 down to nine units. She reviewed the surrounding uses in the area. In October Planning Commission recommended approval of the preliminary plat request with variance and a new condition to limit the occupancy of each unit to a family or no more than two unrelated individuals. Since October the applicant has made revisions to the plan, which is very similar to the most recent plan from October 2006. They have also proposed providing 11 more parking spaces than required. There will be a total of 34 parking spaces. The garage spaces; however, are essential to accommodate the number of vehicles maneuvering within the development, and the applicant has agreed to place a deed restriction on the garages that they cannot be converted to living spaces. The applicants are willing to dedicate an additional 15 feet of right-of-way for a total of 20 feet along the frontage of the property. She said that Planning Commission has recommended approving the new preliminarily plat with the conditions that were previously discussed. Vice-Mayor Pace offered a motion to approve this request 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 Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Reggie Smith, Director of Public Transportation, presented an overview of a Transit Development Plan. He said this five-year development plan was paid for by the Virginia Department of Rail and Public Transportation. It is a requirement to receive Federal funding as part of the state transportation plan. This study focused on City routes and the service provided to the citizens of Harrisonburg. He reviewed the service improvement alternatives included in the report. The report suggests serving smaller towns in Rockingham County; however, this aggressive approach would depend on receiving funding from the localities.

City Manager Baker presented a request for a supplemental appropriation to increase the 2006-2007 budget. He said these funds were received for investment earnings. The additional estimated earnings will be transferred to the General Capital Projects Fund and will be used for the Greendale Road project and Evelyn Byrd Avenue project. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$195,000.00 chge. to: 1000-31513 Investment earnings
195,000.00 chge. to: 1310-34210 Transfer from General Fund

\$195,000.00 approp. to: 1000-990111-49216 Transfer to General Capital Proj. Fund
100,000.00 approp. to: 1310-910141-48666 Greendale Road
95,000.00 approp. to: 1310-910141-48667 Evelyn Byrd Avenue

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

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

City Manager Baker presented a request to reserve a portion of the General Fund unappropriated fund balance. He said the reserve will be used to pay the future debt payments on the old high school bonds. The reserve will be for \$2,779,902.50. When the old high school

was sold the City was unable to defease the remaining debt on the building due to a call restriction. Therefore, legal counsel recommended that the remaining debt outstanding be provided for in a reserve. Vice-Mayor Pace offered a motion to approve reserving \$2,779,902.50 of the General Fund unappropriated fund balance. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council’s consideration an ordinance amending and re-enacting Section 4-1-27(b) and enacting Article K of Title 4, Chapter 2 of the Harrisonburg City Code. Commissioner of the Revenue said changing the collection dates of the tax will require hiring extra help, moving deadlines, and rewriting more ordinances. She said that under Article K of Title 4, Chapter 2, one vehicle would be exempt for a couple or individual who qualifies under the income and net worth requirements. Following further discussion and comments, Council Member Chenault offered a motion to approve enacting Article K of Title 4, Chapter 2 of the Harrisonburg City Code for a first reading. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds include funding for a Gang Task Force, funding from DMV, funding from state asset seizure money, and funding through grants for Weed and Seed Gang Task Force. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$6,937.90 chge. to: 1000-32211 State Weed and Seed

\$3,558.18 approp. to: 1000-310531-41020 Salaries/wages OT

1,934.40 approp. to: 1000-310331-41020 Salaries/wages OT

1,445.32 approp. to: 1000-310631-41020 Salaries/wages OT

\$14,750 chge. to: 1000-31010 Amount from fund balance

\$ 7,250.00 approp. to: 1000-310131-48236 Property room renovation
7,500.00 approp. to: 1000-310331-45530 Training/travel

\$190.52 chge. to: 1000-33524 Federal DMV grant

\$190.52 approp. to: 1000-310231-41020 Salaries/wages OT

\$1,247.12 chge. to: 1000-32211 State weed and seed

\$1,247.12 approp. to: 1000-310531-45530 Travel and training

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

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Commissioner of the Revenue June Hosaflook commented on Mr. Steven Jones comments made earlier this evening to City Council regarding a penalty for Boston Beanery concerning an overdue tax payment. She said that meals tax must be postmarked by the 20th of the month, and her department does keep the mailing envelopes. If the 20th of the month occurs on a Sunday, the postmark of the 21st is accepted. She said that Mr. Jones insisted he mailed all of the payments the same day to different localities and had not received other complaints. She said that the City has waived the penalty for Boston Beanery two times for late payments in the past and that Boston Beanery has never paid the tax early. She said, “ Mr. Jones should know that this money is not Boston Beanery’s money. This money was collected from the tax payers and that every day he keeps it we don’t have it”.

City Manager Baker reported that the plans have been drawn up for bids on the bridge downtown. The City will pay half of the cost of the bridge repairs.

Council Member Chenault offered a motion that Reggie Smith be re-appointed retroactively to the MPO Board as of March 3, 2006 to expire on March 3, 2009. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Council Member Frank offered a motion that Aaron Smith-Walter be recommended as a member to the TAC Board as of January 9, 2007. The motion also included that Aaron-Smith-Walter be approved as non-voting member of the Policy Board. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank

Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Frank offered a motion that James B. Acker, 302 Fairway Drive, be appointed to an unexpired term of Dennis Snyder on the Industrial Development Authority to expire on March 14, 2007. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Frank offered a motion that Charles H. Tibbits, 1475 Virginia Avenue, be appointed to an unexpired term of Michael Wong on the Blue Ridge Disability Services Board to expire on February 1, 2008. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

At 9:37 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel, and prospective candidates to be appointed to the Harrisonburg Parking Authority, Board of Viewers, and Industrial Development Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd

Mayor Eagle

Absent – None

At 9:55 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement 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 requirements 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 9:56 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

JANUARY 23, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC, and Chief of Police Donald Harper.

Vice-Mayor Pace gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Members from the cast of "Oliver" presented a brief performance of a musical to be held at the Harrisonburg High School Auditorium February 15-18, 2007.

Charles Vessels said that he was a homeless person who had made some bad decisions and is now living on the street. Homeless people need help and medical care and sometimes circumstances are not as they appear.

Kent Smith said help is needed for homeless people because Harrisonburg does have a homeless problem.

Katie Koons announced that the Boys and Girls Club are planning a screening of a documentary called Invisible Children THE ROUGH CUT on February 12th at 5:00 p.m. at the Boys and Girls Club located in the Lucy F. Simms Educational Center. She said the event is planned to help the children of Northern Uganda. During the last four years an estimated 500 children have attended school because of the efforts of Invisible Children, Inc., which is dedicated to helping children affected by the war by telling their untold stories in a creative and relevant way.

Abby Fitzgiven said in conjunction with the screening, there will be a silent auction of an original painting by art students from James Madison University. All proceeds will be used by Invisible Children, Inc. to help the children of Northern Uganda.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department and increasing the 2006-2007 budget. The motion also included an ordinance closing a 2,650 square foot portion of Heatwole Road and enacting Article K of Title 4, chapter 4 of the Harrisonburg City Code. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank

Mayor Eagle

Absent – None

The next item of business was a public hearing to consider adopting the City's Design and Construction Standards Manual.

At 7:22 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Friday, January 12, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 23, 2007 in the Municipal Building City Council Chamber, 345 South Main Street, to consider updates to the City's Design and Construction Standards Manual.

This manual sets policies and standards for installation of public City facilities such as streets, sidewalks, water, sewer, storm sewer, traffic signals, and other traffic controls, etc. as well as development requirements for private facilities such as erosion and sediment control and stormwater management. Both the currently adopted manual and draft document are available on the City website at www.ci.harrisonburg.va.us, or at the Department of Planning and Community Development, 409 S. Main Street, Mon. through Fri. 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this hearing. Individuals requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Council Clerk at 432-7701 at least five days prior to the date of the meeting.

Mayor Eagle called on anyone desiring to speak for or against adopting the City's Design and Construction Standards Manual.

Council Member Chenault offered a motion to continue the public hearing for 30 days until the February 27th City Council meeting to allow more time for citizens to review the document. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

The public hearing was closed at 7:23 p.m.

The next item of business was a brief update of the Simms Building project including the fund raising progress of the ARC and Boys and Girls Club. Michael Wong, Executive Director, Harrisonburg Redevelopment and Housing Authority, said that the Lucy F. Simms Center renovation project began in the fall of 2001. The community educational center includes the Boys and Girls Club, Arc/Op Shop, Arts and Educational venues classrooms and meeting rooms, as well as historical significance recognition and a memorial to Lucy Simms. He said that funding for the renovation occurred through a \$5.5 million tax exempt bond issued by the City to be partially offset by a \$1.5 million contribution from the Boys and Girls Club, \$500,000 contribution by the Arc/Op Shop and \$300,000 historical tax credits contribution. Mr. Wong reviewed the financial procedure including historical tax credit funds, borrowed bridge loan, and

a edge loan, which is a grant helping the City to reduce the interest rate to 2.5% for the non-profits. In exchange for the capital contributions for non-profits, long-term lease agreements were provided and building operating expenses are paid for through the City. Final payment for the borrowed \$2.7 million bridge loan is due January 2008.

Heather Denman, Executive Director of the Harrisonburg Rockingham Boys and Girls Club, reviewed a campaign projection for the club's fund raising activity for capital campaign. She invited Council to the Boys and Girls Clubs' official capital fundraising kickoff event at the at the Simms facility on January 31 at 5:00 p.m. She said that the club has approximately \$750,000 in projected pledges.

Mary Ellen Chewning, Executive Director of the Arc of Harrisonburg Rockingham, reviewed a campaign projection for the group. The Arc currently has \$210,000 in the bank and anticipates by January 2008 it will have half of the \$500,000 commitment fund.

Michael Wong reviewed several financial options for the Simms Building project.

Following further discussion and comments, Council agreed to proceed with the loan as is at the current interest rate until December 2007. Council agreed to revisit the issue in October.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from Federal asset seizure money and will be used to purchase forensic equipment. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$8,797.00 chge. to: 1000-31010 Amount from fund balance

\$8,797.00 approp. to: 1000-310131-48211 Machinery and equipment

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

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

Park and Recreation Director Foerster presented a request from the Parks and Recreation Department. He said these funds were donated by Waterman Elementary School PTA. The funds are intended to reimburse the department for the asphalt paving on the Morrison Park/Waterman School Track/Multipurpose Field project. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$10,000 chge. to: 1000-31914 Recovered cost

\$10,000 approp. to: 1000-710171-48181 Buildings and grounds

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

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

Park and Recreation Director Foerster presented a request to transfer funds within the Parks and Recreation Department. He said these funds will be transferred from the Westover Pool operating budget to Westover Pool Filter Room Renovation Capital Projects budget. Council Member Byrd offered a motion to approve transferring these funds, and that:

\$14,000.00 chge. to: 1000-710771-41010 Salaries and wages
16,000.00 chge. to: 1000-710771-41030 PT salaries and wages
3,500.00 chge. to: 1000-710771-43700 Contracted services
3,000.00 chge. to: 1000-710771-45110 Electricity
44,000.00 chge. to: 1000-710771-45120 Heating
2,000.00 chge. to: 1000-710771-45130 Water and Sewer
24,000.00 chge. to: 1000-710771-48211 Machinery and equipment

\$106,500.00 approp. to: 1310-910141-48702 Swimming Pool Renovations

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

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

Park and Recreation Director Foerster presented a request from the Parks and Recreation Department. He said these funds will be used to cover unanticipated additional costs for renovation of the filter room at Westover Pool. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$200,000.00 chge. to: 1310-34210 Transfer from General Fund

\$200,000.00 approp. to 1310-910141-48702 Swimming Pool Renovations

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

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

Bucky Berry, a resident of Harrisonburg, complained about snow removal.

Council Member Chenault proposed that the City establish an equipment account in the amount of \$100,000 per year for the Rescue Squad. These funds would be used to assist the Rescue Squad in purchasing units on a regular replacement basis. The City will manage the fund and hold the title of the vehicle. Following a meeting with Rescue Squad members and City staff an appropriation funding request will be presented at a future Council meeting.

City Manager Baker said that City employees did a great job of snow removal.

At 8:21 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion concerning the expansion of an existing business or industry where no previous announcements has been made of the business' interest in expanding its facilities within the City, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

At 9:01 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement 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 requirements 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 9:20 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

February 13, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; and Chief of Police Donald Harper. Absent: City Clerk Yvonne "Bonnie" Ryan, MMC.

Councilmember Chenault gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Under "Public Comment", John Tenseck spoke with Council about a "drop-in center" for the mentally ill that he was hoping to get started in the City and to request their support and approval. He has already spoken with the appropriate city agencies relative to licenses and permits, has identified a downtown location for the center and is pursuing funding through private sources and a Federal Block Grant. The center would open after Community Services Board offices had closed for the day, and would operate from 5:00 – 10:00 PM, Monday through Friday.

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Parks and Recreation Department and Police Department. 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 Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

The next item of business was consideration of a supplemental appropriation to the School Board budget in the amount of \$219,073.00. These funds represent unanticipated receipts from the Federal government and will be used in the "Instruction" and "Technology" line items of the School's budget. Dee Dee Dawson presented the request on behalf of the School Board. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$185,273.00 chge. to: 1111-33301 School Revenue-Federal
33,800.00 chge. to: 1111-31691 School Revenue-Other

\$217,300.00 approp. to: 1111-111114-40610 Instruction
1,773.00 approp. to: 1111-111114-40680 Technology

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

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

The next item of business was a public hearing to consider rezoning 2.14 +/- acres on Garbers Church Road, from R-1 to B-2C, at the request of Verstandig, Inc. Planning and Community Development Director Stacy Turner introduced the request and explained that the Comprehensive Plan designates this area as Low-Density, Mixed Residential. The rezoning would allow the applicant to relocate their studios from a nearby site in Rockingham County to the proposed location. She then reviewed the existing land uses adjacent to the property. The request was originally submitted to the Planning Commission in July of 2006, but citizen and staff concerns were raised at that time relative to that area remaining predominantly single-family. Staff continues to recommend denying this request and the planning commission has recommended denial as well. However, the applicant has refined their proffers to limit the uses on the property to radio and television stations and studios, recording studios and public uses and would not make use of any other allowable B-2 uses at this location. Access to the site would be limited to an improved existing driveway that would be shared with the Valley Brethren-Mennonite Heritage Center. A landscaped evergreen tree buffer would be established along the portions of the adjoining neighbor's property as specified by the current resident. The building would not exceed 35 feet in height, sign height would be eight feet, and site lighting would be diverted downward. She said that Planning Commission recommended that this rezoning request not be approved.

At 7:15 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, January 29, 2007 and Monday, February 5, 2007:

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on February 13, 2007 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Rezoning – 521 Garbers Church Road (Verstandig Broadcasting)

Public hearing to consider a request from M. Belmont VerStandig, Inc. with representative Susanne Myers to rezone 2.14 +/- acres from R-1, Single Family Residential District to B-2C, General Business District Conditional. The property is located at 521 Garbers Church Road and can be found on tax map parcel 122-B-2.

The Comprehensive Plan designates this area as Low-Density Mixed Residential. These large undeveloped areas located at the edge of the city are planned for residential development containing a mix of large and small-lot single family detached dwellings and attractive green spaces.

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 hearings shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Eagle called on anyone desiring to speak for or against the rezoning request.

Suzanne Myers, General Manager of VerStandig and the applicant said that she was available to answer any questions. She then responded to several questions from Council Members. Only radio stations will be on the site.

Dick Blackwell said that he was available to answer any questions.

Richard Tysinger, a resident of the City, said a lot of the neighbors were against the rezoning. He presented a petition signed by all the neighbors living on Garbers Church Road. He said nothing has been changed by the applicant and asked Council to deny the request. There being no others desiring to be heard, the public hearing was declared closed at 7:31 p.m., and the regular session reconvened.

The following discussion by Council Members included: If a television station was a use permitted by right in the B-2? Proffers are very precise. Rezoning will not set a precedent.

Council Member Chenault offered a motion to approve this rezoning request. 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 Chenault
Council Member Byrd

Council Member Frank
Mayor Eagle

Absent – None

The next item of business was a public hearing to consider rezoning 9.91 acres on Peach Grove Avenue from B-2 to R-3C, at the request of Bruce Forbes. Planning and Community Development Director Stacy Turner introduced the request and explained that the Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in the area. This property was the subject of an identical rezoning request, from B-2, General Business District, to R-3 Multiple Dwelling District, in 1995. It was not recommended by Planning Commission and not approved by City Council. The concerns cited at the time revolved around impact of additional multi family dwellings on single family neighborhoods in the general area, traffic, and the abundance of undeveloped property already zoned R-3 available in the area. The Comprehensive Plan at that time recommended a “Planned Business” use for the property, but since 1995 the surrounding area has seen many changes. Student housing has been constructed on property to the east, single family development has occurred to the south, and commercial development has occurred to the west. Neff Avenue extended has been constructed, connecting to Peach Grove Avenue at Port Republic Road, and Port Republic Road has been widened. Today this property is located between existing multi family housing, primarily occupied by students, and commercial uses including undeveloped commercial land. The dividing line in the Comprehensive Plan between properties recommended for high-density residential use versus commercial use is this property’s western boundary. Traffic in this area is certainly a concern as Peach Grove Avenue and Port Republic Road are both heavily traveled with traffic expected to increase with the planned move of the hospital. The B-2 zoning on this property currently would generate as much or slightly more traffic than an R-3 apartment complex on the site. If zoned R-3, the maximum number of units that could be developed on this property is 143. The threshold for requiring a Traffic Impact Analysis (TIA) is 100 peak hour vehicle trips. Almost any commercial development on this site would require a TIA, there is no opportunity to review impact on streets, including impacts on entrances to adjacent properties or on the closest intersections. Although not proffered, the applicant has submitted a potential site design to show their general development concept. She reviewed the plan showing 13 building containing 11 units each, which is an odd configuration for 143 units. The applicant has indicated that they actually want to achieve at least 150 units, which would require additional land to be rezoned. She reviewed the required parking spaces. Recreational amenities have not been proffered, but are shown on the plan. City landscape requirements are minimal and there should be some guarantee to the aesthetic value of the landscaping. A concern cited in the 1995 rezoning case that remains today is the presence of undeveloped land already zoned R-3 in this general area. As the Comprehensive Plan shows this as the border between residential and commercial uses, it could be used as a transitional area with either zoning classification said to be in conformance with the Comprehensive Plan. With the concerns over the impact on roads and the lack of requirement of TIA for this site, parking potential to impact adjacent commercial and residential property, and uncertainty over recreational or aesthetic amenities, this rezoning is not recommended for approval by City staff. She said that Planning Commission recommended that the request be approved.

At 7:53 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 29, 2007 and Monday, February 5, 2007:

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on February 13, 2007 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Rezoning – Peach Grove Apartments (Bruce Forbes)

Public hearing to consider a request from Bruce Forbes, with representative Blackwell Engineering, to rezone 9.91 acres from B-2, General Business District to R-3C Multiple Dwelling Residential District Conditional. The property is located along Peach Grove Avenue and can be found on tax map 92-F-6.

The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City.

The Zoning Ordinance states that the 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. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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

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

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Eagle called on anyone desiring to speak for or against the rezoning request. Ed Blackwell an engineer representing the applicant reviewed traffic issues, parking, and building configuration. The client would like to have R-5, but it is not on the books now.

Kathleen White, General Manager for Forbes Development said that the project would be a guard-gated community. She said the proposed building would be four stories in the front and three stories in the back, built into grade. With the current zoning, we can subdivide this property into 12 or 13 lots, which could include bars, plumbing companies, or furniture stores. We are proposing a rezoning to R-3 for student housing for the children of the community. There will be a fence around the property, clubhouse, swimming pool, and volleyball and basketball courts. These amenities are needed just to be in competition with other local student housing projects.

Ray Atkinson a resident of the City said rezoning this land would allow mass student housing and change the make up and accessibility of the neighborhood. Currently, due to the existing density of student housing in this area, traffic is already very heavy in this mornings and afternoons. He requested that Council vote against the rezoning proposal.

David Fisher a resident of the City said he opposed the rezoning. He said there is a lot of noise in their neighborhood from students having parties. Student housing should not be concentrated in one area of the City. The increased traffic along Peach Grove Avenue and Port Republic Road is a serious concern.

Anthony Bailey a resident of the City said before any public body exercises power on behalf of the people that body should be convinced that there is a public need or problem that it should remedy. “What is the need that warrants this change in zoning? Should the taxpayers and residents bear the burden to meet that need. Would it not be more appropriate for the university to address its own housing need by building more dormitories?”

Lynn Sprouse a resident of the City said he opposed the Forbes proposal. Poor planning decisions have been made on Peach Grove Avenue and Port Republic Road. A mass of student housing development should not have been built directly across from two family neighborhoods.

Leslie Falconi a resident of the City she was opposed to the rezoning from R-3 to R-5. Student housing should not be concentrated in one area and there is never enough parking for the students.

Patty May said students of the complex will try to take shortcuts through the neighborhoods.

Tara Sieber said traffic is a source of anxiety for all Harrisonburg residents. This proposed project will also add sedimentation problems in Blacks Run. There being no others desiring to be heard, the public hearing was declared closed at 9:17 p.m., and the regular session reconvened.

The following discussion by Council Members included: Appreciate having JMU and students in the community. R-1 neighborhoods should be protected at all costs. The traffic issue has been discussed at length tonight. Port Republic Road should be protected for public uses. There is adequate student housing in the City. This property needs to remain B-2. There are major traffic concerns already in the area. Hearing from the citizens of the community gains a different perspective regarding peak traffic times, guest parking, impact of clustering student housing, crime and safety. Following further discussion and comments, Council Member Chenault offered a motion to deny this rezoning request. 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 Chenault
Council Member Byrd

Council Member Frank
Mayor Eagle

Absent – None

The presentation by Samuel Nickels of New Bridges will be rescheduled to a later Council meeting.

Council Member Chenault offered a motion to approve use of City streets for the Tour of Virginia Bike Race on Saturday, April 28th. The motion was seconded by Council Member Frank, and approved with a unanimous vote of Council.

The next item of business was a request from Rockingham Rotary Club to close a portion of Washington Street for an “All American Soap Box Derby”. The club is requesting permission to close Washington Street from Route 11 to just above Northfield Court on Saturday, May 26th from 5:00 a.m. until 5:00 p.m. Vice-Mayor Pace offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

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

**RESOLUTION OF THE
CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA**

WHEREAS, Rockingham Memorial Hospital, a not-for-profit Virginia nonstock corporation (the “RMH”), has requested the Industrial Development Authority of the City of Harrisonburg, Virginia (the “Authority”), to issue its revenue bonds (the “Bonds”), pursuant to the Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), in an amount not to exceed \$55,000,000; and

WHEREAS, RMH owns and operates an acute care hospital facility currently located at 235 Cantrell Avenue, in Harrisonburg, Virginia; and

WHEREAS, the proceeds of the Bonds will be used to (1) pay costs of the Project, defined below, (2) refund all or a portion of the Authority’s outstanding \$50,000,000 Variable Rate Revenue Bonds (Rockingham Memorial Hospital), Series 2005, (3) pay the costs of the issuance of the Bonds, (4) pay the cost of credit enhancement for the Bonds, and (5) fund a debt service reserve fund for the Bonds; and

WHEREAS, the Project will consist of acquiring, constructing and equipping a replacement hospital facility for RMH and Rockingham Health Care, Inc., a not-for-profit Virginia nonstick corporation and the corporation parent of RMH (“RHC” and together with RMH, the “Corporations”) containing approximately 234 beds to be located on 254 acres along Port Republic Road, between Reservoir Street and Boyers Road, in Rockingham County and may include the purchase of ordinary equipment, replacements and working capital related to the Project and the operations of the Corporation; and

WHEREAS, the Authority, on February 9, 2007, held a public hearing on the issuance of the Bonds; and

WHEREAS, Section 147(f) of the Internal Revenue Code, as amended (the “Code”), and Section 15.2-4906 of the Act require that the governmental unit on behalf of which the Authority will issue the Bonds approve the issuance of such bonds; and

WHEREAS, the Corporations have requested the City Council of the City of Harrisonburg, Virginia (the “Council”), to approve the issuance of the Bonds to comply with Section 15.2-4906 of the Act and Section 147(f) of the Code; and

WHEREAS, a copy of the Authority’s resolution of February 9, 2007, approving issuance of the Bonds, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Council; and

WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds to comply with Section 147(f) of the Code and Section 15.2-4906 of the Act.

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

1. The Council hereby approves the issuance of the Bonds by the Authority Authority for the benefit of the Corporations, as required by Section 147(f) of the Code and Section 15.2-4906 of the Act.

2. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the Corporations. The Bonds shall provide that neither the City of Harrisonburg, Virginia, nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from revenues and moneys pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the City of Harrisonburg, Virginia, or the Authority shall be pledged thereto.

3. All acts and doings of the officers and members of the Council that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.

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

CERTIFICATE

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the “Council”), hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by a majority of the Council present and voting at a regular meeting duly called and held on February 13, 2007, in accordance with law.

WITNESS the following signature and the seal of the Council this 13th day of February, 2007.

**Clerk of the City Council of the City of
Harrisonburg, Virginia**

City Attorney Thumma said the Harrisonburg Industrial Development Authority held a public hearing at the request of Rockingham Memorial Hospital on February 9, 2007 to issue its bonds in an amount not to exceed \$55,000,000 to finance the construction of the new hospital and re-issuance of existing debt. Council Member Chenault offered a motion to approve this resolution as presented. The motion was seconded by Council Member Byrd, and approved with a recorded roll call taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Abstained - Vice-Mayor Pace

Absent – None

Mayor Eagle presented the following resolution for Council's consideration of approval:

RESOLUTION

**A Resolution Regarding Regional Water Supply Planning and Application for a FY08
Water Supply Planning Grant**

Whereas the Virginia General Assembly has mandated the development of local and regional water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process; and

Whereas, based upon these regulations, the City of Harrisonburg is required to complete a water supply plan that fulfills the regulations by deadlines based on population, specifically:

November 2, 2008 for local governments with populations in excess of 35,000
November 2, 2009 for local governments with populations between 15,001 and 35,000
November 2, 2010 for local governments with populations 15,000 or less

Whereas, local governments may elect to join one or more other local governments to develop a regional water supply plan for which a deadline of November 2, 2011 has been established.

Whereas, the following elements must be included in all local or regional water supply programs:

- A description of existing water sources in accordance with 9 VAC 25-780-70;
- A description of existing water use in accordance with the requirements of 9 VAC 25-780-80;
- A description of existing water resource conditions in accordance with the requirements of 9 VAC 25-780-90;
- An assessment of projected water demand in accordance with the requirements of 9 VAC 25-780-100
- A description of water management actions in accordance with the requirements of 9 VAC 25-780-110 and 9 VAC 780=120;
- A statement of need in accordance with the requirements of 9 VAC 25-780-130;
- An alternatives analysis that identifies potential alternatives to address projected deficits in water supplies in accordance with the requirements of 9 VAC 25-780-130;
- A map or maps identifying important elements of the program that may include existing environmental resources, existing water sources, significant existing water uses, and proposed new sources;
- A copy of the adopted program documents including any local plans or ordinances or amendments that incorporate the local program elements required by this chapter;
- A resolution approving the plan from each local government that is party to the plan; and
- A record of the local public hearing, a copy of all written comments and the submitter's response to all written comments received, and

Whereas, it is reasonable and prudent to for the following local governments to coordinate and collaborate in the development of a regional water supply plan: the Cities of Staunton, Waynesboro and Harrisonburg, Counties of Augusta and Rockingham, and Towns of Bridgewater, Broadway, Craigsville, Dayton, Elkton, Grottoes, Mt. Crawford and Timberville; and

Whereas the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans; and

Whereas, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all jurisdictions participating; and

Whereas, for purposes of this DEQ water supply grant fund program, the City of Harrisonburg will participate within a water supply region consisting of the localities of Cities of Harrisonburg, Staunton and Waynesboro, Counties of Augusta and Rockingham,

and Towns of Bridgewater, Broadway, Craigsville, Dayton, Elkton, Grottoes, Mt. Crawford and Timberville; and

Whereas, Central Shenandoah Planning District Commission (CSPDC) has previously managed the development of successful regional water supply plans and other regional plans and is a logical entity to organize and manage a regional water supply planning process; and

Whereas, CSPDC has previously written, received, and managed DEQ water supply grants and is the logical entity to apply for, on behalf of the communities participating in the regional water supply plan; and

Whereas, CSPDC desires to manage and develop a regional water supply plan for the region, and participating localities in the region agree with this approach, and

Whereas, the region, through the (lead agent) wishes to apply for and secure DEQ grant funds to help offset the cost of the plan development.

NOW, THEREFORE BE IT RESOLVED that the City of Harrisonburg agrees to participate with the Cities of Staunton and Waynesboro, Counties of Augusta and Rockingham, and Towns of Bridgewater, Broadway, Craigsville, Dayton, Elkton, Grottoes, Mt. Crawford and Timberville in the development of a regional water supply plan and authorizes the CSPDC to manage and develop said regional water supply plan that will comply with mandated regulations; and

BE IT FURTHER RESOLVED that the CSPDC is authorized to develop an application for water supply planning grant funds to offset to the extent feasible the cost of developing said regional water supply plan; and

BE IT FURTHER RESOLVED that A. Ray Griffin Jr., Executive Director, CSPDC is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan, and

BE IT FURTHER RESOLVED that City of Harrisonburg intends to provide matching funds (cash and/or in-kind) for the project for work performed within the organization to meet the requirements of the regional water supply planning effort, and

BE IT FURTHER RESOLVED that the City of Harrisonburg will participate financially for the costs of the regional water supply plan that is not covered by the DEQ grant in an amount not to exceed \$24,674.

BE IT FINALLY RESOLVED that the State Water Control Board and the Department of Environmental Quality should consider this resolution from each of the participating localities their Letters of Intent to participate in a regional water supply plan with a completion due date of November 2, 2011, in accordance with 9 VAC 25-780-50.B.4.

Upon the Motion of Vice-Mayor Pace and second by Council Member Byrd, this RESOLUTION is hereby approved on this the 13th day of February, 2007.

City Manager Baker said that the state has mandated the development of a regional water supply plan. We are required to have our plan complete by November 2007 if we go alone and November 2010 if we join with others. Grant funding up to \$50,000 is available to assist with the development of the plan, the maximum amount the City could be responsible for is \$24,674 if no grant funds were allocated. Vice-Mayor Pace offered a motion to approve this resolution as presented. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 13-1-74 of the Harrisonburg City Code. He said that amending this ordinance brings the parking violation in compliance with the state law. Vice-Mayor Pace offered a motion amending and re-enacting Section 13-1-74 of the Harrisonburg City Code for a first reading. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

The next item of business was a request to use the City lot behind the Municipal Building. City Manager Baker said that the March of Dimes will once again be holding WalkAmerica in Harrisonburg. The event is scheduled for Saturday, April 21, 2007. The City lot will be used as a staging area as well as for pre-and post-walk events. No street closings will be requested. Council Member Chenault offered a motion to approve this request. The motion was seconded by Council Member Frank, and approved with a unanimous vote of Council.

Mayor Eagle presented the following resolution for Council's consideration of approval:

**CONCURRING RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HARRISONBURG, VIRGINIA
REGARDING A FINANCING BY THE HARRISONBURG-ROCKINGHAM**

COMMUNITY SERVICES BOARD

WHEREAS, the Harrisonburg-Rockingham Community Services Board (the “HRCSB” was created pursuant to Chapter 5, Title 37.2 of the Code of Virginia (1950), as amended, by resolutions of the Board of Supervisors of Rockingham County, Virginia (the “County”) and the City Council of the City of Harrisonburg, Virginia (the “City”); and

WHEREAS, the HRCSB has requested to the City that it now desires to borrow up to \$375,000 (the “Loan” to fund, in part, (i) the acquisition, improvement, and equipping of certain property, located at 1231 North Main Street, Harrisonburg, Virginia (the “Facilities”), and (ii) the payment of the financing costs therefore; and

WHEREAS, Virginia Code §37.2-504(11) requires the authorization of the City Council of the City and the Board of Supervisors of the County before the HRCSB may borrow money.

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

- 1. The City hereby endorses the financing plans of the HRCSB, including the Loan.**
- 2. To the extent required by law, if at all, the City hereby endorses and further approves any necessary or appropriate actions of the HRCSB to affect such financing.**

This Resolution shall be effective immediately.

PASSED BY THE COUNCIL:

**_____
Mayor, City of Harrisonburg, Virginia**

Vice-Mayor Pace offered a motion to approve this resolution as presented. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

At 10:01 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

At 10:31 p.m., the closed session ended and the regular session reconvened. The following statement 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 requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:32 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

February 27, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC, and Police Major Wilfong. Absent: Chief of Police Donald Harper.

Mayor Eagle gave the invocation and led everyone in the Pledge of Allegiance.

Mayor Eagle announced that March is “Youth Art Month” and Harrisonburg student art exhibits are displayed in the City Municipal Building and Rockingham Memorial Hospital.

Kent Smith said help is needed for homeless people in the City. The cause of homeless is not social neglect and only in a small number of cases is related to alcohol. Because of limited funds for homeless programs in the City a more accurate census count is needed.

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, said, “The School Board has many concerns about the “No Child Left Behind” requirement.” The School Board is being asked to give all students the test, which is written in English and expected to get productive results from students taking the test. It is an unrealistic expectation under the “No Child Left Behind” requirement. There are approximately 250 ESL students expected to take a test written in a language they cannot read. He reviewed substitute test procedures that have been used in the past. The School Board has passed a resolution stating that students should be tested with an appropriate test. Dr. Ford clarified that the School Board is not seeking to opt out of the NCLB program or the Title I program. However, the Federal government is saying that if you don’t test these students then you are not complying with our interpretation of what Congress intended and therefore you have funding that may be at risk. He reviewed the procedure for AYP.

Bucky Berry, a resident of Harrisonburg, complained about “No Parking” spaces at Waterman Elementary School.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the schools and rezoning request by M. Belmont VerStandig, Inc. The motion also included an ordinance amending and re-enacting Section 13-1-74 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 Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Transportation Director Reggie Smith then made a presentation on the Transportation Department's grant application for capital and operating funds. He explained that this is an annual application for operating funds through state formula assistance and capital assistance funds. He said that the proposed budget is approximately \$2.7 million of which the City should receive \$642,000 in Federal operating assistance and approximately \$500,000 in formula funds from the state. He also said that some of the funds will be used for ADP hardware technology, an expansion paratransit bus, replacement paratransit buses, and bus stop shelters.

At 7:39 p.m., Mayor Eagle closed the regular session temporarily and called the evening first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, February 10, and Saturday, February 17, 2007.

NOTICE OF PUBLIC HEARING

The City of Harrisonburg is currently preparing the annual grant application for Operating and Capital Funds for FY08. This application is for Federal and State funds under the Federal Transit Administration 49USC Section 5307.

A public hearing for this application will be held on Tuesday, February 27, 2007, at the City Council meeting. This meeting will be held in Council Chambers in the Municipal Building at 7:30 p.m. All interested citizens are encouraged to attend.

Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Vickie Conley before February 23, 2007 at 540-432-0492: or mail comments to Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, VA 28802.

Mayor Eagle called on anyone desiring to speak for or against this grant application. There being no one desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Chenault offered a motion to approve the application as presented. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Funkhouser and Associates Properties to vacate a 2,178 square foot portion of Hunters Road. She said that Hunters Road is considered a minor street; therefore, the City design standards requires 50 feet of right-of-way. The 17.5 feet of property gives more width to the applicant's

undeveloped parcel to the north and accommodates the proposed development on that property. Without the acquired right-of-way, the applicant would be unable to construct the two proposed eight unit apartment buildings with the required 30-foot setback. She reviewed the surrounding uses in the area. There would be private access easement reserved for use by JMU or emergency vehicles. She said that Planning Commission has recommended that the request be approved.

At 7:43 p.m., Mayor Eagle closed the regular session temporarily and called the evening second public hearing to order. The following notice appeared in the Daily News-Record on Friday, February 16, and Friday, February 23, 2007.

**NOTICE OF INTENTION TO VACATE
A 2,178 SQUARE FOOT PORTION OF HUNTERS ROAD
LOCATED IN THE SOUTHEAST PORTION OF THE CITY OF HARRISONBURG**

**City Council Chambers
345 South Main Street
Harrisonburg, VA 22801
Tuesday, February 27, 2007
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, February 27, 2007, 7:00 P.M., at City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider an application, by Funkhouser and Associates Properties, LLC to vacate an undeveloped portion of Hunters Road, containing approximately 2,178 square feet and located on the west side of Hunters Road in the City of Harrisonburg, Virginia.

A copy of the recommendations of the City Planning Commission along with a copy of the plat showing the portion of Hunters Road to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday.

All persons interested will have an opportunity to express their views at this public hearing.

**CITY OF HARRISONBURG
Roger D. Baker,
City Manager**

Mayor Eagle called on anyone desiring to speak for or against this request.

Dick Blackwell said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:44 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the alley vacation for a first reading. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd

Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner presented an overview of the City's Design and Construction Standards Manual. This public hearing was continued from the January 23rd Council meeting to allow for more public input or public consideration of the changes. The City's Design and Construction Standards Manual is a document that establishes standards for the design and construction of public facilities that will be built in connection with either subdivisions or site developments. It deals with facilities that the City will own and maintain after the construction phase of a project is over. She said that many departments of the City have provided input into the document. A memo was sent to the development community in January 2007 regarding the proposed changes and some comments were received from an engineer and the Shenandoah Valley Builders Association.

At 7:51 p.m., Mayor Eagle closed the regular session temporarily and called the evening third public hearing to order. The following notice appeared in the Daily News-Record on Friday, January 12, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 23, 2007 in the Municipal Building City Council Chamber, 345 South Main Street, to consider updates to the City's Design and Construction Standards Manual.

This manual sets policies and standards for installation of public City facilities such as streets, sidewalks, water, sewer, storm sewer, traffic signals, and other traffic controls, etc. as well as development requirements for private facilities such as erosion and sediment control and stormwater management. Both the currently adopted manual and draft document are available on the City website at www.ci.harrisonburg.va.us, or at the Department of Planning and Community Development, 409 S. Main Street, Mon. through Fri. 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this hearing. Individuals requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Council Clerk at 432-7701 at least five days prior to the date of the meeting.

Mayor Eagle called on anyone desiring to speak for or against adopting the City's Design and Construction Standards Manual.

J.M. Snell, President of the Builders Association, reviewed several issues in the proposed revisions to Design and Construction Standards Manual. In general most of the changes were items that were already being implemented and that this was correcting the manual to reflect those items. The committee requests several changes in the manual including comprehensive plan review, drive-thru queuing, AASHTO's guide of bicycle facilities, grammatical issues, calculations requirements and clarification of grass strip requirements.

Council Member Chenault said, “This is an incredible ineffective way to handle these proposed revisions to the manual. City Council gave a 30 day extension to try to resolve some of these issues in advance and staff has not had the opportunity to review these proposals. Staff should be given an opportunity to discuss these responses with the development community and try to resolve the disagreements. I recommend we continue the consideration of this proposed manual until the March 13th Council meeting.”

City Attorney Thumma suggested that the public hearing continue and be completed tonight. Then let staff and representatives from the development community resolve these differences.

The public hearing was closed at 8:06 p.m.

Council Member Chenault offered a motion to continue consideration of the Design and Construction Manual until the March 13th meeting to give all City staff involved and representatives presenting proposed changes or considerations time to resolve the agreed upon issues and try to present a manual that is in accordance with everybody. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was a presentation by Samuel Nickels of New Bridges. He said that New Bridges Immigrant Resource Center started about seven years ago by churches in the area to assist immigrants to access resources. He reviewed the activities of the organization. New Bridges serves the community as a whole – both the immigrant and native born populations. We serve immigrants and refugees who speak little or no English, are in need or crisis, can benefit from our case management, medical bill assistance, and other services, and are not being served by other organizations. He said that New Bridges receives partial funding from the United Way.

Susannah Lepley said New Bridges is interested in beginning to work with the City Council to establish an Immigrant Advisory Committee (IAC) to improve communication between City leadership and the immigrant cultural communities. The goal of the Immigrant Advisory Committee is to facilitate the communication with City leadership. A proposed committee would be composed of immigrants representing the Latino, Kurdish, Russian, and other communities. She reviewed the responsibilities of the committee. She requested Council’s approval of this initiative so New Bridges can work with the immigrant community.

Dr. Kakahama Askari said he supported the proposal.

Svetlana Shulgan said she supported the advisory group.

Dr. James Perkins, President of Blue Ridge Community College, presented an overview of the progress Blue Ridge Community College is making in serving the needs of the City of Harrisonburg. Board members, Kathy Whitten and Denise Dawson, were also present. BRCC has been growing and enrollment this fall was the highest enrollment in the college history. There are many facility projects under way including a new humanities and fine arts building, several buildings in the design phase, replacing a parking lot with green space, science building addition, new maintenance building, and a new bookstore. He reviewed enrollment facts, distance learning program, and transfer degree program graduates. He thanked Council for the City's financial support to the college, which has been an excellent investment in the future of Harrisonburg.

Vice-Mayor Pace offered a motion to approve a resolution supporting allocation of housing tax credits for Franklin Heights. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

A presentation by Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority, on the homeless situation was postponed until the March 13th Council meeting.

Public Works Director Baker requested Council approval of the City of Harrisonburg's third report for Virginia Pollutant Discharge Elimination System (VPDES). He said as an owner of a regulated small municipal separate storm sewer system (MS4) in the Commonwealth of Virginia, this report is required in compliance with the City of Harrisonburg's Virginia Pollutant Discharge Elimination System (VPDES) Permit (DCR02). The permit was issued to the City on March 3, 2003 and we are now at the conclusion of our 4th permit year. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve the City of Harrisonburg's third report for Virginia Pollutant Discharge Elimination System (VPDES). 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 Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Public Works Director Baker presented a request for a supplemental appropriation from the Public Works Department. He said that these funds were received from a VML safety grant program and will be used for repair and maintenance supplies. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1,000.00 chge. to: 1000-31828 VML Safety Grant

\$1,000.00 approp. to: 1000-420641-46070 Repair and Maintenance Supplies

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 Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Public Utilities Director Collins presented a request for a supplemental appropriation from the Public Utilities Department. He said that these funds will be used to allow construction work under existing contract agreements from the Harrisonburg Redevelopment and Housing Authority. The department has also acted as a broker between an external contractor and HRHA. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$ 15,010.87 chge. to: 2012-31902 Recoverable charges
15,010.87 chge. to: 1321-34230 Transfer from sewer fund

\$ 15,010.87 approp. to: 2012-492061-49216 Transfer to capital projects
15,010.87 approp. to: 1322-911161-48651 Sewer main upgrades

\$ 53,701.97 chge. to: 2011-31902 Recoverable charges
53,701.97 chge. to: 1321-34220 Transfer from water fund

\$ 53,701.97 approp. to: 2011-392061-49216 Transfer to capital projects
53,701.97 approp. to: 1321-910161048635 Water main upgrades

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 Byrd
Council Member Frank

Vice-Mayor Pace
Mayor Eagle

Absent – None

Police Major Wilfong presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from the Division of Motor Vehicles for three grants. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$18,330.00 chge. to: 1000-33524 Federal DMV grants

\$ 3,430.00 approp. to: 1000-310231-46100 Police supplies

5,000.00 approp. to: 1000-310231-46140 Other operating supplies

4,900.00 approp. to: 1000-310631-48211 Machinery and equipment

5,000.00 approp. to: 1000-310631-41020 Salaries/wages OT

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

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that Donald E. Kidd, Jr., 325 Park Avenue, be recommended to the Circuit Court for a second term on the Board of Zoning Appeals to expire on March 20, 2012. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that David Wiens, 1520 College Avenue, be recommended to the Circuit Court for a second term on the Board of Zoning Appeals to expire on March 20, 2012. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that Joe Bowman, 1155 Rockingham Drive, be appointed to another term on the Shenandoah Valley Airport Commission. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that James B. Acker, 302 Fairway Drive, be appointed to a first term on the Industrial Development Authority to expire on March 14, 2011. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that Roger D. vonSeldeneck, 867 Sandtrap Lane, be appointed to a first term on the Industrial Development Authority to expire on April 24, 2011. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that Annie H. Tanverdi, 1221 Old Richmond Circle, be appointed to an unexpired term of Wendy Hassler on the Blue Ridge Disability Services Board to expire on February 1, 2008. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 9:40 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 10:31 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 requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:32 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

March 13, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC, and Chief of Police Donald Harper.

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

Bucky Berry, a resident of Harrisonburg, thanked Mayor Eagle for helping the Salvation Army on Thanksgiving Day.

Al Jenkins thanked everyone for the grant funding for the African-American Heritage brochure and driving tour of places in Harrisonburg and Rockingham County.

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, Public Utilities and Public Works Departments. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Landes Heating and Air Conditioning, Inc. to rezone a .53-acre +/- portion of property from R-2 to B-2. The property is located at 101 West Mosby Road and can be found on tax map 6-A-5. The Comprehensive Plan designates this area as Commercial. Landes Heating & Air Conditioning was located on the subject parcel prior to its annexation in 1962. The parcel consisted of an existing apartment building and the offices for the business. When annexed into the City a split zoning was placed on the property. In 1984 the applicants purchased a 1.4 +/- acre parcel to the rear of their existing property, which was also split zoned R-2 and B-2. The applicants are now seeking to bring the parcel into compliance with the business zoning classification. She reviewed the surrounding uses in the area. She said that Planning Commission has recommended that the request be approved.

At 7:10 p.m., Mayor Eagle closed the regular session temporarily and called the evening first public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 26, and Monday, March 5, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on March 13, 2007 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Rezoning – 101 West Mosby Road (Landes)

Public hearing to consider a request from Landes Heating & Air Conditioning, Inc. with representative Robert Stone to rezone a .53-acre +/- portion of property zoned R-2, Residential District to B-2, General Business District. The property is located at 101 West Mosby Road and can be found on tax map 6-A-5.

The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City.

The Zoning Ordinance states that the 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. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Eagle called on anyone desiring to speak for or against this rezoning request. Robert Stone, an attorney with Litten and Sipe and representing the applicant reviewed the zoning history of the property. There being no others desiring to be heard, the public hearing was declared closed at 7:12 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Pace, and approved with a roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Recused - Council Member Chenault

Absent – None

Planning and Community Development Director Turner introduced a request from Phillip Constable and William Shomo to rezone a 6,528 sq. ft. +/- portion of property from M-1 to R-4. The property is located at the corner of North Main Street and Emerson Lane and can be found on tax map parcel 42-D-20. She said that a land swap recently occurred between the subject parcel and the non-conforming parcel located at 1256 North Main Street. The land swap gave the subject parcel more property for townhouse construction to the rear of the lot; however, the acquired land is zoned M-1 and must be rezoned for the property plan of development. She reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as Planned Business. She said that Planning Commission has recommended that the rezoning request be approved.

At 7:16 p.m., Mayor Eagle closed the regular session temporarily and called the evening second public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 26, and Monday, March 5, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on March 13, 2007 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Rezoning – Corner of North Main Street & Emerson Lane (Zach Roberts)

Public hearing to consider a request from Philip Constable and William Shomo with representative Zach Roberts to rezone a 6,528 sq. ft. +/- portion of property zoned M-1, General Industrial to R-4, Planned Unit Residential District. The property is located at the corner of North Main Street and Emerson Lane and can be found on tax map parcel 42-D-20. The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.

The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The R-4, Planned Unit Residential District is intended to permit the development of planned residential neighborhoods containing not less than twenty-five (25) contiguous acres under one ownership or control at the time of approval for development. Within the district the

location of all buildings, playgrounds, recreation and green areas, parking areas and open spaces shall be developed in such a manner as to promote a variety of residential and permitted nonresidential buildings in orderly relationship to one another. The residential density ranges for the R-4 district are single-family, 6,000 sq. ft. minimum; two-family, 3,000 sq. ft./unit; multi-family, 3,000 sq. ft./unit; and townhouse, 2,000 sq. ft./unit.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG
Roger D. Baker
City Manager

Mayor Eagle called on anyone desiring to speak for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 7:17 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this rezoning 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
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was a request to preliminarily subdivide 15.39 acres into 16 single-family lots and 16 duplex lots along an extension of Smith Avenue. Planning and Community Development Director Stacy Turner said that City Council approved the preliminary plat September 2005. However, the applicant did not file a final plat within twelve months after approval of the preliminary plat, a requirement of the Subdivision Ordinance Section 10-2-26 (d), and therefore it has expired. The applicant has resubmitted the exact same preliminary plat that was approved in 2005. The applicant is requesting to re-subdivide six lots (15.39 acres) into 16 single-family lots and 16 duplex lots along an extension of Smith Avenue, along with the reconfiguration of three lots along College Avenue for a total of 35 lots in the subdivision. The applicant is requesting a variance because an extension of Smith Avenue along Greystone Street involves a 1,280 foot cul-de-sac, which exceeds the City's length of 800 feet for a cul-de-sac. It also exceeds the number of trips per day for a cul-de-sac. The old section of Smith Avenue does not connect all the way through to the new proposed terminated extension of Smith Avenue. It meets no City street standards. It is very narrow and does not have a curb or gutter. A 15-foot access easement is in place to allow pedestrians and bicyclists the ability to travel north in the direction of Eastern Mennonite University. The easement would be an all weather road surface,

with an unlocked chain gate to restrict vehicular access, but allowing for emergency equipment to access this development. The second variance was a configuration of six large lots not meeting the standard zoning classification requirements and includes a provision that these lots would not be further subdivided. She said that Planning Commission recommended to approve the preliminarily plat. Following further discussion and comments, Council Member Chenault offered a motion to approve the master plan of the preliminarily subdivision with the condition that staff ascertain the City has a legally enforceable easement across the 15 foot strip to serve the subdivision. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Bill Neff to revise a previously approved Master Development Plan for 60.60 acres of R-7, Medium Density Mixed Residential Planned Community. The 60 acres of Southbury Station was rezoned by City Council in May 2007 from Industrial Business classification to R-7 Medium Density Mixed Residential Planning Community zoning classification. At the time of the rezoning the applicant had to present a plan of development, which the applicant is now requesting to modify. Mrs. Turner reviewed the surrounding uses in the area and concerns of staff regarding the land use. The reason the applicant is modifying their plan of development is due to the difficulties associated with the Boxwood Court/Pointe Drive intersection. However, this current request is the same proposal presented to Council in May for a total of 466 units. She then reviewed the original and revised plans including the existing Boxwood Court right-of-way off of Main Street, entrance at East Kaylor Park Drive and E&M Paint's loading dock and internal traffic. Boxwood Court is offset 150 feet to the south from the intersection of Pointe Drive across South Main Street. It is being proposed that the entrance to the property at 2870 South Main Street be closed. She also said that the Public Works Director feels this plan is not ideal, but acknowledges that if this development must occur, the proposed intersection design could technically work. She said that City staff does not recommend the amendment to this plan, but has continued to work with Valley Engineering. She said that Planning Commission recommended to deny this request to revise a previously approved Master Development Plan.

Director of Public Works Jim Baker clarified that the department has worked closely with the developer and his engineers on this property. The Public Works Department is dedicated to finding a reasonable and safe solution for this development; however, they are concerned about the proposed traffic signal installation. It is being recommended that a further study be conducted other than what is being presented tonight. Technically this system will work, but is not the best system for the citizens of Harrisonburg living in this area.

At 7:47 p.m., Mayor Eagle closed the regular session temporarily and called the evening third public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 26, and Monday, March 5, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on March 13, 2007 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

Rezoning – Southbury Station Revision (South Main Street)

Public hearing to consider a request from Bill Neff, with representative Valley Engineering, to revise 60.60 acres of R-7, Medium Density Mixed Residential Planned Community zoned parcels. The properties are located near South Main Street between Boxwood Court and Kaylor Park Drive and can be found on tax maps 2-C-1, 2-D-0, 6-10, and portions of 103-A-5 and 103-A-14.

The Comprehensive Plan designates this area as Medium-Density Mixed Residential. This designation is intended for small-lot single family detached and single family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. The gross density of development in these areas should be in the range of 4-12 dwelling units per acre.

The Zoning Ordinance states that the R-7, Medium Density Mixed Residential Planned Community is intended to permit the development of planned residential communities offering a mix of single family detached and attached dwellings and open spaces. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walk ability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed, redeveloped, and amended in accordance with a master development plan.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Eagle called on anyone desiring to speak for or against revising the previously approved Master Development Plan.

Bill Neff requested a revision to the original plan of Southbury Station, which is currently, zoned R-7. “We are requesting a revision of the northern street from a 50-foot right-of-way to a 60-

foot right-of-way. As a result of moving the street, we have moved some of the buildings in the subdivision. We have attempted to work out a deal to see if we could get the building at 2870 South Main Street, but it is tied up in a trust and the owners do not want to sell the house. We have discussed six to seven hundred thousand dollars for the building and you just cannot put that much into a building just to get a street to line up.”

Seth Roderick an engineer with Valley Engineering reviewed the reconfiguration plan and changes that would occur to Mr. Long’s property and maneuvering trucks at E&M Paint.

Bucky Berry said that he opposed the plan because it will impact the school system. There being no others desiring to be heard, the public hearing was declared closed at 8:04 p.m., and the regular session reconvened.

The following discussion by Council Members included: Trucks at E&M Paint will still have to back into a loading dock. Will the two light structure speed up traffic going into Boxwood Court? What is the number of left turns based on? Is this option a better flow of traffic than what has already been approved? Can an agreement be reached with Mr. Long that his property will not be diminished? The private road next to E&M Paint could serve as an emergency lane. A commitment was made by the developer on the previously approved Master Development Plan that trucks from E&M Paint cannot back onto the street. The safest most effective and recommended way is to align Point Drive with Boxwood Court. Council supporting the request the first time, but not analyzing probably the negative aspects of entering in by E&M Paint.

Following further discussion and comments, Council Member Frank offered a motion to deny this request revising a previously approved Master Development Plan. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: No - Vice-Mayor Pace
Mayor Eagle

Yes - Council Member Chenault
Council Member Byrd
Council Member Frank

Absent – None

The next item of business was a presentation by Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority. He said that a Homeless Point-in-Time Survey was conducted in January 2007 by the Continuum of Care Coalition. The Coalition is a local community network of service, affordable housing and shelter providers. It was established to address the various challenges homeless individuals face in the Harrisonburg and Rockingham Region. The Homeless Point-in-Time Survey is part of a national initiative by HUD to identify and address homeless. Surveys are collected across the country during the last week in January. The standard survey provided more demographic information. The number one reason stated for homelessness in Harrisonburg is the inability to afford rental payments. The other top three

reasons listed are family problems, victim of domestic abuse problems, and eviction for reasons unrelated to payments.

Karin Bender said almost 80% of the respondents are between the ages of 21-50 years old and 14% of the respondents are older than 50 years of age. She reviewed sheltered demographic trends of education completed, veterans status, frequency of homelessness, and food stamps. The two greatest challenges to being homeless, as answered on the survey are “Cannot find affordable housing” (38%) and “Cannot find work” (20%).

Michael Wong said 435 applicants applied for subsidized housing assistance on January 10, 2007. According to the United States census data one-fifth of families in Harrisonburg live below 150 percent of the poverty line. Over one third of the children living in Harrisonburg live below 150% of the poverty line, 10% of Harrisonburg children live in extreme poverty and one-fifth of seniors live below 150% poverty line.

Charles Vessels said that he was a homeless person and disagreed with information in the survey provided by the Harrisonburg Redevelopment and Housing Authority.

Jim Baker, Director of Public Works, presented an overview of several projects including proposed improvements to Reservoir Street from University Boulevard to the east City limits.

Rick Delong project manager with McCormick Taylor said the purpose of the following analysis was to determine the future lane requirements along Reservoir Street between the intersection at University Boulevard and the Eastern City limits. We recommend to proceed with the design because it maintains the City’s active right-of-way coordination. It will be challenging to talk with developers about giving right-of-way to conduct engineering work without a preliminary design.

Brian St. John said traffic information was used from VDOT for the study of Reservoir Street. The report identified 14 potential developments to 2030. He reviewed the threshold analysis methodology and forecasted traffic from 2005 to 2030 based on information provided by the Community Development staff. A five-lane section will be required to meet the future demand.

Jim Baker, Director of Public Works encouraged Council’s approval to move forward with the street improvements design process.

Council Members asked Jim Baker to provide more realistic numbers on the preliminary engineering costs before moving forward with approval.

Council Member Chenault offered a motion to approve a request by Valley Aids Network for a 5K Aids Walk/Run on April 14, 2007. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

The next item of business was distribution of Dog and Cat Sterilization Funds received from the Department of Motor Vehicles. Vice-Mayor Pace offered a motion to distribute the

funds \$747.89 to the SPCA. The motion was seconded by Council Member Byrd and approved with a unanimous vote of Council.

Fire Chief Shifflett presented a request for the Fire Department. He said that these funds were donated to the Fire Department for expenses related to the trip to Mississippi in January, 2007 to rebuild homes destroyed by Hurricane Katrina. The request also includes recovery of funds from the sale of two reserve fire trucks which will be used to replace a staff vehicle. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$3,876 chge. to: 1000-31811 Sale of used equipment
9,496 chge. to: 1000-31809 Donations

\$3,876 approp. to: 1000-320232-48151 Motor vehicles
9,496 approp. to: 1000-320232-45545 Hurricane Katrina trip

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 Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was a proposal from Mike Layman. Mr. Layman proposed that the City acquire some additional acreage on Garbers Church Road adjacent to the entrance to the golf course and add this park land to the First Tee program. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$325,000 chge. to: 1000-31010 Amount from fund balance

\$325,000 approp. to: 1000-730271-48282 Land

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

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Fire Chief Shifflett presented a request for the Fire Department. Fire Station 4 has developed settling cracks in the exterior walls since it was constructed in 1975. These funds will be used to engage the services of Sease & Associates to determine the cause of the situation and the corrective action to be taken. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$72,000 chge. to: 1000-31020 Amount from fund balance

\$ 3,500 approp. to: 1000-320132-43100 Professional services

68,500 approp. to: 1000-320232-43360 Maint. & repair-bldg. & gnds

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

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank offered a motion that John J. (Jack) Broaddus, 64 Maplehurst Avenue, be appointed to a first term on the Industrial Development Authority to expire on April 24, 2011. The motion was seconded by Council Member Chenault, approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 10:03 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

March 27, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC, and Chief of Police Donald Harper.

Council Member Byrd gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Fire Department, disbursing Dog and Cat Sterilization funds, and purchasing additional park land. The motion also included referring an alley closing request to the Planning Commission. 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 Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 2007-2008 budget. He reviewed projected revenues from state funding, Federal funding, and local funds. The budget is based on a projected daily membership of 4,477 in 2007-2008. This number is used for projecting revenue. The overall budget is \$53,763,220. Dr. Ford reviewed the significant budget increases, which included instructional operation at \$38,927,398, administrative/attendance & health services \$2,541,527, bus operation \$1,664,292, maintenance and operations \$4,926,456, food services & other non-instructional operations \$3,008,292, facilities \$2,000, debt service transfer, \$428,223, and technology, \$2,265,032. The revenue estimates for the school division to support the expenditures are divided into state, federal, other, local and un-appropriated. The budget includes a projected average 4% increase for current salaries and health insurance rates will increase by 5% for the 2007-2008 fiscal year. The number of new positions included in the budget is determined by the board based on administrative recommendations and public input.

The following discussion by Council Members included: When will the City receive a final answer regarding funding from the state? How does Harrisonburg rank in salaries compared to other school districts in the state? Have projections been made for the ending balance for the unappropriated fund balance for this fiscal year?

City Manager Baker presented a transfer request for the School Board. He said these funds will be transferred from the School Capital Projects Fund to the General Fund. This request will not increase the 2006-2007 budget. Council Member Chenault offered a motion to approve transferring these funds, and that:

\$3,721,550.00 chge. to: 1000-34292 Transfer from School Capital Projects Fund
3,721,500.00 chge. to: 1310-34210 Transfer from General Fund
3,721,550.00 chge. to: 1311-910114-48700 Elementary/Middle School

\$3,721,550.00 approp. to: 1000-990111-49216 Transfer to General Cap Projects Fund
721,550.00 approp. to: 1310-910141-48636 Stone Spring Road Improvement
2,000,000.00 approp. to: 1310-910141-48665 Erickson Avenue-South High to Main
1,000,000.00 approp. to: 1310-910141-48696 Linda Lane Extension

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

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Public Works Director Baker presented a request for the Public Works Department. He said that these funds will be used to purchase right-of-way for Port Republic Road, Phase III project. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$178,000 chge. to: 1000-31010 Amount from Fund Balance
178,000 chge. to: 1310-34210 Transfer from Gen. Capital Project Fund

\$178,000 approp. to: 1000-990111-49216 Transfer to Capital Projects
178,000 approp. to: 1000-910141-48617 Port Republic Road Street Improvements

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

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Police Chief Harper presented a request for the Police Department. He said that these funds will be used to purchase supplies and training for forensic computers. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$6,132.50 chge. to: 1000-33571 Special Awards Block Grant

\$6,132.50 approp. to: 1000-31031-48211 Mach./equipment

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

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Chenault offered a motion to approve the City's Design and Construction Standards Manual. 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 Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Transportation Planner Donovan Branche presented a brief report on parking and traffic-related issues in the Memorial Hall/Chestnut Drive area. She said that a meeting was held with residents of the area, City officials and representatives of JMU. Issues discussed included parking, speeding, and the completion of a new parking deck at JMU. She said that the preliminary study revealed that the Chestnut/Grace and Chestnut/Dixie intersections are in need of enhancement. She reviewed some of the low cost improvements that can be made to help the neighborhood.

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 13-1-60.01 of the Harrisonburg City Code. Amending this ordinance will add more streets to the Green Permit Parking Zone. Council Member Chenault offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault

Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was a report on signalized intersections regarding flashing/not flashing traffic signals. Donovan Branche reviewed the traffic signals in the City. Public Works Director Baker reviewed VDOT traffic signal agreements in the City.

The next item of business was a request to use City property for the Fundfest Concert Series. The concert series will be held on alternating Wednesday evenings beginning May 16th and ending August 22nd. Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Baker presented a request from Eastern Mennonite University to close Park Road beginning at Mt. Clinton Pike and ending at Parkwood Drive on April 29th from 12:45 p.m. until 3:00 p.m. Council Member Byrd offered a motion to approve a request to close Park Road on April 29th. The motion was seconded by Council Member Frank, and approved with a unanimous vote of Council.

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, updated the progress and accomplishments for HDR. The City Exchange project, which contains 32 upscale loft apartments and Downtown 56 restaurant received an award from Dominion Directions, Valley Conservation Counsel and the Chamber of Commerce. Two workshops have been held with National Workshop Connections over the last quarter related to Heritage Tourism. A fund raising event, “Renaissance Night”, will be held on May 12th at Dave’s Downtown Taverna. The Court Day Festival is scheduled for June 2nd. HDR is working with Citizens for Downtown on the “Friday on the Square” event with concerts and movies.

Vice-Mayor Pace made a motion to endorse and support a request by Dave Miller of Dave’s Downtown Taverna for permission to provide a Food and Beer Garden in the parking lot adjoining the restaurant subject to final approval by the owner of the proposed site (Massanutten Regional Library). The motion included closing the street for the Valley 4th and a Cruise-In event in August. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

Lisa Ha, Harrisonburg Parking Services Coordinator, reviewed and explained how the new parking device will work. She said that the parking device has the capability to read license plates and print out photos of the violating car if there is a violation. She also reviewed changes being implemented in downtown area parking.

At 8:54 p.m., Council Member Chenault offered a motion that Council enter a closed session for consultation with legal counsel regarding proposed contracts 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. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 11:50 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 requirements 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 11:52 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

April 10, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC, and Chief of Police Donald Harper.

Vice-Mayor Pace gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Mayor Eagle read and presented the following resolution to Robert Hopkins "Twig" and Lorraine Strickler.

**RESOLUTION OF THE CITY COUNCIL OF THE OF HARRISONBURG,
VIRGINIA, HONORING ROBERT HOPKINS "TWIG" AND LORRAINE STRICKLER**

WHEREAS, Emma Lyon Bryan, a citizen of the Town of Harrisonburg, painted a landscape oil portrait of the town in 1867; and

WHEREAS, the painting was in the possession of a Harrisonburg family until it was sold at auction in 2006 to an antique dealer in Connecticut; and

WHEREAS, seeking to preserve the cultural heritage and history of the City of Harrisonburg Robert Hopkins "Twig" and Lorraine Strickler sought to, and succeeded in, purchasing the Town of Harrisonburg, 1867; and

WHEREAS, the Strickler family donated the painting to the Harrisonburg-Rockingham Historical Society; and

WHEREAS, the Harrisonburg-Rockingham Historical Society will make the painting available for the general public to view in a variety of venues throughout the City of Harrisonburg and County of Rockingham; and

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

That Robert Hopkins "Twig" and Lorraine Strickler are hereby recognized for their longstanding support of the Harrisonburg and Rockingham County community. As one of the oldest families in the Harrisonburg area, the Stricklers have demonstrated extraordinary generosity in supporting the preservation of history and heritage of the community.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Robert Hopkins “Twig” and Lorraine Strickler thanked City Council for the recognition.

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 and Public Works Departments, rezoning requests by Landes Heating and Air Conditioning, and Philip Constable and William Shomo. The motion also included amending and re-enacting Section 13-1-60.01 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

School Board Finance and Technology Director Dee Dee Dawson presented a request for the School Board. She said these funds were received from a federal educational technology grant and will be used to offer a 3-day educational technology conference for teachers from various school divisions and purchasing food and supplies. No additional City dollars are required for the school division to receive these funds. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$130,000.00 chge. to: 1111-33301 School Revenue – Federal
150,000.00 chge. to: 1111-31691 School Revenue – Other

\$150,000.00 approp. to: 1111-111114-40650 Food Service/Other Non-Instructional
130,000.00 approp. to: 1111-111114-40680 Technology

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

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

Police Chief Harper presented a request for the Police Department. He said that these funds were received from a federal grant and will be used to purchase mobile data terminals for police vehicles. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$50,000.00 chge. to: 1000-31010 Amount from fund balance

\$50,000.00 approp. to: 1000-310431-48211 Machinery & Equipment

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

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

City Manager Baker presented a request to transfer funds from the General Capital Projects fund. These funds were received from the Hardesty-Higgins House project and other general projects. These funds will be used to cover expenses incurred with the Community Development expansion project including the new Council Chambers. Vice-Mayor Pace offered a motion to approve transferring these funds, and that:

\$15,000.00 chge. to: 1310-9101411-48692 Hardesty-Higgins House

15,000.00 chge. to: 1000-34291 Transfer from General Capital Projects

\$10,000.00 approp. to: 1000-340121-41030 PT Salaries & Wages

5,000.00 approp. to: 1000-430221-43362 Maintenance & Repairs – 409 S. Main

15,000.00 approp. to: 1310-910141-49210 Transfer to General Fund

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

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

Kim Alexander, Director of Special Projects and Grants Management, presented an overview of the preliminary budget recommendations for the 2008 CDBG Program. City

projects and previously obligated funds include \$140,000 for HRHA-Harrison Heights Renovations, \$48,000 for resurfacing tennis and basketball courts at the Ralph Sampson Park, \$56,000 for a Hillandale Park Comfort Station, \$106,223 for City sidewalks, \$22,000 for backboards at the Simms Recreation Center, \$20,000 for bike paths, and \$104,658 in administration costs. She reviewed the non-city applicants, which includes \$214,140.86 in requested funds. The entitlement amount for 2008 is \$546,881.00. She said that \$496,881.00 has been obligated or is being recommended for City projects with the remaining \$50,000 for many non-city applicants.

At 7:21 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 Tuesday, April 3, 2007.

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 during the regular Council Meeting on Tuesday, April 10, 2007 at 7:00 p.m. in the City Council Chambers, 409 South Main Street, in order to advise the community on the 2008 Community Development Block Grant (CDBG) Program and receive citizen input regarding funding priorities for the 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 Consolidated Plan, which includes the 2008-2012 Strategic Plan and 2008 Action Plan. The Consolidated 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 entitlement amount for FY 2008 is \$546,881.

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 2008 CDBG Program. The City's CDBG Program is funded by an annual entitlement from HUD. The entitlement amount for FY 2008 is \$546,881. Of this amount, \$50,000 in funding will be available for this competitive application process. 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, employment services and job creation/retention, economic development, homeless services, recreational services, services for the disabled, parks & playgrounds, infrastructure improvements, 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. Due to time constraints, the 2008 CDBG application process has been abbreviated. The short-form application is available on the City website at www.ci.harrisonburg.va.us and in the City Manager's Office. Applications are due no later than 4:30 p.m. on Friday, April 6, 2007. Late applications will not be accepted.

Please contact Kimberly L. Alexander, at Kima@ci.harrisonburg.va.us or 540-432-8923 with questions. Written comments may also be mailed to Kimberly L. Alexander, Director of Special Projects & Grants Management, Office of City Manager, 345 South Main Street, Harrisonburg, VA 22801.

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

Bucky Berry, a resident of Harrisonburg, encouraged Council to continue providing funds for the ARC.

Catherine Galvin representing Valley Program for Aging Services requested \$9,000 for the "Meals on Wheels" program, which provides meals to low income residents to help older people stay in their homes for as long as possible.

Gary Race representing Valley AIDS Network said the dollar is very tight everywhere and that City projects should also be considered when funding has to be reduced.

Mike Fiore representing the Community Foundation (FIMS) said the foundation needs a new accounting system to make it more efficient. An investment with FIMS is a way to multiply the City investment for the greater good of the community.

Gayl Brunk representing Valley Associates for Independent Living said VAIL mission is to promote independence among individuals with disabilities and remove barriers in the community. Individuals with disabilities represent the largest minority within our City.

Jennie Amison representing Gemeinschaft said the foundation is trying to provide a vocational training center to better serve people having substance abuse issues.

Kara O'Brien representing the Youth Popular Culture Institute, which is a non-profit company new to the area that focuses its efforts on motivating at-risk youth to strive for educational achievement and achieve healthy life styles.

Rose Garrison representing the Free Clinic said the clinic needs funds to support the pharmacy program.

Rajan Shore representing Big Brothers/Big Sisters of Harrisonburg and Rockingham County requested funding to help purchase a telephone system.

Mary Ellen Chewing director of the ARC requested funds for transportation and van maintenance. There being no others desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened. A committee consisting of Stacy Turner, Kim Alexander, Charlie Chenault and Kurt Hodgen will make recommendations to City Council at the April 24th meeting.

City Manager Baker presented the proposed 2007-2008 budget. Pursuant to Section 60 of the City's Charter, a balanced budget is presented for the fiscal year ending June 30, 2008. In

accordance with Section 15.2-2506 of the Code of Virginia, a public hearing is required to be held at least seven (7) days prior to the adoption of the budget. This year's budget preparation has been a very difficult task. The total proposed budget represents a 25.9% decrease in net expenditures from the fiscal year 2007 budget. This budget will use approximately \$4.1 million from the unappropriated fund balance. The real estate tax rate has been proposed to be reduced from 62 cents to 58 cents. There are proposed rate increases in the water, sewer and sanitation enterprise funds. He said primary emphasis is placed on **EDUCATION, PUBLIC SAFETY, ROAD AND PUBLIC UTILITIES**. He also reviewed the requested increases in various City departments.

At 8:00 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 Tuesday, April 3, 2007.

**CITY OF HARRISONBURG, VIRGINIA
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 2008
For information and fiscal planning purposes only**

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 10, 2007 at 7:00 p.m. in the Harrisonburg City Councils located at 409 South Main Street, Harrisonburg, Virginia. Interested citizens are encouraged to attend and express their views.

<u>Revenue-By Funds</u>	<u>Original</u>	<u>2006-07 Amendments</u>	<u>Amended</u>	<u>2007-08 As Proposed</u>
Operating:				
General	73,498,129	4,107,992	77,606,121	85,317,574
School	46,295,761	267,616	46,563,377	50,953,393
Emerg Comm Center	2,016,498	-	2,016,498	2,319,724
Comm Dev Block Grant	613,397	118,646	732,043	550,442
Water	6,779,606	15,653	6,795,259	7,128,698
Sewer	6,539,143	98,544	6,637,687	6,866,891
Public Transportation	5,072,688	101,972	5,174,660	6,638,936
Sanitation	10,188,397	11,029	10,199,426	11,495,593
Parking Authority	255,280	-	255,280	-
Central Garage	695,318	-	695,318	730,050
Central Stores	111,240	-	111,240	185,246
Total Operating	<u>145,187,647</u>	<u>6,909,278</u>	<u>152,096,925</u>	<u>159,736,186</u>
Capital Projects:				
General Capital Projects	125,000	18,602,701	18,727,701	1,290,000
School Capital Projects	-	1,662,359	1,662,359	-
Water Capital Projects	1,245,357	9,902,477	11,147,834	1,218,690

Sewer Capital Projects	300,000	2,671,877	2,971,877	300,000
Sanitation Capital Projects	897,050	4,287,075	5,184,125	1,270,927
Park Auth Cap Projects	-	274,023	274,023	-
Total Capital Proj	<u>2,567,407</u>	<u>37,400,512</u>	<u>39,967,919</u>	<u>4,079,617</u>
Total	<u>147,755,054</u>	<u>44,309,790</u>	<u>192,064,844</u>	<u>163,815,803</u>

Expenditures - By Funds

Operating:

General	66,620,319	6,295,818	72,916,137	72,867,213
Schools	46,295,761	267,616	46,563,377	50,953,393
Emerg Comm Center	2,016,498	-	2,016,498	2,319,724
Comm Dev Block Grant	613,397	118,646	732,043	550,442
Water	6,779,606	15,653	6,795,259	7,128,698
Sewer	6,539,143	98,544	6,637,687	6,866,891
Public Transportation	5,072,688	101,972	5,174,660	6,638,936
Sanitation	10,188,397	11,029	10,199,426	11,495,593
Parking Authority	255,280	-	255,280	-
Central Garage	695,318	-	695,316	730,050
Central Stores	111,240	-	111,240	185,246

Total Operating **145,187,647** **6,909,278** **152,096,925** **159,736,186**

Capital Projects:

General Capital Proj	125,000	18,602,701	18,727,701	1,290,000
School Capital Projects	-	1,662,359	1,662,359	-
Water Capital Projects	1,245,357	9,902,477	11,147,834	1,218,690
Sewer Capital Projects	300,000	2,671,877	2,971,877	300,000
Sanitation Capital Proj	897,050	4,287,075	5,184,125	1,270,927
Park Auth Cap Proj	-	274,023	274,023	-

Total Capital Project **2,567,407** **37,400,512** **39,967,919** **4,079,617**

Total **147,755,054** **44,309,790** **192,064,844** **163,815,803**

Copies of the proposed budget are available for public review in the City Manager's office, 345 South Main Street; the Massanutten Regional Library, 145 South Main Street and on the City's internet web site at (<http://www.ci.harrisonburg.va.us>).

Mayor Eagle called on anyone present desiring to speak for or against the proposed 2007-2008 budget.

Jane Kibler who lives on Smithland Road said that Public Utilities Director Mike Collins proposed funds in the budget to install and complete the sewer project on the Smithland Road. This area was annexed into the City in 1981 and there are still 18 property owners that do not have sewer service. There is a group of City residents who have waited 26 years on broken promises that have not been fulfilled.

Bucky Berry, a resident of Harrisonburg, complained about the budget not including more funding for additional firefighters.

June Hosaflook Commissioner of the Revenue requested an additional \$3,000 in funds because everyone in her department has enrolled in the Career Development Program with the University of Virginia. She said when a deputy achieves a master designation the employee receives a salary increase. Four deputies in the department will receive the master designation on July 1st and there is not enough funding in the state budget to cover the salary increase.

Janet Mash, executive director of Camp Still Meadows, requested funding for a part-time staff member in the summer.

Ralph Geddis questioned whether any money would be received from the state after July 1st.

David Miller thanked Council for considering the streetscape plans in the budget.

Heather Denman executive Director of the Boys and Girls Club of Harrisonburg and Rockingham County requested funding to promote anti-gang initiatives.

Dee Dee Dawson Director of Finance and Technology Director for Harrisonburg City Schools said that a prepared budget was presented to City Council on March 27th based on instructional program needs identified within the school division. The amount of the budget is \$53,763,220 dollars. During the school budget process the superintendent, staff, school board made significant reductions in the budget to bring it to the level previously discussed by the Liaison Committee.

There being no others desiring to be heard, the public hearing was declared closed at 8:23 p.m., and the regular session reconvened.

Vice-Mayor Pace said, “The Finance Committee spent five hours reviewing the budget with City staff. He offered these amendments for City Council consideration including adding an additional \$199,600 to fully fund the school budget, adding an additional \$3,000 to the Commissioner of Revenue department, adding \$50,000 for a gang prevention program for the Boys and Girls Club, and offering an increase for Police Officers to address competitive salaries. This will add approximately \$390,000 in additional spending to the budget. To pay for the additional spending, he proposed raising the real estate tax rate to 59 cents, increasing the revenue forecast for next year from the golf course by \$16,000, increasing the benefits from the sale of used City equipment, and increasing the earned interest on cash deposits. The budget contains \$1,300,000 for earned interest on cash deposits. There is an additional \$100,000 in this line item and he recommended setting aside these funds to begin the process of Way Finding Signs and Streetscape. The total amount is approximately \$490,000.”

Council Member Chenault said, “I concur completely with Vice-Mayor Pace’s analysis and recommendation. Each year the City receives a significant contribution to City revenue from the Harrisonburg Electric Commission and this year it is approximately \$4.3 million.”

Council Member Chenault offered a motion to approve the budget for a first reading with the proposed amendments presented by Vice-Mayor Pace. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank

Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Christophel Properties to rezone 2.92 +/- acres of land located at 115 Ohio Avenue from R-2, Residential District to R-3C Multiple Dwelling Residential District Conditional. She reviewed the surrounding uses in the area. The property currently contains eight multi-family buildings, six of the buildings house four, two-bedroom units, and two of the buildings contain three, two-bedroom units. The buildings were constructed as a by right use in the late 1960's. Since that time the R-2 zoning ordinance has been amended and changed making these non-conforming uses. The use of apartments is no longer permitted in the R-2 zoning classification and there are some issues with setback regulations. In addition, a majority of the parking is also non-conforming because it occupies some of the City right-of-way. Some of the issues can be remedied by removing lot lines and would be necessary if this request is approved. The applicant could construct a maximum of 12 additional units on this property if it is rezoned to R-3C. The property is in a flood plain. Staff has concerns about the overall older neighborhood that is single-family homes and duplexes. The Comprehensive Plan designates this area as Neighborhood Residential. She said that Planning Commission has recommended denying this rezoning request.

At 8:48 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on April 10, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, to consider the following:

Rezoning – 115 Ohio Avenue (Christophel)

Public hearing to consider a request from Christophel Properties, LLC with representative Blackwell Engineering to rezone 2.92 acres of property zoned R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 115 Ohio Avenue and can be found on tax maps 18-C-7, 8, 9 & 11 and 24-R-1-6.

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. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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

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

CITY OF HARRISONBURG
Roger D. Baker
City Manager

Mayor Eagle called on anyone desiring to speak for or against this rezoning request.

Ed Blackwell representing the owner of the property said the revised proffers limit the total number of bedrooms for the rezoned parcels to 74 units.

Paul Christophel said, "My wife and I have been in the rental business since 1979 and all of our property is owner managed, well maintained, tenant friendly and affordable." He presented a prepared chart regarding the neighborhood. There being no others desiring to be heard, the public hearing was declared closed at 8:55 p.m., and the regular session reconvened.

Following further discussion and comments, Council Member Chenault offered to approve the rezoning request as presented. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

No - Council Member Frank

Absent – None

Planning and Community Development Director Turner introduced a request from Christophel Properties to rezone 1.93 +/- acres of land located at 39 and 47 Pleasant Hill Road from R-2 to R-3C. She said that the Comprehensive Plan designates this area as Medium-Density Residential. She reviewed the surrounding uses in the area. The two properties currently include five multi-family buildings, with four one-bedroom units in each structure, and

one single-family home that is used as a rental unit. These building were constructed as a by right use in 1983 and exist today as non-conforming uses. The applicant plans to reconfigure the existing two lots to obtain the square footage needed to accomplish the proposed density with this plan of development. She reviewed the proposed layout plan. She said that Planning Commission has recommended that the request be approved.

At 9:11 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on April 10, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, to consider the following:

Rezoning – 39 and 47 Pleasant Hill Road (Christophel)

Public hearing to consider a request from Christophel Properties, LLC with representative Blackwell Engineering to rezone 1.93 acres of property zoned R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 39 & 47 Pleasant Hill Road and can be found on tax maps 9-G-3 & 9.

The Comprehensive Plan designates this area as Medium-Density Residential. This designation states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplex, and two or three story apartments and densities can range from 1 to 15 units per acre.

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. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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

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

CITY OF HARRISONBURG

Roger D. Baker
City Manager

Mayor Eagle called on anyone desiring to speak for or against this rezoning request. Ed Blackwell representing the owner said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 9:12 p.m., and the regular session reconvened.

Vice-Mayor Pace offered a motion to approve this request 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 Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

The next item of business was adding a new Article K-2, Sections 10-3-55.1 through 10-3-55.6, R-5 High Density Residential District to the Zoning Ordinance. Planning and Community Development Director Turner said the R-5 is proposed to be a high-density residential dwelling district classification. This district by right would include townhouses, apartments, and multiple family dwelling units permitted at a density of 1,800 square foot per unit as opposed to the current R-3, which is 3,000 square foot per unit. With a special use permit, multiple family residential buildings may exceed 12 units per building. It also would allow greater than four stories and higher than 52 feet in height by special use permit. Retail stores, convenience shops, personal service establishments and restaurants are also permitted by special use permit only. She also noted that the City does not have any land being proposed to be rezoned into the R-5 classification. However, this proposed classification would be available to property owners seeking a higher density rezoning than currently what the zoning ordinance allows.

At 9:25 p.m., Mayor Eagle closed the regular session temporarily and called the evening fifth public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2007.

NOTICE OF PUBLIC HEARING TO R-3 PROPERTY OWNERS

The Harrisonburg Council will hold a public hearing on Tuesday, April 10, 2007, at 7:00 p.m. in the City Council Chambers, 409 South Main Street, to consider the following:

ZONING ORDINANCE AMENDMENT – NEW R-5 HIGH DENSITY RESIDENTIAL DISTRICT

Public hearing to consider adding a new Article K.2, Sections 10-3-55.1 through 10-3-55.6, the R-5 High Density Residential District. This district is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational and utility uses. Multiple family dwellings are permitted at a maximum density of 24.2 dwelling units per acre (or 1,800 square feet per unit). With a special use permit, multiple family residential buildings may exceed 12 units per building and/or fifty-two (52) feet in height. Retail stores, convenience shops, personal service establishments and restaurants are also permitted by special use permit only.

Mayor Eagle called on anyone desiring to speak for or against amending the zoning ordinance. Barry Kelly said he was in favor of the R-5 high density because increasing density in areas that are appropriate would better utilize our existing infrastructure and increase taxes. There being no others desiring to be heard, the public hearing was declared closed at 9:27 p.m., and the regular session reconvened.

Vice-Mayor Pace commented that during the past decade the view of Planning Commission is that the student population at James Madison University increased by several thousand students. At that time, the City had a lot of open property still available in the City. In looking at the next decade the view of the Planning Commission is that we should anticipate several thousand more students on the JMU campus. The Planning Commission concluded that we have to use the existing land that we still have available in a manner that is much more efficient.

Mayor Eagle commented that higher density should address some of the older units being demolished and rebuilt.

Vice-Mayor Pace offered a motion to approve adding Article K-2, Section 10-3-55.1 through 10-3-55.6 into the Zoning Ordinance for a first reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

The next item of business was adding a new Article J.2, Section 10-3-48.1 through 10-3-48.6 R-3 Medium Density Residential District to the Zoning Ordinance. Also, to consider amending the R-3 Multiple Dwelling Residential District to add a statement that compliance with the new R-3 Medium Density Residential District regulations will be required on the effective date established by City Council. Planning and Community Development Director Turner said there are two strategies in the Comprehensive Plan regarding this proposal: Strategy 3.41 to approve a new high density multi-family development for only select areas, as recommended by

the Land Use Guide, and Strategy 3.4.2 would be to review and amend the zoning ordinance to increase opportunities for single-family residential development affordable to households and a range of incomes. Alternatives discussed in the Comprehensive Plan to achieve these strategies included ideas such as rezoning selected undeveloped R-3 zoned areas to R-2 or R-1 taking a look and trying to downzone some of the areas, revising the text of R-3 to permit multiple family residential development by special use permit and not by right. Also, create a new residential district for multi-family development only, removing multi-family residential permitted or a special use in R-3, and to review and revise residential zones to permit small lot and innovative forms of single family residential development as appropriate, which is done with the creation of R-6 and R-7. As proposed, J-2 Sections 10-3-48.1 through 10-3-48.6 Medium Density Residential District would in effect replace our current R-3 multiple dwelling and leave the current R-3 Multiple Dwelling text in the ordinance. We would continue having the current buildings that are in compliance with the existing regulations being allowed to continue as permitted uses, not to become the nonconforming use category, but require anything built after the effective date of the new ordinance to comply with the new ordinance. She said that Planning Commission has recommended that the effective date of the new ordinance, J-2, be three years after City Council public hearing. To develop under the current R-3 regulations comprehensive site plans would have to be approved by the date established with the adoption of any proposed ordinance. Multi family development in the J-2 would only be permitted by special use permit. Screening or buffering for off street parking of five or more spaces adjacent to single family and duplex neighborhoods would be required and conforming uses established before the effective date of the ordinance would not be considered non-conforming. Within the existing R-3 Multiple Dwelling Residential District text nothing is being amended. The only change is the statement that this article is applicable to multi-family buildings constructed by or with comprehensive site plans approved before the established date. She said that Planning Commission recommended approving these ordinances by a vote of four to three.

At 9:45 p.m., Mayor Eagle closed the regular session temporarily and called the evening sixth public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2007.

ZONING ORDINANCE AMENDMENT – ADD R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT REQUIRING A SPECIAL USE PERMIT FOR MULTIPLE FAMILY DWELLINGS & ADD STANDARDS FOR PARKING LOT SCREENING

Public hearing to consider adding a new Article J.2, Sections 10-3-48.1 through 10-3-48.6 R-3, Medium Density Residential District. This district is intended for medium density residential development and other uses intended to respect the residential character which are aesthetically compatible within the district by means of architectural expression, landscaping and restrained traffic flow. Residential development includes single-family, duplex, townhouse units, and in special circumstances, multiple family buildings. This amendment would add standards for screening parking lots and garages containing 5 or more spaces. These amendments to the R-3 Zoning District affect all properties in the City of Harrisonburg now zoned R-3.

ZONING ORDINANCE AMENDMENT – ADD STATEMENT TO THE R-3, MULTIPLE DWELLING RESIDENTIAL DISTRICT

Public hearing to consider amending the R-3, Multiple Dwelling Residential District, to add a statement that compliance with the new R-3 Medium Density Residential regulations (described above) will be required on the effective date established by City Council. These amendments to the R-3 Zoning District affect all properties in the City of Harrisonburg now zoned R-3.

Mayor Eagle called on anyone desiring to speak for or against these ordinance changes.

Nancy Martin Finks said that she lives in a quiet cul-de-sac of duplexes in an R-3 zoned area. Some people can't afford to buy a house in a single family neighborhood.

Randy Harman said that his family owns a large 72 acre parcel of land on Stone Spring Road that is currently zoned R-3. "Our parcel is undeveloped at this time because we want to make sure we do the right thing with the land. Under the proposal we will be losing a right to develop our land in a smart fashion under the current R-3 zoning. It is a right that we have had in the past; however, it feels as if we are being punished for not having done anything with the land before now. It is down zoning our property, but we do appreciate Planning Commission recommending the opportunity to have a period of three years."

Steve Weaver, an attorney with Clark and Bradshaw, said there are two driving Comprehensive Plan goals. Issue number one is the protection of existing single family neighborhoods, which is weighted against proper density requirements in a City that only has so much land and is in a growth mode and needs places to put people. There is not a clear consensus on which way we should go. These proposed ordinances would change immediately and materially devalue all properties currently zoned R-3.

Amar Gogia said he was a project manager in charge of Liberty Square, which is a townhouse community. We don't think that the proposed changes go with the intent. The whole process and all the actions that we take are intended to use the Comprehensive Plan as a guide.

There being no others desiring to be heard, the public hearing was declared closed at 10:12 p.m., and the regular session reconvened.

The following discussion by Council Members included: Amending this ordinance would be down zoning and not amending it would leave neighborhoods open to development which would not enhance the area. Some neighborhoods will change. Residential single-family houses have been built in R-3 by design. City Council or Planning Commission should not correct something that is not broken. Reherd Acres has the biggest configuration of multiple zoning classifications in the City, but it is a good well planned neighborhood. There are several different types of R-3 zoned property. Should there be an opportunity for properties meeting certain criteria to be rezoned immediately to R-5? How can we make a determination which property in the community would remain in R-3 or opt out to R-5? Would it depend on the neighborhood? It could become an issue for property owners that have undeveloped R-3 land.

Following further discussion and comments, Council Member Chenault offered a motion requesting that staff come back with a plan that would establish a criteria for making a determination which properties in the community would remain in R-3 or opt into rezoning to R-

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

Vote: Yes - Council Member Byrd
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

No - Council Member Frank

Absent – None

The next item of business was amending Sections 11-7-3(23) and 11-7-4 of the Sign Ordinance to add the R-5, High Density Residential District. Planning and Community Development Director Turner said these amendments will allow R-5 the same type of signage that the City's existing R-3 signage areas have.

At 10:37 p.m., Mayor Eagle closed the regular session temporarily and called the evening seventh public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 26, and Monday, April 2, 2007.

ZONING ORDINANCE AMENDMENT – DEFINITIONS

Public hearing to consider amending Section 11-7-3(23) and 11-7-4 of the Sign Ordinance to add the R-3, Medium Density Residential District and add the R-5, High Density Residential District.

Mayor Eagle called on anyone desiring to speak for or against this ordinance change. There being no one desiring to be heard, the public hearing was declared closed at 10:38 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the ordinance amendment as it relates to the R-5 zoning classification 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 Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

Public Works Director Jim Baker presented an overview of the design cost of the proposed Reservoir Street project. He reviewed the report which evaluated the needs of how Reservoir Street should look as far as alternative design. The report shows that the current development plan in the Reservoir Street corridor supports the need for a four lane facility with a

center turn lane and the addition of the hospital added to that need. He reviewed a summary of the cost estimate for the portion of the project that needed to determine the right-of-way plans for the project. Phase I was the actual evaluation of need of the project. Phase II will establish a set of right-of way plans. Phase II will cost approximately \$636,500. Mr. Baker continued to review the design plans of the project.

Mayor Eagle presented the following resolution for Council's consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, REGARDING THE REIMBURSEMENT OF EXPENSES AND COSTS
INCURRED BY THE CITY, OUT OF THE BOND PROCEEDS TO BE USED FOR THE
CONSTRUCTION OF PORT REPUBLIC ROAD STREET IMPROVEMENTS, STONE
SPRING ROAD IMPROVEMENTS, ERICKSON AVENUE EXTENSION AND
RESERVOIR STREET PROJECT**

WHEREAS, the City is in the process of planning the construction of Port Republic road Street improvements, Stone Spring Road improvements, Erickson Avenue extension and Reservoir Street project along with the acquisition of the necessary real estate upon which to construct the same; and

WHEREAS, the acquisition of real estate, the construction of Port Republic Road Street improvements, Stone Spring Road improvements, Erickson Avenue extension and Reservoir Street project will require the City to issue general obligation bonds in an amount estimated to be around Seventeen Million Dollars (\$17,000,000.00); and

WHEREAS, the City intends to reimburse itself out of the bond proceeds for all expenditures and costs associated with the acquisition of real estate, the construction of Port Republic Road Street improvements, Stone Spring Road improvements, Erickson Avenue extension and Reservoir Street project, which are properly reimbursable under all State and Federal laws, and which are incurred and paid prior to the issuance of the bonds.

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

- 1. The City of Harrisonburg will be issuing general obligation bonds that are estimated to be in the amount of Seventeen Million Dollars (\$17,000,000.00) to pay for the acquisition of real estate, the construction of Port Republic Road Street improvements, Stone Spring Road improvements, Erickson Avenue extension and Reservoir Street project.**
- 2. The City of Harrisonburg shall be reimbursed from the proceeds of the bonds and for all costs and expenditures, which are properly reimbursable under State and Federal laws, incurred for the acquisition of real estate, the construction of Port Republic Road Street improvements, Stone Spring Road improvement, Erickson Avenue extension and Reservoir Street project. The City represents that it will pay certain expenditures out of general funds for the acquisition of real estate, the construction of Port Republic Road Street improvements, Stone**

Spring Road improvements, Erickson Avenue extension and Reservoir Street project prior to the issuance of the general obligation bonds. Therefore, it is hereby declared to be the intent to reimburse the City with a portion of the proceeds of the Bonds for expenditures related to the acquisition of real estate, the construction of Port Republic Road Street improvements, Stone Spring Road improvements, Erickson Avenue extension and Reservoir Street project that were paid with general funds of the City and made no earlier than 60 days prior to the adoption of this resolution and on and after the date hereof.

Each of the expenditures was and shall be either (a) of a type properly chargeable to capital accounts under general federal income tax principles (determined in each case as of the date of the expenditure), (b) a cost of issuance with respect to the borrowings, or (c) a nonrecurring item that is not customarily payable from current revenues. The City shall make a reimbursement allocation, in writing, to evidence the use of the proceeds of the bonds to reimburse each of the expenditures, no later than 18 months after the later of the date of which each expenditure is paid or the land is acquired, the streets are constructed and/or placed in service or abandoned, but in no event more than 3 years after the date on which the expenditure is paid, all in accordance with the Code and Treasury Regulations hereunder.

- 3. These foregoing provisions are intended as a declaration of official intent by the City in compliance with the Treasury Regulations under the Code regarding proceeds of tax exempt bonds used for reimbursement.**

Approved: April 10, 2007

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Council Member Chenault offered a motion to approve this resolution for reimbursement of expenses and costs incurred by the City out of bond proceeds. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

City Attorney Thumma said that he had been contacted by a citizen inquiring about the possibility of purchasing two surplus City lots on East Washington Street. He said that City departments have confirmed that the property is surplus property and that the City has no need for the two lots and it is suggested that the property be advertised and the City receive sealed bids with the City reserving the right to accept or reject any and all bids. Vice-Mayor Pace offered a motion to approve advertising this surplus property. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Frank offered a motion to close Federal Street from Elizabeth Street to Wolfe Street on Sunday, June 3rd from 10:00 a.m., until 7:00 p.m. The motion was seconded by Council Member Byrd and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Council appoint Mike Collins, to the Environmental Quality, Lester Seal, to the Finance Committee, Roger Baker and Earl Thumma, to the General Laws Committee, Kurt Hodgen, to the Human Development & Education Committee, and Reggie Smith to the Transportation Committee on the Virginia Municipal League policy committees. The motion was seconded by Council Member Frank, and approved with a unanimous vote of Council.

At 11:52 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

April 24, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC, and Chief of Police Donald Harper.

Council Member Chenault gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Council Member Chenault 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 School Board, and rezoning requests by Christophel Properties. The motion also included adding a new Article K-2, Sections 10-3-55.1 through 10-3-55.6 and an ordinance amending Section 11-7-3(23) and 11-7-4 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 Chenault
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

The next item of business was consideration of a supplemental appropriation of proceeds received from the sale of the old high school and land. City Manager Baker said that the City received approximately \$4,300,000 from the sale of the old high school and land. These funds will be used to fund one time expenditures or capital projects. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$4,300,000.00 chge. to: 1000-31829 Sale of High School
3,400,000.00 chge. to: 1310-34210 Transfer from General Fund
800,000.00 chge. to: 1311-34210 Transfer from General Fund

\$ 100,000.00 approp. to: 1000-430221-48282 Land
3,400,000.00 approp. to: 1000-990111-49216 Transfer from General Capital Projects
800,000.00 approp. to: 1000-990111-49225 Transfer to School Capital Projects
500,000.00 approp. to: 1310-910141-48708 Way Finding Signs
500,000.00 approp. to: 1310-910141-48701 Downtown Street Scape Plan
2,400,000.00 approp. to: 1310-31010 Amount from fund balance
800,000.00 approp. to: 1311-910114-48709 Renovation of One Court Square

At 7:05 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, April 17, 2007.

NOTICE OF PUBLIC HEARING

The public hearing will be held by the Harrisonburg City Council on Tuesday, April 24, 2007 at 7:00 p.m., or as soon as the agenda permits, in the Harrisonburg City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2006-2007 budget in the net amount of \$4,300,000. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2006-2007 budget in the net amount of \$4,300,000. The funds will be used to purchase land and fund several General Capital Projects and one school capital project. These expenditures will be funded by proceeds from the sale of the old high school building and land.

The budget increase will be as noted below:

Revenues:

General Fund:

Sale of old high school 4,300,000.00

General Capital Projects Fund:

Transfer from General Fund 3,400,000.00

School Capital Projects Fund:

Transfer from General Fund 800,000.00

Total **8,500,000.00**

Expenditures:

General Fund:

Land 100,000.00

Transfer to General Capital Projects 3,400,000.00

Transfer to School Capital Projects 800,000.00

General Capital Projects Fund:

Amount from fund balance 2,400,000.00

Way Finding Signs 500,000.00

Downtown Streetscape 500,000.00

School Capital Projects Fund:

Renovation One Court Square 800,000.00

Total **8,500,000.00**

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

Roger D. Baker

City Manager

Mayor Eagle called on anyone desiring to speak for or against this supplemental appropriation. There being no one desiring to be heard, the public hearing was declared closed at 7:06 p.m., and the regular session reconvened. 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
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

The next item of business was a request for exemption from local property taxation for several City businesses. Commissioner of the Revenue June Hosaflook presented an overview of 501(c) organizations applying for real estate and business personal property tax exemption. The Constitution of Virginia allows for specific local tax exemption. Prior to January 1, 2003, the General Assembly passed bills exempting an organization from local taxation. City Council passed a local ordinance addressing real and personal property exemption in Section 4-2-17 of the Harrisonburg City Code. The deadline for non-profits to file is January 30th and must include an application fee of \$50.00. After the revenue impact is determined, a public hearing is held with City Council determining whether an organization's tax-exemption is awarded or denied. Current applications include Gemeinschaft Home, HOPE Community Builders Inc., Harrisonburg Gift & Thrift Shop, Inc., Harrisonburg/Rockingham Free Clinic, and the Family Life Resource Center, Inc. The Gemeinschaft Home provides a substance abuse treatment program and is applying for exemption from real estate tax in the amount of \$2,344.07. HOPE Community Builders builds housing for low-income residents and is applying for temporary exemptions from real estate tax in the amount of \$2,762.38. The Harrisonburg Gift & Thrift Shop, Inc., sell new and donated goods and is applying for exemption from real estate tax in the anticipated taxes for 2008 are \$7,848.47. There are three divisions including Artisans' Hope, which is a retail gift establishment, A World of Good is the thrift portion, and Booksavers are donated books and school texts. The organization is applying for exemption from real estate taxes and business personal property taxes. The real estate exemption request includes three parcels and the improvements, which are assessed and billed with the middle parcel. The vacant third parcel has a special use permit for additional future parking area. She reviewed an aerial view of the three lots. There are three accounts assessed for business personal property, A World of Good Thrift taxes for last year were \$270.00, Booksavers of Virginia taxes for last year were \$324.00, and Artisans' Hope taxes were \$201.00. The City has a number of thrift stores that are run by 501(c) (3) non-profits. They are exempt for business licenses and if they were to own property they would probably be exempted. She said that Booksavers and World of Good should be exempt, but she suggested that the retail portion of the building be parceled out and assessed per square foot with the parking that would be needed to establish a retail shop. The Harrisonburg/Rockingham Free Clinic provides free health care to low income and uninsured residents of Harrisonburg and Rockingham County and is applying for real estate tax exemption

in the amount of \$7,600.00. Family Life Resource Center, Inc., is a ministry of the Virginia Mennonite Conference that provides professional counseling and educational services from a Christian perspective for growth toward hope, health, and healing and is applying for real estate tax exemption in the amount of \$2,778.31. She recommended that Gemeinschaft Home, Hope Community Builders, Booksavers and a World of Good, Harrisonburg/Rockingham Free Clinic, and Family Life Resource Center be exempt from real estate taxes.

At 7:23 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 Tuesday, April 17, 2007.

**CITY OF HARRISONBURG
NOTICE OF PUBLIC HEARING**

Please take notice that on April 24, 2007 at 7:00 P.M. in the City Council Chamber, 409 South Main Street, Harrisonburg, Virginia, the Harrisonburg City Council will conduct a public hearing pursuant to Section 4-2-17 of the Harrisonburg City Code, as amended, concerning a request by the following non-profit corporations for exemption from local taxation.

REAL ESTATE TAX –

Gemeinschaft Home, a Virginia corporation - Two Parcels of Real Estate

Tax Map ID No. 48-A-12, Assessed Value - \$267,500 and Taxes paid FY07 – \$609.46; FY06 – Exempt; FY05 – \$835.26

Tax Map ID No. 48-D-19A, Assessed Value - \$229,800 and Taxes paid for FY07 – \$474.92; FY06 – Exempt; FY05 – \$727.88

Harrisonburg Gift & Thrift Shop, Inc., a Virginia corporation – Three Parcels of Real Estate

Tax Map ID No. 47-M-2, Assessed Value – \$180,700 and Taxes paid for FY07 – \$482.67; FY06 – Exempt; FY05 – \$965.34

Tax Map ID No. 47-M-3, Assessed Value – \$1,010,000 and Taxes paid for FY07 – \$2,905.01; FY06 – Exempt; FY05 – \$4,684.72

Tax Map ID No. 47-M-4, Assessed Value – \$139,600 and Taxes paid for FY07 – \$333.56; FY06 – Exempt; FY05 – \$667.12

Hope Community Builders, Inc., a Virginia corporation – Three Parcels of Real Estate

Tax Map ID No. 32-Q-1, Assessed Value – \$148,700 and Taxes paid for FY07 – \$0; FY06 – Exempt; FY05 – \$207.08

Tax Map ID No. 32-Q-7, Assessed Value – \$152,100 and Taxes paid for FY07 – \$0; FY06 – Exempt; FY05 – \$505.31

TaxMap ID No. 32-Q-11, Assessed Value – \$167,400 and Taxes paid for FY07 – \$0; FY06 – Exempt; FY05 – \$634.26

Harrisonburg/Rockingham Free Clinic, Inc., a Virginia Corporation – One Parcel of Real Estate

**Tax Map ID No. 26-B-10, Assessed Value – \$287,600 and Taxes paid for FY07 – \$0;
FY06 – Exempt; FY05 – \$1,474.98**

**Family Life Resource Center, Inc., a Virginia corporation – One Parcel of Real Estate
Tax Map ID No. 26-F-6, Assessed Value – \$470,900 and Taxes paid for FY07 –
\$1,265.42; FY06 – \$1,200.94; FY05 – \$1,200.94**

PERSONAL PROPERTY TAX –

**Harrisonburg/Rockingham Free Clinic, Inc., a Virginia corporation – Personal Property,
Assessed Value – \$148,500 and Taxes paid for 2006 – \$336.00**

**Family Life Resource Center, Inc., a Virginia corporation – Personal Property Assessed
Value – \$10,200 and Taxes paid for 2006 – \$351.00**

**Harrisonburg Gift & Thrift Shop, Inc., a Virginia corporation – Personal Property,
Assessed Value for Booksavers of Virginia – \$11,200 and Taxes paid for 2006 – \$324.00;
Assessed Value for Artisans Hope – \$5,700 and Taxes paid – \$201.00; Assessed Value
for A World of Good Thrift – \$16,900 and Taxes paid for 2006 – \$270.00**

**Public comments on the proposed exemptions are invited, and all citizens shall have an
opportunity to be heard. Further information is available from the City Manager’s Office
at 345 South Main Street, Harrisonburg Virginia between the hours of 8:30 A.M. and 5:00
P.M., Monday through Friday.**

**Roger D. Baker,
City Manager**

Mayor Eagle called on anyone desiring to speak for or against these tax exemptions.

Wallace Hatcher, said there are several businesses under the Gift & thrift Shop. The thrift shop receives donated items and resells the items at very reasonable prices. It provides a shopping place for persons who can’t or choose not to pay market prices for their merchandise. Another benefit is reducing the volume of materials taken to the landfill. Book Savers receives and processes books and magazines, which benefits the community by allowing children and adults to purchase good reading material at reasonable prices. The gift part of the business purchases craft items from under privileged countries, which are sold at the gift store. The sales generate sales tax revenue for the City.

John Flora, representing the Rockingham/Harrisonburg Free Clinic thanked Council for its past support. He also requested the recommended endorsement of the committee to exempt the organization from the real estate personal property tax.

Vernon Grapper said in 2006 Family Life Resource Center received 460 new clients. We are currently serving 175 clients each week. Low income households reported greater difficulty assessing individual or family counseling than any other non-governmental service. In 2007 without the reassessment our real estate taxes will double to \$2530 because of the building addition that was made in 2005. If nothing else changes the anticipated increase in taxes will cause Family Life Resource Center a loss in 2007. Family Life Resource Center does not operate in the black without contributions from the churches and general public.

Lois Crider Treasurer of Family Life Resource Center said counseling service is provided for young people and adults. She reviewed medical insurance procedures. There being no others desiring to be heard, the public hearing was declared closed at 7:34 p.m.

Following further discussion and comments, Council Member Chenault offered a motion to provide personal property and real estate tax exemption for Family Life Resource Center and the Harrisonburg/Rockingham Free Clinic. 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
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

Following further discussion and comments, Vice-Mayor Pace offered a motion to provide personal property and real estate tax exemption for Harrisonburg Gift & Thrift excluding the dedicated retail portion with corresponding land and parking required per code. 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
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

The next item of business was considering a proposed real property tax increase. City Manager Baker briefly reviewed the real estate tax rate. He said that it was proposed at the April 10th Council meeting to set the tax rate at \$.59 per \$100 assessed value.

At 7:49 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, April 17, 2007.

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The City of Harrisonburg proposes to increase property tax levies.

- 1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 34.86 percent.**

2. **Lowered Rate Necessary to Offset Increased Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be **\$.46 per \$100 of assessed value. This rate will be known as the “lowered tax rate.”**
3. **Effective Rate Increase:** The City of Harrisonburg proposes to adopt a tax rate of **\$.59 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$.13 per \$100, or \$28.3 percent.**

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of City of Harrisonburg will exceed last year’s original budget by **21.93 percent.**

A public hearing on the increase will be held on April 24, 2007 at 7:00 p.m., at City of Harrisonburg Council Chamber located at 409 South Main Street.

Mayor Eagle called on anyone desiring to speak for or against this proposed real property tax increase.

Bud Nutter a resident of the City said that during the last year Council has increased the City decal, increased personal property taxes, and increased sewer rates. “Will these increases help to balance the budget and are they really necessary? This is a lot of money for many of the citizens. Ralph Geddis said decisions are hard to make. He questioned how much money will be received from Richmond and Washington, D.C. for JMU?

There being no others desiring to be heard, the public hearing was declared closed at 7:53 p.m., and the regular session reconvened.

Council Member Chenault offered a motion to set proposed real estate tax rate of \$.59 cents per \$100 assessed value. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

A P P R O P R I A T I O N O R D I N A N C E
O F T H E C I T Y O F H A R R I S O N B U R G , V I R G I N I A
F o r t h e F i s c a l Y e a r E n d i n g J u n e 3 0 , 2 0 0 8

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 2008. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENTS; AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

SECTION I - GENERAL FUND (1000)

That the following sums of money be and the same hereby are appropriated for general government purposes herein specified for the fiscal year ending June 30, 2008:

Paragraph One - City Council and Clerk (110111)

For the current expenses and capital outlays of the CITY COUNCIL AND CLERK, a division of the Legislative Department, the sum of one hundred seventy-eight thousand, six hundred ninety-three dollars (\$178,693) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$103,989
(2)	Other Operating Expenses	70,204
(3)	Capital Outlays	4,500

Paragraph Two - Office of City Manager (120111)

For the current expenses and capital outlays of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of four hundred sixty-five thousand, four hundred fifty-one dollars (\$465,451) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$332,568
(2)	Other Operating Expenses	131,283
(3)	Capital Outlays	1,600

Paragraph Three - Office of City Attorney (120411)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of one hundred forty-two thousand, four hundred twenty-four dollars (\$142,424) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$105,156
(2)	Other Operating Expenses	37,268

Paragraph Four - Department of Human Resources (120511)

For the current expenses of the DEPARTMENT OF HUMAN RESOURCES, a division of the General and Financial Administration, the sum of two hundred seventeen thousand, five hundred thirteen dollars (\$217,513) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$136,624
(2)	Other Operating Expenses	79,689
(3)	Capital Outlays	1,200

Paragraph Five - Independent Auditor (120811)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of ten thousand dollars (\$10,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$10,000
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Paragraph Six - Commissioner of Revenue (120912)

For the current expenses and capital outlays of the COMMISSIONER OF REVENUE, a division of the General and Financial Administration, the sum of three hundred eighty-eight thousand, nine hundred ninety-two dollars (\$388,992) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$263,559
(2)	Other Operating Expenses	123,433
(3)	Capital Outlays	2,000

Paragraph Seven - Board of Real Estate Assessors (121012)

For the current expenses and capital outlays of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of two hundred seventy-eight thousand, six hundred seventy dollars (\$278,670) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$171,546
(2)	Other Operating Expenses	105,124
(3)	Capital Outlays	2,000

Paragraph Eight - Board of Equalization (121112)

For the current expenses of the BOARD OF EQUALIZATION, a division of the General and Financial Administration, the sum of three thousand, one hundred twenty-five dollars (\$3,125) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|---------|
| (1) | Other Operating Expenses | \$3,125 |
|-----|--------------------------|---------|

Paragraph Nine - City Treasurer (121313)

For the current expenses and capital outlays of the CITY TREASURER, a division of the General and Financial Administration, the sum of five hundred twenty-six thousand, nine hundred fifty-one dollars (\$526,951) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$315,126 |
| (2) | Other Operating Expenses | 210,525 |
| (3) | Capital Outlays | 1,300 |

Paragraph Ten - Department of Finance (121511)

For the current expenses and capital outlays of the DEPARTMENT OF FINANCE, a division of the General and Financial Administration, the sum of three hundred ninety-three thousand, fifty-three dollars (\$393,053) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$263,529 |
| (2) | Other Operating Expenses | 128,124 |
| (3) | Capital Outlays | 1,400 |

Paragraph Eleven – Information Technology (122011)

For the current expenses and capital outlays of INFORMATION TECHNOLOGY, a division of the General and Financial Administration, the sum of six hundred sixty-one thousand, six hundred sixty-seven dollars (\$661,667) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$269,798 |
| (2) | Other Operating Expenses | 258,369 |
| (3) | Capital Outlays | 133,500 |

Paragraph Twelve - Purchasing Agent (122211)

For the current expenses of the PURCHASING AGENT, a division of the General and Financial Administration, the sum of one hundred fifty-four thousand, three hundred sixty-seven dollars (\$154,367) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Personal Services | \$99,750 |
| (2) | Other Operating Expenses | 53,442 |
| (3) | Capital Outlay | 1,175 |

Paragraph Thirteen - Electoral Board and Officials (130114)

For the current expenses and capital outlays of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of one hundred fifty-eight thousand, nine hundred eighty-nine dollars (\$158,989) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$80,446
(2)	Other Operating Expenses	66,043
(3)	Capital Outlays	12,500

Paragraph Fourteen - Police Administration (310131)

For the current expenses and capital outlays of the POLICE ADMINISTRATION, a division of the Department of Public Safety, the sum of six hundred forty-four thousand, nine hundred sixteen dollars (\$644,916) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$367,332
(2)	Other Operating Expenses	277,084
(3)	Capital Outlays	500

Paragraph Fifteen - Police Operations Division (310231)

For the current expenses and capital outlays of the POLICE OPERATIONS DIVISION, a division of the Department of Public Safety, the sum of three million, twenty-two thousand, eight hundred eighty-eight dollars (\$3,022,888) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$2,019,727
(2)	Other Operating Expenses	964,861
(3)	Capital Outlays	38,300

Paragraph Sixteen - Police Criminal Investigation Division (310331)

For the current expenses and capital outlays of the POLICE CRIMINAL INVESTIGATION DIVISION, the sum of one million, eighty thousand, five hundred twenty-nine dollars (\$1,080,529) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$738,980
(2)	Other Operating	331,349
(3)	Capital Outlays	10,200

Paragraph Seventeen - Police Support Services (310431)

For the current expenses and capital outlays of the POLICE SUPPORT SERVICES, a division of the Department of Public Safety, the sum of one million, seven hundred eighty-four thousand, one hundred ninety-eight dollars (\$1,784,198) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$805,155
(2)	Other Operating Expenses	688,919
(3)	Capital Outlays	290,124

Paragraph Eighteen – Police Gang Task Force (310531)

For the current expenses and capital outlays of the POLICE GANG TASK FORCE, a division of the Department of Public Safety, the sum of one hundred forty-one thousand, one hundred sixty-seven dollars (\$141,167) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$95,707
(2)	Other Operating Expenses	45,460

Paragraph Nineteen – Police Special Operations (310631)

For the current expenses and capital outlays of the POLICE SPECIAL OPERATIONS, a division of the Department of Public Safety, the sum of one million, two hundred seven thousand, one hundred seventy-seven dollars (\$1,207,177) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$845,874
(2)	Other Operating Expenses	344,203
(3)	Capital Outlays	17,100

Paragraph Twenty - Fire Administration (320132)

For the current expenses of the FIRE ADMINISTRATION, a division of the Department of Public Safety, the sum of four hundred seventy thousand, eight hundred ninety-eight dollars (\$470,898) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$269,781
(2)	Other Operating Expenses	201,117

Paragraph Twenty-One - Fire Suppression (320232)

For the current expenses and capital outlays of the FIRE SUPPRESSION, a division of the Department of Public Safety, the sum of five million, ninety-eight thousand, three hundred thirty dollars (\$5,098,330) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$2,993,347
(2)	Other Operating Expenses	1,633,912

(3) Capital Outlays 471,071

Paragraph Twenty-Two - Fire Prevention (320332)

For the current expenses of FIRE PREVENTION, a division of the Department of Public Safety, the sum of three hundred forty-four thousand, four hundred fifty-seven dollars (\$344,457) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$227,889
(2) Other Operating Expenses 116,568

Paragraph Twenty-Three - Fire Training (320432)

For the current expenses and capital outlays of FIRE TRAINING, a division of the Department of Public Safety, the sum of one hundred sixty-eight thousand, eighty-seven dollars (\$168,087) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$103,873
(2) Other Operating Expenses 64,214

Paragraph Twenty-Four – Emergency Communication Center (320532)

For the current expenses and capital outlays of EMERGENCY COMMUNICATION CENTER, a division of the Department of Public Safety, the sum of three million, three hundred thirty-one thousand, fifty-seven dollars (\$3,331,057) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$1,492,167
(2) Other Operating Expenses 1,838,890

Paragraph Twenty-Five – Public Safety Building (320632)

For the current expenses of the PUBLIC SAFETY BUILDING, a division of the Department of Public Safety, the sum of three hundred seventy-six thousand, seven hundred thirty-five dollars (\$376,735) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$57,848
(2) Other Operating Expenses 303,887
(3) Capital Outlays 15,000

Paragraph Twenty-Six - City and County Jail (330231)

For the current expenses of the CITY AND COUNTY JAIL, a division of the Department of Public Safety, the sum of eighty-six thousand dollars (\$86,000) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$86,000

Paragraph Twenty-Seven - Building Inspection (340121)

For the current expenses and capital outlays of BUILDING INSPECTION, a division of the Department of Public Safety, the sum of six hundred sixty-one thousand, nine hundred twenty-five dollars (\$661,925) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$435,328
(2) Other Operating Expenses 200,497
(3) Capital Outlays 26,100

Paragraph Twenty- Eight - Animal Control (350131)

For the current expenses of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of one hundred fifty-five thousand, six hundred thirty-one dollars (\$155,631) is appropriated from General Fund to be apportioned as follows:

(1) Personal Services \$33,002
(2) Other Operating Expenses 122,629

Paragraph Twenty-Nine - Coroner (350331)

For the current expenses of the CORONER, a division of the Department of Public Safety, the sum of one thousand dollars (\$1,000) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$1,000

Paragraph Thirty - Emergency Services (350532)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of seventy-five thousand, seven hundred twenty-four dollars (\$75,724) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$75,724

Paragraph Thirty-One - General Engineering/Administration (410121)

For the current expenses and capital outlays of GENERAL ENGINEERING/ADMINISTRATION, a division of the Department of Public Works, the sum of nine hundred fifteen thousand, two hundred thirty dollars (\$915,230) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$583,344

(2)	Other Operating Expenses	280,486
(3)	Capital Outlays	51,400

Paragraph Thirty-Two - Highway and Street Maintenance (410241)

For the current expenses and capital outlays of HIGHWAY AND STREET MAINTENANCE, a division of the Department of Public Works, the sum of four million, eight hundred seventy-one thousand, eight hundred twenty-six dollars (\$4,871,826) is appropriated from the General Fund to be appointed as follows:

(1)	Personal Services	\$1,343,472
(2)	Other Operating Expenses	3,033,354
(3)	Capital Outlays	495,000

Paragraph Thirty-Three - Street Lights (410441)

For the current expenses of STREET LIGHTS, a division of the Department of Public Works, the sum of four hundred fifty thousand, five hundred fourteen dollars (\$450,514) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 450,514
-----	--------------------------	------------

Paragraph Thirty-Four - Snow and Ice Removal (410541)

For the current expenses and capital outlays of SNOW AND ICE REMOVAL, a division of the Department of Public Works, the sum of two hundred twenty thousand, four hundred dollars (\$220,400) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$52,015
(2)	Other Operating Expenses	158,385
(3)	Capital Outlays	10,000

Paragraph Thirty-Five - Traffic Engineering (410741)

For the current expenses and capital outlays of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of one million, four hundred thirty-seven thousand, seven hundred ninety-one dollars (\$1,437,791) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$473,509
(2)	Other Operating Expenses	619,282
(3)	Capital Outlays	345,000

Paragraph Thirty-Six - Highway/Street Beautification (410841)

For the current expenses and capital outlays of HIGHWAY/STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of four hundred seventy-nine thousand, seven hundred eighty-eight dollars (\$479,788) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$118,756
(2)	Other Operating Expenses	151,032
(3)	Capital Outlays	210,000

Paragraph Thirty-Seven - Street and Road Cleaning (420241)

For the current expenses and capital outlays of STREET AND ROAD CLEANING, a division of Public Works, the sum of four hundred sixty-four thousand, three hundred fourteen dollars (\$464,314) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$209,472
(2)	Other Operating Expenses	254,842

Paragraph Thirty-Eight - Insect and Rodent Control (420641)

For the current expenses of INSECT AND RODENT CONTROL, a division of the Department of the Public Works, the sum of forty-four thousand, nine hundred eighty-five dollars (\$44,985) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$15,574
(1)	Other Operating Expenses	\$29,411

Paragraph Thirty-Nine - General Properties (430221)

For the current expenses and capital outlays of GENERAL PROPERTIES, a division of the Department of Public Works, the sum of three hundred seventy-four thousand, six hundred twenty dollars (\$374,620) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$29,838
(2)	Other Operating Expenses	240,282
(3)	Capital Outlays	104,500

Paragraph Forty - Local Health Department (510111)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of three hundred sixty-seven thousand, three hundred forty-four dollars (\$367,344) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$367,344
-----	--------------------------	-----------

Paragraph Forty-One - Community Services Board (520511)

For the current expenses of the COMMUNITY SERVICES BOARD, a division of the Health and Welfare Department, the sum of two hundred sixty-one thousand, five hundred twenty-nine dollars (\$261,529) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Other Operating Expenses | \$261,529 |
|-----|--------------------------|-----------|

Paragraph Forty-Two - Tax Relief for Elderly (530611)

For the current expenses TAX RELIEF FOR ELDERLY, a division of the Health and Welfare Department, the sum of forty thousand dollars (\$40,000) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|----------|
| (1) | Other Operating Expenses | \$40,000 |
|-----|--------------------------|----------|

Paragraph Forty-Three - Parks and Recreation Administration (710171)

For the current expenses and capital outlays of PARKS AND RECREATION ADMINISTRATION, a division of Parks, Recreation and Cultural, the sum of one million, thirty thousand, seventy-five dollars (\$1,030,075) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$356,994 |
| (2) | Other Operating Expenses | 554,581 |
| (3) | Capital Outlays | 118,500 |

Paragraph Forty-Four - Parks (710271)

For the current expenses and capital outlays of PARKS, a division of Parks, Recreation and Cultural, the sum of one million, twenty-six thousand, three hundred six dollars (\$1,026,306) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$465,174 |
| (2) | Other Operating Expenses | 328,132 |
| (3) | Capital Outlays | 233,000 |

Paragraph Forty-Five – Recreation Centers and Playgrounds (710471)

For the current expenses and capital outlays of RECREATION CENTERS AND PLAYGROUNDS, a division of Parks, Recreation and Cultural, the sum of five hundred forty-three thousand, thirty-four dollars (\$543,034) is appropriated from the General Fund to be apportioned as follows:

- | | | |
|-----|--------------------------|-----------|
| (1) | Personal Services | \$351,559 |
| (2) | Other Operating Expenses | 186,975 |

(3) Capital Outlays 4,500

Paragraph Forty-Six - National Guard Armory (710571)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of one hundred twenty-four thousand, nine hundred forty-two dollars (\$124,942) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$57,927
(2) Other Operating Expenses 67,015

Paragraph Forty-Seven - Simms Recreation Center (710671)

For the current expenses of the SIMMS RECREATION CENTER, a division of Parks, Recreation and Cultural, the sum of two hundred ninety-one thousand, two hundred seventy-one dollars (\$291,271) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$269,271
(2) Capital Outlays 22,000

Paragraph Forty-Eight - Westover Pool (710771)

For the current expenses and capital outlays of the WESTOVER POOL, a division of Parks, Recreation and Cultural, the sum of four hundred ninety-seven thousand, three hundred forty-one dollars (\$497,341) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$198,796
(2) Other Operating Expenses 176,245
(3) Capital Outlays 122,300

Paragraph Forty-Nine - Athletics (710871)

For the current expenses and capital outlays of the ATHLETICS, a division of Parks, Recreation and Cultural, the sum of five hundred fifty-two thousand, twenty-three dollars (\$552,023) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$240,686
(2) Other Operating Expenses 186,337
(3) Capital Outlays 125,000

Paragraph Fifty - Blacks Run Greenway (710971)

For the current expenses and capital outlays of the BLACKS RUN GREENWAY, a division of Parks, Recreation and Culture, the sum of forty-four thousand, nine hundred seventy-eight dollars (\$44,978) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$27,908
(2)	Other Operating Expenses	17,070

Paragraph Fifty-One – Parks & Recreation Golf Course Grounds Management (730271)

For the current expenses and capital outlays of the PARKS AND RECREATION GOLF COURSE GROUNDS MANAGEMENT, a division of Parks, Recreation and Culture, the sum of eight hundred ninety-six thousand, two hundred seventy-six dollars (\$896,276) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$353,620
(2)	Other Operating Expenses	348,156
(3)	Capital Outlays	194,500

Paragraph Fifty-Two – Parks and Recreation Golf Course Clubhouse (730371)

For the current expenses and capital outlays of the PARKS AND RECREATION GOLF COURSE CLUBHOUSE, a division of Parks, Recreation and Culture, the sum of four hundred seventy-seven thousand, three hundred dollars (\$477,300) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$180,021
(2)	Other Operating Expenses	289,779
(3)	Capital Outlays	7,500

Paragraph Fifty-Three - Planning (810121)

For the current expenses and capital outlays of the PLANNING. A division of the Department of Community Development, the sum of two hundred thousand, one hundred eight dollars (\$200,108) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$110,494
(2)	Other Operating Expenses	65,714
(3)	Capital Outlays	23,900

Paragraph Fifty-Four - Zoning Administrator (810221)

For the current expenses of ZONING ADMINISTRATOR, a division of the Department of Community Development, the sum of one hundred seventy-seven thousand, five hundred sixty-two dollars (\$177,562) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$121,422
(2)	Other Operating Expenses	55,440
(3)	Capital Outlay	700

Paragraph Fifty-Five - Board of Zoning Appeals (810421)

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Department of Community Development, the sum of five thousand, four hundred twenty-nine dollars (\$5,429) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$900
(2)	Other Operating Expenses	4,529

Paragraph Fifty-Six - Economic Development (810521)

For the current expenses and capital outlays of ECONOMIC DEVELOPMENT, the sum of five hundred ninety-eight thousand, seven hundred five dollars (\$598,705) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 93,205
(2)	Other Operating Expenses	378,300
(3)	Capital Outlays	127,200

Paragraph Fifty-Seven – Downtown Renaissance - (810621)

For the current expenses and capital outlays of DOWNTOWN RENAISSANCE, the sum of one hundred and one thousand, six hundred forty dollars (\$101,640) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 87,423
(2)	Other Operating Expenses	14,217

Paragraph Fifty-Eight – Tourism & Visitors Service (810821)

For the current expenses and capital outlays of TOURISM & VISITORS SERVICE, the sum of two hundred ninety thousand, two hundred sixty-eight dollars (\$290,268) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$126,818
(2)	Other Operating Expenses	163,450

Paragraph Fifty-Nine – Downtown Parking Services (810921)

For the current expenses and capital outlays of DOWNTOWN PARKING SERVICES, the sum of two hundred sixty-seven thousand, four hundred twenty-seven dollars (\$267,427) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$140,806
(2)	Other Operating Expenses	126,621

Paragraph Sixty – Non Departmental-Contributions (910411)

For aiding the activities of independent, civic, charitable, and other organizations, the sum one million, five hundred sixty thousand, two hundred fifteen dollars (\$1,560,215) is appropriated from the General Fund to be apportioned as follows:

43850 Central Shenandoah Planning District	\$22,000
45642 Local Chamber of Commerce	3,000
45644 Salvation Army	20,000
45645 Rescue Squad-Gas and Oil	25,000
45647 Shen Val. Soil & Water Conservation Dist.	4,000
45648 Blue Ridge Community College	5,000
45649 Rockingham County Historical Society	2,000
45650 Valley Program for Aging Services	30,000
45651 WVPT-Public Television	2,500
45652 First Step, Inc.	21,000
45653 Non-Departmental CATV	5,000
45656 BRCC – Site Improvement	41,484
45659 Blue Ridge Legal Services	10,019
45660 Other Non-departmental	20,000
45662 Free Clinic Inc.	15,000
45663 Community Mediation Center	2,000
45664 Woodbine Cemetery	1,500
45665 Free Clinic, Inc., Capital	250,000
45669 Boys and Girls Club	101,667
44883 First Night	7,500
45885 Arts Council of Valley	40,000
45886 Quilt Museum	2,000
45887 Camp Still Meadows, Inc.	1,500
45890 Little League Association	6,000
45896 Roberta Webb Child Care	12,000
45900 Big Brothers/Big Sisters	5,000
45902 Newbridges Immigrant Rescue	7,500
45904 Rescue Squad – Vehicles	100,000
45905 Lutheran Church – Second Home	10,000
47010 Massanutten Regional Public Library-Operating	430,000
47020 Upper Valley Regional Park Authority	18,500
47030 Juvenile Detention Home	339,045

Paragraph Sixty-One - Non-Departmental - Joint Operations (910511)

For the payment of joint expenses, the sum of four million, nine hundred seventy-four thousand, nine hundred fifty-nine dollars (\$4,974,959) is appropriated from the General Fund to be apportioned as follows:

47070 Expense of Sheriff, Courts, etc.	\$2,500,000
47071 Expense of Social Service District	2,474,959

Paragraph Sixty-Two - Non-Departmental Subscriptions/Contribution (910611)

For the payment of Airport Expenses, the sum of sixty-seven thousand, nine hundred twenty-three dollars (\$67,923) is appropriated from the General Fund to be apportioned as follows:

47040 Airport - Operating	\$67,923
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Paragraph Sixty-Three - Non-Departmental Dues to Municipal Organization (910711)

For the payment of dues to Municipal Organizations. The sum of thirty thousand dollars (\$30,000) is appropriated from the General fund to be apportioned as follows:

45810 Dues and Memberships	\$30,000
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Paragraph Sixty-Four - Reserve for Contingencies (940111)

For Reserve for Contingencies of the General Fund the sum of two hundred thousand dollars (\$200,000) is appropriated from the General Fund to be apportioned as follows:

(1) Reserve for Contingencies	\$200,000
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Paragraph Sixty-Five – Debt Service (980142)

For the payment of interest and principal on bonds and lease purchases and bank twelve million, two hundred eight thousand, six hundred seventy-six dollars (\$12,208,676) is appropriated from the General Fund to be apportioned as follows:

(1) Principal and Interest	\$12,208,676
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Paragraph Sixty-Six - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of twenty-seven million, seven hundred thirty-nine thousand, three hundred nineteen dollars (\$27,739,319) is appropriated from the General Fund to be apportioned as follows:

(1) General Capital Projects Fund	\$ 1,144,000
(2) School Fund	23,388,379
(3) Central Garage Fund	93,912
(4) Central Stores Fund	6,924
(5) Public Transportation Fund	1,030,344
(6) Sanitation Fund	2,075,760

S U M M A R Y

Expenditures and Revenues

Total General Fund Appropriation for the
Fiscal Year Ending June 30, 2008 \$86,064,732

To be provided for from the following Estimated Revenues which are as follows:

Amount from Fund Balance	\$ 4,100,698
General Property Taxes	27,170,734
Other Local Taxes	34,491,777
Permits, Privilege Fees and Regulatory Licenses	560,330
Fines and Forfeitures	462,000
Revenue from use of Money & Property	1,441,565
Charges for Services	922,400
Miscellaneous Revenue	6,483,350
Recovered Costs	322,379
State Non-Categorical Aid	3,418,766
State Shared Expenses (Categorical-Aid)	509,504
State Other (Categorical-Aid)	4,373,039
Transfers from other Funds	<u>1,808,190</u>
 Total General Fund Revenue for the Fiscal Year Ending June 30, 2008	 <u>\$86,064,732</u>

SECTION II - SCHOOL FUND (1111)

That the following sums of money be and the same hereby are appropriated for school purposes specified for the fiscal year ending June 30, 2008:

Paragraph One - Instruction (40610)

For the current expenses of INSTRUCTION, of the department of education, the sum of thirty-eight million, nine hundred twenty-seven thousand, three hundred ninety-eight dollars (\$38,927,398) is appropriated from the City School Fund to be apportioned as follows:

(1) Instruction	\$38,927,398
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Paragraph Two - Administration/Attendance & Health Service (40620)

For the current expenses of ADMINISTRATION/ATTENDANCE & HEALTH SERVICE, of the department of education, the sum of two million, five hundred forty-one thousand, five hundred twenty-seven dollars (\$2,541,527) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration/Attendance & Health Service	\$2,541,527
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Paragraph Three - Pupil Transportation Services (40630)

For the current expenses of PUPIL TRANSPORTATION SERVICES, of the department of education, the sum of one million, six hundred sixty-four thousand, two hundred ninety-two dollars (\$1,664,292) is appropriated from the City School Fund to be apportioned as follows:

- | | |
|----------------------------------|-------------|
| (1) Pupil Transportation Service | \$1,664,292 |
|----------------------------------|-------------|

Paragraph Four - Operations & Maintenance (40640)

For the current expenses of OPERATIONS AND MAINTENANCE, of the department of education, the sum of four million, nine hundred twenty-six thousand, four hundred fifty-six dollars (\$4,926,456) is appropriated from the City School Fund to be apportioned as follows:

- | | |
|--------------------------------|-------------|
| (1) Operations and Maintenance | \$4,926,456 |
|--------------------------------|-------------|

Paragraph Five - School Food Services and Other Non-Instructional Operations (40650)

For the current expenses of SCHOOL FOOD SERVICES AND OTHER NON INSTRUCTIONAL OPERATIONS, of the department of education, the sum of three million, eight thousand, two hundred ninety-two dollars (\$3,008,292) is appropriated from the City School Fund to be apportioned as follows:

- | | |
|--|-------------|
| (1) School Food Services & Other
Non Instructional Operations | \$3,008,292 |
|--|-------------|

Paragraph Six - Facilities (40660)

For the current expenses of FACILITIES, of the department of education, the sum of two thousand dollars (\$2,000) is appropriated from the City School Fund to be apportioned as follows:

- | | |
|----------------|---------|
| (1) Facilities | \$2,000 |
|----------------|---------|

Paragraph Seven - Technology (40680)

For the current expenses of TECHNOLOGY of the Department of Education, the sum of two million, two hundred six-five thousand, thirty-two dollars (\$2,265,032) is appropriated from the City School Fund to be apportioned as follows:

- | | |
|----------------|-------------|
| (1) Technology | \$2,265,032 |
|----------------|-------------|

Paragraph Eight – Transfers (49210)

For sharing the costs of operation in other funds for the benefit of the School Fund, the sum of four hundred twenty-eight thousand, two hundred twenty-three dollars (\$428,223) is appropriated from the School Fund to be apportioned as follows:

(1) Transfer to General Fund \$ 428,223

SUMMARY

Expenditures and Revenues

Total School Fund Appropriations for
Fiscal Year Ending June 30, 2008 \$53,763,220

To be provided for from the following Estimated Revenues, which are as follows:

Revenue from Other \$ 2,457,224
Revenue from State School Funds 23,098,288
Revenue from Federal Funds 4,819,329
Transfers Receipts from City's General Fund 23,388,379

Total School Fund Revenue
for the Fiscal Year Ending June 30, 2008 \$53,763,220

SECTION III – COMMUNITY DEVELOPMENT BLOCK GRANT FUND (1117)

That the following sums of money be and the same hereby are appropriated for Community Development Block Grant purposes herein specified for the fiscal year ending June 30, 2008.

Paragraph One – Community Development Block Grant (810721)

For the current expenses of the COMMUNITY DEVELOPMENT BLOCK GRANT, a division of COMMUNITY DEVELOPMENT BLOCK GRANT FUND, the sum of five hundred forty-six thousand, eight hundred eighty-one dollars (\$546,881) is appropriated from the Community Development Block Grant to be appropriated as follows:

(1) Personal Services \$ 69,531
(2) Other Operating Expenses 234,327
(3) Capital Outlay 800
(4) Transfer to General Fund 242,223

SUMMARY

Expenditures and Revenues

Total Community Development Block Grant Fund Appropriations
for the year ending June 30, 2008 \$546,881

To be provided for from the following estimated revenues, which are as follows:

Federal Non-Categorical Aid	<u>\$546,881</u>
Total Community Development Block Grant Fund Revenue For the Fiscal Year Ending June 30, 2008	<u>\$546,881</u>

SECTION IV – GENERAL CAPITAL PROJECTS FUND (1310)

**That the following sum of money be and the same hereby are appropriated for
General Capital Projects purposes herein specified for the fiscal year ended June 30, 2008:**

Paragraph One – Capital Projects (910141)

For the payment of capital expenditures of the General Capital Projects Fund, the sum of thirteen million, forty-one thousand, eight hundred eighty-four dollars (\$13,041,884)

48614 Port Republic Road Street Imp.	\$3,000,000
48619 East Market Street Safety Improvement	306,000
48636 Stone Spring Road Improvement	778,450
48637 Erickson Avenue Extension	1,882,434
48639 Bicycle Routing Projects	30,000
48658 Reservoir Street Safety Improvement	25,000
48659 Reservoir Street Project	4,800,000
48663 New Sidewalk/Trail Plan	525,000
48666 Greendale Road Improvements	420,000
48699 Peach Grove Park	825,000
48706 Remodel Public Works Building	200,000
48707 Public Works & Storage Building	250,000

S U M M A R Y

Expenditures and Revenues

Total General Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 2008	<u>\$13,041,884</u>
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To be provided from the following estimated revenues, which are as follows:

33514 Safe Route to School Grant	\$ 500,000
33515 Transportation Enhancement	634,000
34110 Bond Proceeds	10,763,884
34210 Transfer from General Fund	<u>1,144,000</u>

Total General Capital Projects Fund Revenue

For the fiscal Year Ending June 30, 2008

\$13,041,884

SECTION V - Water Capital Projects Fund (1321)

That the following sum of money be and the same hereby are appropriated for Water Capital Projects purposes herein specified for the fiscal year ended June 30, 2008:

Paragraph One - Capital Projects (910161)

For the payment of capital expenditures of the Water Capital Projects Fund, the sum of three million, six hundred seven thousand, seven hundred forty-six dollars (\$3,607,746) is appropriated as follows:

48621 Western Raw Water Line	\$340,000
48627 Water Tank Repairs	50,000
48633 Smithland Road	100,000
48634 Water Main Oversize/Extend	50,000
48635 Water Main Upgrades	200,000
48657 Water Storage Tanks	100,000
48654 Eastern Source Development	2,717,746
48668 Security & SCADA	50,000

SUMMARY

Expenditures and Revenues

Total Water Capital Projects Fund Appropriations
for the Fiscal Year Ended June 30, 2008 \$ 3,607,746

To be provided for from the following estimated revenue, which is as follows:

34220 Transfer from Water Fund \$ 3,607,746

Total Water Capital Projects Fund Revenue
for the Fiscal Year Ended June 30, 2008 \$ 3,607,746

SECTION VI - Sewer Capital Projects Fund (1322)

That the following sum of money be and the same hereby are appropriated for Sewer Capital Projects purposes herein specified for the fiscal year ended June 30, 2008:

Paragraph One - Capital Projects (911161)

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of one million, nine hundred sixty-two thousand, five hundred thirty-one dollars (\$1,962,531) is appropriated as follows:

48645 PHR&A I&I	\$ 150,000
48647 HRRSA WWTP Expansion	1,062,528
48648 Shandshill Pump Station	200,000
48649 Smithland Road	400,003
48650 Sewer Main Oversize/Extension	50,000
48651 Sewer Main Upgrades	100,000

S U M M A R Y

Expenditures and Revenues

Total Sewer Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 2008	<u>\$1,962,531</u>
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To be provided from the following estimated revenue which is as follows:

34230 Transfer from Sewer Fund	<u>\$1,962,531</u>
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Total Sewer Capital Projects Fund Revenue for the Fiscal Year Ended June 30, 2008	<u>\$1,962,531</u>
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SECTION VII - Sanitation Capital Projects Fund (1324)

That the following sum of money be and the same hereby are appropriated for Sanitation Capital Projects purposes herein specified for the fiscal year ended June 30, 2008:

Paragraph One - Capital Projects (910142)

For the payment of capital expenditures of the Sanitation Capital Projects Fund, the sum of one million, six hundred eighty thousand dollars (\$1,680,000) is appropriated as follows:

48681 City Landfill monitoring	\$ 80,000
48684 County Landfill Development & Closure	1,600,000

S U M M A R Y

Expenditure and Revenue

Total Sanitation Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 2008	<u>\$1,680,000</u>
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To be provided from the following estimated revenue which is as follows:

34270 Transfer from Sanitation Fund	<u>\$1,680,000</u>
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Total Sanitation Capital Projects Fund Revenue
for the Fiscal Year Ended June 30, 2008

\$1,680,000

SECTION VIII- WATER FUND (2011)

That the following sums of money be and the same hereby are appropriated for water purposes herein specified for the fiscal year ending June 30, 2008:

Paragraph One - Administration (312061)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of two hundred eighty-two thousand, two hundred eighty-five dollars (\$282,285) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$161,440
(2)	Other Operating Expenses	120,845

Paragraph Two - Pumping, Storage and Monitoring (322061)

For the current expenses of PUMPING, STORAGE AND MONITORING OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of five hundred twenty-seven thousand, three hundred forty-four dollars (\$527,344) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$64,200
(2)	Other Operating Expenses	463,144

Paragraph Three - Transmission and Distribution (332061)

For the current expenses of TRANSMISSION AND DISTRIBUTION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of seven hundred fifty-five thousand, three hundred eighty-one dollars (\$755,381) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$437,248
(2)	Other Operating Expenses	318,133

Paragraph Four - Utility Billing (342061)

For the current expenses of UTILITY BILLING OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of two hundred three thousand, eight hundred ninety-nine dollars (\$203,899) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$76,090
(2)	Other Operating Expenses	127,809

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of two million, thirty-two thousand, three hundred twenty-eight dollars (\$2,032,328) is appropriated from the Water Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$15,500
(2)	Depreciation	1,681,020
(3)	Taxes, etc.	335,808

Paragraph Six - Water Purification (362061)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of nine hundred eighty-one thousand, nine hundred sixty-nine dollars (\$981,969) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$546,456
(2)	Other Operating Expenses	435,513

Paragraph Seven - Capital Outlay (372061)

For the capital outlays of the WATER DEPARTMENT, a division of the Water Fund, the sum of two hundred seventy-six thousand dollars (\$276,000) is appropriated from the Water Fund to be apportioned as follows:

(1)	Capital Outlays	\$276,000
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Paragraph Eight – Debt Service (382061)

For the payment of interest and principal, etc., on bonds of the Water Department, the sum of six hundred seventy-eight thousand, five hundred fifty-seven dollars (\$678,557) is appropriated from the Water Fund to be apportioned as follows:

(1)	Principal and Interest	\$678,557
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Paragraph Nine – Transfers (392061)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of four million, two hundred eighty-five thousand, five hundred forty-two dollars (\$4,285,542) is appropriated from the Water Fund to be apportioned as follows:

(1)	General Fund-Share of Accounting, Collecting & Data Processing	\$ 578,508
(2)	Water Capital Projects Fund	3,607,746

(3) Central Stores Fund 99,288

SUMMARY

Expenditures and Revenues

Total Water Fund Appropriations for
the Fiscal Year Ending June 30, 2008 \$10,023,305

To be provided for from the following Estimated Revenues, which are as follows:

Fund Balance	\$1,525,685
Permits, Privilege Fees and Regulatory Licenses	400,000
Revenue from use of Money & Property	601,000
Charges for Services	5,612,600
Recovered Costs	202,000
Miscellaneous Revenue	1,000
Transfers for depreciation	<u>1,681,020</u>

Total Water Fund Revenues
for the Fiscal Year Ending June 30, 2008 \$10,023,305

SECTION IX - SEWER FUND (2012)

That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 2008.

Paragraph One - Administration (412061)

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of five hundred seventy-four thousand, three hundred dollars (\$574,300) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$342,187
(2) Other Operating Expenses	232,113

Paragraph Two - Treatment and Disposal (422061)

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of two million, sixty-nine thousand, five hundred twenty-nine dollars (\$2,069,529) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 2,069,529
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Paragraph Three - Collection and Transmission (432061)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of eight hundred twenty thousand, twenty-nine dollars (\$820,029) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$436,399
(2)	Other Operating Expenses	383,630

Paragraph Four - Miscellaneous (442061)

For the current expenses, depreciation and the payment of taxes, the sum of one million, three hundred ninety-five thousand, one hundred twelve dollars (\$1,395,112) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 7,000
(2)	Depreciation	1,133,724
(3)	Taxes, etc.	254,388

Paragraph Five - Utility Billing (452061)

For the current expenses of UTILITY BILLING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of two hundred forty-one thousand, three hundred seventeen dollars (\$241,317) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$144,350
(2)	Other Operating Expenses	96,967

Paragraph Six - Pumping & Monitoring (462061)

For the current expenses of PUMPING AND MONITORING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one hundred thirty-one thousand, seven hundred sixty dollars (\$131,760) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$64,200
(2)	Other Operating	67,560

Paragraph Seven - Capital Outlay (472061)

For the capital outlays of the SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one hundred forty-four thousand dollars (\$144,000) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Capital Outlays	\$144,000
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Paragraph Eight – Debt Service (482061)

For the payment of the City’s share of interest and principal on HRSA debt, the sum of one million, seventy-five thousand, nine hundred forty-five dollars (\$1,075,945) is appropriated from the Sewer Fund to be apportioned as follows:

- | | | |
|-----|------------------------------|-------------|
| (1) | Serial Bonds, Interest, etc. | \$1,075,945 |
|-----|------------------------------|-------------|

Paragraph Nine - Transfers to Other Funds (492061)

For sharing the cost of operation of other funds for the benefit of the Sewer Fund, the sum of two million, five hundred thirty-one thousand, seven dollars (\$2,531,007) is appropriated from the Sewer Fund to be apportioned as follows:

- | | | |
|-----|---|-----------|
| (1) | General Fund - Share of
Accounting, Collecting, &
Data Processing Costs | \$559,236 |
| (2) | Sewer Capital Projects Fund | 1,962,531 |
| (3) | Central Stores Fund | 9,240 |

S U M M A R Y

Expenditures and Revenues

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 2008	<u>\$8,982,999</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Fund Balance	\$1,011,531
Permits, Privilege Fees and Regulatory Licenses	301,000
Revenue from use of Money & Property	310,000
Charges for Services	6,185,744
Recovered Costs	41,000
Transfers for depreciation	<u>1,133,724</u>

Total Sewer Fund Revenues for the Fiscal Year Ending June 30, 2008	<u>\$8,982,999</u>
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SECTION X - PUBLIC TRANSPORTATION FUND (2013)

That the following sum of money be and the same hereby are appropriated for Public Transportation purposes herein specified for the fiscal year ending June 30, 2008:

Paragraph One - Transit Buses (812081)

For the current expenses and depreciation of the TRANSIT BUSES, a division of the Public Transportation Fund, the sum of two million, eight hundred thirty-two thousand, five hundred ninety-nine dollars (\$2,832,599) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$1,322,548
(2)	Other Operating Expenses	1,435,051
(3)	Depreciation	75,000

Paragraph Two - School Buses (822081)

For the current expenses and depreciation of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of one million, eight hundred fourteen thousand, two hundred thirty-eight dollars (\$1,814,238) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$903,450
(2)	Other Operating Expenses	850,788
(3)	Depreciation	60,000

Paragraph Three - Field Trips & Charters (832081)

For the current expenses of FIELD TRIPS AND CHARTERS, a division of the Public Transportation Fund, the sum of one hundred seventy-five thousand, four hundred seventy-two dollars (\$175,472) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$111,631
(2)	Other Operating Expenses	63,841

Paragraph Four - Miscellaneous (842081)

For the current expenses and depreciation of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of fifty-eight thousand, six hundred thirty-eight dollars (\$58,638) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$3,817
(2)	Other Operating Expenses	4,817
(3)	Depreciation	50,004

Paragraph Five - Capital Outlay (872081)

For the capital outlays of the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of three million, four hundred sixty-two thousand

dollars, (\$3,462,000) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1) Capital Outlays	\$3,462,000
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SUMMARY

Expenditures and Revenues

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 2008	<u>\$8,342,947</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Use of Money and Property	\$ 40,000
Charges for Services	2,968,800
Miscellaneous Revenue	2,000
State Categorical Aid	1,202,000
Federal Categorical Aid	2,914,799
Transfers from General Fund and depreciation	<u>1,215,348</u>

Total Public Transportation Fund Revenues for the Fiscal Year ending June 30, 2008	<u>\$8,342,947</u>
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SECTION XI - SANITATION FUND (2014)

That the following sums of money be and the same hereby are appropriated for Sanitation purposes herein specified for the fiscal year ending June 30, 2008:

Paragraph One - CISAT Facility (912242)

For the current expenses of the CISAT FACILITY, a division of the Sanitation Fund, the sum of four million, eight hundred twenty-three thousand, eight hundred eighty-nine dollars (\$4,823,889) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$1,330,595
(2) Other Operating Expenses	3,493,294

Paragraph Two - Refuse Collection (922041)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of six hundred ninety-seven thousand, eight hundred thirty-six dollars (\$697,836) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services	\$372,216
(2) Other Operating Expenses	325,620

Paragraph Three - Landfill (932042)

For the current expenses of the LANDFILL, a division of the Sanitation Fund, the sum of one million, one hundred eighty-two thousand, nine hundred twenty-nine dollars (\$1,182,929) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$ 53,595
(2)	Other Operating Expenses	1,129,334

Paragraph Four - Miscellaneous (942042)

For depreciation, bonds issue cost and the payment of taxes of MISCELLANEOUS, a division of the Sanitation Fund, the sum of four hundred seventy-five thousand, nine hundred twenty-four dollars (\$475,924) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 7,579
(2)	Depreciation	424,714
(3)	Bond Issue cost	17,086
(4)	Land and steam agreement	26,545

Paragraph Five - Recycling (952042)

For the current expenses of the RECYCLING, a division of the Sanitation Fund, the sum of one million, one hundred nine thousand, six hundred eighty-two dollars (\$1,109,682) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$483,452
(2)	Other Operating Expenses	626,230

Paragraph Six - Capital Outlay (972043)

For the capital outlays of the SANITATION DEPARTMENT, a division of the Sanitation Fund, the sum of three hundred fifty-five thousand dollars (\$355,000) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Capital Outlays	\$355,000
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Paragraph Seven - Debt Service (982042)

For the payment of interest and principal, etc., on bonds of the Sanitation Fund, the sum of two million, four hundred forty-six thousand, one hundred fifty-six dollars (\$2,446,156) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Principal and Interest	\$2,446,156
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Paragraph Eight - Transfers (990242)

For transfers to Capital Projects of the Sanitation Fund. The sum of one million, six hundred eighty thousand dollars (\$1,680,000) is appropriated from the Sanitation Fund to be apportioned as follows.

(1) Transfers to Sanitation Capital Projects Fund	\$1,680,000
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S U M M A R Y

Expenditures and Revenues

Total Sanitation Fund appropriations for the Fiscal Year Ending June 30, 2008	<u>\$12,771,416</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Amount from Fund Balance	\$317,157
License permits & priv. fee	300
Revenue from use of Money & Property	500,000
Charges for Services	7,644,362
Miscellaneous Revenues	175,200
Recovered Costs	1,590,292
Transfers from General Fund, depreciation, etc.	<u>2,544,105</u>

Total Sanitation Fund Revenues for the Fiscal Year Ending June 30, 2008	<u>\$12,771,416</u>
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SECTION XII - CENTRAL GARAGE FUND (2111)

That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 2008:

Paragraph One - Operating (612141)

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of eight hundred seventeen thousand, four hundred four dollars (\$817,404) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services	\$573,567
(2) Other Operating Expenses	243,837

Paragraph Two - Capital Outlay (672141)

For the capital outlays of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of fifteen thousand dollars (\$15,000) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Capital Outlays	\$15,000
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S U M M A R Y

Expenditures and Revenues

Total Central Garage Fund Appropriations for the Fiscal Year Ending June 30, 2008	<u>\$832,404</u>
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To be provided for from the following Estimated Revenue, which is as follows:

Amount from Fund Balance	\$ 21,767
Use of Money and Property	6,700
Charges for Services	710,025
Transfer	<u>93,912</u>

Total Central Garage Fund Revenue for the Fiscal Year Ending June 30, 2008	<u>\$832,404</u>
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SECTION XIII - CENTRAL STORES OPERATING FUND (2112)

That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 2008:

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of one hundred fifteen thousand, four hundred fifty-two dollars (\$115,452) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services	\$ 65,959
(2) Other Operating Expenses	49,493

S U M M A R Y

Expenditures and Revenues

Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 2008	<u>\$115,452</u>
--	------------------

To be provided for from the following Estimated Revenue, which is as follows:

Transfers from other Funds	<u>\$115,452</u>
Total Central Stores Fund Revenue for the Fiscal Year Ending June 30, 2008	<u>\$115,452</u>

**TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XV
IN THIS ORDINANCE
FOR THE FISCAL YEAR ENDING June 30, 2008
RECAPITULATION**

Section I	General Fund	\$86,064,732
Section II	School Fund	53,763,220
Section III	Community Development Block Grant Fund	546,881
Section IV	General Capital Projects Fund	13,041,884
Section V	Water Capital Projects Fund	3,607,746
Section VI	Sewer Capital Projects Fund	1,962,531
Section VII	Sanitation Capital Projects Fund	1,680,000
Section VIII	Water Fund	10,023,305
Section IX	Sewer Fund	8,982,999
Section X	Public Transportation Fund	8,342,947
Section XI	Sanitation Fund	12,771,416
Section XII	Central Garage Fund	832,404
Section XIII	Central Stores Fund	<u>115,452</u>
TOTAL APPROPRIATIONS		<u>\$ 201,735,517</u>

SECTION XVI

All of the monies appropriated as shown by the contained items in Sections I through XV are appropriated upon the terms, conditions and provisions herein before set forth in connection with said items and those set forth in this section and in accordance with the provisions of the official code of the City of Harrisonburg, Virginia, Edition 1979, now in effect or hereafter adopted or amended, relating hereto.

That the rate of taxation of Real Estate and Manufactured Homes as defined in Section §36-85.3, Code of Virginia, 1950, as amended, be fixed at Fifty-nine cents (\$0.59), and that the rate of taxation on tangible Personal Property as defined by Article 1 of Chapter 35 of §58.1 of the Code of Virginia, 1950, as amended, be fixed at Three Dollars and No Cents (\$3.00) on each one hundred dollars (\$100) assessed valuation for the year 2008 except for the rate on business personal property, excluding vehicles, be fixed at two dollars and no cents (\$2.00) on each one hundred dollars (\$100) assessed valuation for the year 2008; and that the rate of taxation on Machinery and Tools as defined by Article 2 of Chapter 35 of Title 58.1, Code of Virginia, 1950, as amended, be fixed at Two Dollars and No Cents (\$2.00) on each one hundred dollars (\$100.00) assessed valuation for the year 2008; real estate taxes to be collectible one half on or before December 5, 2007 and one half on or before June 5, 2008. It is expressly provided that the provisions of this Ordinance shall not apply to household goods and personal effects as

enumerated in §58.1-3504 of said Code, if such goods and effects be owned and used by an individual or by a family or household incident to maintaining an abode, which goods and effects are hereby declared wholly exempt from taxation.

That the rate of fee or service charge imposed on Real Estate Property exempt from regular taxation shall be twenty percent (20%) of the real estate tax rate levied by the City Council in the above paragraph, which applies to the real estate for which the City furnished police and fire protection and for the collection and disposal of refuse, and where such real estate are exempt from taxation under Sections 58.1-3606 through 58.1-3608 of the Code of Virginia. Pursuant to Section 58.1-3400 through 58.1-3407 Code of Virginia, as amended, rate of service charge shall be Twelve Cents (\$0.12) per annum per \$100.00 of assessed valuation, payable one half on or before December 5, 2007 and one half on or before June 5, 2008. The above service charge shall apply to all real property except those specifically exempted from the service charge as provided in such section. (Such as property owned by the Commonwealth, hospitals, cemeteries, churches, etc.)

The revised fees associated with the Community Development Department, as set forth on Exhibit A attached hereto, shall become effective on July 1, 2007.

That the salaries, wages and allowances set out in detail in the budget statement and in the documents entitled "Classification titles and compensation ranges effective November 2006", and "Salary Schedule as of July 1, 2007", and adopted by the City Council for the fiscal year beginning July 1, 2007, and ending June 30, 2008, both dates inclusive, be, and they are hereby authorized and fixed as the maximum compensation to be allowed officers and employees for the services rendered, unless otherwise directed by the City Manager and that the City Manager is authorized to make such re-arrangements of salaries in the several departments within and between funds herein named as may best meet the needs and interest of the City and to transfer parts of salaries from one department to another when extra work is transferred from one department to another. The City Manager is also authorized to transfer funds from reserve for contingencies to other expenditure line items and funds, as he may deem necessary. Any positions not specifically listed in the Budget document may not be filled without prior written approval of the City Manager.

Any budgeted funds remaining in 910411-45904, Rescue Squad Vehicles, at year end will be reserved in the General Fund for the exclusive benefit of the rescue squad.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall become effective July 1, 2007.

Given under my hand this _____ day of _____, 2007.

CITY CLERK

MAYOR

EXHIBIT A

COMMUNITY DEVELOPMENT FEES CHANGING ON JULY 1, 2007

Rezoning

Amendment to the Zoning Ordinance \$325.00 plus \$25.00 per acre

Subdivision

Preliminary Plat (No Variance) \$150.00 plus \$10.00 per lot
Preliminary Plat (With Variance) \$175.00 plus \$10.00 per lot
Final Plat \$150.00 plus \$20.00 per lot

Board of Zoning Appeals

Variances and Appeals \$250.00

Zoning Comfort or Verification Letter

Letter \$50.00

Site Plans

Resubmittal of plan with minor revision \$100.00
Resubmittal of withheld Site Plan \$300.00 plus \$25.00 per acre

Erosion Control Plans

10,000 square feet to 1 acre \$300.00 per request
Each Additional acre or part of an acre \$50.00 per request
Resubmittal of rejected plan Same as above

Put Appropriation Ordinance here

Council Member Chenault offered motion for a amendment changing the real estate tax rate to \$.59 per \$100, adding funding for three entry level Firefighters and funding for a traffic light intervention system in the amount of \$150,000 by using CDBG funds. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
 Council Member Frank
 Vice-Mayor Pace
 Council Member Byrd
 Mayor Eagle

Absent - None

Council Member Frank offered a motion for a amendment adding \$10,000 for a new start-up program called "Second Home" at Spotswood Elementary 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
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

Council Member Chenault offered a motion to adopt the Fiscal Year 2007-2008 budget as amended for a second reading. 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
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

The next item of business was a brief overview of the City's outstanding bonds, and analysis and issuance of new bonds by the City. Ted Cole of Davenport and Company, the City's financial advisor, said his firm has been reviewing the existing debt of the City, trying to identify and quantify any potential refunding opportunities that might exist for debt service savings. The opportunities are based on current market interest rates. It is assumed that the City will borrow approximate \$16 million for road projects. He reviewed bonds issued in 2000 and 2003. As interest rates move the savings associated with these refunding will move up or down. All costs associated with the transaction would be funded from borrowed monies. Refinancing transactions have been discussed with staff regarding the long-term funding for road-related capital projects. At a later date primary steps in moving forward would include develop bond offering and legal documents, develop rating agency strategy and presentations, and secure all required City Council approvals and related public hearings.

Mayor Eagle presented the following resolution for Council's consideration of approval:

RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the "Authority") has decided to purchase certain real property improved by a single family dwelling from Phillip E. Rose and Barbara K. Rose, husband and wife, which property is located at 143 Reservoir Street in the City of Harrisonburg (hereinafter "the Property"); and,

WHEREAS, the Property is adjacent to other real estate owned by the Authority known as Franklin Heights, and the Authority intends to hold the Property pursuant to its

mission of providing safe and sanitary dwellings to persons of low income, 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 Property as it is the current intention of the Authority to use such Property 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.
2. The City authorizes and approves the purchase of the Property by the Authority and the Authority's utilization of such Property as a housing project or for such other uses as the Authority shall deem appropriate and which is permitted by law.
3. This authorization and approval applies only to the Authority's obligation to obtain City approval pursuant to Code of Virginia Section 36-19.2 and does not constitute a waiver of any City ordinance with respect to the Property, including but not limited to compliance with City zoning and building codes.

This resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: April 24, 2007

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY" taken at a regular meeting of the City Council held on April 24, 2007:

	AYE	NAY	ABSTAIN	ABSENT
Rodney Eagle, Mayor				
George Pace, Vice-Mayor				
Charles Chenault				
Ted Byrd				
Carolyn W. Frank				

Dated: April 24, 2007

(SEAL)

Mayor, City of Harrisonburg, Virginia

ATTEST: _____

**Clerk, City Council of the City of
Harrisonburg, Virginia**

Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority requested authorization to purchase real property located at 143 Reservoir Street. He said that the property will be used for affordable housing and will also allow flexibility for future planning purposes at Franklin Heights.

Vice-Mayor Pace offered a motion to adopt this resolution. 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
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

Kim Alexander, Director of Special Projects and Grants Management, presented an overview of the CDBG Review/Selection Committee recommendations. The CDBG Review/Selection Committee has completed evaluation of the grant proposals. Funding provided for various City projects include Community Foundation of Harrisonburg/Rockingham County (\$7,000), VAIL (\$10,000), Harrisonburg/Rockingham Free Clinic (\$5,600), Pleasant View (\$12,000), New Bridges Immigrant Resource Center (\$2,900), Valley Program for Aging Services (\$5,000), Big/Brothers/Big Sisters (\$5,000), Valley AIDS Network (\$2,500), and the Arc (\$10,000). She said that staff will prepare formal documents for HUD and after a required 30-day public comment period, staff will request final approval. Vice-Mayor Pace offered a motion to approve the recommendations of the Review/Selection Committee. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank

Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

City Attorney Thumma presented for Council's consideration an ordinance enacting Section 4-1-39 of the Harrisonburg City Code. He said that he received a request from Finance Director Lester Seal for the preparation of an ordinance allowing the charging of a bad check fee. The state code allows the City to adopt an ordinance to recoup the cost for processing bad checks or drafts for insufficient funds. Adopting this ordinance would allow the City to charge \$35.00 for an administrative fee.

City Treasurer Becky Neal said her office handles this process and in reviewing records, the problem appears with HCD payments. The Treasurer office probably receives 125 checks back annually. It is not a huge problem and the majority are returned checks for water bills. When the situation occurs, her office voids the payment, which has already been applied to the person's water account. If a fee is attached that process would be impossible. Mrs. Neal suggested using the word "may" rather than "shall" in the sentence stating (shall be charged a fee of thirty-five dollars). Following further discussion and comments, Council agreed to table this agenda item until the next Council meeting.

Vice-Mayor Pace said the option of allowing people to park on the top floor during the renovation of the Water Street Parking Deck should be available during the construction.

At 9:10 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Consultation with legal counsel regarding proposed contracts 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. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

At 10:30 p.m., the following statement 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 requirements pursuant to Chapter 21 of Title 2.1 of the Code

of Virginia, 1950, as amended, and (20) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:31 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

May 8, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC, and Chief of Police Donald Harper.

Mayor Eagle gave the invocation and led everyone in the Pledge of Allegiance.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes, and a second reading appropriating proceeds received from the sale of the old high school building and land. The motion also included an alley closing request from Craig Hertzler. 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 Pace
Council Member Frank
Council Member Chenault
Mayor Eagle

Absent - None

Planning and Community Development Director Turner introduced a request from Mercedes Rodriguez to rezone a 12,843 square foot parcel from R-2 to R-3C. The property is located at 1020 Old Furnace Road and can be found on tax map 32-E-2. She reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as Medium-Density Residential. The applicant has proffered to convert the single family house into a professional office and an apartment. Currently, the single family home is being utilized as the applicant's location for their accounting business. This use is an allowed occupation under the Home Occupation Permit process; however, when applicants apply for their permit, they will sign an agreement that states, if the use becomes an overburden to the neighborhood such as excessive traffic, noise or other disturbances, it may be subject to re-evaluation. The applicant had a Home Occupation Permit for their previous address but do not have a permit for this location. At this time traffic and parking has become an issue of concern. The parking is overflowing into the right-of-way and into the front yard because there is insufficient space to provide for off street parking. Staff has explained to the applicant that if the request is denied, they could continue their accounting business at this location; however, they will have to restructure the business regarding the frequency of customers and parking on the site. The applicant has proffered the following: 1) Maintain the principal building as a family residence. 2) Convert the out building in the rear of the property into a professional office. 3) Construct a six foot fence around the property. 4) Place parking in the rear of the property. 5) Maintain the green space along the

graveled area of the lot as illustrated with the submitted design. She said that Planning Commission has recommended that the request be approved.

At 7:11 p.m., Mayor Eagle closed the regular session temporarily and called the evening first public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 23, and Monday, April 30, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, May 8, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – 1020 Old Furnace Road (Rodriguez)

Public hearing to consider a request from Mercedes Rodriguez to rezone a 12,843 sq. ft. +/- parcel zoned R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 1020 Old Furnace Road and can be found on tax map 32-E-2.

The Comprehensive Plan designates this area as Medium-Density Residential. This designation states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplex, and two or three story apartments and densities can range from 1 to 15 units per acre.

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. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; multi-family, 00 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Eagle called on anyone desiring to speak for or against this rezoning request.

Mercedes Rodriguez said she would like to continue operating the business at this location. There being no others desiring to be heard, the public hearing was declared closed at 7:14 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Mayor Eagle

Absent - None

Planning and Community Development Director Turner introduced a request from Mountain View Apartments to rezone a 6.92 acre portion of property located at 1385 Port Republic Road from R-1 to R-3C. The property can be found on tax map parcel 88-F-12. The Comprehensive Plan designates this area as Low-Density Mixed Residential. She reviewed the surrounding uses in the area. In June of 2005, City Council denied a rezoning proposal of the subject area from R-1, Single-Family Residential District to R-3C, Multiple Dwelling Residential District Conditional. That plan of development included professional offices along Port Republic Road, duplex units toward the center of the property, and single-family homes on the rear of the property. In October of 2005, Planning Commission approved a preliminary plat of single-family homes on the same property. That plat illustrated the extension of King Edwards Way to a future residential street configuration that eventually connects to Port Republic Road. The applicant is now requesting to rezone a 6.92-acre portion from the larger tract of land. A major factor in the construction of this development is the planned improvement of Port Republic Road, which is to be improved to a five-lane roadway (two lanes in each direction and center turn lane). The Public Works Department is working with the applicant and the applicant's engineer to reach an agreement with right-of-way acquisition. The right-of-way along the frontage of this property is variable, but on average 30 feet in width would be needed. The applicant has proffered the following: 1) All buildings would be used only for medical offices and professional offices. 2) Screening between residential R-1 and proposed medical or professional offices. Screening on the east and west side would be evergreen such as Leyland Cypress or equal. Screening in middle section between R-1 and proposed R-3 would be a six foot tall vinyl fence. 3) All buildings would be one story, all brick and of colonial design similar to attached pictures. Design would have to be approved by Architectural Control Committee. 4) Islands would be landscaped by Developer and maintained by adjoining property owners. This would be a deed requirement. She said that staff appreciates the proffers submitted with this request. The buffering could help separate the uses while the landscaped islands in the center of the street could provide a visual transition between uses as well as traffic calming measure to reduce vehicle speeds. However, staff believes the site could still develop under the current single family zoning classification. Appropriate visual and separation buffers could be constructed to make an attractive single-family home neighborhood. She said that Planning Commission recommended denial of the rezoning request.

At 7:28 p.m., Mayor Eagle closed the regular session temporarily and called the evening second public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 23, and Monday, April 30, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, May 8, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – 1385 Port Republic Road (Professional Offices)

Public hearing to consider a request from Mountain View Apartments LLC, with representative Ingram-Hagen & Co. to rezone a 6.92-acre portion of property zoned R-1, Single Family Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 1385 Port Republic Road and can be found on tax map parcel 88-F-12.

The Comprehensive Plan designates this area as Low-Density Mixed Residential. These large undeveloped areas located at the edge of the city are planned for residential development containing a mix of large and small-lot single-family detached dwellings and attractive green spaces.

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 R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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

**CITY OF HARRISONBURG
Roger D. Baker
City Manager**

Mayor Eagle called on anyone desiring to speak for or against this rezoning request.

Nathan Miller an attorney representing the applicant said the Port Republic Road corridor from Interstate 81 to the new Rockingham Memorial Hospital is currently a heavy traveled highway which will substantially increase upon the completion of the hospital. The City has asked the

owner to proffer additional real estate for widening of Port Road which indicates a pre-determination that the Port Republic Road corridor will become heavily used as an access highway. The owner notes that professional offices along Port Road would provide a buffer and a transition to the single-family homes in Ashby Meadows. The City street department will allow only one entrance from Port Republic Road to Ashby Meadows, thus residential housing located in the proximity or fronting on Port Road would have rear yards facing the Port Republic Road. The yards, at best, would front on Port Road with a buffer to protect children from traffic, which buffer may or may not be maintained. A viewing of the current situation on the Port Road corridor would evidence several residences which are for sale. This indicates the character of the entire corridor has changed and continues to develop as business/commercial. With the completion of the hospital noise and traffic will increase producing a safety risk which will certainly degrade the area for further expansion and development as residential units. The R-3 zoning will accommodate a controlled development in the area as the whole corridor expands. The R-3 zoning will not increase the school population and will give the City additional sources of revenue.

G.R. Heatwole said R-1 zoning on a five lane highway doesn't have any use. After the lanes on Route 11, Route 33, and Route 42, were increased to four or five lanes, how many single-family building permits did the City issue for land fronting on these streets? "I think this proposal is a definite compromise that is needed for medical and other associated offices because of the hospital."

Deborah Smith said traffic has increased on Port Republic Road. The City has taken part of her front yard for a five lane highway. A five lane highway is not a place for residents to be backing out onto because it is an unsafe situation. Professional offices would be a good buffer.

Barbara McKee said single-family housing is so important for this area. Our community needs affordable housing. These homes would be close to an elementary school and shopping center.

Debbie Peterson said she was opposed to the rezoning and would rather see residential housing in the area. My neighborhood is also concerned about extra traffic that will come through the neighborhood from the professional offices. There being no others desiring to be heard, the public hearing was declared closed at 7:51 p.m., and the regular session reconvened.

The following discussion by Council Members included: Changes have occurred in the Port Republic Road area. Professional offices are a good buffer to residential areas. The area will still have 24 new residential houses. The Port Republic Road corridor should be protected from any further development because of a planned new park, Turner Ashby monument access road relocation, and hopefully construction of athletic fields in the area. R-1 property in the City is at an extreme premium. The City is losing professional people because of the BPOL tax. This is a decent compromise proposal consisting of two-thirds residential and one-third commercial. A key for future proposals coming into this corridor will be the transportation alignment. Following further discussion and comments, Council Member Frank offered a motion to approve this rezoning request. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Mayor Eagle

No - Vice-Mayor Pace
Council Member Chenault

Absent - None

Planning and Community Development Director Turner introduced a request from Iglesia Nueva Vida Pentecostes for a special use permit to allow a religious use within the M-1, General Industrial District. The property is located at 760 Waterman Drive and can be found on tax map parcel 39-E-7A. The Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in the area. This proposal was presented to the Planning Commission on December 11, 2002. City Council approved the special use permit request on January 14, 2003. However, there is a provision in the Zoning Ordinance, which states that if construction is not diligently pursued within 12 months the special use permit will expire. The applicant is requesting a renewed special use permit. Because this area is predominately industrial uses with limited nighttime activities, staff feels that outdoor lighting should be provided to illuminate any parking areas, walkways and entrances to provide security for church patrons. She said that Planning Commission has recommended that the special use permit be approved.

At 8:08 p.m., Mayor Eagle closed the regular session temporarily and called the evening third public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 23, and Monday, April 30, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, May 8, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Special Use Permit – 760 Waterman Drive (Castro)

Public hearing to consider a request from Iglesia Nueva Vida Pentecostes, with representative Abel Castro 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 760 Waterman Drive and can be found on tax map parcel 39-E-7A.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Eagle called on anyone desiring to speak for or against this special use permit. Jeremiah Scuol said the new church would help the community. There being no others desiring to be heard, the public hearing was declared closed at 8:11 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this special use permit. 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 Pace
Council Member Frank
Council Member Chenault
Mayor Eagle

Absent - None

Council Member Byrd offered a motion to approve a request by Wyndham Woods residents to hold a Memorial Day picnic on Sunday, May 27th. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration an ordinance enacting Section 4-1-39 of the Harrisonburg City Code. This request was tabled from the April 24th City Council meeting until further information could be received to allow charging of a bad check fee. He said that the process to run a bad check through twice costs the City \$5.00. At the present time HEC charges \$10.00 for overdrafts and the City Water Department charges \$20.00 for administrative fees. He recommended that the word "shall" be changed to "may" in the sentence to allow charging a fee of \$35.00. Vice-Mayor Pace offered a motion to approve this ordinance as presented for a first reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Mayor Eagle

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received through a grant for Gang Task Force and will be used for overtime. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$603.84 chge. to: 1000-32211 State weed and seed

\$603.84 approp. to: 1000-310531-41020 Salaries/wages overtime

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 Pace
Council Member Frank
Council Member Chenault
Mayor Eagle

Absent - None

City Manager Baker presented the following resolution for Council's consideration of approval:

RESOLUTION
Pol. Sub. – Section 138 Covered Employees
Retirement Multiplier of 1.85%

WHEREAS, by resolution legally adopted and approved by the City of Harrisonburg, a political subdivision, participates in the Virginia Retirement System under §51.1-130 of the Code of Virginia, as amended; and

WHEREAS, by resolution legally adopted and approved by the City of Harrisonburg has elected to provide the enhanced benefits described in §51.1-138, subdivision B to selected public safety employee groups, such benefits being referred to collectively as “Section 138 Coverage”, and

WHEREAS, the Virginia General Assembly passed legislation effective July 1, 2007, allowing the City of Harrisonburg to elect to provide for its employees with Section 138 Coverage a retirement allowance equal to the amount of creditable service multiplied by 1.85 percent of average final compensation as provided in clause (ii) in subsection A (1) of §51.1-206 (the “1.85 Multiplier”); and

WHEREAS, the City of Harrisonburg desires to make this irrevocable election and provide the 1.85 Multiplier to its employees that now have, or may in the future be given, Section 138 Coverage;

NOW, THEREFORE, IT IS

RESOLVED, that the City of Harrisonburg elects to establish the 1.85 Multiplier for all employees who are now, or who may be in the future, provided Section 138 Coverage; and it is further

RESOLVED, that the City of Harrisonburg agrees to pay the employer cost for providing the 1.85 Multiplier to all employees who are now, or who may be in the future, provided Section 138 Coverage, pursuant to this irrevocable election; and it is further

RESOLVED that the City of Harrisonburg, Roger D. Baker, City Manager, and Yvonne Ryan, City Clerk, are authorized and directed in the name of the City of Harrisonburg to execute any required contract to carry out his irrevocable election, and to

do any other thing, or things, incident and necessary in the lawful conclusion of this matter. The seal of the City of Harrisonburg shall be affixed to any such contract and attested by the Clerk, and Finance Director of the City of Harrisonburg is authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as may be required to be paid by the City of Harrisonburg or its employees for this purpose.

CERTIFICATE

I, Yvonne Ryan, Clerk of the Harrisonburg City Council, certify that the foregoing is a true and correct copy of the resolution passed at a lawfully organized meeting of the Harrisonburg City Council governing body held at Harrisonburg, Virginia, at 7:00 p.m. on May 8, 2007.

Given under my hand and seal of the Harrisonburg City Council this 8th day of May, 2007.

CITY CLERK

City Manager Baker said the 2007 General Assembly (Senate Bill 1166) made several changes to retirement benefits for hazardous duty employees. The retirement multiplier will increase from 1.70 percent to 1.85 percent. Taking this action will cost the City \$143,000. Council Member Chenault offered a motion to approve this resolution effective July 1, 2007. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Mayor Eagle

Absent - None

Council Member Chenault offered a motion that Mayor Rodney Eagle and Community Development Planning Director Stacy Turner, be appointed to a term on the Central Shenandoah Planning District Commission to expire on June 30, 2010. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Council Member Carolyn Frank be appointed to a term on the Central Shenandoah Planning District Commission effective July 1, 2007 and expires on June 30, 2010. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Kathy Whitten, 560 South Mason Street, be appointed to a second term on the Blue Ridge Community College Board of Trustees to

expire on June 30, 2010. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Donovan Branche be appointed to a term on the TAC Policy Board as a voting member. The motion was seconded by Council Member Frank, and approved with a unanimous vote of Council.

At 8:39 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees, Central Shenandoah Planning District Commission, and non-voting member of TAC Policy Board, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Consultation with legal counsel regarding proposed contracts 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. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Mayor Eagle

Absent - None

At 10:00 p.m., the following statement 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 requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (20) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

May 22, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC, and Chief of Police Donald Harper.

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

John Keith owner of Yellow Cab said there are two taxi companies Yellow Cab and ABC Taxi operating 24 hours a day seven days a week in the City. Since it is very difficult to make a profit in the taxi business, he requested that Council consider whether the City needed another taxi service.

Council Member Byrd requested that, Item #5c on the consent agenda, be removed and considered as a separate item.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a supplemental appropriation for the Police Department and rezoning requests by Mountain View Apartments and Iglesia Nueva Vida Pentecostes. The motion also included an ordinance enacting Section 4-1-39 of the Harrisonburg City Code. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent - None

Planning and Community Development Director Turner presented an amended proffer rezoning request from Mercedes Rodriguez. Since the first reading of this rezoning request, staff reviewed the proffer statement and realized that the proffer to use the accessory building as a professional office would change its status from a residential accessory structure to a principal building on the property. This would require a 25' setback from the rear property line as opposed to the 5' required at the time of construction as a residential accessory structure. Also, due to communication problems, Ms. Rodriguez had already started making improvements to the building and the lot for the professional use prior to City Council's first reading. Ms. Rodriguez has amended her proffer letter and the new proffer reflects that the accessory structure will be used for home occupation purposes, which is a less intense business than a full fledged

professional office. It also allows the option to use the first floor of the home as a professional office in the future or to relocate the accessory structure on the lot to meet regulations and operate as a stand alone professional office instead of a home occupation. She said that staff and the City Attorney have reviewed the amended proffer and recommends approval for a second reading.

Council Member Byrd offered a motion to approve a request from Mercedes Rodriguez for a second reading with the new proffers. 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 Chenault
Council Member Byrd
Mayor Eagle

Absent - None

Kim Alexander, Director of Special Projects and Grants Management, presented an overview of the 2006 Consolidated Annual Performance & Evaluation Report (CAPER). She reviewed a summary status of each of the projects. Since the Harrisonburg Redevelopment Housing Authority projects have been delayed for a year, the remaining funds will be applied toward another project either Liberty Park or A Dream Come True project. Funds for the Simms/Washington Sidewalk project, which came in under-budget, have already been re-allocated in the 2006 amendment. She reviewed projects extended until December 31, 2007 because of re-bidding, change in leadership, and a project in the planning and environmental stage. She said after holding this public hearing there will be a 15 day public comment period on the report. The report will be submitted to HUD and then back to Council for final approval.

At 7:20 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 Thursday, May 17, 2007.

**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 2006.

All comments must be received by no later than June 7, 2007, at 9:00 A.M. Comments may be submitted to Kimberly Alexander, CDBG Director of Special Projects and Grants Management, at 345 South Main Street, Harrisonburg, Virginia 22801, kima@ci.harrisonburg.va.us, or (540) 432-8923.

Comments may also be submitted during the CDBG/CAPER Public Hearing portion of the regular City Council meeting on May 22, 2007, at 7:00 P.M. in the new City Council Chambers, at 409 South Main Street, Harrisonburg, Virginia 22801, next door to the Harrisonburg Municipal Building.

Copies of the draft CAPER are available for review in the City Manager’s Office, 345 South Main Street, Harrisonburg, Virginia 22801 and at www.ci.harrisonburg.va.us on the CDBG homepage, beginning on Tuesday, May 22, 2007.

A summary of the CAPER is as follows:

In FY 2006, the City was awarded \$613,398 in CDBG entitlement funds.

To date, the following is a summary report of Obligated, Expended, and Remaining Funds:

	<u>Obligated</u>	<u>Expended</u>	<u>Remaining</u>
Housing & Property Improvements	\$155,000	\$15,344.40	\$139,655.60
Community & Public Facilities	\$259,040	\$72,555.79	\$186,484.21
Administration	\$122,679	\$122,679	\$0
Public Services	\$76,679	\$72,880.55	\$3,798.45
Economic Development	\$0	\$0	\$0
TOTAL	\$613,398	\$283,459.74	\$329,938.26

Mayor Eagle called on any desiring to speak for or against the CAPER. There being no one desiring to be heard, the public hearing was declared closed at 7:21 p.m., and the regular session reconvened.

The next item of business was a request to issue a Certificate of Public Convenience & Necessity for Royal Taxi. Public Transportation Director Reggie Smith said there are some zoning issues regarding the location of this business on South High Street, which was discovered during the review process. The applicant may have to apply for a special use permit. He said that the committee recommends a certificate be issued to Royal Taxi. Following further discussion and comments, Vice-Mayor Pace offered a motion to issue a Certificate of Public Convenience & Necessity for Royal Taxi for a five-year period, which is conditioned upon the applicant having a proper business location. 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 Chenault
- Council Member Byrd
- Mayor Eagle

Absent - None

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from donations, recovered costs, and unappropriated funds from the Virginia Fire Programs Fund. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$ 25.00 chge. to: 1000-31812 Donations Fire Safety Building
17,614.99 chge. to: 1000-31914 Recovered Costs
4,910.90 chge. to: 1000-31809 Donations
8,772.50 chge. to: 1000-32512 Fire Programs Fund

\$ 8,772.50 approp. to: 1000-320232-48203 Fire Programs fund
22,550.89 approp. to: 1000-320232-41020 Overtime

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent - None

City Manager Baker presented a request for a supplemental appropriation to adjust the General and Emergency Communication Fund budgets. He said that these funds will be transferred to the Emergency Communications Center Fund. This action is necessary because of changes made by the General Assembly effective January 1, 2007. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$150,000.00 chge. to: 1000-31224 Communication Sales and Use Tax
150,000.00 chge. to: 1000-34210 Transfer from General Fund

\$150,000.00 approp. to: 1000-990111-49218 Transfer to ECC Fund
150,000.00 approp. to: 1116-31207 E-911 Tax

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

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent - None

Public Utilities Director Mike Collins presented a request to charge off delinquent utility bills incurred through December 2005. He said these accounts are currently with the collection agency, which will still be pursued. Vice-Mayor Pace offered a motion to write off the list of delinquent accounts. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent - None

City Manager Baker presented the following water agreement for Council's consideration of approval:

AMENDMENT TO HARRISONBURG WATER AGREEMENT

THIS AGREEMENT AMENDMENT is made and entered into this _____ day of _____, 2007 between the City of Harrisonburg, a municipal corporation of the Commonwealth of Virginia (the "City") and the County of Rockingham, a political subdivision of the Commonwealth of Virginia (the "County").

WHEREAS, the City and the County previously entered into an contract dated September 14, 1995, to provide for the furnishing of water between the City and the County and for sewer services by the City to the County; and

WHEREAS, said prior contract has been previously amended in 2006 and now the City and the County wish to further amend said agreement and it related to providing sewer services between the City and the County;

NOW, THEREFORE, it is agreed as follows:

1. Section 2.1 Sewer To Be Provided by the City / Sewer To Be Provided by the County. Exclusive of the provisions of Section 2, in the event that a County customer provided water pursuant to this Agreement also requests sewer service, and such service cannot be readily provided by a reasonably accessible sewer facility of Rockingham County or the Harrisonburg-Rockingham Regional Sewer Authority (HRSSA), Rockingham County may apply to the City of Harrisonburg for such sewer service. Rockingham County shall make application and submit appropriate engineering data to the City of Harrisonburg Director of Public Utilities. The City of Harrisonburg Director of Public Utilities shall consider whether the City's infrastructure can accommodate the request. Such provision of sewer service to County customers shall initially not exceed 500,000 gallons per day in any area of the County to which the City is able to provide sewer service. At such time as the amount

of sewage accepted by the City exceeds an average of 70% of the 500,000 gallons per day average during any three consecutive month period, the County may request that such allocation be increased by 100,000 per day. The City will not unreasonably deny such request.

The rate to be paid by the County to the City for said sewer service will be the usual City rates as approved by the City Council and charged to City customers less the HRRSA portion of the total city sewer rate. All usage by the County for said sewer service shall be charged to the County's allocation at the HRRSA. The City's connection / availability fees as approved by the City Council and charged to City customers will be charged to the County for each customer provided service under the terms of this amendment to help the County recover any capital costs associated with the provision of service.

At the City's request, the County shall provide from the County's sewer system capacity up to an amount equal to the average amount per day purchased by the County. The County Director of Public Works shall consider whether the County's infrastructure can accommodate the request and the County will not unreasonably deny such request. The rate to be charged by the City to the County for said sewer service will be the usual County rate as approved by the Board of Supervisors and charged to County customers less the HRRSA portion of the total County sewer rate. All usage for said sewer service shall be charged to the City's allocation at HRRSA. The County's connection / availability fees as approved by the Board of Supervisors and charged to County customers will be charged to the City for each customer provided service under the terms of this amendment to help the County recover any capital costs associated with the provision of service.

ALL provisions of the previous contract and any amendments not changed or amended by this amendment shall remain in full force and effect.

CITY OF HARRISONBURG

By: _____
Mayor

ATTEST:

Clerk of Council

COUNTY OF ROCKINGHAM

By: _____
Chairman

ATTEST:

County Administrator

City Manager Baker said that the City/County Liaison Committee has met and approved the proposed amendment to the Harrisonburg Water Agreement. Council Member Byrd noted that County residents will pay the same rate as City residents for the service including the connection fee. Council Member Chenault offered a motion to approve the amendment to the Harrisonburg Water Agreement. 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 Chenault
Council Member Byrd
Mayor Eagle

Absent - None

City Attorney Thumma presented for Council's consideration amending and re-enacting Section 13-1-3 of the Harrisonburg City Code, which becomes effective July 1, 2007. He explained that each year Council is asked to amend this ordinance to adopt the state motor vehicle laws. Council Member Byrd offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent - None

City Attorney Thumma presented for Council's consideration amending and re-enacting Section 4-2-16 of the Harrisonburg City Code. He said because of a change in state law effective July 1, 2007, the Court's have asked Harrisonburg to amend its ordinance to increase the courthouse security fee from \$5.00 to \$10.00. These funds will be used to provide security personnel for the Courthouse. Council Member Chenault offered a motion to approve this ordinance 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 - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent - None

City Attorney Thumma requested that Council convey 5,914 square feet of land adjoining the golf course to a minor subdivision because the adjoining property owner would like to have the property. Mr. Thumma said the land can't be sold, nothing can be built on it, nor can setbacks be met. Conveying this land will allow it to be placed back on the tax roll. Council Member Byrd offered a motion to approve this request as presented. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Frank
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent - None

At 8:00 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

June 12, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC, and Police Major Wilfong. Absent: Chief of Police Donald Harper.

Vice-Mayor Pace gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Rose Garrison introduced Rich Sider the new Executive Director of the Harrisonburg Rockingham Free Clinic.

Rich Sider said he was significantly impressed by the giving nature of the community and their support for the Free Clinic.

Bob Steere, representing the American Legion Post #27, announced that a rededication ceremony will be held on July 4, 2007 at 1:00 p.m. at the World War I Memorial Monument on South Main Street. He reviewed the planned scheduled activities for the day and noted that descendants of the war will be honored.

Anthony Bopp, a resident of the City, said that according to the Virginia code it is unlawful for any railroad company, or any receiver or trustee operating a railroad, to obstruct for a longer period than five minutes the free passage on any street or road by standing cars or trains across the same except for a passenger train. He questioned why the railroad is not being fined because most of the time the train stops last 10 minutes or longer?

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a supplemental appropriation for the Fire Department and adjusting the General Fund and Emergency Communication fund budgets. The motion also included an ordinance amending and re-enacting Section 13-1-3 and 4-2-12 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 Frank
Council Member Chenault
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

City Attorney Thumma said that the Police Department cannot issue a ticket or summons for a misdemeanor unless it is committed within his/her presence. It is up to a citizen to swear out an affidavit, get a warrant, and charge the railroad company.

Council Member Chenault asked City Attorney Thumma to research whether the Attorney General had an opinion on the state status.

The next item of business was a report on establishing a Railroad Quiet Zone in Harrisonburg. Donovan Branche said a Federal rule requires the sounding of train horns at all public railroad grade crossings. In this rule, the FRA set out the regulatory procedures and requirements necessary for the implementation of a quiet zone, in which a train horn noise may be reduced. Generally, a quiet zone must be at least one-half mile in length and all the crossings within that zone must have a minimum of flashing lights, gates, and also advance warning signs for motorists and pedestrians noting that the horn will not sound at the crossing. Once these minimum requirements have been satisfied, the City will then be prepared to run the quiet zone Calculator. This calculator will show if any of the crossings within the proposed quiet zone still have a safety risk that is higher than the National Significant Risk Threshold. If the risk is higher, additional safety measures must be installed. She reviewed the supplementary and alternative categories. The preferred method for establishing a quiet zone is a public authority designation, which uses the supplementary safety measures. She said that the City has 34 railroad crossings operated by the Chesapeake Western Railway. The cost of providing these gates is between \$150,000 and \$300,000 per crossing for flashing lights. In order for a locality to begin considering a quiet zone, each crossing must be equipped with flashing lights and gates. In addition, each crossing must have Constant Warning Time Circuitry and Power Out Indicators, which could be an additional expense of approximately \$100,000 per system. Also, Northern Southern imposes a quiet zone Administrative Handling Fee of \$2,800. The total of crossings in the proposed quiet zone is 27, and the City has nine crossings that do not meet the minimum requirement. Establishing a quiet zone in Harrisonburg would cost a minimum of \$1,350,000 to add gates, but costs could escalate to almost \$2.7M depending on other requirements determined by FRA. Cities may be subject to litigation for railroad crossing incidents in quiet zones. Currently, the responsibility for railroad crossing safety is with the operating railroad company. If a City takes action to establish quiet zones and eliminate horn blasts, the City's process for establishing the quiet zone will likely come under legal scrutiny. Donovan said the Public Works' staff recommends that a quiet zone not be established in the City due to the lack of funding for the implementation costs and "untested" legal environment. The Public Works' staff also recommends referring this matter to the Master Transportation Planning process as well as allowing the City time to learn from railroad quiet zone experiences in other communities. Following further discussion and comments, Council agreed and asked the Public Works Department to provide more information before making a decision regarding establishing a quiet zone in the City.

School Board Finance and Technology Director, Dee Dee Dawson, presented a request for the School Board. She said the requested funds will be used for technology functions to upgrade the division finance software and to purchase media center cataloging and circulation software. No additional City dollars are required for the school division to receive this transfer. Council Member Frank offered a motion to approve transferring these funds, and that:

\$150,000 chge. to: 1111-111114-40610 Instruction

\$150,000 approp. to 1111-11111-40680 Technology

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

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

The item of business was a request by Vertical Connection Ministries/Bethel AME Church to hold a Worship Fest 2007/Kelley Street Block Party on July 28, 2007. Melissa Adams said that the event on July 28th is to help promote community unity and encourage more helpful activities in the evenings and weekends for the residents of Kelley Street. The event will be held from 12:00 to 10:00 p.m on Myrtle Street to 184 Kelley Street. Vice-Mayor Pace offered a motion to approve this event. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

Planning and Community Development Director Turner presented a request from Keith May and Eric Adamson to rezone three parcels totaling 16.30 acres from R-2C to R-2C. This rezoning request would amend existing proffers on the R-2C, Residential District Conditional lots. The properties can be found on tax maps 07-A-9 and 97-B-5 & 6. This property was rezoned from R-1 Single Family Residential to R-2C Conditional in October 2005 by City Council. This 16.3-acre rezoning request, located at the intersection of Greensdale Road and Ramblewood Road, traverses both sides of each road and is currently being graded for development under the approved site plan for the 2005 rezoning. All proffers from the earlier rezoning remain, except the applicants are now requesting that there be no more than 52 buildings lots within the City limits, as opposed to the previous 48 lots. The Comprehensive Plan designates this area as Low-Density Mixed Residential. She reviewed the surrounding uses in the area. Improvements to Greendale Road will include street widening, curb, gutter, sidewalk, and provide a left turn land onto Ramblewood Road. The overall design shows approximately 39 additional homes to be located in Rockingham County for a total of 91 single-family homes. Land in the county would also need to be rezoned to allow for the proposed development to take place. Also, 16 of the proposed 52 City lots would be inaccessible until the County property is rezoned and development occurs. She reviewed the City/County line area and noted the lots that will not be developed until County development occurs. She said that Planning Commission recommended the request to change the proffer condition be approved.

At 7:50 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 Tuesday, May 29, and Monday, June 4, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, June 12, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – The Crossings (Greendale Road)

Public hearing to consider a request from Keith May and Eric Adamson, with representative Blackwell Engineering, to rezone three parcels totaling 16.30 acres from R-2C to R-2C. The rezoning would amend existing proffers on the R-2C, Residential District Conditional lots. The properties are located at the intersection of Greendale Road and Ramblewood Road and can be found on tax maps 97-A-9 and 97-B-5 & 6.

The Comprehensive Plan designates this area as Low-Density Mixed Residential. These large undeveloped areas located at the edge of the city are planned for residential development containing a mix of large and small-lot single-family detached dwellings and attractive green spaces.

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

CITY OF HARRISONBURG
Roger D. Baker
City Manager

Mayor Eagle called on anyone desiring to speak for or against this request.

Dick Blackwell said he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:52 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

Vice-Mayor Pace said, "During the last Harrisonburg/Rockingham County Liaison Committee meeting, which was attended by Council Member Byrd and myself, it was mentioned that there are five projects having lines crossing over City/County lines. In the future, children in same neighborhoods and living on the same street could possibly be attending separate schools." He also said that County Administrator, Joe Paxton, will be discussing this situation with the Rockingham County Planning Commission hoping to prevent this situation from happening and to prevent these children from attending separate school districts.

Planning and Community Development Director Turner presented a request from the Salvation Army to close a .216-acre portion of Monroe Street between Madison Street and Jefferson Street. The subject area is adjacent to tax map parcels 40-E-8, 9, & 10 and 41-J-7, 8 & 9. She reviewed the surrounding uses in the area. The applicant plans to close this section of Monroe Street to make way for an addition to the Salvation Army and a potential park space. If approved, the Salvation Army would utilize the newly acquired property as the setback for its addition. Currently, a sanitary sewer main is located within this section of Monroe Street as well as an overhead power line, both running parallel within the existing right-of-way. When the Salvation Army submits its survey, easements would need to be provided for the sanitary sewer main and overhead power lines, at the satisfaction of both the Public Utilities Department and Harrisonburg Electric Commission. The planned expansion of the Salvation Army cannot be built within these easements. Once the addition is complete, the remaining undeveloped sections of the Salvation Army property, along with nearby property owned by the City, could be developed into a community park. At this point, the park is still conceptual and in the preliminary stages of planning. She said that Planning Commission has recommended that the request be approved.

At 7:59 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, June 1, and Friday, June 8, 2007.

**NOTICE OF INTENTION TO VACATE
A 0.216 ACRE PORTION OF MONROE STREET
LOCATED IN THE NORTHWEST PORTION OF THE CITY OF HARRISONBURG**

**City Council Chambers
409 South Main Street
Harrisonburg, VA 22801
Tuesday, June 12, 2007
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, June 12, 2007, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider an application, by The Salvation Army to vacate an undeveloped portion of Monroe Street, containing approximately 0.216 acre and located in the northwest portion of the City of Harrisonburg, Virginia.

A copy of the recommendations of the City Planning Commission along with a copy of the plat showing the portion of Monroe Street to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday.

All persons interested will have an opportunity to express their views at this public hearing.

**CITY OF HARRISONBURG
Roger D. Baker,
City Manager**

Mayor Eagle called on anyone desiring to speak for or against this request.

Captain Gregory Shannon Corps Officer of the Salvation Army said the Salvation Army's mission is always to serve its community and people in ways that are found and work with jurisdictions' in the area. There being no others desiring to be heard, the public hearing was declared closed at 8:00 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this request 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 Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Abstained - Council Member Byrd

Absent - None

City Attorney Thumma presented for Council's consideration amending and re-enacting Section 7-4-1 of the Harrisonburg City Code. He said this ordinance is being amended to include the new water rates as set by the adopted budget and also the county rates based on the new City/County agreement. Council Member Chenault offered a motion to approve this ordinance 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 Frank
Council Member Chenault
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

City Attorney Thumma presented for Council's consideration amending and re-enacting Section 7-3-81 of the Harrisonburg City Code. He said this section makes it unlawful for anyone to discharge or cause to be discharged any stormwater, surface water, ground-water, roof runoff, subsurface drainage, uncontaminated cooling water into the sanitary sewer. The Director of

Public Utilities will be authorized to grant exceptions for surface or runoff water containing different types of contaminant. This water could be put into the sanitary sewer, metered and the customer would be billed. Council Member Chenault offered a motion to approve this ordinance 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 Frank
Council Member Chenault
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

Economic Development Director Brian Shull presented a request for a supplemental appropriation for the tourism budget. He said that additional grant funds have been received for the tourism budget. This money has been used to print the African American Heritage Site Brochure. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$4,000 chge. to: 1000-32530 Virginia Foundation for the Humanities Grant

\$4,000 approp. to: 1000-810821-43601 Contract printing/mailing

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

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

The next item of business was a proposed taxi rate increase requested by ABC Cab Company and Yellow Cab Company. Natalie Good said it has been eight to ten years since there has been a taxi rate increase. Because of higher gasoline prices, insurance premiums, and vehicle maintenance, it is proposed that the load fee be increased from \$2.25 to \$2.75, charge per mile (In Town) from \$1.50 to \$1.80 and charge per mile (Out of Town) from \$1.80 to \$2.00. The increased rate will become effective July 1, 2007. Following further discussion and comments, Council Member Chenault offered a motion to approve this request for a first reading. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank

Council Member Chenault
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

City Manager Baker presented a request for the Central Garage Fund. He said these funds are end of the year budget adjustments and will be used for salaries and wages and service contacts. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$41,000 chge. to: 2111-31695 Sale of services to departments

\$33,000 approp. to: 2111-612141-41010 Salaries and wages regular
8,000 approp. to: 2111-612141-43320 Service contacts

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

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

Public Works Director Jim Baker presented a request for the Public Works Department. He said these funds will cover insurance and fuel costs in the Sanitation Department. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$50,031 chge. to: 2014-31010 Amount from fund balance

\$ 5,305 approp. to: 2014-912242-45310 Boiler & Machinery Insurance
6,866 approp. to: 2014-912242-45340 Property Insurance
502 approp. to: 2014-912242-45350 Vehicle & Equipment Insurance
1,040 approp. to: 2014-912242-45370 Pub. Official Liability Insurance
5,487 approp. to: 2014-912242-45385 Excess Liability Insurance
9,825 approp. to: 2014-922041-43310 C.G. Powered Equip. Fuels
1,951 approp. to: 2014-922041-45350 Vehicles & Equipment Insurance
366 approp. to: 2014-922041-45370 Pub. Official Liability Insurance
4,579 approp. to: 2014-922041-45385 Excess Liability Insurance
1,688 approp. to: 2014-932042-45385 Excess Liability Insurance
2,074 approp. to: 2014-942042-45380 General Liability Insurance
7,217 approp. to: 2014-952042-44310 C.G. Powered Equipment Fuels
489 approp. to: 2014-952042-45350 Vehicles & Equipment Insurance

337 approp. to: 2014-952042-45370 Pub. Official Liability Insurance
2,305 approp. to: 2014-952042-45385 Excess Liability Insurance

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

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

Fire Chief Larry Shifflett presented a request for the Fire Department. He said these funds were received from FEMA to replace thermal imaging cameras. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$45,999 chge. to: 1000-33536 FEMA Assist. To Firefighters

\$45,999 approp. to: 1000-320232-48203 Fire Programs Fund

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

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

Police Major Wilfong presented a request for the Police Department. He said these funds were received from state asset seizure money and will be used to repair a seized vehicle. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$1,681.33 chge. to: 1000-31010 Amount from Fund Balance

\$1,681.33 approp. to: 1000-43350 Maint. and repairs to motor vehicles

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

Vote: Yes - Council Member Frank
Council Member Chenault

Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

Police Major Wilfong presented a request for the Police Department. He said these funds were reimbursed from the Bureau of Justice and will be used for bullet proof vests. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$3,992.00 chge. to: 1000-33504 Bullet proof vest grant

\$3,992.00 approp. to: 1000-310231-48140 Bullet Proof vests

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

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

Martin Solomon complained about Police officers continuously stopping him illegally because he drives a motorcycle with 8 inch wheels. He said, I have been told that I must wear a helmet while operating a moped; however, I am riding a motorcycle and not a moped.”

Ralph Geddis said trains deliver a lot of materials into the City. The City doesn't need to establish a quiet zone.

Council requested receiving a follow up report from the City's financial advisor regarding the City's outstanding bonds.

Vice-Mayor Pace offered a motion that Brian Shull be appointed to another term on the Shenandoah Valley Partnership–Board of Directors to expire on June 30, 2009. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

At 8:50 p.m., Vice-Mayor Pace offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to boards and commissions, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion concerning a prospective business where no previous announcement has been made of the business' interest within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. Consultation with legal counsel regarding an existing contract 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, 1950, as amended. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Council Member Byrd
Vice-Mayor Pace
Mayor Eagle

Absent - None

At 11:00 p.m., the following statement 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 requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (20) 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 11:02 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

June 26, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC, and Chief of Police Donald Harper. Absent: Vice-Mayor George W. Pace.

Council Member Byrd gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Bucky Berry, a resident of Harrisonburg, said more money should be provided for the Fire Department.

Fred Hutchins, representing Senator Jim Webb, stated that Senator Webb looks forward to working with the local government to promote natural, historical, and cultural resources in the Harrisonburg area. Hutchins also stated that Senator Webb hopes significant improvements can be made during the next six years in transportation, education, and especially health care.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes, second reading of several supplemental appropriations for the Fire, Police, Tourism, and Public Works budgets; a rezoning request by Keith May and Eric Adamson; and increasing taxi rates. The motion also included referring an alley-closing request by Andrew L. Forward to the Planning Commission and an ordinance amending and re-enacting Section 7-3-81 and 7-4-1 of the Harrisonburg City Code. 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 Byrd
Council Member Frank
Mayor Eagle

Absent - Vice-Mayor Pace

Social Services Director Don Driver presented a request for a supplemental appropriation for the Harrisonburg Comprehensive Services Act to benefit children from the Harrisonburg area for Fiscal Year 2007. The Comprehensive Services Act was created in 1993 to bring together funding and activities for children that are placed out of their homes. Every year it is a challenge because of the program's unpredictability. This program continues to serve only mandated children and families from Harrisonburg. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$269,210.00 chge. to: 1000-31010 Amount from fund balance
\$269,210.00 approp. to: 1000-910511-47071 Expenditures of Social Services District

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 Byrd
Council Member Frank
Mayor Eagle

Absent - Vice-Mayor Pace

City Manager Baker presented a transfer request to complete several referenced capital projects. Council Member Chenault offered a motion to approve transferring these funds as presented, and that:

\$3,074.83 chge. to: 1310-910141-48606 Public Safety Building
9,418.24 chge. to: 1310-910141-48691 Simms Building Renovation
120,398.46 chge. to: 1311-910114-48690 Repairs to Elementary Schools
73,138.88 chge. to: 1321-910161-48623 Reservoir Covers
1,150.00 chge. to: 1321-910161-48632 Emergency Power Supply

\$ 12,493.07 approp. to: 1310-910141-48698 Municipal Building Renovation
120,398.46 approp. to: 1311-910114-48709 Renovation of One Court Square
74,288.88 approp. to: 1321-910161-48654-Eastern Source Development

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

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent - Vice-Mayor Pace

City Manager Baker presented a request to transfer funds into a capital project fund for continued renovation to the Community Development Building. Council Member Chenault offered a motion to approve transferring these funds as presented, and that:

\$148,265.00 chge. to: 1000-430221-48181 Building and grounds
148,265.00 chge. to: 1310-34210 Transfer from General Fund

\$148,265.00 approp. to: 1310-910141-48710 Renovation of 409 S. Main St. building
148,265.00 approp. to: 1000-990111-49216 Transfer to capital projects

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 Byrd
Council Member Frank
Mayor Eagle

Absent - Vice-Mayor Pace

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance, updated the progress and accomplishments of HDR. He said that a live silent auction was held during “Renaissance Night”, a fund raising event, on May 12th at Dave’s Downtown Taverna. Planters were also auctioned to assist funding for streetscape improvement. An article appearing in the Virginia Main Street Monitor mentioned the efforts of Harrisonburg Downtown Renaissance to recognize the volunteer program. He thanked City Council for their support for the proposed new wayfinding signage. Walking tours were held during the spring, and tours will also be held in the fall, including a haunted downtown tour around Halloween. HDR hopes to have the Spring House decorated with white lights for the holidays in December. He reviewed several new businesses that have located to the downtown area. Within the next month, renovations will begin at the Keezell Building to create 15 condominiums. Four façade enhancement grants were awarded for improved signage in the downtown area.

Alexis Morehouse, Harrisonburg Downtown Renaissance Promotions Manager, said the Court Days Festival was held on June 2nd and had a large attendance. Fridays on the Square will alternate between movie and music nights. All movies will be shown on the East side of Court Square on a new movie screen. The Valley 4th event includes the reading of the Declaration of Independence, re-dedication of the WWI Memorial, music concerts, family fun activities, the parade, and fireworks. She requested permission for the welcome back students “Block Party in the Burg” event on Friday evening, September 7th, from 4:00 to 8:00 p.m.

Council Member Chenault offered a motion to approve this request closing the South and West sides of Court Square for the September 7th “Block Party in the Burg” event. The motion was seconded by Council Member Frank, and approved with a unanimous vote of Council Members present.

Kim Alexander, Director of Special Projects and Grants Management, presented for Council’s consideration the CDBG Consolidated Annual Performance Evaluation Report (CAPER). She said that the HUD required public hearing and citizen comment period has been satisfied, and no comments were received. Council Member Byrd offered a motion to approve the CDBG Consolidated Annual Performance Evaluation Report (CAPER). 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 Byrd
Council Member Frank
Mayor Eagle

Absent - Vice-Mayor Pace

The next item of business was a request from the City Treasurer to charge off uncollectible personal property taxes for the year 2001 and the real estate taxes for the year 1986. City Manager Baker said the real estate taxes being written off is \$121.60 and the 2001 personal property taxes' amount is \$106,394.21. 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
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent - Vice-Mayor Pace

The next item of business was a request from the City Treasurer to advertise delinquent real estates taxes for 2004/2005 and 2005/2006. The ads will be advertised in the Daily News-Record. 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
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent - Vice-Mayor Pace

Council Member Chenault offered a motion to approve the Valley 4th and Spotswood Country Club fireworks displays on July 4th. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

Council Member Chenault offered a motion to authorize the City Manager to approve these fireworks requests pending a recommendation by the City Fire Marshall. 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 Byrd
Council Member Frank
Mayor Eagle

Absent - Vice-Mayor Pace

Miriam Dickler, Public Information Officer, reminded everyone of an upcoming Harrisonburg Citizen Academy to be held for 12 weeks from August 30th until November 15th.

Council Member Chenault offered a motion that Council initiates an alley closing request in Newtown Cemetery to the Harrisonburg Planning Commission. Council Member Chenault offered a motion to close the alley on Council's request. The motion was seconded by Council Member Frank, and approved with a unanimous vote of Council Members present.

Council Member Chenault offered a motion to refer a request to create diagonal signal crossing at the intersection of Cantrell Avenue and Mason Street crosswalks to Donovan Branche at the Public Works Department.

Council Member Frank offered a motion that Denise A. Whitman, 417 Mt. View Drive, be appointed to a second term on the Community Services (Chapter 10) Board to expire on July 1, 2010. 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 Byrd
Council Member Frank
Mayor Eagle

Absent - Vice-Mayor Pace

At 7:50 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, exempt from the public meeting requirements to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent - Vice-Mayor Pace

At 8:25 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 requirements 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 Chenault offered a motion that Kurt D. Hodgen be appointed as City Manager effective July 1, 2007. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent - Vice-Mayor Pace

Council Member Chenault offered a motion that Roger D. Baker continue as City Manager Emeritus subject to his helping during the transition of the new City Manager and also being responsible for capital projects until November 1, 2007. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent - Vice-Mayor Pace

At 8:30 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

July 10, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC, and Police Major Wilfong.

Council Member Chenault gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Council Member Byrd requested that, Item #5c on the consent agenda, be removed and considered as a separate item.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and a second reading of a supplemental appropriation for the Community Policy and Management Team. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Council Member Chenault
Mayor Eagle

Abstained - Vice-Mayor Pace

Absent – None

Council Member Chenault offered a motion to refer an alley-closing request by Ted and Tammy Brown to the Planning Commission. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Frank
Council Member Chenault
Mayor Eagle

Abstained – Vice-Mayor Pace

Recused – Council Member Byrd

Absent – None

Kim Alexander, Director of Special Projects and Grants Management, presented for Council’s consideration the FY 2008 through FY 2012 Consolidated Plan for Community Development Block Grant Program. She presented an overview of the funding

recommendations in the Strategic Plan and 2008 Action Plan. Many aspects of the Plan remain unchanged from 2004 because there is no new Census data available. Some of the needs identified in the plan include rehabilitation of public housing units, transitional housing, removing accessibility barriers for the elderly and disabled, health care services, sidewalk improvements and pedestrian infrastructure, parks and playgrounds and disabled services. She reviewed special needs and housing objectives met by proposed projects. She also reviewed community development objectives met by proposed projects. Projects being recommended for funding this year include Harrison Heights renovation, renovation of the Hillandale Comfort Station, several City sidewalks, administration costs, Community Foundation, VAIL pharmacy services at the Free Clinic, Pleasant View disability access, New Bridges, VPAS, Big Brothers/Big Sisters, Valley Aids Network, and the Arc-Op Shop day program. Today's public hearing begins the 30 day HUD public comment period. A Consolidated Plan will be presented at the August 14th Council meeting for approval.

At 7:08 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 Friday, June 29, 2007.

**CITY OF HARRISONBURG
CONSOLIDATED PLAN / ACTION PLAN
PUBLIC HEARING/COMMENT NOTICE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

The City of Harrisonburg will hold a public hearing on Tuesday, July 10, 2007, at 7:00 p.m. in the Harrisonburg Community Development Building, City Council Chambers, 409 South Main Street, in order to receive citizen input regarding the 2008-2012 Consolidated Plan and FY 07-08 Action Plan 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 the Consolidated Plan and annual Action Plan will assist the City in the finalization of the required Consolidated Plan. The Consolidated Plan serves as the planning document for addressing overall community development and housing needs that will utilize the \$546,881 annual entitlement of CDBG funding available to the City to meet those needs. Projects selected to receive funding will be included in the annual Action Plan.

All citizens and organizations are invited to attend the public hearing to comment orally or in writing on the Consolidated Plan and annual Action Plan. The City of Harrisonburg will make reasonable accommodations and services necessary for sensory-impaired and disabled citizens at the public hearing. 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 hearing. Please contact Heather M. Cox, at heatherc@ci.harrisonburg.va.us or 540-432-8926 with questions. Written comments may also be mailed to Heather M. Cox, Management Analyst, Office of City Manager, 345 South Main Street, Harrisonburg, VA 22801. Copies of the Consolidated Plan and annual Action Plan will be available at the City Manager's Office.

Public comments regarding the Consolidated Plan will be accepted until 9 a.m. on August 10, 2007, the end of the 30-day public comment period.

Mayor Eagle called on anyone desiring to speak for or against this plan.

Bruce Dellinger representing VAIL thanked Council for providing CDBG funds.

Karen Barnes, Executive Director of Community Resource Center, thanked City Council for previous CDBG funding support. She reviewed services provided in the community by the Community Resource Center.

Mike Fiore representing Community Foundation thanked Council for providing CDBG funds. There being no others desiring to be heard, the public hearing was declared closed at 7:16 p.m., and the regular session reconvened.

City Attorney Thumma presented for Council's consideration an ordinance revoking the open wireless broadband network franchise awarded to World AirWaves, LLC. City Attorney Thumma said that he has filed copies of documents, franchise agreement, original proposal, and a summary of transpired correspondence with the Clerk of City Council. He said City Manager Hodgen has received an email from Mark Bayliss stating he would like to terminate the wireless franchise with the City.

At 7:31 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, June 29, and Friday July 6, 2007.

**NOTICE OF PUBLIC HEARING TO CONSIDER
THE REVOCATION OF THE
OPEN WIRELESS BROADBAND NETWORK FRANCHISE
WITH WORLD AIRWAVES, L.L.C.
BY THE CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on July 10, 2007 at 7:00 P.M. in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, concerning the revocation of the open wireless broadband network franchise that was awarded to World AirWaves, L.L.C., a Virginia limited liability company by the City Council on January 24, 2006.

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
Roger D. Baker,
City Manager**

Mayor Eagle called on anyone desiring to speak for or against revoking the wireless franchise. Mark Bayliss, CEO of World AirWaves, said that his company never received proper notice regarding termination of this franchise. He acknowledged that his company technology and development stages have not met the City's time frame. He presented an overview of the broadband wireless system that was developed in the City. The company has discovered problems in its system and is working on solutions. There being no others desiring to be heard, the public hearing was declared closed at 7:30 p.m., and the regular session reconvened. Council Member Chenault offered a motion to accept the termination of the franchise agreement. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was holding a public hearing to obtain citizen input on establishing railroad quiet zones.

At 7:31 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Friday, June 29, and Friday July 6, 2007.

**NOTICE OF PUBLIC HEARING TO OBTAIN
CITIZEN INPUT ON THE ESTABLISHMENT OF
RAILROAD QUIET ZONES IN THE CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on July 10, 2007 at 7:00 P.M. in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, concerning the possibility of establishing railroad quiet zones within the City of Harrisonburg.

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
Roger D. Baker,
City Manager**

Mayor Eagle called on anyone desiring to speak for or against railroad quiet zones.

Ralph Geddis complained about the cost of establishing a quiet zone in the City.

Matt Trost encouraged Council to continue consideration of a quiet zone. Mr. Trost who lives a block from the train tracks said the noise has awakened the family in the middle of the night many times.

Martha Shifflett and Ray Shifflett said the train whistle serves no useful purpose at railroad crossings that have gates. She questioned how other communities can create quiet zones and Harrisonburg can't do anything. Mr. Shifflett reviewed information received from other localities having quiet zones and asked Council to consider establishing quiet zones.

Michael Stoloff supported the idea of a quiet zone. The federal rule that trains must blow their horn at every intersection is an example of federal regulations not taking into account local conditions. People in Harrisonburg are losing sleep over this and it has a negative impact on both health and productivity. We don't let people play loud music in the middle of the night. We should take back local control of this issue and decide what makes sense for train safety in Harrisonburg.

Ronald Winco said train whistles have affected my life. He said, "Almost every morning I am woken up at 5:00 a.m. every day of the week. I want City Council to do something about it".

Phil Whickline said he is concerned with the noise, which detracts from downtown renovations.

Joanne Bruster said the train whistles are having a negative impact on resident sleep. The negative impact of poor sleep quality is very well documented. "My sleep is distributed by trains almost every night. I kept a log for 19 days of the many times I have been woken up by trains. During the 19 days, I was woken up 17 nights from 11:30 p.m. until 7:10 a.m. During a recent night between 12:30 a.m. until 2:45 a.m., the train whistle blew 98 separate times". There being no others desiring to be heard, the public hearing was declared closed at 7:51 p.m., and the regular session reconvened.

Council Member Chenault presented an overview of Virginia's updated law and regulations related to quiet zones. The Federal Railroad Administration has promulgated the rules for establishing quiet zones in conjunction with the fact that they require trains to blow their horns at intersections for certain intervals. There are two ways to basically qualify a train crossing for quiet zone designation. One is through supplementary safety measures and the other is through alternative safety measures. The supplementary safety measures would shield the City from possible lawsuits. There are four ways to qualify a railroad crossing as a quiet zone eligible crossing; however, only two will work for the City of Harrisonburg. He gave Maryland Avenue as an example because it is a two-way street with one lane going in each direction. The railroad considers this street to be a four quadrant railroad crossing. Most of the City's crossings are gated on at least one side. This is a requirement to keep cars from cutting through the gates trying to beat the train. The City currently does not have any crossings that meet the qualification. "I am requesting that Ms. Branche and the Public Works Department provide information on whether the City can extend the current gates with a longer crossing arm to cover both lanes. Also, whether installing two more crossing gates at every intersection would be less expensive. I would also like to know whether the City could qualify an intersection by using the yellow barriers at our existing gate system. Do intersections have to have a constant warning circuitry device?"

Transportation Planner Donovan Branche reviewed four qualifying crossings on a section of South Main Street and West Grace Street. The Public Works department has been researching which intersections will need the constant warning sign circuitry system. There are two crossings on Gay Street to Reservoir Street that will need the constant warning signs. These two sections will cost the City approximately \$500,000. The City has applied for funding grants to update two crossings per year.

The following questions by Council Members included: Will the \$500,000 amount include longer gates? Is there a change in the frequency of train whistles? Will a change in the liability policy occur? Is grant funding available? How does the number of crossings in Harrisonburg compare to other cities with quiet zones? Does JMU have any concerns regarding the noise?

Following further discussion and comments, Council asked the Public Works Department to provide more information before making a decision regarding establishing quiet zones in the City.

Planning and Community Development Director Turner presented a request from Rocktown Partners LC, for a special use permit to allow an educational use within the M-1, General Industrial District. The property is located at 779 Massanutten Street and can be found on tax map parcels 40-N-14 thru 21, 42 and 42A. Mrs. Turner reviewed the surrounding uses in the area. The school plans to purchase the property and move into the existing building located on site. At full capacity they anticipate no more than 60 students and 40 employees. School hours are planned to be from 8:00 a.m. to 4:30 p.m. Staff had some concerns regarding the mixing of different uses. The site would be redesigned with a grassed, fenced play area to the south of the building and new paved areas for updated parking arrangements. She said that Planning Commission recommended the request be approved with the condition that the play area is fenced in by the school.

At 8:20 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 25, and Monday, July 2, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, July 10, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Special Use Permit – 779 Massanutten Street (Minnick Education Center)

Public hearing to consider a request from Rocktown Partners LC, with representative John Serrell for a special use permit per Section 10-3-97 (9) of the Zoning Ordinance to allow an educational use within the M-1, General Industrial District. The property is located at 779 Massanutten Street and can be found on tax map parcels 40-N-14-21, 42, & 42A.

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

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

**CITY OF HARRISONBURG
City Manager**

Mayor Eagle called on anyone desiring to speak for or against this request.

Betsie Michael said that she was available to answer any questions.

John Serrell representing Rocktown Partners said they will donate an additional parcel to the school for parking.

Gary Wilburn, Director of Operations for Minnick Education Center of Roanoke, said the private based school serves children ages six through 22 that are categorized as special education children. They all have a disability of some sort. Since we have outgrown our current space this facility will meet our needs. There being no others desiring to be heard, the public hearing was declared closed at 8:24 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner presented a request from EZ Mart LLC for a special use permit to allow a taxicab and limousine service within the B-2 General Business District. The property is located at 953 South High Street and can be found on tax map parcel 19-C-11. The Comprehensive Plan designates this area as Low Density Residential. She reviewed the surrounding uses in the area. The applicant is requesting a special use permit for a transportation service facility within the B-2 zoning classification. Currently on the site is a Texaco Foodmart business, which is operated by the proposed taxi service applicant. This business will continue along with the taxi service. A limousine service is projected to be coupled with the taxi service at a later date. The taxicabs will be parked in the rear of the property behind the Foodmart building. She said that Planning Commission recommended the request be approved with the condition that fencing would be installed to separate the R-1 Residential from the taxi service.

At 8:30 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fifth public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 25, and Monday, July 2, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, July 10, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Special Use Permit – 953 South High Street (Taxicab and Limousine Service)

Public hearing to consider a request from EZ Mart LLC, with representative Nadeem Afridi for a special use permit per Section 10-3-91 (11) of the Zoning Ordinance to allow a taxicab and limousine service within the B-2, General Business District. The property is located at 953 South High Street and can be found on tax map parcel 19-C-11.

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

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

CITY OF HARRISONBURG City Manager

Mayor Eagle called on anyone desiring to speak for or against this special use permit request. There being no one desiring to be heard, the public was declared closed at 8:31 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner presented a request from W.P. Thompson to subdivide five parcels, totaling 6.34 acres located at 1046 Moore Street into 75 townhouse lots with a variance. The property can be found on tax map 42-D-3A, 4, 5, 13 & 14. The Comprehensive Plan designates this area as Medium-Density Mixed Residential. In July 2005, City Council approved a request to rezone the subject parcels from R-2, Residential

District to R-3C, Multiple Dwelling Residential District Conditional. The applicant is now requesting to preliminarily plat 75 townhouse lots on the property. They are requesting a variance to allow the units to not front on public streets. The subject parcels are located between Moore Street and a right-of-way extension from Emerson Lane. The development would be among several different housing types, which include Beacon Hill's duplexes and townhouses to the north and east of the properties, Northfield Court and Park Crest's townhouses and duplexes to the south, and single-family homes fronting Moore Street to the west. At each intersection of these streets a private street would begin. Moore Street would be improved with curb and gutter and widening. Holly Hill Drive Extension (a private street) would run the entire length of the property from Moore Street to Emerson Lane, and then smaller private streets/parking areas would be constructed from the street to each individual townhouse lot. A wooden fence would be constructed as proffered behind the units parallel to Northfield Court and a recreational area would be provided near the center of the subdivision. There will be no City services provided within this development. She said that Planning Commission recommended the request be approved as presented. Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

The next item of business was adopting the proposed R-3 Zoning Ordinance Amendments. City Manager Hodgen said Planning Commission has recommended approval of these proposed amendments. A public hearing was held in April 2007.

Council Member Chenault suggested continuing the discussion of the proposed R-3 Zoning Ordinance amendments until July 24, 2007. He requested that the Community Development Department provide an existing zoning map of the entire City displaying the eligible parcels.

The following discussion by Council Members included: It would helpful to identify how many parcels are eligible for R-5? The number one priority is to protect established neighborhoods prior to 1982 annexation of the City. The proposal has been studied for a long time. Concern regarding the three year window.

Council was reminded by City Attorney Thumma that as long as the R-3 language as it exists in the current ordinance is not changed it will not be necessary to hold another public hearing.

Council Members agreed to wait until July 24th for further discussion and comments after receiving the requested maps.

Dr. Christie Joy Brodrick presented an overview of the ICLEI-Local Governments for Sustainability project. In November 2006, a collaborative project was proposed to develop a baseline emissions and greenhouse gas inventory for the City. Data has been collected, but a report is not available at this time. She reviewed information shared at workshops with other localities regarding ICLEI.

The next item of business was a brief overview of the City's General Obligation Refunding Bonds. Ted Cole of Davenport and Company, the City's financial advisor, said his firm has been reviewing the possible refinancing of several outstanding City bonds. Information was shared in April 2007 regarding a preliminary opportunity to refinance some of the City's existing debt including bonds issued in 2000, 2002, 2003 and possibly some new money related to road projects. In April, the market analysis was producing for the bonds issued in 2002 and 2003 approximately \$38,000 to \$40,000 a year in debt service savings. However, following discussions with City staff market interest rates have moved upward and have deteriorated the savings level associated with the refinancing. Because interest rates have moved up and down, the approximately current debt service savings is \$19,000 to \$20,000. Mr. Cole suggested that his firm continue monitoring the interest rates, keeping City staff informed while not exposing the City to any financial obligation in terms of legal or underwriting fees.

Vice-Mayor Pace offered a motion to approve FY 2008 State Performance Contract for the Harrisonburg-Rockingham Community Services Board. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

Vice-Mayor Pace offered a motion to approve a request by residents of Collicello Street for a neighborhood gathering on National Night Out, August 7, 2007. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion to approve a request by Rockingham County Public Schools for "Celebrating Character Counts" on Court Square on October 4th from 5:30 until 8:30 p.m. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Council Member Byrd offered a motion to approve the Liberty Park transfer from the Harrisonburg Redevelopment and Housing Authority to the City for \$100,000. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Abstained - Council Member Chenault

Absent – None

Police Major Wilfong presented a request for the Police Department. He said these funds, which were received from state asset seizure money will be used to build a K-9 area at the new police training facility. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$10,000 chge. to: 1000-31010 Amount from fund balance

\$10,000 approp. to: 1000-310631-48211 Machinery/equipment

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

Vote: Yes - Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Frank announced that the Harrisonburg High School Boys Track Team won the state championship. She suggested that the track team should be recognized by placing a decal on the water tower on Washington Street.

At 9:32 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, exempt from the public meeting requirements to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the disposition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 10:15 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 requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:16 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

July 24, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC, and Chief of Police Donald Harper.

Mayor Eagle gave the invocation and led everyone in the Pledge of Allegiance.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and a second reading of a supplemental appropriation for the Police Department. 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 Chenault
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was holding a public hearing to authorize the re-appropriation of several encumbrances that were outstanding at June 30, 2007. City Manager Hodgen explained that these outstanding encumbrances were issued for purchase orders prior to June 30, 2007. The 2007-2008 budget will be increased by \$1,098,814.40.

At 7:04 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 16, 2007.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, July 24, 2007 at 7:00 p.m., or as soon as the agenda permits, in the Harrisonburg City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City’s 2007-2008 budget in the amount of \$1,098,814.40. This amount represents outstanding encumbrance at June 30, 2007.

The budget increases will be as noted below:

Revenues:

General Fund:

Amount from fund balance

814,134.28

School Fund:	
Amount from fund balance	69,383.26
Water Fund:	
Amount from fund balance	31,890.00
Sewer Fund:	
Amount from fund balance	3,076.13
Sanitation Fund:	
Amount from fund balance	<u>180,330.73</u>
Total revenues	<u>1,098,814.40</u>
Expenditures:	
General Fund	814,134.28
School Fund	69,383.26
Water Fund	31,890.00
Sewer Fund	3,076.13
Sanitation Fund	<u>180,330.73</u>
Total expenditures	<u>1,098,814.40</u>

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

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

Mayor Eagle called on anyone desiring to speak for or against this supplemental appropriation. There being no one desiring to be heard, the public hearing was declared closed at 7:05 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$814,134.28 chge. to: 1000-31010 Amount from fund balance
69,383.26 chge. to: 1111-31010 Amount from fund balance
31,890.00 chge. to: 2011-31010 Amount from fund balance
3,076.13 chge. to: 2012-31010 Amount from fund balance
180,330.73 chge. to: 2014-31010 Amount from fund balance

57.79 approp. to: 1000-120511-45210 Postage
135.27 approp. to: 1000-120511-45530 Training and Travel
180.00 approp. to: 1000-120511-45810 Dues & Memberships
412.00 approp. to: 1000-120511-46120 Books & Subscriptions
1,538.85 approp. to: 1000-120511-46140 Other operating supplies

430.94 approp. to: 1000-120912-48171 EDP equipment
4,400.00 approp. to: 1000-120912-48272 Hardware
16,850.00 approp. to: 1000-121012-48273 Software
1,215.00 approp. to: 1000-130114-43330 Maintenance & repair – M & E
499.59 approp. to: 1000-310131-45410 Lease/rent of equipment
37,267.00 approp. to: 1000-320132-48113 Equipment
44,200.00 approp. to: 1000-320232-43360 Maintenance & repair – Bldg & Gnds
19,830.45 approp. to: 1000-410121-48151 Motor vehicle and equip
4,019.00 approp. to: 1000-410121-48171 EDP equipment
1,608.20 approp. to: 1000-410121-48173 Software
12,581.00 approp. to: 1000-410121-48191 Engineering/mapping
11,001.39 approp. to: 1000-410121-48274 Geographic Info System
28,401.10 approp. to: 1000-410121-43100 Professional services
69,612.63 approp. to: 1000-410121-48294 Professional services
3,950.00 approp. to: 1000-410741-43374 Maintenance & repair – allowable
106,179.00 approp. to: 1000-410741-48111 Machinery & equipment
65,847.21 approp. to: 1000-420241-48151 Motor vehicles & equipment
100,000.00 approp. to: 1000-430221-48282 Land
22,837.00 approp. to: 1000-710171-46130 Recreational supplies
4,429.80 approp. to: 1000-710171-46131 Ed/Rec Supplies- Playgrounds
564.00 approp. to: 1000-710171-46140 Other operating supplies
7,165.00 approp. to: 1000-710171-48284 Improvements
10,800.00 approp. to: 1000-710471-48111 Machinery & equipment
2,402.04 approp. to: 1000-710471-48122 Furniture
3,000.00 approp. to: 1000-710771-43310 Repairs and Maintenance
2,775.00 approp. to: 1000-710771-46070 Repair and Maintenance Supplies
360.00 approp. to: 1000-710871-46132 Ed/Rec Supplies – Athletics
8,898.35 approp. to: 1000-710871-48284 Improvements
14,582.00 approp. to: 1000-730271-48111 Machinery & equipment
76,079.67 approp. to: 1000-730371-46151 Merchandise for resale
5,025.00 approp. to: 1000-810521-43600 Advertising
50,000.00 approp. to: 1000-810521-45746 Incentive grants
75,000.00 approp. to: 1000-810521-48228 Development cost Reimb.
48,618.27 approp. to: 1111-111114-40610 Instruction
118.43 approp. to: 1111-111114-40620 Admin-Attend-Health ser.
19,646.56 approp. to: 1111-111114-40640 Operations & Maintenance
1,000.00 approp. to: 1111-111114-40680 Technology
6,000.00 approp. to: 2011-322061-43333 Main & repair-Scada
3,090.00 approp. to: 2011-322061-43379 Main & repair-Tanks
22,800.00 approp. to: 2011-372061-48188 Tanks and pumps
3,076.13 approp. to: 2012-452061-43382 Water loss mgt – Meter test
30,263.30 approp. to: 2014-912242-43320 Service contracts
15,059.16 approp. to: 2014-912242-43890 State fees and permits
121,018.87 approp. to: 2014-912242-45119 Natural gas
13,989.40 approp. to: 2014-972043-48111 Machinery & equipment

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 Chenault
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

The next item of business was adopting the proposed R-3 Zoning Ordinance Amendments. Planning and Community Development Director Stacy Turner reviewed maps showing the R-3 areas within the city boundaries as of 1983 and in the “new” areas of the city after 1983. She also reviewed the total acreage and parcel information.

The following discussion by Council Members included: How many people can live in a dwelling in the R-3 zoning? Will single-family homeowners be protected? Expressed concern that proposed R-3 property owners will have to apply for a special-use permit to build apartments. The Comprehensive Plan was adopted in 2004 to protect neighborhoods. The R-3 zoning is not broken and this proposal is down zoning. Adopting the proposed R-3 amendments will allow the City to have a real opportunity to plan wisely and develop some smart growth ideas while protecting neighborhoods. This change should apply to all R-3 parcels in the entire City. The change should take effect in three years to give developers a chance to complete projects.

Council Member Frank offered a motion to adopt the R-3 Zoning Ordinance Amendments as recommended by Planning Commission. The motion was amended to include a three year time frame for implementation to allow developers to make changes to existing projects. The effective date will be August 14, 2010. 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 Chenault
Vice-Mayor Pace
Council Member Byrd

No - Mayor Eagle

Absent - None

The next item of business was considering installation of railroad preemptive equipment at South High Street and Maryland Avenue. City Manager Hodgen said this equipment would trigger the traffic light when a train reaches the crossing signal in the track. It will help to improve some traffic issues on these streets especially in the mornings when trains are across the tracks and traffic gets back up from Maryland Avenue onto South High Street. The estimated

cost of this equipment is \$7,500 - \$10,000 depending on the distance between the traffic signal and the train track. The City will need to get final approval from the railroad to implement this request. Council Member Chenault offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was a request by Council Member Chenault to enact Section 13-2-10 of the Harrisonburg City Code. He said enacting this ordinance will require persons 14 years of age or younger to wear a helmet when riding a bicycle, an electric personal assistive mobility device, a toy vehicle or an electric power-assisted bicycle as set forth in Section 46.2-906.1 of the Code of Virginia. State law specifies the age limit and currently restricts it to 14. Many children in the community are riding bicycles without a helmet. Violators would get a warning before getting summoned to Harrisonburg-Rockingham Juvenile and Domestic Relations Court.

Marty Solomon said the parents and grandparents should determine whether children should wear helmets.

Wanda Willis thanked City Council for addressing this issue. Parents and grandparents should take the responsibility because keeping kids safe is everyone's goal.

Cindy Reeves said she collects data on bicycle safety. Children up to the ages of six and seven will listen to their parents and wear helmets. Older children don't think it is cool to wear helmets.

Eddie Bumbaugh said he has been involved in two accidents while riding his bicycle. "My life has been saved by wearing a helmet."

Dianne Fulk said she is a member of the Pilot Club, a civic organization, which promotes understanding education and focusing on preventing head injuries. The Pilot Club received a grant and has free helmets available for children.

Lowell Fulk said a severe brain injury to a child requires more than just family members to help.

Police Chief Donald Harper said this ordinance will be enforceable. Officers will contact parents if there is a question regarding the age of the child.

Following further discussion and comments, Council Member Chenault offered a motion to approve this ordinance for a first reading requiring persons 14 years or younger to wear a helmet. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Council Member Chenault

Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

Council Member Byrd offered a motion to support a grant application from Rockingham Memorial Hospital and Community Foundation for a proposed downtown walking loop and asked City Manager Hodgen to draft a letter regarding the support. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

City Manager Hodgen reported that it will cost \$4,018 to place a large decal on the water tower on Washington Street to recognize the Harrisonburg High School AA Track Team. Council agreed to pay for the decal and have it placed on the water tower.

City Manager Hodgen said that a commercial customer's typical water bill during the last several years was seldom in excess of 2,000 gallons per month. This customer received a water bill recently for 269,000 gallons. The Water Department has gone through a normal process to identify any leaks and cannot provide an explanation. The Director of Public Utilities is allowed by ordinance to make an adjustment, but the methodology does address severe cases like this. The customer is requesting reducing the bill to \$40.00. Vice-Mayor Pace offered a motion to make an adjustment in the customer water bill to \$40.00. The motion was seconded by Council Member Chenault and approved with a vote of four to one with Council Member Byrd abstaining.

Council Member Chenault offered a motion that Wayne Lilly, 105 Sunbright Drive, Bridgewater, VA, 22812 be appointed to an unexpired term of Edward J. Baldwin, Jr., on the Blue Ridge Disability Services Board to expire on February 1, 2009. 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 Chenault
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent – None

At 8:30 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

August 14, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC, and Chief of Police Donald Harper.

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

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several outstanding encumbrances at June 30, 2007. The motion also included an ordinance enacting Section 13-2-10 and Chapter 3. Zoning Ordinance Amendments of the Harrisonburg City Code. 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 Byrd
Council Member Frank
Mayor Eagle

Absent - None

The next item of business was holding a public hearing to submit an application for the Edward Byrne Memorial Assistance Grant Fund. Police Chief Harper said these funds in the amount of \$18,845.00 will allow the department’s Crime Scene Technicians to gather and analyze evidence. A public hearing must be held prior to the Police Department receiving the funds.

At 7:10 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s public hearing to order. He called on anyone desiring to speak for or against the grant application. There being no one desiring to be heard, the public hearing was declared closed at 7:11 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the request for the Edward Byrne Memorial Assistance Grant Fund application. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Chenault
Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

Planning and Community Development Director Turner presented a request from William P. Shomo and Phillip Constable to subdivide one parcel, totaling 1.14 acres located at 1256 North Main Street. The applicants are now requesting to preliminarily plat the 49,658 +/- square foot parcel into 15 townhouse lots. Four of the lots will be accessed from a private street. The property, zoned R-4, Planned Unit Residential District, is found on tax map 42-D-20. Mrs. Turner reviewed the surrounding uses in the area and noted that in March 2007, the entire parcel was rezoned R-4. The preliminary plat shows the entrance to the development coming off Emerson Lane with eleven of the fifteen lots fronting on the street. The development has frontage along North Main Street as well; however, no entrances will be allowed from Main Street into the site. Within this section of Emerson Lane is a center-landscaped island that is maintained by the Beacon Hill Townhomes Homeowners Association. The crossover opening within the center island will be enlarged to create an 80-foot opening. She said that Planning Commission has recommended that the request be approved. Council Member Chenault offered a motion to approve the request as presented. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Chenault
Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

The next item of business was an update on Streetscape Projects. City Manager Emeritus Roger Baker and Harrisonburg Downtown Renaissance Executive Director Eddie Bumbaugh reviewed the plans and cost estimates for various planned Streetscape Improvement Projects to achieve the biggest impact in the downtown area. Mr. Bumbaugh said that funding has been appropriated for the Wayfinding gateway sign system and the “*Preserve America*” grant. Gateway signs are being proposed at nine entrances into the City as well as wayfinding signs at key attractions and parking signs. The highest priority will be directions to the downtown area from I-81. Two projects being recommended include refurbishing the concrete base of the World War I Memorial, adding new landscaping and two additional flagpoles, improving sidewalks with brick pavers, and replacing water and storm drainage utilities from Massanutten Regional Library to Elizabeth Street. Council Members agreed to move forward with the directions and priorities provided by Mr. Baker and Mr. Bumbaugh.

Fire Chief Larry Shifflett presented for Council consideration accepting a “Staffing for Adequate Fire and Emergency Response Firefighters Act (SAFER)” grant. He said the Fire Department has received notification that it has been approved for a SAFER Act grant. This five-year program will provide more firefighters on duty in the fire stations ready to respond to emergency calls. It also will allow the City to comply with National Fire Protection Association (NFPA) Standard #1710. He reviewed the level of grant support over the five-year period. Following further discussion and comments, Vice-Mayor Pace offered a motion to accept this

grant as presented. 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 Byrd
Council Member Frank
Mayor Eagle

Absent – None

Kim Alexander, Director of Special Projects and Grants Management, presented for Council's consideration approval of the Community Development Block Grant (CDBG) Consolidated Plan consisting of the FY 2008-FY 2012 Strategic Plan and the FY 2008 Annual Action Plan. She said that the City held two required public hearings for adoption of this plan. With the exception of comments made at the public hearings, the City has not received any other comments during the last 30 day public comment period. Council Member Chenault offered a motion to approve the CDBG Consolidated Plan as presented. 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 Byrd
Council Member Frank
Mayor Eagle

Absent – None

Martin Solomon said that he drives a motorcycle with wheels of eight inches or less in diameter and is not required to wear a helmet according to City Code. However, City Police Officers continue to stop him because they believe he is riding a moped, which does require wearing a helmet. He pointed out that all motorcycles require a license plate; however, a moped does not require a license plate.

Vice-Mayor Pace suggested that police officers be reminded that people riding motorcycles are required to have license plates and mopeds aren't. Also, people riding a moped are required to wear a helmet and people riding motorcycles are not required to wear a helmet.

The next item of business was a presentation concerning the City's Post Retirement Health Care Benefits liability. Finance Director Lester Seal said the City must implement Government Accounting Standards Board (GASB) Statement # 45 for the year ended June 30, 2009. GASB # 45 requires that the City recognize its potential liability for post employment health care benefits that are accruing to employees. Wachovia Retirement services was hired to perform the actuarial calculations, etc. that were necessary to determine the liability and the annual contribution that is required by this standard.

Daniel “Dan” L. Homan, senior consultant with Wachovia, gave an overview of GASB, including current method, new rules, impact, and valuation results of GASB 45.

City Manager Hodgen presented a request for a supplemental appropriation to the General and Water Capital Projects fund. The City has received interest on bond funds and reimbursement for the new radio system. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$413,718.95 chge. to: 1310-31010 Amount from fund balance
3,234.36 chge. to: 1321-31010 Amount from fund balance

\$312,166.86 approp. to: 1310-9101410485610 Two Way Communication System
80,673.43 approp. to: 1310-910141-48637 Erickson Avenue Extended
20,878.66 approp. to: 1310-910111141-48696 Linda Lane Extension
3,234.36 approp. to: 1321-910161-48657 Water Storage Tanks

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

Vote: Yes – Council Member Chenault
Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

Economic Development Director Brian Shull presented a request for a supplemental appropriation for the Economic Development Department. He said the Virginia Economic Development Partnership has awarded the City of Harrisonburg a \$50,000 “Governor’s Opportunity Fund” grant which is committed to Ariake U.S.A., Inc., for their \$18 million expansion in Harrisonburg. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$50,000 chge. to: 1000-32541 Governors’ Opportunity Fund Grant

\$50,000 approp. to: 1000-810521-45746 Incentive grants

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 Byrd
Council Member Frank
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds were received from the Virginia Department of Alcoholic Beverage Control, Bureau of Law Enforcement, for a grant of overtime for officers for efforts with JMU alcohol coalition and holiday DUI enforcement. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$5,000.00 chge. to: 1000-33551 VA ABC enforcement grant

\$3,000.00 approp. to: 1000-310231-41020 salaries/wages OT

2,000.00 approp. to: 1000-310631-41020 salaries/wages OT

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 Byrd
Council Member Frank
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds were received from a DMV grant for “Click It or Ticket”. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$3,424.59 chge. to: 1000-31010 Amount from fund balance

\$3,424.59 approp. to: 1000-310631-41020 salaries/wages OT

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 Byrd
Council Member Frank
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds will replace money spent on bullet proof vests for the vest program.

\$4,331.78 chge. to: 1000-31010 Amount from fund balance

\$4,331.78 approp. to: 1000-31023148140 Bullet Proof vests

The next item of business was selecting voting delegates for the Virginia Municipal League Conference scheduled for October 14-16, 2007. Council Member Chenault offered a motion naming Mayor Rodney Eagle as the voting delegate and Council Member Frank as the alternate voting delegate. City Manager Hodgen was selected as a staff assistant to represent the City at the conference. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

City Manager Hodgen recommended that Council establish a two person Liaison Committee between the City and JMU.

At 8:47 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. 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 Byrd
Council Member Frank
Mayor Eagle

Absent – None

At 9:30 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

9:31 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

August 28, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault; Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC, and Police Captain Gregory.

Council Member Byrd gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Deb Fitzgerald a resident of the City, reviewed information suggesting a possible sister City relationship between Harrisonburg and Dabas, Hungary.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several supplemental appropriations for the General and Water Capital Projects, Economic Development and Police Departments. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Council Member Chenault
Mayor Eagle

Absent - None

The next item of business was holding a public hearing to consider amending the Erosion and Sedimentation Control Ordinance for the City of Harrisonburg – Chapter 4 of Title 10 of the Harrisonburg City Code. City Engineer Dan Rublee said the ordinance was first drafted in 1989 and revised in 1990. In 2003, the Department of Conservation and Recreation did a complete program evaluation of the City’s erosion and sedimentation control program. It was recommended that the City update its ordinance to the current standard at that time. Also, in 2003 the City became permitted under the VA Storm Water Management requirement as a result of the population. The biggest change in the ordinance is that violations have changed from criminal to civil penalties.

At 7:25 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s public hearing to order. The following notice appeared in the Daily News-Record on Saturday, August 18, and Friday, August 24, 2007.

**NOTICE OF PUBLIC HEARING ON AMENDING
THE EROSION AND SEDIMENTATION CONTROL
ORDINANCE FOR THE CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on August 28, 2007 at 7:00 P.M. in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, concerning amending the Erosion and Sedimentation Control Ordinance (Chapter 4 of Title 10 of the Harrisonburg City Code) for the City of Harrisonburg.

Copies of the proposed ordinance amending the Erosion and Sedimentation Control provisions are available in the Department of Community Development, 409 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 7:26 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve amending this ordinance for a first reading. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Council Member Chenault
Mayor Eagle

Absent - None

Mayor Eagle presented the following resolution for Council's consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, SETTING THE PERCENTAGE OF PERSONAL PROPERTY
TAX RELIEF FOR THE YEAR 2007**

WHEREAS, pursuant to Article J of Title 4, Chapter 2 of the Harrisonburg City Code, the City Council shall by resolution set the percentage of personal property tax relief that is anticipated to fully exhaust the Personal Property Tax Relief Act of 1998 (PPTRA) funds provided to the city by the Commonwealth of Virginia; and

WHEREAS, the percentage of personal property tax relief for the year 2007 has been determined to be forty and seven/tenths percent (40.7%);

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, sets the percentage of personal property tax relief for the tax year of 2007 to be forty and seven/tenths percent (40.7%), which percentage is anticipated to fully exhaust the PPTRA relief funds provided to the city by the Commonwealth of Virginia.

Approved: August 28, 2007

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Commissioner of the Revenue June Hosaflook said this resolution will set the percentage of tax relief commonly known as the car tax for 2007. The car tax is a fixed amount of money set by the state. The amount will be forty and seven/tenth's percent (40.7%). Following further discussion and comments, Council Member Byrd offered a motion to adopt the resolution setting the percentage of personal property tax relief for the year 2007 at 40.7%. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Council Member Chenault
Mayor Eagle

Absent - None

City Manager Hodgen presented a request for a supplemental appropriation for a Two Way Communication system. The City has received grant funds and Homeland Security funds that were not anticipated and can be used for the new radio system. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$ 50,437.50 chge. to: 1000-31010 Amount from fund balance
247,369.50 chge. to: 1310-31010 Amount from fund balance
50,437.50 chge. to: 1310-34210 Transfer from General Fund

\$ 50,437.50 approp. to: 1000-990111-49216 Transfer to General Capital Projects
297,807.00 approp. to: 1000-910141-48610 Two Way Communications System

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

Vote: Yes – Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Council Member Chenault
Mayor Eagle

Absent - None

Council Member Frank offered a motion to appoint Mayor Rodney Eagle and Council Member Ted Byrd to a JMU Liaison Committee. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

City Manager Hodgen presented a request to develop a “Special Events Manager” position and a supplemental appropriation for the Harrisonburg Downtown Renaissance office. The Special Events Manager is responsible for planning and implementing special events for Harrisonburg, working with various City departments, and recruiting and training volunteers. Following further discussion and comments, Council Member Chenault offered a motion to approve creating the position and supplemental appropriation, and that:

\$42,000 chge. to: 1000-31010 Amount from fund balance

\$30,000 approp. to: 810621-41010 Salaries & wages – regular
2,754 approp. to: 810621-42010 FICA
2,775 approp. to: 810621-42050 Hospital Insurance
6,471 approp. to: 810621-46140 Other Operating Supplies

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

Vote: Yes – Vice-Mayor Pace
Council Member Byrd
Council Member Chenault
Mayor Eagle

No - Council Member Frank

Absent - None

Council Member Chenault offered a motion to close a portion of Federal Street from Wolfe Street to Elizabeth Street on September 23rd for the church’s Hispanic Festival. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Council Member Byrd offered a motion that Erica Martin, 620 Keezletown Road be appointed to the Social Services Advisory Board to expire on July 1, 2011. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Council Member Chenault
Mayor Eagle

Absent - None

Council Member Byrd offered a motion that Anne Elizabeth Leake Frazier, 216 Divot Drive, be appointed to the Social Services Advisory Board to expire on July 1, 2010. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Council Member Chenault
Mayor Eagle

Absent - None

At 8:06 p.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

September 11, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC; and Police Chief Harper.

Vice-Mayor Pace gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several supplemental appropriations for Erosion and Sedimentation Control, Harrisonburg Downtown Renaissance, and a Two-Way Communication system. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent - None

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. This request will recover unspent state grant funds from the 2006-2007 budget. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$24,102.12 chge. to: 1000-31010 Amount from fund balance
20,992.48 chge. to: 1000-31010 Amount from fund balance
78,369.11 chge. to: 1000-31010 Amount from fund balance

\$24,102.12 approp. to: 1000-350532-46155 Four for Life Expenses
20,992.48 approp. to: 1000-350532-46160 Haz Mat Supplies
78,369.11 approp. to: 1000-350532-48203 Fire Programs Fund

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

Vote: Yes – Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent - None

Planning and Community Development Director Turner introduced a request from Ted and Tammy Brown to close a 1,989 square foot portion of undeveloped right-of-way located between Campbell Street and Ash Tree Lane, abutting 238 and 246 Campbell Street. The right-of-way is currently shown as an alley on the City of Harrisonburg's tax maps and serves as access to the abutting parcels. She said that presently this access is graveled but not maintained by the City, and it is not used for emergency services or refuse collection. There are also no utilities located within the alley. The applicants desire to split the alley with the adjoining property owners at 238 Campbell Street; each property will receive an extra six feet of width. She said that Planning Commission recommended approving the request.

At 7:10 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 Saturday, September 1, and Saturday, September 8, 2007.

**NOTICE OF INTENTION TO VACATE
A TWELVE (12) FOOT WIDE ALLEY LOCATED
LOCATED BETWEEN 238 AND 246 CAMPBELL STREET
IN THE CITY OF HARRISONBURG**

**City Council Chambers
409 South Main Street
Harrisonburg, VA 22801
Tuesday, September 11, 2007
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, September 11, 2007, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider a request by Theodore and Tammy Brown to vacate and close a twelve (12) foot wide alley, containing 1,989 square feet, all located between 238 Campbell Street and 246 Campbell Street in the City of Harrisonburg, Virginia.

A copy of the plat showing the alley to be vacated and the recommendation of the City's Planning Commission are available in the City Community Development office, 409 South Main Street, Monday through Friday.

All persons interested will have an opportunity to express their views at this public hearing.

**CITY OF HARRISONBURG
Kurt D. Hodgen,
City Manager**

Mayor Eagle called on anyone desiring to speak for or against this alley closing request.

Tammy Brown requested that the alley be closed for safety issues. Sometimes traffic going through the alley disregards children and pets in the yard.

Stephanie Byrd said that the alley needs to be closed for safety reasons. There being no others desiring to be heard, the public hearing was declared closed at 7:11 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this alley closing 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 Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Abstained - Council Member Byrd

Absent - None

Planning and Community Development Director Turner introduced a request from Hi-Sky Enterprises, LLC to close a 2,584 square foot portion of an alley located between East Market Street and Ott Street. The subject area is adjacent to tax map parcels 26-A-7, 8, & 29. She reviewed the surrounding uses in the area. The applicant plans to redevelop within this block of East Market Street. A new building could be built over the area of this existing alley, therefore they would need to close and purchase this section. The applicant owns all sides of the right-of-way, which includes the adjacent eastern parcel 26-A-8, the southern parcel 26-A-29, and the western parcel 26-A-7. Harrisonburg Electric Commission (HEC) owns facilities that are located within the alley and adjacent to the alley, using it for access to and maintenance of the facilities. HEC has requested that when the alley is closed, if the utilities have not been relocated at the time, there be easements established. The City Attorney would be able to make sure that this is done to HEC satisfaction. She said that Planning Commission recommended approving the request.

At 7:21 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 Saturday, September 1, and Saturday, September 8, 2007.

**NOTICE OF INTENTION TO VACATE
AN ALLEY LOCATED
LOCATED ALONG THE SIDE AND REAR OF THE LOT
KNOWN AS 237 EAST MARKET STREET
IN THE CITY OF HARRISONBURG**

**City Council Chambers
409 South Main Street
Harrisonburg, VA 22801
Tuesday, September 11, 2007
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, September 11, 2007, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider a request by Hi-Sky Enterprises, LLC to vacate and close an alley that lies along the western side lot line and along the southern rear lot line and containing 9,777 square feet, of the lot known as 237 East Market Street in the City of Harrisonburg, Virginia.

A copy of the plat showing the alley to be vacated and the recommendation of the City's Planning Commission are available in the City Community Development office, 409 South Main Street, Monday through Friday.

All persons interested will have an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG
Kurt D. Hodgen,
City Manager

Mayor Eagle called on anyone desiring to speak for or against this alley closing request. Andrew Forward said he is speaking on behalf of the applicants who are currently working on potential redevelopment of the property. Malcolm Wilfong representing Muhlenberg Lutheran Church said members of the church have been concerned for years for the safety of the children traveling back and forth from one facility of the church to another. There being no others desiring to be heard, the public hearing was declared closed at 7:11 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this alley closing with the appropriate easement established for HEC. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent - None

Planning and Community Development Director Turner introduced a request from Heritage Estates, LLC to rezone approximately 2.83 acres located near Garbers Church Road from R-1 to R-2C. The properties are located near Garbers Church Road and can be found on tax map parcels 116-C-20-23, 27, & 27 and 117-F-1. The property is located within the Heritage Estates Subdivision, which is a neighborhood age restricted to 55 years or older. She reviewed the surrounding uses in the area. The applicant desires to convert the six undeveloped lots into eight lots, allowing for four buildings of paired homes. A paired home is described as having entrances on opposite sides of the building, giving the effect of a large single-family dwelling. By City zoning definition a paired home is a duplex dwelling. In order to construct this type of

building, a rezoning is necessary. She said this subdivision received a variance to the subdivision regulations to allow private streets within the development. There will be four paired homes to be situated on eight building lots on the existing tax parcels. The remaining parcel is an approximately 1.33 acre lot improved with a single-family dwelling. The applicant is showing subdividing this seventh parcel into five single-family home lots, leaving the existing dwelling on one of the lots. There will be five single-family dwellings, one of which already exists, on the 1.33-acre parcel. She said that staff does not support this request; however, Planning Commission has recommended approval by a three-two vote.

At 7:32 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 27, and Tuesday, September 4, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, September 11, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – Heritage Estates

Public hearing to consider a request from Heritage Estates, LLC, with representative Amar Gogia, to rezone 2.83 +/- acres from R-1, Single Family Residential District to R-2C, Residential District Conditional. The properties are located near Garbers Church Road and can be found on tax map parcels 116-C-20-23, 27, & 28 and 117-F-1.

The Comprehensive Plan designates this area as Low-Density Mixed Residential. These large undeveloped areas located at the edge of the city are planned for residential development containing a mix of large and small-lot single-family detached dwellings and attractive green spaces.

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

CITY OF HARRISONBURG

**Kurt D. Hodgen
City Manager**

Mayor Eagle called on anyone desiring to speak for or against this rezoning request. Jerry Scripture reviewed documents describing a paired home including the square footage. He asked for Council's approval stating that this rezoning will increase the tax base and not place a burden on the school system. These are private streets, and there are no road costs for the City. There being no others desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve this rezoning request. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

No - Council Member Byrd

Absent - None

Planning and Community Development Director Turner introduced a request from Falling Creek, LLC, to rezone approximately 118 acres located between Country Club Road and Smithland Road from B-2C, M-1, and R-1 to R-7. She said the plan of development would incorporate most of the elements of the R-7 district including single-family homes, duplexes, townhomes, multi-family buildings, commercial space, mixed-use buildings, and recreational areas. This project, known as *The Quarry*, is part of a larger plan of development which consists of this proposal, a subsequent rezoning application for a commercial district fronting along Country Club Road, and future plans for other multi-family buildings. She reviewed the surrounding uses in the area. In 2006, the Comprehensive Plan's Land Use Guide was amended to include *The Quarry* properties from Commercial and Mixed Use Development to Medium Density Residential, Medium Density Mixed residential, and Commercial. The majority of the subject area was designated Medium Density Mixed Residential, an area planned for multi-family buildings was designated Medium Density Residential, and areas near Country Club Road were designated Commercial. The development would be accessed from four public street entrances. Two entrances would be from Smithland Road and one from the extension of Linda Lane, which must traverse railroad tracks. The fourth entrance would be located off of Country Club Road. The project would have eleven separate development blocks. Block II-IX are part of this rezoning request. Blocks I, X, XI are planned for the future commercial district fronting along Country Club Road. The R-7 development is described as development with a range of 4-12 dwelling units per acre. She reviewed the plan of development submitted by the applicant including the various home styles in the plan. The narrative states after the lots are final platted; no further subdivision would be allowed that would increase the net number of residential lots. The property exceeds the 15% minimum open space or park requirement as the development illustrates about 51 acres would be common open space including the parks and the lake. A 1.4-mile walking trail would be provided within the development as part of their recreational

amenities, as well as clubhouse and swimming pool. She said if the rezoning is approved, the applicant will still need to submit the preliminarily subdivision plans for this development at a later time. An important element to the development in this area is the extension of Linda Lane from Country Club Road to Smithland Road. The applicant is pursuing proposed crossings with the railroad. City staff reminded the applicant that any landscaping requiring maintenance within public right-of-way needed to be set up as the responsibility of the property owners association. *The Quarry* property has several sinkholes. The applicant has been reminded about the concern over the impacts to the sinkholes and the relative locations of lots and buildings to the sinkholes. Protection of these areas must be in accordance with the DCSM. As necessary for R-7 proposals, staff has worked closely with the applicant and their engineer throughout this process. Staff believes they have generated a plan of development that is consistent with the intent of the R-7 zoning district. She said that Planning Commission has recommended approving the request.

At 8:20 p.m., Mayor Eagle closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 27, and Tuesday, September 4, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, September 11, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – The Quarry

Public hearing to consider a request from Falling Creek, LLC, with representative Blackwell Engineering, to rezone 118 +/- acres from B-2C, General Business District Conditional, M-1, General Industrial District, and R-1, Single Family Residential District to R-7, Medium Density Mixed Residential Planned Community. The properties are located between Country Club Road and Smithland Road and can be found on tax map parcels or portions of 13-B-3, 4, & 6 and 30-A-1-4, & 6 (see map for exact boundary lines).

The Comprehensive Plan designates this area as Medium-Density Mixed Residential and Commercial. The Medium Density Mixed Residential designation is intended for small-lot single-family detached and single-family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. The gross density of development in these areas should be in the range of 4-12 dwelling units per acre. The Commercial designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City.

The Zoning Ordinance states that the 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. The M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The R-7, Medium Density Mixed Residential Planned Community is intended to permit the development of planned residential communities offering a mix of single-family detached and attached dwellings and open spaces. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed, redeveloped, and amended in accordance with a master development plan.

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

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

CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager

Mayor Eagle called on anyone desiring to speak for or against this rezoning request. Ed Blackwell said Blackwell Engineering has been working on the plan for a year. The density will be on the low end of what is allowed in the R-7 zoning classification. *The Quarry* will contain about seven acres or 6% of the total acreage. John Serrell said it is a great project and wonderful idea. The City and project engineer are negotiating to close their right-of-way and they have never talked to them. Mr. Serrell has let Blackwell Engineering know that they have a legal right-of-way (in to their property), and they should be consulted when somebody is going to change their traffic pattern. There being no others desiring to be heard, the public hearing was declared closed at 8:45 p.m., and the regular session reconvened.

The following discussion by Council Members included: Concern whether there is a plan B to provide access to Superior Concrete? Concern regarding transportation. Concern about phasing of the development. Council encouraged developing the commercial areas first. The land has been designated for commercial industrial development for 25 years. A new school has provided access to this land. Development will cost the taxpayers of the City. Some significant benefits from the development may have been overlooked. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve Planning Commission's recommendation. 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
Mayor Eagle

No - Council Member Byrd
Council Member Frank

Absent - None

Mayor Eagle presented the following resolution for Council's consideration of approval.

A RESOLUTION HONORING ARCHBISHOP DESMOND TUTU

WHEREAS, Archbishop Desmond Tutu recipient of the 1984 Nobel Peace prize and winner of the Albert Schweitzer Award for Humanitarianism will be visiting Harrisonburg and James Madison University on September 21, 2007; and

WHEREAS, Archbishop Tutu is known for his outspoken opposition to apartheid and his message of tolerance and peace; and

WHEREAS, Archbishop Tutu's message of interfaith dialogue, forgiveness and respect is one that continues to have resonance in today's world; and

WHEREAS, his contributions to peace, encouragement of a non-violent approach to human relations and world affairs, and efforts to promote reconciliation will be recognized by his being awarded the Mahatma Gandhi Global Nonviolence Award from the James Madison University Mahatma Gandhi Center for Global Nonviolence on September 21, 2007, International Day of Peace

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Harrisonburg, Virginia, hereby welcomes Archbishop Desmond Tutu to the City of Harrisonburg and extends its congratulations to him for this prestigious award.

ADOPTED THIS 11TH DAY OF SEPTEMBER, 2007

BY: _____

Rodney L. Eagle, Mayor

ATTEST: _____

Yvonne H. Ryan, MMC, City Clerk

Council Member Chenault offered a motion to adopt this resolution as presented. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

The next item of business was a request by City Attorney Thumma to amend and re-enact Section 16-8-51 of the Harrisonburg City Code. He said this amends the City's open container ordinance to bring it into compliance with the State statute that was amended earlier this year. Vice-Mayor Pace offered a motion to approve this ordinance for a first reading 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 Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds were received as a donation to the K-9 unit from the Shenandoah Valley Spay and Neuter Clinic. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$75.00 chge. to: 1000-31809 Donation (K-9 unit)
\$75.00 approp. to: 1000-310631-46100 Police Supplies

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

Vote: Yes – Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds were received through a reimbursement grant from the Division of Motor Vehicles to be used for overtime for officers. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$2,379.28 chge. to: 1000-3524 DMV Federal grant
\$1,209.83 approp. to: 1000-310231-41020 Salaries/wages OT
1,169.45 approp. to: 1000-310631-41020 Salaries/wages OT

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

Vote: Yes – Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent - None

City Manager Hodgen presented a request for a supplemental appropriation for Community Policy and Management Team. He said this request will complete fiscal year 2007 funding. He reviewed previous allocations for this joint program of Harrisonburg and Rockingham County. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$112,349.00 chge. to: 1000-31010 Amount from fund balance
\$112,349.00 approp. to: 1000-910511-47071 Expenditures of Social Services Dist.

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

Vote: Yes – Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent - None

Council Member Chenault presented a request that a pay study be conducted for the Fire Department.

Council Member Byrd offered a motion that Karen M. Rose, 286 Campbell Street, be recommended as an At-Large-Member to the Valley Program for Aging Services Board of Directors. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent - None

Council Member Frank offered a motion that John Otenasek, 1860 Buttonwood Court, be appointed to fill an unexpired term on the Harrisonburg/Rockingham Community Services Board

to expire on July 1, 2009. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

At 9:40 p.m., Council Member Frank offered a motion that Council enter into a closed session for consultation with legal counsel regarding a proposed contract 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 Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Byrd
Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Mayor Eagle

Absent - None

At 10:35 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 requirements 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 City Council.

At 10:37 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

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REGULAR MEETING

September 25, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC; and Police Major Wilfong. Absent: Police Chief Harper.

Council Member Chenault gave the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several supplemental appropriations for the Police and Fire Departments, Community Policy and Management Team and an ordinance amending and re-enacting Section 16-8-51 of the Harrisonburg City Code. The motion also included a rezoning request from Falling Creek and Heritage Estates. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

Mayor Eagle presented the following resolution for Council's consideration of approval:

**A RESOLUTION DECLARING OCTOBER 3, 2007 AS
"WALK TO SCHOOL DAY"**

WHEREAS, despite ongoing efforts to better protect child pedestrians, child pedestrian injury remains the second leading cause of unintentional injury-related death among children ages 5 to 14 in the U.S.; and

WHEREAS, each year, more than 630 children ages 14 and under die from pedestrian-related injuries and more than 39,000 children ages 14 and under are treated in hospital emergency rooms in the U.S.; and

WHEREAS, the total annual cost of traffic-related pedestrian injury among children ages 14 and under is \$5.2 billion in the U.S.; and

WHEREAS, the majority of pedestrian deaths and injuries are traffic-related in the U.S.; and

WHEREAS, environmental modifications, when made in conjunction with enforcement of traffic laws and increased penalties for traffic violations, are proven to reduce traffic-related pedestrian death and injury; and

WHEREAS, in recognition of International Walk to School Day 2007, children, parents, educators, community leaders, Safe Kids coalitions are joining together nationwide to walk to school and evaluate pedestrian safety in their community; and

WHEREAS, Safe Kids Central Shenandoah Valley has planned pedestrian safety activities and school-based events for International Walk to School Day 2007 in an effort to educate children and families about the importance of pedestrian safety;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Harrisonburg, Virginia, does hereby declare October 3, 2007 as “Walk to School Day” in the City of Harrisonburg.

ADOPTED THIS 25TH DAY OF SEPTEMBER, 2007

Rodney L. Eagle, Mayor

Yvonne H. Ryan, MMC, City Clerk

Andrew and Cedric Ansah from Waterman Elementary School invited Council Members to walk with the students on October 3, 2007. Andrew and Cedric said they walk to and from school every day and enjoy getting the exercise. Council Member Byrd offered a motion to adopt this resolution declaring October 3, 2007 as “Walk to School Day”. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

Wanda Willis, Fire Prevention Education Specialist, announced that after Harrisonburg adopted a bike helmet ordinance, the Virginia Department of Health has awarded the City a grant of approximately \$22,500 to purchase 4,500 bike helmets for children. She said that hopefully every child in Harrisonburg will receive a free bike helmet.

Planning and Community Development Director Turner introduced a request from Diversified Development Solution, LLC and Ferguson Investments, LLC to amend an approved plan of development for Brookside Park and R-7 Medium Density Mixed Residential Planned Community. In June 2006 this property was rezoned from R-2, Residential District and R-2C, Residential District Conditional to R-7, Medium Density Mixed Residential Planned Community. This request is a slight modification to a previous approved plan of development. The property is located between the undeveloped right-of-way section of Suter Street and Monroe Streets and contains approximately 7.11-acres of land. She reviewed the surrounding uses in the area. The approved development consists of courtyard homes, single family detached homes and duplexes. The applicant is requesting to revise the approved plan of development. The revisions will not affect the intent of the project nor change the design of the project but will allow more flexibility with the listed home styles, exchanging a duplex lot for two single family dwelling lots, and adjusting rear setbacks for two lots abutting the common open space. She said that Planning Commission has recommended approving the request.

At 7:20 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, September 10, and Monday, September 17, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, September 25, 2007 at 7:00 p.m., in the City Council chambers, 409 South Main Street to consider the following:

Rezoning – Brookside Park R-7 Plan Amendment

Public hearing to consider a request from Diversified Development Solutions, LLC and Ferguson Investments, LLC to revise 36 lots totaling 7.11-acres of R-7, Medium Density Mixed Residential Planned Community zoned parcels. The properties are located among Suter Street, Drake Lane, and Roberts Court and can be found on tax map parcels 40-A-24A, 25-29 & 40-B-37, 40-68.

The Comprehensive Plan designates this area as Mixed Use Development and Neighborhood Residential. The Mixed Use Development designation includes both existing and proposed new mixed-use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area. The Neighborhood Residential 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-7, Medium Density Mixed Residential Planned Community is intended to permit the development of planned residential communities offering a mix of single family detached and attached dwellings and open spaces. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed, redeveloped, and amended in accordance with a master development plan.

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

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

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

Mayor Eagle called on anyone desiring to speak for or against amending the plan of development.

Scott Sellers said that this plan stays with the concept of the R-7 zoning with a few minor changes. There being no others desiring to be heard, the public hearing was declared closed at 7:21 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

Planning and Community Development Director Turner introduced a request from the City of Harrisonburg to close approximately 13,315 square foot portion of two intersecting alleys within a block bordered by Sterling, Kelley, and Hill Streets. The right-of-way is reflected as two alleys on the City of Harrisonburg's tax maps and is used as entrances and travel-ways for the cemetery. There are no utilities found within the area. The purpose of the request is to allow for the right-of-ways areas to be conveyed to the adjacent cemetery property. She said that Planning Commission recommended approving this request.

At 7:24 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 Saturday, September 15, and Saturday, September 22, 2007.

**NOTICE OF INTENTION TO VACATE
UNDEVELOPED RIGHTS OF WAY
LOCATED WITHIN THE NEWTOWN CEMETERY
IN THE CITY OF HARRISONBURG**

**City Council Chambers
409 South Main Street
Harrisonburg, VA 22801
Tuesday, September 25, 2007
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, September 25, 2007, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider a proposed motion by the City Council to vacate two (2) undeveloped

rights of way, containing approximately 14,315 square feet, more or less, located within the Newtown Cemetery in the City of Harrisonburg, Virginia, the first right of way is approximately 24 feet wide and heads in a southerly direction perpendicular from Kelley Street for 200 feet until it intersects with the second right of way and the second right of way is of variable width and runs between Sterling Street and Hill Street for approximately 495 feet.

A copy of the plat showing the rights of way to be vacated are available in the City Manager's office, 409 South Main Street, Monday through Friday.

All persons interested will have an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG

Kurt D. Hodgen,

City Manager

Mayor Eagle called on anyone desiring to speak for or against this alley closing request. There being no one desiring to be heard, this public hearing was declared closed at 7:25 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this alley closing as presented. 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 Chenault
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

The next item of business was a request from "In His Image Disability Services" for a run/walk event on Saturday, October 20, 2007. Cathy Harold said this is a non-profit organization serving children with disabilities and their families. This event will begin at the City's Municipal Parking lot and only use the inside lane of Liberty and Main Street from 8:00 a.m. until 11:00 a.m. Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

Police Major Wilfong presented a request for a supplemental appropriation for the Police Department. He said these funds will be used to cover additional work at the department's new range and a shortage in a grant administration budget. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$27,000.00 chge. to: 1000-31010 Federal Asset Seizure

\$22,000.00 approp. to: 1000-310231-48234 Police Training Facility

5,000.00 approp. to: 1000-310131-48211 Machinery and equipment

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

Vote: Yes – Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

Vice-Mayor Pace announced that Rockingham Memorial Hospital will donate \$315,000 toward a Federal Community Health Center which will open January 1, 2008 in Harrisonburg.

City Manager Hodgen said that a tree expert has expressed concern about removing trees from Cally's Court Square Theater because they cannot be responsibly thinned enough to see signs from a distance and they will not grow high enough to clear the signs. The tree expert also recommends removing the trees rather than pruning the trees. Also, there is concern that by removing these trees the City may get more requests to take down trees in other parts of the downtown area. Vice-Mayor Pace offered a motion that the trees be removed and relocated from Cally's Court Square Theater to Liberty Park at City expense. The motion also included that the trees be replaced with bushes or planters at City expense. The motion was seconded by Council Member Byrd and approved with a unanimous vote of Council.

City Manager Hodgen presented the following resolution for Council's consideration of approval.

**A Resolution Approving a Revised Memorandum of Understanding
With The Commonwealth of Virginia Regarding The
Harrisonburg/Rockingham Metropolitan Planning Organization**

WHEREAS, the City of Harrisonburg, County of Rockingham and the towns of Bridgewater, Dayton and Mt. Crawford entered into a Memorandum of Understanding (MOU) with the Commonwealth of Virginia forming the Harrisonburg/Rockingham Metropolitan Planning Organization (HRMPO) on 21 May 2003; and

WHEREAS, the United States Government and the Commonwealth of Virginia have requested each Metropolitan Planning Organization (MPO) approve an updated and revised MOU; and

WHEREAS, the HRMPO Policy Board has reviewed and unanimously approved the revised MOU at its regular meeting held on 20 September 2007; and

WHEREAS, the HRMPO Policy Board recommends the revised MOU be considered and approved by the Harrisonburg City Council, Rockingham County Board of

Supervisors, Bridgewater Town Council, Dayton Town Council and Mt. Crawford Town Council.

NOW THEREFORE BE IT RESOLVED THAT THE (name of governing body) does hereby approve the revised MOU as recommended by the HRMPO Policy Board; and

BE IT FURTHER RESOLVED THAT Rodney L. Eagle, Mayor of the City of Harrisonburg is authorized to execute the revised MOU on behalf of the City.

Approved on this the ____ day of _____, 2007.

BY: _____
Rodney L. Eagle, Mayor

ATTEST: _____
Yvonne H. Ryan, MMC, City Clerk

Council Member Byrd offered a motion to approve this resolution. The motion was seconded by Council Member Byrd and approved with a unanimous vote of Council.

City Manager Hodgen presented the following resolution for Council's consideration of approval.

A RESOLUTION REQUESTING THAT THE GENERAL ASSEMBLY AND GOVERNOR OF THE COMMONWEALTH OF VIRGINIA TAKE ACTION TO PREVENT EXPLOITATIVE PAYDAY LENDING PRACTICES IN VIRGINIA

WHEREAS, the City Council of Harrisonburg, Virginia, represents the citizens of Harrisonburg and senses from those citizens significant concern over what are perceived to be some exploitative payday lending practices in the City and elsewhere in the Commonwealth, including practices which may exploit dedicated, brave women and men who are called for deployment as part of the armed forces of our Nation both in the United States and various parts of the world in the cause of freedom and security of our Nation; and

WHEREAS, the City Council, shares these same significant concerns and wishes to express the collective sentiments of the People of the City of Harrisonburg, Virginia, that the General Assembly and Governor of Virginia, ought to take action to prevent further exploitative payday lending practices; and

WHEREAS, it is vital that the General Assembly and the Governor of Virginia give their earnest attention to these matters at the next regular session of the General Assembly and enact laws that will prevent further exploitative payday lending practices.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Harrisonburg, Virginia, that the General Assembly and the Governor of the Commonwealth of Virginia are requested to take action in connection with the next regular session of the General Assembly of Virginia to enact laws that will prevent further exploitative payday lending practices, including but not limited to:

1. **Enactment of an annual interest rate cap of 36% for any consumer loans made in the Commonwealth of Virginia;**
2. **Prohibition of the use of a personal check or other method by a creditor to gain access to a consumer's bank account or method to gain title to a consumer's motor vehicle as collateral for a payday loan;**
3. **Enactment of supplementary and complementary provisions which mirror the provisions of what is commonly referred to as the Talent-Nelson Amendment (Senate Amendment 4331), entitled "Terms Of Consumer Credit Extended To Servicemember Or Servicemember's Dependent" and referenced on page S6352 of the June 22, 2006 Congressional Record• Senate, a copy of which is annexed to and incorporated by reference in this Resolution.**

Adopted this 25th day of September 2007.

Rodney L. Eagle, Mayor

Attest: _____
Yvonne H. Ryan, MMC, City Clerk

Council Member Frank offered a motion to support the request to consider this resolution. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

Council agreed to appoint Brenda Black, Tourism Manager, Brian Shull, Director of Economic Development and Kim Alexander, Director of Special Projects and Grants Management, to work with other local area organizations in forming a local sesquicentennial committee to begin planning for the four-year statewide commemoration period of the Virginia Sesquicentennial of the American Civil War Commission.

Council agreed to have a meeting with the School Board on October 30th at 6:30 p.m.

At 8:00 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Frank
Council Member Chenault
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Absent - None

City Manager Hodgen reported that a low bid in the amount of \$683,000 was received for the “Dream Come True” Playground project which is less than original estimate bid of \$850,000.

At 8:40 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.

At 8:41 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

October 9, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC; and Police Chief Harper.

Mayor Eagle gave the invocation and led everyone in the Pledge of Allegiance.

John Marr, a resident of the City, presented information regarding facts about the benefits of having trees in the downtown area, a proposal for possible sign exchanges, and a petition to stop the trees on Court Square in front of the building that houses Court Square Theater, Cally's, and Downtown Wine and Gourmet from being relocated to Liberty Park. Comments received in collecting signatures include that the landscape adds to the overall charm of the downtown area, and removing these trees is a bad precedent to set for other business owners. He said that this decision was made before the Tree Advisory Board could come to a conclusion. Downtown trees are a beautiful addition to our urban landscape. These trees help improve our air quality, protect our water, extend the life of the paved surfaces with their shade, and increase traffic safety. Moving will kill the trees and is unconscionable. He asked that Council please reconsider their decision to move the trees and examine other options. He encouraged Council to partner with HDR and affected businesses to see if alternative signage is a viable option.

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes, the second reading of a supplemental appropriation for the Police Department, and a request from Hi-Sky enterprises to close a portion of an alley between East Market Street and Ott Street. The motion also included a request from Diversified Development Solutions and Ferguson Investments to amend an approved plan of development for Brookside Park. 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 Byrd
Council Member Frank
Mayor Eagle

Absent – None

Senior Planner Adam Fletcher introduced a request from Bill Neff to rezone eight parcels totaling approximately 60 acres from R-7, Medium Density Mixed Residential Planned Community, to R-5, High Density Residential District Conditional. This request also included allowing more than twelve (12) units per building within the R-5, High Density Residential District. Mr. Fletcher said the rezoning and special use permit requests would be reviewed together. In 2006, the applicant requested to amend the Comprehensive Plan's Land Use Guide

designation for the subject parcel from Commercial to Medium Mixed-Density Residential. Planning Commission recommended denying the amendment with a vote of 4-2. Simultaneously, the applicant requested to rezone the subject parcel from M-1 and B-2 to R-7. Staff did not support either of these applications due to the property's location between commercial development on South Main Street and the interstate, problems with the alignment of Boxwood Court and Pointe Drive, and a concern that with undeveloped R-3 land already available, the City did not need a rezoning of B-2 and M-1 land to provide additional low to moderate income multi-family housing. Planning Commission voted 3-3 to recommend approval of the rezoning and City Council unanimously approved both the Comprehensive Plan amendment and the rezoning request. In January 2007, the applicant submitted a revised plan for consideration due to problems acquiring land from the adjacent professional office and with traffic flow to E&M Paint's loading dock. The 2006 plan of development includes 466 units of townhouses and multi-family units. This is the only approved plan of development for this property. The approved plan had the offset intersection alignment of 40 feet from Pointe Drive to the proposed Boxwood Drive. Mr. Fletcher reviewed an earlier, unapproved, and withdrawn concept plan of development including comments from the Public Works Department. Planning commission recommended denial of that request 6-0, and City Council denied the application with a vote of 3-2. Again, Staff did not support the request.

Now the applicant is requesting to rezone the eight (8) parcels totaling approximately 60 acres of R-7, Medium Density Mixed Residential Planned Community District, to R-5, High Density Residential District Conditional. Mr. Fletcher reviewed the surrounding uses in the area. The applicant is proposing this change because the R-7 District does not allow this type of proposed development. The change would allow for condominiums and multi-family buildings that could house groups of four (4) unrelated people per units. Multi-tenant units are not permitted in the R-7 classification. The applicant has proffered the development shall be in substantial conformance with the Master Development Plan submitted with the application. The number of units has been proffered, which remains the same as that from the previously approved plan, totaling 466 units. He reviewed the architectural style of the buildings in the development. The plan of development also illustrates 2,011 parking spaces, which is 380 more than the required 1,631 parking spaces. The applicant has proffered the installation of a traffic signal at the intersection of South Main Street and Kaylor Park Drive, which also includes a traffic impact analysis. Mr. Fletcher reviewed streets and a roundabout in the development. Although not required by an R-5 zoning classification, the applicant has proffered approximately 20 acres of open space to include recreational fields, a 5-foot walking trail, a clubhouse, and a swimming pool. Phasing is planned to occur in three stages beginning at the entrance at East Kaylor Park Drive. Mr. Fletcher pointed out that the narrative statement was not part of the proffers. Staff has been unconvinced about this project since its first submission in 2006. Staff did not support the Comprehensive Plan amendments or the rezoning applications; yet, we recognized that a residential development in this area of the City is desired since the applicant has an approved R-7 plan of development. A property of this size within an R-5 zoning district could allow as many as 1,461 total units. The applicant however, proffered to develop only 32% (466 units) of the maximum allowable density. Nevertheless, Staff continues to believe this is an inappropriate use of the property. The Comprehensive Plan specifically points out an objective to increase the percentage of single family detached housing units in the City. One of the strategies to achieve this was to approve new high density multi-family developments for only

select areas of the City as designated in the Land Use Guide. This property is not one of those locations. The City has over 1,000 multi-family units already in review or approved that are by-right uses. The City may soon be overburdened with this housing type, which could lead to under occupancy of existing complexes, making them harder to maintain. Mr. Fletcher said that Planning Commission has recommended approving both requests by a 5-2 vote.

At 7:30 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, September 24, and Monday, October 1, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, October 9, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – Southbury Station R-5 District

Public hearing to consider a request from Bill Neff, with representative Valley Engineering – Surveying – Planning to rezone 8 parcels totaling 60.40 +/- acres from R-7, Medium Density Mixed Residential Planned Community to R-5C, High Density Residential District Conditional. The properties are located near South Main Street between Boxwood Court and East Kaylor Park Drive and can be found on tax maps 2-C-1, 2-D-0, 6-10, and a portion of 103-A-5.

The Comprehensive Plan designates this area as Medium-Density Mixed Residential. This designation is intended for small-lot single family detached and single family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. The gross density of development in these areas should be in the range of 4-12 dwelling units per acre.

The Zoning Ordinance states that the R-7, Medium Density Mixed Residential Planned Community is intended to permit the development of planned residential communities offering a mix of single family detached and attached dwellings and open spaces. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed, redeveloped, and amended in accordance with a master development plan. The R-5, High Density Residential District is intended for medium to high-density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational and utility uses.

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

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

CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager

Mayor Eagle called on anyone desiring to speak for or against rezoning these parcels.

Meredith Ward, Director of Planning with Valley Engineering-Surveying Planning, said the original concept for Southbury Station was approved by the City in March of 2006. The Comprehensive Plan was amended to designate these parcels, which comprise this development, for residential use. The current master plan development was approved at that time and rezoned to R-7. Since that rezoning took place in the spring of 2006, several things have happened. The developer at that time faced challenges with the construction and the acquisition of the right-of-way needed to access the northern portion of the site. In an effort to resolve these issues, a revision was requested to relocate that northern entrance by means of Boxwood Court. Upon consideration of the modified plan, City Council denied the change with hopes that the developer would discover a better means for access to the development. Another critical change that took place since March 2006 was the arrival of another potential developer for Southbury Station. The plan you see before you tonight is a product of his vision for Southbury Station. While they no longer meet the 70% single family requirement, they now show a development consisting of 144 multi family units, which is consistent with their approved master plan. They show 322 condominium residences, which would take place of the single family residences approved in March 2006. Earlier this year, the City adopted the R-5 zoning district that does permit this type of development that we are proposing. All these past events have contributed to why they are here tonight. They have taken the City's advice to continue to explore options to 1) construct site access in such a way as to minimize the number of stoplights on South Main Street; 2) potentially lessen the impact on the school system by eliminating the requirement for single family housing and; 3) provide the City with an innovative and functional plan for the development of this land. She reviewed the traffic concerns and proffers and noted that the entire project will be built in three phases over a four-year period.

Daniel Michael with Valley Engineering said Mr. Fletcher did a great job on the presentation. He also stated that even though they are here asking for a change from medium density to high density, they are not asking for more units. They are asking to take a concept that has already been approved and put it under a new name so that they can make a couple of changes. They are asking to change the proposed recreation facilities from what was approved on the master plan in order to add a clubhouse, pool, more green space, and another recreation field. They wish to develop a project that will allow unrelated persons to share housing costs. This development will also help with the revitalization of South Main Street.

Seth Roderick, Traffic Engineer with Valley Engineering, reviewed the primary concern with the earlier two renditions of this project from a traffic standpoint around the alignment of Pointe Drive and Boxwood Court.

Don Koons said he supported the request and hopefully this development will attract stores that have the ability to draw customers into this area.

John Liskey spoke in favor of the request. Hopefully this plan can attract growth into the Southern corridor of the City.

Giles Stone said he supported the previous speakers because he has been looking at brush for 36 years in this area.

Jerry George asked Council to approve this request for business purposes because the South Main area dies after 6:00 p.m.

Bill Neff said the Southbury Station Development plan has been approved using the exit on the north property line. He reviewed the requests that had been presented in the past. He asked Council to approve this proposal. There being no others desiring to be heard, the public hearing was declared closed at 8:04 p.m., and the regular session reconvened.

Council Member Carolyn Frank said, "I am concerned that City staff has not supported these requests. This is not smart growth nor are we protecting our valley & City. I believe citizens are concerned about the speed in which the City is growing. I cannot support these requests."

Mayor Rodney Eagle said, "There are concerns about growth, but there are opportunities for commercial and retail development in this area. There are 1000 by-right approved units which might create 2000 new jobs. Six public hearings have been held regarding these requests. There is a need for these projects, and I am supporting them."

Vice-Mayor George Pace said, "It is clear increased residential development in this area of the City would help the South Main Street commercial corridor. We have received letters from people and business owners supporting this rezoning proposal. From a community and business prospective this project will help address a key issue in sustaining this community economic growth. It will provide affordable housing. The community's unemployment rate is currently below 3%. Both now and in the future, continuing the economic growth that has occurred in this community will depend upon businesses either hiring high school or college graduates or recruiting people from other areas of the country. I continue to support this proposal.

Council Member Charles Chenault said, "I respect the opinions of the merchants of South Main Street. One of the reasons I supported originally the R-7 rezoning was because I thought it was a sound roof top business decision for the South end of the City. However, in my mind I don't see anything that has changed that decision. I have tried to give this request a fair evaluation. But, I cannot overcome my original evaluation...the R-7 designation continues to be appropriate. My issue is with unit unrelated population density, and R-5 allows for unrelated. The stated market target of this development is professional cost sharing to accommodate future workers in community. In my view, this population is served already by development already in review or approved by-right uses and continual residential development in the downtown area. There is absolutely no reason why it cannot be served with this R-7 zoning designation. We need more single family housing in the City. I am not convinced that I have been provided a reason to change my R-7 support, and I will vote no on this application."

Council Member Ted Byrd said, "My objection originally was on the northern entrance with the stoplight situation on the plan of development. Since that concern has been addressed, the previous Council changed the comprehensive land use designation for this land to R-7 and rezoned this property to R-7 with residential. The R-5 designation is a good idea for the school age population. This R-5 designation enacted as a Council was requested by Planning Commission to down zone R-3 and substitute R-5. I can support this request as presented."

Vice-Mayor Pace offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes – Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

No - Council Member Chenault
Council Member Frank

Absent – None

At 8:21 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 24, and Monday, October 1, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, October 9, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Special Use Permit – Southbury Station R-5 (10-3-55.4 (1))

Public hearing to consider a request from Bill Neff, with representative Valley Engineering – Surveying – Planning for a special use permit per Section 10-3-55.4 (1) of the Zoning Ordinance to allow multiple family dwellings to have more than twelve (12) units per building within the R-5, High Density Residential District. The properties are located near South Main Street between Boxwood Court and East Kaylor Park Drive and can be found on tax maps 2-C-1, 2-D-0, 6-10, and a portion of 103-A-5.

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

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

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

Mayor Eagle called on anyone desiring to speak for or against the special use permit. There being no one desiring to be heard, the public hearing was declared closed at 8:22 p.m., and the regular session reconvened. Council Member Byrd offered a motion for approval to allow

multiple family dwellings to have more than twelve (12) units per building within the R-5 High Density Residential District. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes – Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

No - Council Member Chenault
Council Member Frank

Absent – None

The next item of business was an update on the Harrisonburg Electric Commission (HEC) 69kV Transmission Line Project. Mike York, General Manager of HEC, gave an update on the progress of the 69kV project and the construction of the substation serving the Criticon Data Center. He reviewed Criticon’s projected loads, HEC’s substations, and future build out. Because of Criticon loads, it will be necessary for it to have its own substation. It is not feasible to provide a load of that magnitude over a distribution facility. The project will cost HEC \$225,000 and will take six weeks.

Parks and Recreation Director Lee Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. He said these funds will be transferred from the skate park reserve funds and be used in the “Dream Come True” playground project. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$31,700.00 chge. to: 1000-31010 Amount from Fund Balance
(Reserve for Skateboard Park)
31,700.00 chge. to: 1310-34210 Transfer from General Fund

\$31,700.00 approp. to: 1000-990111-49216 Transfer to Capital projects
31,700.00 approp. to: 1310-910141-48699 Peach Grove Park (A Dream Come True)

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

Vote: Yes – Council Member Chenault
Vice-Mayor Pace
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

The next item of business was a request to consider revocation of College Limousine Service’s “Certificate of Public Convenience and Necessity.” City Attorney Thumma said that a

“Certificate of Public Convenience and Necessity” was issued to College Limousine Service to operate a limousine/van service in June 2006. College Limousine Service is no longer in compliance with existing City ordinances, and its DMV Taxi Cab passenger permit has expired. Mr. Solomon was contacted by Transportation Director Reggie Smith in April 2007 to bring his vehicle into the department for inspection. Mr. Solomon has not complied with the request and has indicated that he is no longer in the taxi business. Following further discussion and comments, Vice-Mayor Pace offered a motion to revoke the “Certificate of Public Convenience and Necessity” issued to College Limousine Service. 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 Byrd
Council Member Frank
Mayor Eagle

Absent – None

Lisa Ha, Harrisonburg Parking Services Coordinator, reviewed updates on downtown parking issues. She reported that a new parking device that has the capability to read license plates and print out photos of possible violations has achieved the goals established in switching to this device. She reviewed a current problem in the downtown area which consists of a few owners and employees using the short term parking spaces when there are open free 10-hour spaces available. These people are constantly moving their vehicles around to different parking spaces in the same lot. This is not legal and is violating the spirit of the law. It is estimated that each on street parking space is worth \$10,000 a year in retail sales to downtown businesses. The space-hopping by employees who do have other long term parking options hurts businesses, and it is the recommendation of the parking advisory committee and downtown parking staff that this ordinance be changed and the language that prevented the space-hopping be put back into the ordinance. She also reviewed adding new on-street parking spaces to Noll Drive, Rock Street, and Federal Street.

City Manager Hodgen presented for Council’s consideration a report on Fire Department salaries. He reviewed an outline regarding the financial impact of an across-the-board increase of \$2,500.00 for all fire department personnel. The overall impact of the increase would be about \$242,000.00. Information was also included on the changes to the salary schedule and comparison information of other firefighter salaries in comparable localities. Following further discussion and comments, Council Member Chenault offered a motion to adopt an across-the-board pay increase of \$2,500.00 for all fire department personnel as proposed by the City Manager, effective January 1, 2008. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Chenault
Vice-Mayor Pace
Council Member Byrd
Council Member Frank

Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds were received through a DMV Grant for the “Click It or Ticket” program. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$99.90 chge. to: 1000-33524 DVM (Federal) grant

\$99.90 approp. to: 1000-310631-45530 Training and travel

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 Byrd
Council Member Frank
Mayor Eagle

Absent – None

The next item of business was a presentation by Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance (HDR), who gave an update on the progress and accomplishments of HDR. An article appearing in the Virginia Main Street Monitor mentioned the 2006 downtown growth in Harrisonburg. He thanked City Council and City Administration for their continued support of downtown renovation. Walking tours are again being held during the fall. He reviewed several new businesses that have located to the downtown area. Applications are being reviewed for the façade enhancement grants. Progress continues to be made with fundraising efforts for the Farmers Market Pavilion. He introduced Kris Ludwig, the new Special Events Manager.

Alexis Morehouse, HDR’s Promotions Manager, reviewed the successful events held during the summer. Many successful events were held during the summer including Valley 4th, Cruise In, “Block Party in the Burg”, and Fridays on the Square. Additional marketing programs have been started, and hopefully the first campaign will be launched in time for the holidays. Also, seminar programs have been started, for the downtown merchants, giving them access to educational features.

Council Member Chenault said there is an opportunity to try and save the trees in front of Cally’s, Downtown Wine and Gourmet, and Court Square Theater facility and at the same time accommodate the signage needs of those businesses. He proposed tabling a motion made at the September 25th Council meeting regarding the tree situation. This should allow a group consisting City Manager Kurt Hodgen, Director of Community Development and Planning Stacy

Turner, Harrisonburg Downtown Renaissance Director Eddie Bumbaugh, Council Member Chenault, and the three representatives located in the building to evaluate the situation and provide a report at the October 9th meeting.

Council Member Chenault offered a motion to postpone the action taken at the September 25th meeting and proceed in the manner just mentioned, with results of the investigation. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

Mayor Eagle reminded everyone of the upcoming November 11th Veterans Day Parade.

At 9:30 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

REGULAR MEETING

October 23, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Chief Harper.

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

Council Member Chenault requested that Item #5D & E on the consent agenda be removed and considered as separate items.

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 and Parks and Recreation Departments. The motion also included referring requests to close portions of Ohio Avenue and New York Avenue to the Planning Commission. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

Vice-Mayor Pace offered a motion that a rezoning request and special use permit request from Bill Neff be approved for a second reading. 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 Pace
Mayor Eagle

No - Council Member Frank
Council Member Chenault

Absent - None

The next item of business was holding a public hearing to authorize increasing the appropriation to the General Capital Projects Fund. City Manager Hodgen explained that the Harrisonburg Rockingham ECC has received two grants totaling \$1,497,500.00. One is for an E-

911 Wireless Board Enhancement Grant in the amount of \$297,500.00, and the other is for the Virginia Strategic Interoperable Radio Cache Grant in the amount of \$1,200,000.00. The 2007-2008 budget will be increased by \$1,497,500.00.

At 7:04 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, October 16, 2007.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, October 23, 2007 at 7:00 p.m., or as soon as the agenda permits, in the Harrisonburg City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2007-2008 budget in the net amount of \$1,497,807. The funds will be used by the ECC for a Mapping Project and a Radio Cache Project. These expenditures will be funded by a E911 Wireless Board Enhancement Grant and a Virginia Strategic Interoperable Radio Cache Grant.

The budget increase will be as noted below:

Revenues:

General Capital Projects Fund:

Wireless E 911 Enhancement Grant	297,500.00
Virginia Strategic Interoperable Radio Cache Grant	<u>1,200,000.00</u>

Total	<u>1,497,500.00</u>
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Expenditures:

Transfers from General Fund

ECC Mapping Project	297,500.00
ECC Radio Cache Project	<u>1,200,000.00</u>

Total	<u>1,497,500.00</u>
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Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Kurt D. Hodgen

City Manager

Mayor Eagle called on anyone desiring to speak for or against this supplemental appropriation. There being no one desiring to be heard, the public hearing was declared closed at 7:05 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$ 297,500.00 chge. to: 1310-32542 Wireless E-911 Enhancement Grant
1,200,000.00 chge. to: 1310-33552 VA Strategic Interoperable Radio Cache Grant

\$1,200,000.00 approp. to: 1310-910141-48711 ECC Radio Cache Project
297,500.00 approp. to: 1310-910141-48712 ECC Mapping Project

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

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

City Manager Hodgen presented a request to transfer funds from one capital project to another. He said that recently Council transferred earned interest funds from a prior bond issue to the two-way communication system capital project. The Finance Department has determined that the earnings should have been transferred to the Erickson Avenue capital project instead. Approval of this request will not increase the 2007-2008 budget. Vice-Mayor Pace offered a motion to approve transferring these funds, and that:

\$52,882.32 chge. to: 1310-910141-48610 two-way communication system

\$52,882.32 approp. to: 1310-910141-48637 Erickson Avenue Extension

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

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

The next item of business was a request to close City streets for Generations Crossing 5K Run/Walk. City Manager Hodgen said that Generations Crossing has partnered with First Night to sponsor a fund raising run/walk on New Years Eve. He reviewed the route. Council Member Frank offered a motion to approve this request. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

The next item of business was an update on Streetscape and Wayfinding Projects. City Manager Emeritus Roger Baker and Harrisonburg Downtown Renaissance Executive Director Eddie Bumbaugh reviewed the bid results for the Wayfinding project and its timetable. Mr. Baker said that NW Sign Industries, Inc., submitted the low bid for the Wayfinding Sign project. The low bid includes gateway signs at nine entrances into the City. Council directed City Manager Hodgen to execute the contracts and issue the notices at the appropriate times.

The next item of business was an update on the Economic Revitalization Zone legislation approved by the Virginia General Assembly effective July 1, 2007. Economic Development Director Brian Shull said that the proposed incentive will allow cities to establish economic revitalization zones by ordinance and offer economic incentives to encourage new construction within these designated zones. During the last seven years approximately five to nine businesses have taken advantage of partial exemption on the property tax for buildings twenty-five years or older being rehabilitated. This proposal applies to new construction only and a minimum \$1,000,000 investment (excluding land) required. Mr. Shull reviewed the proposed zone and the Virginia Main Street district as the boundaries for the revitalization zone. He offered the following incentives for consideration: 1) Five year freeze on assessed value of new construction. 2) Rebate of water and sewer availability and connection fees. 3) Offer a rebate on BPOL tax for retail tenants. Following further discussion and comments, Council requested that a draft ordinance be prepared and presented at the next Council meeting.

The next item of business was a request to grant permit parking status to the 400 block of Dixie Avenue and 200 and 300 block of Ohio Avenue. Transportation Planner Donovan Branche said the Public Works Department received petitions with homeowner signatures from the residents of the 400 block of Dixie Avenue and 200 and 300 block of Ohio Avenue. She said residents have expressed concerns regarding vehicular behaviors and parking from Memorial Hall students. Council Member Chenault offered a motion to approve amending this ordinance for a first reading adding the 400 block of Dixie Avenue and the 200 and 300 blocks of Ohio Avenue to the green permit parking zone. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

The next item of business was an update on the Stone Spring Road/Erickson Avenue project. Public Works Superintendent Drew Williams gave an overview of the major east-west connector project development including construction of Phase I in the fall of 2008, right-of-ways being negotiated/acquired, and coordinating with utilities involved in the project. Phase I includes the Pear Street/railroad track relocation, upgrading the intersection at Route 42, and rebuilding the street to the Wal-Mart entrance off of Erickson Avenue. The estimated cost of

the project funded by federal, state, and local monies is \$62,292,000. He also reviewed a potential timeline including phases, funding sources, and project completions.

The next item of business was a request to consider revisions to the City's Special Events Policy. Public Works Superintendent Drew Williams reviewed some proposed changes to the policy. The existing special events form is sufficient; however, it is suggested that provisions be added for staff review allowing for better information and to facilitate planning prior to Council approval. Council agreed to the proceeding but not to assessing fees.

City Attorney Thumma presented for Council's consideration enacting Section 4-2-18 of the Harrisonburg City Code. He said that this ordinance is being enacted that the Harrisonburg-Rockingham Court Services Unit can collect supervision and intervention fees to offset the costs of the supervision and probation program for the city and county. Council Member Byrd offered a motion to approve this ordinance as presented for a first reading. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

City Manager Hodgen presented a request to close Main Street on Sunday, November 11 for the Veterans Day parade beginning at 2:00 p.m., in Municipal Building parking lot and ending at the County Administration complex parking lot. A ceremony will follow at Memorial Hall and Memorial Stadium at 3:00 p.m. Council Member Chenault offered a motion to approve this request. The motion was seconded by Vice-Mayor Pace and approved with a unanimous vote of Council.

City Attorney Thumma presented the following resolution for Council's consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HARRISONBURG, VIRGINIA, ADDING THE
VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION
AS A GRANTEE OF THE PURCELL PARK CONSERVATION EASEMENT**

WHEREAS, on February 28, 2006, the City Council approved the Purcell Park conservation easement with the Valley Conservation Council, a private non-profit conservation organization as the Grantee; and

WHEREAS, the City proposes to add the Virginia Department of Conservation and Recreation, an agency of the commonwealth of Virginia as an additional grantee of the conservation easement.

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 adds the Virginia Department of Conservation and Recreation, an agency of the Commonwealth of Virginia, as an additional grantee of the Purcell Park conservation easement and that said easement shall be held jointly with the Valley Conservation Council, a private non-profit conservation organization.

Approved: October 23, 2007

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Following discussion and comments, Council Member Chenault offered a motion to approve this resolution as presented. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

City Attorney Thumma reported that a bid in the amount of \$103,050 was received from Dell Investment, LLC for a lot containing 13,922 square feet along East Washington Street. Council Member Chenault offered a motion to accept the bid for a first reading. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Chenault requested delaying a report evaluating the situation regarding saving the trees in front of Cally's, Downtown Wine and Gourmet, and the Court Square Theater facility until the December Council meeting.

Andrew Forward suggested that, in addition to the recommendations presented by Economic Development Director Brian Shull, more opportunities be provided for downtown developers by establishing the economic revitalization zone in the downtown area.

At 9:37 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the 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 use of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

At 10:30 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.

Council Member Chenault offered a motion that Kai Degner, 676 East Wolfe Street, be recommended to the Circuit Court to fill the unexpired term of Patricia A. McInerney to expire on March 20, 2010. The motion was seconded by Council Member Frank and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

Council Member Frank offered a motion that David Wigginton, 1056 Blue Mountain Court, be re-appointed to another term on the Upper Valley Regional Park Authority Board of Directors, to expire on October 23, 2011. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Mayor Eagle

Absent – None

At 10:35 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

cc: City Council
City Manager
Assistant City Manager
Public Library

REGULAR MEETING

November 13, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Chief Harper.

Council Member Byrd gave the invocation, and Mayor Eagle led everyone in the Pledge of Allegiance.

Bucky Berry, a resident of Harrisonburg, expressed discontent with the new Comcast cable line-up and increased fees.

John Heubach suggested offering citizens the opportunity to renew their city sticker on a two-year basis as well as one year.

Debra Warne expressed concerns regarding predatory towing practices in the City. She said that people are being exploited by these predatory towers to the tune of \$125 each, the maximum charge allowed by state law, which they charge for every tow. She requested that Council establish a local towing advisory board to review these practices.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of appropriations to the General Capital Projects Fund. The motion also included enacting Section 4-2-18 and amending and re-enacting Section 13-1-60.01 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 Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

City Attorney Thumma presented for Council’s consideration selling an unimproved lot on Washington Street. The lot was advertised for sale and Bell Investment, LLC bid \$103,050.00 for the 13,922 square foot lot.

At 7:15 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 Friday, November 2, and Friday, November 9, 2007.

NOTICE OF PUBLIC HEARING ON THE

**DISPOSITION OF REAL ESTATE
OWNED BY THE CITY OF HARRISONBURG
ALONG EAST WASHINGTON STREET IN THE CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on November 13, 2007 at 7:00 P.M. in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, concerning the disposition of real estate, namely, a 13,922 square foot, more or less, parcel, located on the north side of East Washington Street, in the City, which parcel was previously advertised for sealed bids and Bell Investments, LLC, a Virginia limited liability company, was the high bidder and the city proposes to transfer said property to the high bidder.

Copies of the sales document and bid are available in the City Attorney's Office, 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 selling the lot on East Washington Street. There being no one desiring to be heard, the public hearing was declared closed at 7:16 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the ordinance authorizing the sale of the parcel as presented for a first reading. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Kim Alexander, Director of Special Projects and Grants Management, presented an overview of the CDBG 2007 Consolidated Annual Performance Evaluation Report (CAPER). She reviewed the funding for the CDBG programs. This report requires a 15-day public comment period.

At 7:25 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 2, 2007.

**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 06-07.

Comments may be submitted during the CDBG / CAPER Public Hearing portion of the regular City Council meeting on November 13, 2007, at 7:30 P.M. in the City Council Chambers, Harrisonburg Municipal Building.

All comments must be received no later than November 29, 2007, at 9:00 A.M. Comments may be submitted to Kristin McCombe, CDBG Compliance Officer, at 345 South Main Street, Harrisonburg, Virginia 22801, CDBG@ci.harrisonburg.va.us, or (540) 432-8926.

Copies of the draft CAPER are available for review in the City Manager's Office, 345 South Main Street, Harrisonburg, Virginia 22801 and at www.ci.harrisonburg.va.us on the CDBG homepage.

A summary of the CAPER is as follows:

In 2006, the City was awarded \$550,442 in CDBG entitlement funds. 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	\$140,000.00	\$114,597.39	\$25,402.61
Community & Public Facilities	\$211,481.99	\$171,769.7	\$39,712.29
Administration	\$110,088.00	\$85,500.06	\$24,587.94
Public Services	\$68,000.00	\$57,607.83	\$10,392.17
Economic Development	<u>\$20,872.01</u>	<u>\$0.00</u>	<u>\$20,872.01</u>
Total	\$550,442.00	\$429,474.98	\$120,967.02

Mayor Eagle called on anyone desiring to speak for or against the CAPER. There being no one desiring to be heard, the public hearing was declared closed at 7:25 p.m., and the regular session reconvened.

Planning and Community Development Director Turner introduced a request from Gary Turner to rezone a parcel totaling 1.4 +/- acres from B-2 to R-3C. The property is located along Shenandoah Street and can be found on tax map 248-E-9. The undeveloped property is located among several non-conforming uses within a block that is predominately zoned B-2 and has uses ranging from industrial to single family residences. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to rezone the parcel for multifamily units. The applicant has proffered the following: 1) All building foundations shall be brick veneer. 2) There shall be no exposed corrugated steel or exposed block masonry on the buildings. 3) Lighting shall be

installed in parking lots and intended to reduce glare and light pollution appropriate for a residential community. 4) Parking areas and travel lanes shall be paved with asphalt. 5) All areas not paved or built upon shall be seeded, sodded and/or landscaped to provide an attractive appearance. Buffering would include a mix of existing vegetation, new evergreen trees, and/or privacy fencing to establish an effective visual barrier. New evergreen trees shall be three feet (3') in height at time of planting. 6) A five-foot (5') right-of-way shall be dedicated to the Public Works Department along the frontage on Shenandoah Street. 7) Residential occupancy shall be limited to families of no more than two (2) unrelated residents per dwelling unit. 8) No more than fifteen (15) dwelling units shall be constructed. The applicant will dedicate to the City five feet of right-of-way along Shenandoah Street and construct curb and gutter. This dedication will require the relocation of an HEC utility pole currently located at the property corner. The relocations and establishment of new easements for the utility poles and the final determination of stormwater control would be dealt with during the comprehensive site plan review. The Comprehensive Plan's Land Use designation for this property and many properties within this block is Neighborhood Residential. Mrs. Turner said that Planning Commission has recommended approving the request by a 4-3 vote.

At 7:32 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, October 29, and Monday, November 5, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, November 13, 2007 at 7:00 p.m., in the City Council Chambers, 409 south Main Street to consider the following:

Rezoning – Shenandoah Street (Turner Property 48-E-9)

Public hearing to consider a request from Gary Turner, with representative Valley Engineering-Surveying-Planning to rezone a 1.4 +/- acre parcel from B-2, General Business District to R-3, Multiple Dwelling Residential District. The property is located along Shenandoah Street and can be found on tax map parcel 48-E-9.

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 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. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic

flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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

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

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

Mayor Eagle called on anyone desiring to speak for or against this rezoning request.

Meredith Ward, Director of Planning with Valley Engineering-Surveying Planning, said the applicant Mr. Turner is a very reputable developer within the City and resides in the Park View area of the City. One basis for staff's recommendation is that it is not in compliance with the Comprehensive Plan; however, the Comprehensive Plan designates this area as neighborhood residential. This use is defined very vaguely and states that existing conditions dictate the need for this area. The land use guide shows a mix of uses for this general vicinity. She reviewed different land uses in the area. The applicant faces several challenges including multiple sewer line easements bisecting the lot, well-known storm water management site expense, and magnificent drainage area to the site. The nature of this area is currently townhouse, apartment, and single-family rentals. This development, as proposed, is what is most marketable in this area while enhancing the community.

Terry Cunningham who owns the property on Chicago Avenue said the proposed development would be an asset to the area. There being no others desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this request 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 Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Zu Yan Zhang to subdivide one parcel totaling 1.986 acres located at 540 Garbers Church Road. The property zoned R-1, Single Family Residential District, is found on tax map 123-H-5. The Comprehensive Plan designates this area as Low-Density Mixed Residential. She reviewed the

surrounding uses in the area. The Heritage Estates Subdivision started to be subdivided in February of 2004 with a neighborhood of 32 single-family homes. Additional units have been added during the last several years. The applicant is requesting to preliminarily plat five single-family lots with a variance to allow three of the lots to not front on public streets. A single-family house currently exists on the site and would not be part of the age-restricted community. The rest of Heritage Estates is age restricted to 55+. Issues such as access entrance width, erosion sediment control and storm water management would be looked at during the site plan phase of this project. Mrs. Turner said that Planning Commission has recommended approving the request. Following further discussion and comments, Council Member Frank offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Betsy Hay and Neal Menefee of the United Way made a presentation on the United Way. They thanked City Council for past support.

A scheduled presentation on an Emergency Homeless Shelter Initiative was removed from the agenda.

School Board Finance and Technology Director Dee Dee Dawson presented a request for a supplemental appropriation for the School Board. She said these funds represent unanticipated receipts from the federal government and other funds that were not known during the regular budget process. No additional City dollars are required for the school division to receive these funds. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$ 489.00 chge. to: 1111-33301 School Revenue-Federal
33,880.00 chge. to: 1111-32442 School Revenue-State
2,153.00 chge. to: 1111-31691 School Revenue-Other

\$36,522 approp. to: 1111-111114-40610 Instruction

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

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd

Mayor Eagle

Absent – None

Tourism Services Manager Brenda Black presented a request for a supplemental appropriation for Tourism and Visitor Services. She said that these funds would be used to purchase merchandise for the Rocktown Gift Shoppe. Council Member Frank offered a motion to approve this request for a first reading, and that:

\$8,000.00 chge. to: 1000-31010 Amount from Fund Balance

\$8,000.00 approp. to: 1000-810821-46151 Resale Merchandise

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

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Transportation Planner Donovan Branche presented a request for a supplemental appropriation for the Public Works Department. She said that per Council request, Public Works has researched the possibility of connecting the traffic light at Maryland Avenue and South High Street to the rail crossing located on Maryland Avenue. The purpose of this connection is to keep vehicles from turning onto Maryland Avenue when a train is on the tracks, thereby eliminating queue lengths caused by trapped cars. Public Works staff has reviewed this agreement and found that the work can be performed internally using cameras and a radio signal. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$24,000 chge. to: 1000-31010 Amount from Fund Balance

\$24,000 approp. to: 1000-410741-48111 Machinery and Equipment

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

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds will be used to purchase mobile data terminals for police vehicles. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$150,000.00 chge. to: 1000-33550 Criminal Justice Records System

50,000.00 chge. to: 1000-31010 Amount from fund balance

\$200,000.00 approp. to: 1000-310431-48211 Machinery and equipment

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

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was an update on City Water Resources. Public Utilities Director Mike Collins asked Council to enact Section 7-2-19 of the Harrisonburg City Code to implement voluntary water conservation. Enacting this ordinance will allow the City to provide educational efforts regarding various practices that can be used during water conservation. He also said Governor Timothy Kaine has issued a voluntary water conservation plan to be implemented across the state and urged localities to enact measures to update drought contingency planning. He reviewed the City's "Action Plan 101", including triggers for implementing conservation measures and planning efforts with Rockingham County and the Central Shenandoah Planning District Commission. Council Member Chenault offered a motion to adopt the ordinance amendment to coincide with Governor Kaine's proclamation. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was a request to authorize the Mayor to sign a "Notice of Transfer of Allocation of Sewer Treatment Capacity". In conjunction with the Harrisonburg Rockingham Regional Sewer Authority expansion project, the City has determined that it is able

to transfer 1 million gallons of unneeded treatment capacity at the plant to Rockingham County. This action will reduce the City's share of project costs from \$52.6 million to \$43.4 million and reduce but not eliminate anticipated rate increases. It should also be noted that the City will receive \$15.5 million in grant funding toward its share of costs. Following further discussion and comments, Council Member Chenault offered a motion to authorize the Mayor to sign a "Notice of Transfer of Allocation of Sewer Treatment Capacity". The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

The next item of business was a request to consider amending and enacting Sections 7-4-22 and 7-4-23 of the Harrisonburg City Code. Public Utilities Director Mike Collins reviewed the changes in this ordinance, which will raise water and sewer connection fees and bring them in line with the County's water and sewer connection fees. City Attorney Thumma suggested preparing an ordinance based on Council's direction and advertising and holding a public hearing before the first reading. Council Member Chenault requested receiving a written report on the entailed credits and estimated financial impact.

City Attorney Thumma presented for Council's consideration amending and re-enacting Section 8-1-5 of the Harrisonburg City Code. He said this ordinance sets the compensation for the commissioners of the Harrisonburg Electric Commission. The commissioners have not had a raise in pay in over fifty years, and it is recommended that the attached ordinance be adopted increasing the per meeting compensation for the commissioners. Vice-Mayor Pace offered a motion to approve this ordinance as presented 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 Frank
Vice-Mayor Pace
Council Member Byrd
Mayor Eagle

Abstained - Council Member Chenault

Absent – None

The next item of business was considering an ordinance establishing an Economic Revitalization Zone for downtown Harrisonburg. Economic Development Director Brian Shull reported that background information on economic revitalization zone legislation was presented at the October 23 Council meeting. Also, proposed incentive opportunities were presented. He reviewed the proposed ordinance for Council consideration. Following further discussion and

comments, Vice-Mayor Pace offered a motion to amend the proposed ordinance by suggesting changing the tiers for the partial exemption from taxation of real estate. The revised tiers shall offer a partial exemption for five (5) years for investments ranging from \$1,000,000 to \$9,999,999; eight (8) years for investments of \$10,000,000 to \$19,999,999; and ten (10) years for investments of \$20,000,000 and above. The motion for approval of a first reading by Vice-Mayor Pace was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

A public hearing will be held December 11, 2007 prior to a second reading.

The next item of business was a request for Council's endorsement of the Registration Statement to extend the City's current 5-year cycle for the VSMP General Permit for Stormwater Discharges from Small Municipal Storm Sewer Systems (MS4s). Thanh Dang, Environmental Specialist, requested Council's endorsement of the registration statement because the state is behind on their new revisions and amendments of the current regulations. The new regulations that include the General Permit are expected to become effective in late Spring 2008. DCR has asked Harrisonburg to submit this plan. Included with this registration statement is the City's MS4 Program Plan, which describes the best management practices regarding construction site stormwater, runoff control, and post-construction stormwater management control. Staff members have been working on documentation for stormwater maintenance agreements, a new ordinance, and updates to the Design and Construction Standards Manual to meet the state minimum requirements for both this MS4s program and the state stormwater management regulations. The new State Stormwater Management Regulations are not expected to be finalized until about 2009/2010. Council Member Byrd offered a motion to endorse the VSMP General Permit Registration Statement for Stormwater Discharge from MS4. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

Council Member Chenault offered a motion to cancel the December 25th Council meeting. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

Vice-Mayor Pace asked City Manager Hodgen and City Attorney Thumma to review regulations regarding towing, improving towing signage, and establishing a practice for towing companies to take credit cards.

Council Member Byrd offered a motion to recommend Earl A. Budd to the Circuit Court for appointment to the Board of Equalization to expire on December 31, 2010. The motion was

seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

At 9:35 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to boards and commissions, 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 to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Frank
Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Mayor Eagle

Absent – None

At 11:30 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 11:32 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

cc: City Council
City Manager
Assistant City Manager
Public Library

REGULAR MEETING

November 27, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne “Bonnie” Ryan, MMC; and Police Chief Harper.

Vice-Mayor Pace gave the invocation, and Mayor Eagle led everyone in the Pledge of Allegiance.

Bucky Berry, a resident of Harrisonburg, said towing practices should be established in the Grace Street and Willow Street area of the City.

Council Member Byrd requested that Item 5i on the consent agenda be removed and considered as a separate item.

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of appropriations for the Police Department, Tourism and Visitor Service, School Board, selling a lot on East Washington Street and a rezoning request by Gary Turner. The motion also included amending and re-enacting Section 8-1-5 of the Harrisonburg City Code and referring a request to close a portion of Hillandale Avenue to the Planning Commission. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

Council Member Frank offered a motion that an alley closing request by Ted and Tammy Brown be approved for a second reading. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Frank
Mayor Eagle

Abstained - Council Member Byrd

Absent – None

City Attorney Thumma presented for Council's consideration disposing of real estate owned by the City along Port Republic Road and Neff Avenue. He said that an offer by the Board of Visitors of James Madison University to purchase approximately 32.594 acres lying northwest of the intersection of Port Republic Road and Neff Avenue has been received.

At 7:08 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Friday, November 16, and Friday, November 23, 2007.

**NOTICE OF PUBLIC HEARING ON THE
DISPOSITION OF REAL ESTATE
OWNED BY THE CITY OF HARRISONBURG
ALONG PORT REPUBLIC ROAD AND NEFF AVENUE IN THE
CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on November 27, 2007 at 7:00 P.M. in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, concerning the disposition of real estate, namely, 32.594 acres lying northwest of the intersection of Port Republic Road and Neff Avenue in the City of Harrisonburg to the Visitors of James Madison University as per their proposal to purchase the same. Said parcel is identified on the City Block Maps as Parcel 87-B-1.

Copies of the proposed sales agreement are available in the City Manager's Office, 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 selling the real estate.

Carolyn Spitzer expressed concern about the additional traffic on Port Republic Road if JMU builds athletic fields on the property. She also said that once the new hospital is open, Port Republic Road will not be large enough to sustain more traffic.

Ralph Geddis expressed concern about removing this property from tax records.

Bucky Berry expressed concern about the traffic on Port Republic Road.

Jerry Bennett expressed concern about this property being sold to JMU. There being no others desiring to be heard, the public hearing was declared closed at 7:15 p.m., and the regular session

reconvened. Following further discussion and comments, Council Member Chenault offered a motion to authorize the sale of the property for a first reading. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

Parks and Recreation Director Lee Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. He said these funds are a reimbursement to the Blacks Run budget from Friends of Blacks Run Greenway for partial payment of the Liberty Park bridge construction. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$15,000.00 chge. to: 1000-31823 Donations-Blacks Run

\$15,000.00 approp. to: 1000-710971-48184 Improvements

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

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

The next item of business was a request to approve a special events application. City Manager Hodgen said that the Blessed Sacrament Catholic Church has requested approval of a “Special Events Application for their “Our Lady of Guadalupe Celebration” on December 12, 2007. The event involves a processional from the northeast side of Court Square, up North Main Street and to the Church. It will begin at 6:30 p.m. and end at about 6:45 p.m. No street or lane closings will be required, but a police escort will be provided. All affected city departments have reviewed and approved the request. Council Member Byrd offered a motion to approve this special events application. The motion was seconded by Council Member Frank and approved with a vote of Council with Council Member Chenault abstaining.

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

RESOLUTION

WHEREAS: From 1775-1810 an estimated 300,000 settlers traveled through Virginia to the Cumberland Gap. This migration and western movement is a significant part of Virginia history and had far reaching effects on the development of the United States of America. Today, an estimated 43 million Americans can trace their ancestors to the migration through Virginia along the *Wilderness Road: Virginia's Heritage Migration Route*.

WHEREAS: The historical migration of early settlers and pioneers to Virginia followed closely to what is now Route 11, 58 and 23 from Winchester to Cumberland Gap.

WHEREAS: This driving route is developed to preserve, interpret and promote the history, heritage and culture of the early pioneer settlement and migration through Virginia, and the role that Virginia played in the migration of settlers through the Cumberland Gap and the development of the nation.

WHEREAS: The Wilderness Road Committee has been working for two years under the leadership of the Virginia Tourism Corporation in partnership with tourism representatives from 28 tourism localities and 12 state/federal partners to develop the driving route of the Wilderness Road: Virginia's Heritage Migration Route, and spurs known as The Carolina Road, and The Fincastle/Cumberland Gap Turnpike, connecting with the Daniel Boone Wilderness Trail, and individual community loops for each locality.

WHEREAS: The mission of the committee is to develop a new tourism product to increase economic growth, and tourism spending in the region. The purpose of the committee is to promote *The Wilderness Road: Virginia's Heritage Migration Route* from Winchester to Cumberland Gap in a way that preserves and interprets the heritage of the migration era from the 1700s to the mid 1800s to increase tourism visitation and economic impact of tourism spending.

WHEREAS: This state designation delineates the route and recognizes the driving route as *The Wilderness Road: Virginia's Heritage Migration Route*. This shall not affect any other designation heretofore or hereafter applied to this route or any portions thereof.

WHEREAS: Designation of this driving route allows for the further development of tourism as a vital part of economic development, building on the tourism assets of the westward migration and stimulating new tourism growth to Western and Southwestern Virginia.

THEREFORE BE IT RESOLVED that the City of Harrisonburg expresses its support to the General Assembly of the Commonwealth of Virginia to provide state designation for the Wilderness Road: Virginia's Heritage Migration Route.

BE IT FURTHER RESOLVED that the City of Harrisonburg expresses its support of directional signs along the corridor to direct tourists along the driving trail and to Harrisonburg Tourism and Visitor Services locate inside the Hardesty-Higgins House.

FINALLY BE IT RESOLVED that the City of Harrisonburg fully supports the efforts of the Wilderness Road Committee to develop the Wilderness Road: Virginia's Heritage Migration Route as a national and international tourism product to increase visitation to Western Virginia.

Date

Rodney L. Eagle, Mayor

Attest:

Yvonne Ryan, MMC, City Clerk

Zenaida Hall, Harrisonburg Tourism Marketing Coordinator, gave an overview of a resolution supporting the designation of a driving route entitled "*The Wilderness Road: Virginia's Heritage Migration Route*" to connect tourists with local visitor centers along the corridor of the route. Funding for signage will be requested through the Virginia Assembly. She said that Harrisonburg Tourism's mission is to create a joint partnership to identify historical and culture sites, and this designation offers an opportunity to area museums, attractions, shopping and dining along the route. Vice-Mayor Pace offered a motion to approve the resolution as presented. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

Council Members agreed to schedule a public hearing on December 11, 2007, to consider The Planning Commission's recommendation to approve the Capital Improvement Program.

The next item of business was an update on the Comprehensive Services Act Program. Charlotte McNulty, chair of the Community Policy and Management Team (CPMT), gave an overview of the program and on two new community-based programs that are being proposed. The new programs will require some start-up funding from the City and County, which will share equally in the start-up costs of the program. Treatment costs for the new programs as well as existing programs and services are paid based on the residence of the child. The new programs will identify and explore services needed by children in the community. The purpose

is to provide services for children located in the community rather than to send these children to residential settings in other areas to receive these services.

The next item of business was a presentation by Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority and Rev. Jeff Butcher, Senior Pastor of Otterbein United Methodist Church in Harrisonburg and President of Harrisonburg Rockingham Thermal Shelter (HARTS). HARTS is a collaborative effort between Harrisonburg Rockingham Continuum of Care (HRCOC) and the Interfaith Association of Harrisonburg. The mission is to provide safe temporary 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. Mr. Wong and Rev. Butcher presented a funding request of \$30,000 to support an Emergency Homeless Shelter Initiative to provide shelter for the “chronically homeless”. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$ 30,000.00 chge. to: 1000-31010 Amount from fund balance

\$ 30,000.00 approp. to: 1000-910411-45805 Harrisonburg-Rockingham Thermal Shelter

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 Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent – None

Parks and Recreation Director Foerster presented a request from the Parks and Recreation Department, Rockingham County Parks and Recreation Department and the Downtown Merchants Association to hold the annual Christmas parade. He explained that these groups are sponsoring the annual Christmas parade to be held on Friday, December 7th, at 7:00 p.m. The parade will begin at the monument at the intersection of South Main Street and Liberty Street and end at the corner of Gay Street and North Main Street at the Rockingham County Administrative Complex. Vice-Mayor Pace offered a motion to approve this request. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

At 8:35 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to boards and commissions, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consultation of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. Consultation with legal

counsel regarding an existing contract 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 Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Pace
Council Member Chenault
Council Member Byrd
Council Member Frank
Mayor Eagle

Absent - None

At 9:20 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 9:21 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

cc: City Council
City Manager
Assistant City Manager
Public Library

REGULAR MEETING

December 11, 2007

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor George W. Pace; Council Members Charles R. Chenault, Carolyn W. Frank, and Ted Byrd; City Clerk Yvonne "Bonnie" Ryan, MMC; and Police Chief Harper.

Council Member Chenault gave the invocation, and Mayor Eagle led everyone in the Pledge of Allegiance.

Ramona Sanders said the Wilderness Society is asking for co-sponsors for the "Virginia's Mountain Treasures" to gain greater protection for these areas in the nation forest, which supply clean water, opportunities for back country recreation, and a habitat for birds. She said there is no cost for sponsorship.

Jim DeStefani expressed concern about the additional traffic on the I-81 Port Republic Road traffic corridor.

Bucky Berry expressed discontent that the new communication system is not operating.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of appropriations for the Parks and Recreation Department, Harrisonburg Rockingham Thermal Shelter (HARTS), and disposing of real estate along Port Republic Road and Neff Avenue. The motion also included a request by Funkhouser and Associates Properties to vacate a 2,178 square foot portion of Hunters Road. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent - None

The next item of business was holding a public hearing to consider enacting Section 4-2-30 of the Harrisonburg City Code. Economic Development Director Brian Shull reviewed the background information on establishing an economic revitalization zone downtown. The ordinance includes a three tier real estate assessment/tax incentive based on the amount of investment from five to ten years.

At 7:13 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 Friday, November 23, and Friday, November 30, 2007.

**NOTICE OF PUBLIC HEARING ON ENACTING
AN ECONOMIC REVITALIZATION ZONE
ORDINANCE FOR THE CITY OF HARRISONBURG**

The Harrisonburg City Council will hold a public hearing on December 11, 2007 at 7:00 p.m., in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, to solicit public comments concerning enacting an Economic Revitalization Zone Ordinance (Section 4-2-30 of the Harrisonburg City Code) for the City of Harrisonburg.

Copies of the proposed ordinance enacting an Economic Revitalization Zone are available in the City Manager's Office, 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 enacting Section 4-2-30 of the Harrisonburg City Code.

Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance said local investors are interested in the downtown area because of economic incentives and historical structure revitalization.

David Miller supported enacting the ordinance.

Andrew Forward supported enacting the ordinance. There being no others desiring to be heard, the public hearing was declared closed at 7:17 p.m., and the regular session reconvened. Council Member Chenault offered a motion to enact Section 4-2-30 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

City Manager Kurt Hodgen presented the 2007-2008 through 2011-2012 Capital Improvement Program. Mr. Hodgen said the City has approximately \$25M requested in the General Fund and expects to have \$15M in available funding. Requests include road construction projects, equipment replacements, bridge replacements, mobile command post, an addition to Fire Station 4, and Parks and Recreation projects.

At 7:21 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 3, and Saturday, December 8, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 11, 2007, 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 2008-2009 through 2012-2013. The Capital Improvement 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 Eagle 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 7:22 p.m., and regular session reconvened. Council Member Chenault offered a motion to adopt the Capital Improvement Program. The motion was seconded by Council Member Byrd and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace

Mayor Eagle

Absent – None

The next item of business was holding a public hearing to consider a request from the City of Harrisonburg to amend Article Y Floodplain Zoning District of the Zoning Ordinance. Planning and Community Development Director Turner said Article Y, Floodplain Zoning District classification is an overlay zone that allows the City to be a part of the Federal Emergency Management Agency (FEMA) Flood Insurance Program and for the City's citizens to purchase flood insurance. The Flood Insurance Rate Map (FIRM) has been revised and will become effective on February 6, 2008. City staff has prepared language to reflect this new date and has also taken this opportunity to update the entire Article. She said that staff and Planning Commission is recommending approval of the model ordinance.

At 7:27 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 26, and Monday, December 3, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, December 11, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, to consider the following:

Ordinance Amendment – Article Y Floodplain Zoning District

Public Hearing to consider a request from the City of Harrisonburg to amend Article Y Floodplain Zoning District of the Zoning Ordinance to update and include the new effective date of the Flood Insurance Rate Map.

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 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 amending Article Y Floodplain Zoning District of the Zoning Ordinance.

John Serrell said:

“Good evening Mr. Mayor, City Council. My name's John Serrell, and I come before you reluctantly this evening to bring you some updates. I'm in a precarious position because when the floodplain changes in February, it affects me to an extent that I should

not be affected. To start with, I filed the Freedom of Information Act with the City Development...they gave me a pile a stuff. One of the things it shows is that according to engineering plans by Blackwell, my property is not in the floodplain at this time. I'm going on that assumption. It was certified that way when I bought the property. In addition to that, I have a draft FIRM that the City sent to FEMA, and my engineering according to the draft FIRM that was sent in conjunction with the City and FEMA would still keep my building out of the floodplain. In the mean time, the City has allowed development across from me. As you know, in different correspondence that I have sent, I have complained several times about this fill. I was told by Dan Rublee that the guy could put all the dirt he wanted to in there - if I got flooded to sue somebody. I've checked with my counsel - I have no standing in a case if the City approves it. Second thing is that the City informed me that no FEMA analysis was required by the City, and I have a letter to that effect from Dan Rublee to Blackwell Engineering that they didn't require it and it wasn't done. That violates section 60.3 of the FEMA code. I wrote the City Attorney about that, and asked him to rule on it legally and he refused to do so. Dan Rublee also informed me that the reason that this was allowed to be filled because on a 1996 site plan, now think about this, on a '96 site plan...there was a building to be torn down. I have an aerial photograph that proves that building did not exist at that time. So in other words, we have a situation here where you're allowed to fill a property in a floodplain. It violates FEMA, and the City has allowed this to happen. And in correspondence that I've sent to you folks, you're aware of some of this information. Now, in addition to this, I've given you a handout there. If you see the top page, it shows that the base flood elevation has been raised one...over one foot. That violates FEMA codes. There was no analysis required and by law it's required. Also, there was filling placed in the floodway. And if that raises the floodplain at all, it violates federal codes. And I did write the City. I wrote the City Attorney and never got any information back. The second page if you see...look at that one the elevation certificate. That shows that my 20,000 square foot concrete tilt up building, the floor elevation is certified to be out of the current floodplain. The problem that I have now is, here's where the floodplain is...here's where my floor is...and when the new flood maps go into effect, it goes above the floor of my building throwing me into the floodplain. Now as you well know, that restricts my development, my use. It increases my insurance and drastically reduces the value of my property. The problem I've had is that the City, through the engineer, has allowed this building to be built across from me, the land filled on what I feel are untruths. I've been told to prove the City wrong. This documentation will show it to you. If you look at the last page, this was taken from an aerial photograph...uh...aerial topography in 1996. And if you look at the elevations on there and review them at your convenience, you'll see that the FEMA maps that you guys are currently using with FEMA, in conjunction with them, show that this ground was improperly filled. And, if you go back through your records, and I got this from the Freedom of Information Act, there are records that show in 2003 I made the City Engineer aware of this. And I have written extensively and contacted everybody and everybody says there's no problem, it's not our fault, and I feel the law wasn't followed whatsoever. Now these maps that you're requesting to become effective in February...in my opinion, was improperly done, and I've gone through it. Now, the FIRM that I show here, the draft FIRM, that I relied upon from the City, is not the FIRM that's being approved by FEMA. They're grossly

different. According to the draft FIRM, I would have been fine. In reviewing all of this, what I would like to ask the City to consider, at your convenience and let me know, is postponing the adoption of this. I've proved by my certified engineer with an independent review, that it was improperly done. What I'm asking the City to consider would be to call in FEMA to review all data and to get another independent engineer to review the data and see if the City is correct or if I am correct. That's all I have. If you have any questions, I'll entertain them and I'd be glad to give any documentation to you that you'd like to have. Thank you for your time."

In response to a question from Mayor Eagle about timing, Mr. Serrell responded:

"At your convenience, I would appreciate an answer. I know you have to think about this, but I was told to prove the City wrong. Here's a certified copy from the engineer. And I feel that from 2003 to now, if you review all the documentation that's gone through City Development, through City Council and the City Attorney...I can't get it done overnight either. And, in addition to that with all the other construction and everything else going on, I think it's gonna augment the problem and...if there's a way to correct this in the future, we find if we're wrong that's fine, I'm more than happy to work with you on all of this. But in this particular case, I just feel that things haven't been done properly and I wanted to bring it to your attention and ask for your consideration." (Mayor Eagle thanked Mr. Serrell) Mr. Serrell: "Thank you."

City Engineer Dan Rublee gave a brief overview of the process the City used to create new maps for FEMA. The City received a letter of final determination in August 2007, stating the maps have been completed and are ready for adoption on February 6, 2008. The purpose of tonight's ordinance is to bring the ordinance into conformance with the new mapping. There being no others desiring to be heard, the public hearing was declared closed at 7:48 p.m., and regular session reconvened. Following further discussion and comments, Council Member Byrd offered a motion to approve amending Article Y Floodplain Zoning District of the Zoning Ordinance effective February 2008 as presented for a first reading. The motion was seconded by Council Member Chenault and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Janis Brown Enterprises to rezone three lots from B-2C to R-5C, including a special use permit to allow multiple-family dwellings to have more than twelve (12) units per building and multiple-family dwellings to be greater than four (4) stories and/or fifty-two (52) feet in height within the R-5 High Density Residential District. The request also included a special use permit to allow

retail stores, convenience shops, personal service, establishments, restaurants (excluding those with drive through facilities) within the R-5, High Density Residential District.

Mayor Eagle announced that agenda items nine through twelve would be reviewed as one item and then acted upon separately.

Planning and Community Development Director Turner said the 5.28 acre site is located at the intersection of Devon Lane and Port Republic Road. She reviewed the surrounding uses in the area. In 2002, this property which was zoned R-3, was successfully rezoned to B-2C for a project known as The Republic Center. Mrs. Turner reviewed the submitted proffers approved by the City in 2002. However, that project did not move forward. The new property owner would like to do a mixed use project on the site combining commercial and residential multi-family units. The applicant has proposed to rezone to R-5 conditional and proffered the following: 1) The density and layout of the development will be in substantial conformity with the plan of development including landscaping and recreational amenities. 2) Ten parking spaces will be reserved for the exclusive use of the Devonshire Townhomes. 3) The structure would not exceed 90 feet in width, 310 feet in length, and 91 feet in height. The structure will contain no more than 100 individual apartment units with a maximum of 290 bedrooms, and a maximum of 16,000 gross square feet of commercial/retail space on the first floor of the structure. The project will have on-site laundry, exercise, and game room facilities. 4) The exterior finish will consist of a mixture of brick, drivit, and other non-combustible materials. 5) Refuse collection will be inside the building. 6) All commercial spaces will have delivery service via a consolidated loading dock area with internal access to the rear of individual commercial units. 7) Site lighting for parking will be installed with downward lighting to minimize light pollution. 8) The applicant would retain control of and responsibility for governing and approving any architectural, signage, regulatory, and other management functions of the project. The applicant will maintain control and regulation of on site parking. 9) All commercial signage will be restricted to either a pylon sign along Port Republic Road and/or along the first floor sign marquee area above individual commercial units. 10) The structure will contain an interior secure bike rack area for residents. 11) The structure will contain security features to control access to the residential areas of the building. 12) The applicant proffers the construction of a turn lane on Devon Lane. The entrance from Port Republic Road will be designed as a "right-in right-out" entrance to help facilitate traffic movement in the area. The applicant also proffers that a weekday private van or bus shuttle will be provided by the applicant during peak hour traffic periods.

Mrs. Turner reviewed the layout of the building including commercial space, residential units, topography, rear elevation, and basement portion. The submitted building design will require 333 parking spaces, 63 for commercial and 270 for the residential units. During the site plan review more technical presentation of information may be needed. Because this project could generate more traffic, it may be necessary for the applicant to conduct a more thorough traffic study. Mrs. Turner said that Planning Commission has recommended approving this request.

At 8:06 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearings to order. The following notice appeared in the Daily News-Record on Monday, November 26, and Monday, December 3, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold Public Hearings on Tuesday, December 11, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, to consider the following:

Rezoning – The Residences at 865 East (Port Republic Road)

Public Hearing to consider a request from Janis Brown Enterprises, with representative Blackwell Engineering to rezone three lots totaling 5.28 +/- acres from B-2C, General Business District Conditional to R-5, High Density Residential District. The properties are located at the corner of Port Republic Road and Devon Lane and can be found on tax map parcels 92-F-1, 2, & 3.

The Comprehensive Plan designates this area as High-Density Residential. This designation states that these areas are intended for high-density development, mostly apartment buildings with densities ranging from 12 to 15 dwelling units per acre.

The Zoning Ordinance states that 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. The R-5, High Density Residential District is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational and utility uses.

Special Use Permit – 865 East 10-3-55.4 (1) (More Than 12 Units)

Public hearing to consider a request from Janis Brown Enterprises, with representative Blackwell Engineering for a special use permit per Section 10-3-55.4 (1) of the Zoning Ordinance to allow multiple-family dwellings to have more than twelve (12) units per building within the R-5, High Density Residential District. The properties are located at the corner of Port Republic Road and Devon Lane and can be found on tax map parcels 92-F-1, 2, & 3.

Special Use Permit – 865 East 10-3-55.4 (2) (More Than 4 Stories)

Public hearing to consider a request from Janis Brown Enterprises, with representative Blackwell Engineering for a special use permit per Section 10-3-55.4 (2) of the Zoning Ordinance to allow multiple-family dwellings to be greater than four (4) stories and/or fifty-two (52) feet in height within the R-5, High Density Residential District. The properties are located at the corner of Port Republic Road and Devon Lane and can be found on tax map parcels 92-F-1, 2, & 3.

Special Use Permit – 865 East 10-3-55.4 (4) (Non-residential Uses)

Consider a request from Janis Brown Enterprises, with representative Blackwell Engineering for a special use permit per Section 10-3-55.4 (4) of the Zoning Ordinance to allow retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive through facilities) within the R-5, High Density Residential District. The properties are located at the corner of Port Republic Road and Devon Lane and can be found on tax map parcels 92-F-1, 2, & 3.

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 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 these requests.

Sandy Bopp expressed concerns about the traffic before the hospital is completed, and more students are attending classes at James Madison University.

Jim DeStefani said the traffic is unbearable in the morning and evening during rush hour.

Kurt Harding, a resident of Rockingham County, said this project was a good way to utilize the property.

Dain Hammond, representing the current owner Janis Brown Enterprises and a partner in the proposed development, said in 2005 this property was acquired as an investment. The property was rezoned in 2002 from residential to B-2 Conditional. Mr. Hammond reviewed the plan for this property to accommodate the growth for off-campus JMU students. He said that 865 East is a six story building with the top floors serving as student housing and with retail space on the ground floor. It will be equipped with a secure common entrance and private reserved parking. He said that the applicant would like to remove the proffer to provide private shuttle bus service.

Ken Patterson reviewed the project design and building layout. He asked Council to approve the project.

Ray Atkinson expressed concern about peak traffic times, safety, and crime if the property is rezoned.

Bucky Berry expressed concern about traffic. There being no others desiring to be heard, the public hearing was declared closed at 8:44 p.m., and the regular session reconvened.

Vice-Mayor Pace offered a motion to approve a request from Janis Brown Enterprises to rezone three lots from B-2C, General Business District Conditional to R-5C, High Density Residential District Conditional, including removing the proffer to provide private shuttle bus service 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
Vice-Mayor Pace
Mayor Eagle

No - Council Member Byrd

Absent - None

Council Member Chenault offered a motion to approve a request from Janis Brown Enterprises for a special use permit to allow multiple-family dwellings to have more than twelve (12) units per building within the R-5, High Density Residential District. 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
Vice-Mayor Pace
Mayor Eagle

No - Council Member Byrd

Absent - None

Council Member Chenault offered a motion to approve a request from Janis Brown Enterprises for a special use permit to allow multiple-family dwellings to be greater than four (4) stories and/or fifty-two (52) feet in height within the R-5, High Density Residential District. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

No - Council Member Byrd

Absent - None

Council Member Chenault offered a motion to approve a request from Janis Brown Enterprises for a special use permit to allow retail stores, convenience shops, personal service establishments, restaurants (excluding drive through facilities) within the R-5, High Density Residential District. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

No - Council Member Byrd

Absent - None

A scheduled public hearing rezoning request from Harman Realty, Inc. has been withdrawn.

Planning and Community Development Director Turner introduced a request from Christophel Properties to rezone 2.92 acres of property from R-3C, Multiple Dwelling Residential District Conditional to R-3C, Multiple Dwelling Residential District Conditional, and to close a portion of Ohio Avenue and New York Avenue. The Comprehensive Plan designates this area as Neighborhood Residential. Mrs. Turner reviewed the surrounding uses in the area. Closing and vacating these street rights-of-way will give the applicant enough square footage to add the additional dwelling units for the rezoning. In April of 2007, the applicant rezoned these parcels from R-2, Residential District R-3C, Multiple Dwelling Residential District Conditional. That request brought the non-conforming apartment use into conformance and allowed the applicant to construct more apartment units on the site. As part of the request, the applicants provided a site drawing, which showed two new multiple family buildings planned for construction. The applicants proffered that the new buildings would not be more than eight dwelling units per building; all new units would only be occupied by a family or not more than two unrelated persons; and the total number of bedrooms for all the rezoned parcels would be 74 (62 existing and 12 proposed). Staff recommended against the April 2007 rezoning request, stating concerns that allowing a higher density could present problems in the future for the existing, predominantly single-family neighborhood. Planning Commission recommended against the rezoning request; however, City Council approved the rezoning. The applicant is requesting to revise the proffers from the approved March 2007 rezoning. The revisions would allow the applicant to construct two new buildings with a total of 16 dwelling units as opposed to the 12 units proffered in the earlier rezoning. The two proposed new buildings are planned for the same location as the previous rezoning, and each building will contain eight, one bedroom dwelling units. Mrs. Turner said that with a 2-3 vote, Planning Commission failed to adopt a motion to recommend approval of the rezoning request, or to close a portion of Ohio Avenue and New York Avenue.

At 9:08 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearings to order. The following notice appeared in the Daily News-Record on Saturday, December 1, and Saturday, December 8, 2007.

**NOTICE OF INTENTION TO VACATE
A SMALL PORTION OF NEW YORK AVENUE AND
A SMALL PORTION OF OHIO AVENUE
IN THE CITY OF HARRISONBURG**

**City Council Chambers
409 South Main Street
Harrisonburg, VA 22801
Tuesday, December 11, 2007
7:00 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, December 11, 2007, 7:00 P.M., at City Council Chambers, 409 South Main Street, Harrisonburg, Virginia, to consider a request by Christophel Properties, LLC to vacate and close (a) a small portion of Ohio Avenue, containing 8,573 square feet, located south of Roosevelt Street, and (b) a small portion of New York Avenue, containing 4,617 square feet, located south of Roosevelt Street, in the City of Harrisonburg, Virginia.

A copy of the plats showing the portions of the streets to be vacated and the recommendation of the City's Planning Commission are available in the City Community Development office, 409 South Main Street, Monday through Friday.

All persons interested will have an opportunity to express their views at this public hearing.

The Harrisonburg City Council will hold Public Hearings on Tuesday, December 11, 2007 at 7:00 p.m., in the City Council Chambers, 409 South Main Street, to consider the following:

Rezoning – 115 Ohio Avenue Proffer Revision

Public hearing to consider a request from Christophel Properties, LLC with representative Blackwell Engineering to rezone 2.92 acres of property zoned R-3C, Multiple Dwelling Residential District Conditional to R-3C, Multiple Dwelling Residential District Conditional. This rezoning would revise the existing proffers. The properties are located along Ohio Avenue, New York Avenue, and Roosevelt Street and can be found on tax maps 18-C-7, 8, 9, & 11 and 24-R-1 through 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-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

A copy of the plats showing the portions of the streets to be vacated and the recommendation of the City's Planning Commission are available in the City Community Development office, 409 South Main Street, Monday through Friday.

All persons interested will have an opportunity to express their views at these public hearings.

CITY OF HARRISONBURG
Kurt D. Hodgen,
City Manager

Mayor Eagle called on anyone desiring to speak for or against these requests.

Paul Christophel said 21% of the neighborhood is owner occupied. Christophel Properties is a family owned company.

Carole Ricker expressed concern about the encroachment. There being no others desiring to be heard, the public hearing was declared closed at 9:13 p.m., and the regular session reconvened.

Following further discussion and comments, Council Member Frank offered a motion to deny a request from Christophel Properties to rezone 2.92 acres of property zoned R-3C, Multiple Dwelling Residential District Conditional to R-3C, Multiple Dwelling Residential District Conditional. 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 Byrd
Council Member Frank
Mayor Eagle

No - Vice-Mayor Pace

Absent – None

Council Member Byrd offered a motion to deny a request from Christophel Properties to close a portion of Ohio Avenue. 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 Byrd
Council Member Frank
Mayor Eagle

No - Vice-Mayor Pace

Absent – None

Council Member Byrd offered a motion to deny a request from Christophel Properties to close a portion of New York Avenue. 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 Byrd
Council Member Frank
Mayor Eagle

No - Vice-Mayor Pace

Absent – None

The next item of business was an update from The Arc/Op Shop on the Simms Renovation Project Loan. Mary Ellen Chewning, Executive Director of The Arc of Harrisonburg and Rockingham, reported on The Arc's progress toward payment of the \$500,000 loan for renovations to the Lucy F. Simms Center. They currently have \$257,667 designated for the building fund. The Arc has been paying the \$1,040 interest on the loan each month.

However, they do not believe they will be in a position to pay off the loan by January. They have had many and varied fundraisers, and they have been transparent in tracking the money and reporting their progress in their newsletter and on their website. The Arc of Harrisonburg and Rockingham has been improving services for persons with intellectual and development disabilities and their families since 1962. They deliver key services and address social problems that complement essential governmental investment in the community. The Arc administrative office and Op Shop have been good occupants of the Simms Center, and they think they have been of benefit to the City by being in the building. Their reputation is very important to them and they do not want to be known as an agency that does not honor its commitments. The Arc will abide by whatever the Council decides.

Matthew Sunderlin, President of The Arc, thanked Council for its support. The Arc and The Op Shop has been a voice for those who can't speak for themselves for 45 years.

Vice-Mayor Pace offered a motion to approve a request from First Night Harrisonburg for street closure and fire works on December 31, 2007. The motion was seconded by Council Member Frank and approved with a unanimous vote of Council.

Vice-Mayor Pace offered a motion to enact Section 1-1-15 and amend and re-enact Section 3-2-1 of the 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
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that Phillip G. Ryman, 859 Park Circle, be appointed to a first term on the Harrisonburg Parks and Recreation Commission to expire on December 31, 2011. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that Nancy Clark Faulkner, 2190 Lake Terrace Drive, be re-appointed to a second term on the Harrisonburg Parks and Recreation

Commission to expire on December 31, 2011. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that Cheryl Risley, 1703 Central Avenue, be re-appointed to a second term on the Harrisonburg Redevelopment and Housing Authority to expire on December 31, 2011. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that David F. Denman, 225 Betts Road, be re-appointed to a second term on the Harrisonburg Redevelopment and Housing Authority to expire on December 31, 2011. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that Richard A. Baugh, 79 Hope Street, be re-appointed to a second term on the Harrisonburg Planning Commission to expire on December 31, 2011. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace

Mayor Eagle

Absent – None

Council Member Chenault offered a motion that Steven Hottle, 267 Campbell Street; Carl Wassum, 1169 Westmoreland Drive; and Craig Miller, 2821 Osceola Springs Road; be re-appointed to third terms on the Building Code Board of Appeals to expire on November 30, 2011. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

Council Member Chenault offered a motion that Price Lineweaver, 23 Tamela Court, be re-appointed to a second term on the Harrisonburg Electric Commission to expire on December 31, 2010. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 9:43 p.m., Council Member Chenault offered a motion that Council enter into a closed session for discussion and consideration of personnel and prospective candidates to be appointed to boards and commissions, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia; and discussion and consultation of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Pace and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault
Council Member Byrd
Council Member Frank
Vice-Mayor Pace
Mayor Eagle

Absent – None

At 10:29 p.m., the closed session ended and the regular session reconvened. City Attorney Thumma read the following statement, which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirement pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed, or considered in the closed session by the City Council.

At 10:30 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR