

REGULAR MEETING

January 8, 2008

At a regular meeting of Council held this evening at 7:00 p.m., there were present: Mayor Rodney Eagle; City Manager Kurt Hodgen; 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.

Mayor Eagle read a proclamation recognizing Monday, January 21, 2008, as honoring Dr. Martin Luther King, Jr. Day in Harrisonburg.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a request to amend Article Y Floodplain Zoning District of the Zoning Ordinance and a rezoning request from Janis Brown Enterprises. The motion also included enacting Section 1-1-15 and amending and re-enacting Section 3-2-1 of 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

City Manager Hodgen presented for Council’s consideration holding a public hearing to increase the FY 2007-2008 budget. He said this hearing will address several items: Appropriation of grant funds to purchase eight new transit buses, “Preserve America” grant funds for wayfinding signage, and transfer of funds to pay notes due on behalf of the Boys and Girls Club and the ARC that were associated with the Simms renovation project.

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 Monday, December 31, 2007.

NOTICE OF PUBLIC HEARING

The public hearing will be held by the Harrisonburg City Council on Tuesday, January 8, 2008 at 7:00 p.m., or as soon as the agenda permits, in the Harrisonburg City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City’s

2007-2008 budget in the net amount of \$4,911,000. The funds will be used to pay a note due to the HRHA on behalf of the Boys and Girls Club and the Association of Retarded Citizens; Way Finding Signs and to purchase eight new buses. These expenditures will be funded by grants from the federal and state government and a transfer from the City's General Fund unappropriated fund balance.

The budget increases will be as noted below:

Revenues:

General Fund:

Amount from fund balance	2, 116,936
Preserve America Grant	<u>150,000</u>

Total General Fund	<u>2,266,936</u>
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Public Transportation Fund:

Capital Grant – State	435,264
Capital Grant – Federal	2,208,800
Transfer from General Fund	<u>116,936</u>

Total Public Transportation Fund	<u>2,761,000</u>
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Total	<u>5,027,936</u>
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Expenditures:

General Fund:

Boys and Girls Club	1,500,000
Association of Retarded Citizens-ARCH	500,000
Way Finding Signs	150,000
Transfer to Public Transportation Fund	<u>116,936</u>

Total General Fund	2,266,936
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Public Transportation Fund:

Transit Buses	<u>2,761,000</u>
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Total	<u>5,027,936</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 increasing the FY 2007-2008 budget. 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 increase in the FY 2007-2008 budget for a first reading, and that:

\$ 435,264.00 chge. to: 2013-32518 Transit-Capital-Grant-Bus
2,208,800.00 chge. to: 2013-33305 Transit-Capital-Grant-Federal
116,936.00 chge. to: 2013-34210 Trans. from General Fund

\$ 2,761,000.00 2013-872081-48253 Transit Buses

\$ 116,936.00 1000-31010 Amount from Fund Balance

\$ 116,936.00 1000-990111-49270 Transfer to transportation fund

\$ 150,000.00 1310-33513 Preserve America Grant

\$ 150,000.00 1310-910141-48708 Way Finding Signs

\$ 2,000,000.00 1000-31010 Amount from fund balance

\$ 1,500,000.00 1000-910411-45669 Boys and Girls club

\$ 500,000.00 1000-45891 Association of Retarded Citizens-ARCH

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

Mayor Eagle announced that agenda items eight and nine would be reviewed as one item and then acted upon separately.

Planning and Community Development Director Turner introduced a request from William B. Holtzman to amend Section 10-3-85 of the Zoning Ordinance. The amendment would allow transportation service facilities by special use permit within the B-1, Central Business District. The language in the amendment reads as follows: Transportation service facilities, including but not limited to: taxicab, limousine, or bus. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed. Staff has concerns with allowing such uses in the B-1, Central Business District. The Comprehensive Plan embraces the B-1, Central Business District as part of the Downtown Revitalization Area, an area the City of Harrisonburg and the Harrisonburg Downtown Renaissance seek to revive as the heart of the City, the civic, economic, cultural, and symbolic center. The City strives to revitalize the downtown area with services that

are more in keeping with the pedestrian scale and uses having a potential for more contribution to the nature of downtown. A transportation service facility generally requires very little in the way of buildings or aesthetics other than a parking lot. Transportation vehicles can be serviced and dispatched from other locations within the City to serve the downtown area. Mrs. Turner said that Council has received a memo from Harrisonburg Downtown Renaissance Executive Director Eddie Bumbaugh clarifying that HDR is not taking any position on any specific business proposal or site and merely states for the record that it has some concerns about allowing this type of use within the downtown business district. Mrs. Turner said during the discussion at the Planning Commission meeting, an alternative motion to this wording offered by a Planning Commissioner limited the wording strictly to taxicabs and did not include limousines or buses. However, that motion did not pass by a vote of three people voting for it and four people voting against the motion. The alternative motion offered was the language as originally proposed and advertised. That motion was to not recommend approval of inserting this language into the City's Zoning Ordinance.

Mrs. Turner said that the applicant is requesting a special use permit for a transportation service facility within the B-1, Central Business District. The Comprehensive Plan designates this area as Mixed Use Development. She reviewed the surrounding uses in the area. Currently located on the property is a non-conforming vehicle fuel station and vehicle repair garage. If approved, the lessee of the property would continue to operate these uses along with the addition of a taxi service as a secondary use. The taxi service, which is operated by Valley Cab, LLC, would utilize the site for dispatching taxicabs as well as servicing the fleet of taxi vehicles at the garage facility. The B-1 district does not have a parking requirement and if all ten of these spaces are filled by taxicabs, it does not leave much area for customer and employee parking and maneuvering. Mrs. Turner said that staff does not support this special use permit request for the transportation service facility at this site. The property is located on a highly visible corner leading into the City's downtown area. Staff feels a use with the primary purpose of vehicles coming and going at this location is not the best use. The current non-conforming uses already generate a lot of traffic to and from the site and the taxi use would increase the congestion. There are also the concerns with parking and maneuvering on the parcel when the taxicabs are parked. Should this special use request be approved, staff suggests that the following conditions be placed on the permit: 1) Limiting the number of taxicabs to eight (8) that be parked at the property at any one time. 2) Provide marked parking spaces for the eight (8) taxicabs. 3) Parking spaces shall not depend on the public right-of-way in order to maneuver into or out of parking spaces; and the moving of any vehicle on site in order to maneuver another vehicle into or out of parking spaces is not permitted. Mrs. Turner said that Planning Commission recommended that this special use permit request not be approved.

At 7:25 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, December 24 and Monday, December 31, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Ordinance Amendment – B-1, Central Business District (Transportation Service Facilities)

Public hearing to consider a request from William B. Holtzman to amend Section 10-3-85 of the Zoning Ordinance. The amendment would allow transportation service facilities as a special use permit within the B-1, Central Business District.

Special Use Permit – 219 East Market Street (Transportation Service Facilities)

Public hearing to consider a request from Holtzman Oil Corporation, with representative William B. Holtzman for a special use permit per Section 10-3-85 of the Zoning Ordinance to allow a taxi service within the B-1, Central Business District. The property is located at 219 East Market Street and can be found on tax map 26-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 amending the ordinance and a special use permit request.

Steve Weaver an attorney representing the applicant said the proposed ordinance change could provide some flexibility in having taxi service convenient to downtown especially in light of the City's efforts to revitalize downtown with more residential uses. The applicant, Holtzman Oil Corporation, has no objection to Council improved conditions as previously provided. The applicant offers four items for Council's consideration to be incorporated with the special use permit request. 1) The special use permit can be terminated if the gas station repair service goes out of business or stops operating at this site. 2) The taxicabs will be limited to eight. 3) The premises shall be kept in a neat and orderly condition. 4) The arrangements for eight parking spaces for taxicabs shall be at a defined location, and in order to provide adequate parking and access for customers at its gas pumps and repair garage, taxicabs may be "front to back" to maximize space.

Barry Kelly said as a property owner in the downtown area, he has been involved in multiple historical rehabilitations. "I don't believe the taxicabs or other cars will be parked on the site as stated. This is not the best use of this site." He objected to changing the existing use of a non-conforming use. There being no others desiring to be heard, the public hearing was declared closed at 7:31 p.m., and the regular session reconvened.

Vice-Mayor Pace said, "I believe in the future the downtown area will need taxi service and gas stations. However, the number of taxicabs being parked on site should be limited to eight.

Council Member Chenault said, "I am going to oppose the proposed ordinance amendment and special use permit request for a number of reasons. As time passes, hundreds of

more people will live downtown and specifically in this area. There will be a need for taxicabs, but I don't believe this is the location to be dispatching them from. This particular location will not significantly affect the response times. Developers are being asked to invest large amounts of money in downtown renovation, and I don't think this is consistent with what they are going to be looking for. More important, there is a gas station on this site, and it is a non-conforming use. The reasons given are not enough to change my mind."

Council Member Byrd said, "I live two blocks from this location and believe the current operators of this service station are the third owners. We ask developers to invest in the downtown area and tonight we have a business coming to us asking for an exception to the ordinance so they can continue to operate in the central downtown area. The business is co-dependent upon having the taxicabs as well as the gas and service station."

Mayor Eagle said, "There is a need for prompt and adequate taxi service in the downtown area."

Vice-Mayor Pace offered a motion to remove limousines and buses from the text of the ordinance amendment. The motion also included that a special use permit will be required to have a taxicab business in the B-1 zone. 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
Mayor Eagle

No - Council Member Chenault

Absent - None

Vice-Mayor Pace offered a motion to approve a special use permit request from Holtzman Oil Corporation incorporating the conditions as set forth in the letter dated January 8, 2008, by the applicant's attorney, Steve Weaver, to be incorporated with the special use permit request. 1) As long as there is a cab service operating from this location, the service station and repair facility will remain open to the general public. 2) This location will serve up to eight taxicabs, but not be used for the operation, repair, or parking of bus(es) or Limouse(s) services. 3) The premises shall be kept in a neat and orderly condition. 4) The arrangements for eight parking spaces for taxicabs shall be at a defined location and in order to provide adequate parking and access for customers at its gas pumps and repair garage, taxicabs may be "front to back" to maximize space available. 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
Mayor Eagle

No - Council Member Chenault

Absent - None

Planning and Community Development Director Turner introduced a request from Generation Realty, LLC, for a special use permit. The property is located at 1730 Country Club Road and zoned M-1, General Industrial District. The applicant is requesting a special use permit to allow for a restaurant at this site. She reviewed the surrounding uses in the area. Staff had a few concerns specifically related to the future widening of Country Club Road, parking, and vehicular maneuverability. The applicant's survey illustrates 37.5 feet between the proposed restaurant structure and the right-of-way. This amount of space allows just enough area to have angled parking and a travel lane. However, since Country Club Road is slated for improvements, this request could require extensive right-of-way acquisition, which would severely limit the use of the front section of this lot. Almost any amount of right-of-way obtained from this lot would prohibit parking in front of the restaurant. Since this property contains over 2 acres, there is ample room on the site if the applicant wanted to utilize other areas. The applicant will need to have 11 parking spaces exclusively for the use of restaurant and additional spaces for the auto detailing business. Mrs. Turner said that the applicant has removed an outbuilding, established access to the rear of the property, and installed proper curbing on the front of the property. Staff has recommended approval with the following conditions: 1) The applicant shall construct either a longer landscaped island or curbing along the lot frontage with Country Club Road to create safer onsite maneuverability. This design must be approved by the Planning and Community Development Department. 2) The applicant shall verify and receive approval from Planning and Community Development that parking regulations have been met for all uses on the site. 3) The special use shall be valid only for the structure as proposed within this application. Mrs. Turner said that Planning Commission has recommended approving this request.

At 7:55 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, December 24 and Monday, December 31, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Special Use Permit – 1740 Country Club Road (10-3-97 (1)) Restaurant

Public hearing to consider a request from Generation Realty, LLC, with representative Mark R. Smith for a special use permit per Section 10-3-97 (1) of the Zoning Ordinance to allow a restaurant within the M-1, General Industrial District. The property is located at 1740 Country Club Road and can be found on tax map 72-B-2.

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 request. There being no one desiring no one desiring to be heard, the public hearing was declared closed at 7:56 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the special use permit 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

Planning and Community Development Director Turner introduced a request from Funkhouser and Associates Properties to rezone one 1.923-acre parcel from R-3, Multiple Dwelling Residential District to R-5, High Density Residential District. The property is located along Hunters Road and can be found on tax map 4-B-2. The Comprehensive Plan designates this area as High-Density Residential, which is intended for high-density development, mostly apartment buildings with densities ranging from 12 to 15 dwelling units per acre. She reviewed the surrounding uses in the area. The property is a long, narrow, triangular shaped lot located near the cul-de-sac of Hunters Road, directly adjacent to Interstate 81 and surrounded by student housing on three sides. Since early 2006, a comprehensive site plan has been in review for two 8-unit multiple dwelling structures – 16 total units – to be constructed on the property. If approved, the applicant would be required to apply for a special use permit to exceed 12 units per building within the R-5 zoning district, as the new design plan is intended to have a total of 24 units on this foundation. Mrs. Turner said that the applicant is not interested in increasing the existing allowable density on the property. An additional special use permit would be required if the applicant desired to increase the number of units by allowing a taller building. Mrs. Turner said that Planning Commission has recommended approving this request.

At 8:00 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, December 24 and Monday, December 31, 2007.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, January 8, 2008 at 7:00 p.m., in the City Council Chambers, 409 South Main Street to consider the following:

Rezoning – Hunters Road Extension (Funkhouser & Associates Properties, LLC)

Public hearing to consider a request from Funkhouser & Associates Properties, LLC, with representative Barry Kelley to rezone one, 1.923-acre parcel from R-3, Multiple Dwelling Residential District to R-5, High Density Residential District. The property is located along Hunters Road and can be found on tax map 4-B-2.

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 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. 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 this request.

Dick Blackwell said Mrs. Turner did a great job on the presentation and he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 8:01 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member 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 recognizing Harrisonburg's Deputy Commissioners of Revenue Lisa Neunlist, Nancy Lawson, Martha Fahrney, and Dennis Rice. Commissioner of the Revenue June W. Hosaflook said it was a pleasure to recognize these aspiring, dedicated City employees who embrace their duties and perform them with enthusiasm and intelligence. The Commissioners Career Development Program was developed by the Commissioners of the Revenue of Virginia to promote professionalism and excellence in the field of tax assessment. A committee of Commissioners and the Weldon Cooper Center for Public Service at the University of Virginia administers the program, and the Virginia General Assembly recognizes it. Mrs. Nancy Lawson began her career in the Harrisonburg Commissioner's office 23 years ago. Nancy is known for her excellent service to the customers of the real estate assessment office. Mrs. Martha Fahrney began her career in the Harrisonburg Commissioner's office 21 years ago. Martha serves in the Commissioner's Office as personal property supervisor. She is responsible for assessment of personal property and has always been the go-to person in the office. Mrs. Lisa Neunlist began her career in the Harrisonburg Commissioner's office 10 years ago. Lisa is the City's Real Estate Director, and under her supervision all real estate new and existing is re-valued each year. Mrs. Dennis Rice began her career in the Harrisonburg Commissioner's office seven years ago. Dennis has worked in business license, real estate appraiser, and taxation of personal property. The new Master Deputy Commissioners of Revenue thanked City Council for their continued support.

Commissioner of the Revenue June W. Hosaflook presented a brief update on personal property tax relief for the elderly. Mrs. Hosaflook said 48 applicants applied the first year, and the cost was approximately \$3,000 to exempt those vehicles. The department will continue to monitor the program until the May 1st filing deadline.

Mr. Charlie Whetzel gave a brief overview of a Rockingham County Fair/4-H/FFA Barn Project. Mr. Whetzel said the Rockingham County Fair hosts numerous events during the year with the largest event being the 4-H/FFA Market Animals Shows during the week of the Rockingham County Fair. The 4-H/FFA organization does a terrific job of preparing youth for the future. This past year, due to a strong storm, a tent went completely down on market animals that were housed there, and the second tent was damaged and the animals were removed from the tent. A more permanent structure is needed for the safety of the animals from further natural disasters that could occur. Mr. Whetzel noted that the Rockingham County Fair Association is seeking donations to construct a new barn.

The next item of business was an update from the Boys & Girls Club on the Simms Renovation Project Loan. Heather Denman, Executive Director of the Boys and Girls Club, reviewed the organization's mission, the activities levels, and the various programs offered at the club. Several young people who have participated in the club spoke about their experiences. Ms. Denman reported on the Boys & Girls Club's progress toward paying a \$1.5 million loan for renovations to the Lucy F. Simms Center. Ms. Denman outlined an effort to hold a \$1.5 million capital campaign. The campaign raised approximately \$295,000 with \$226,000 in-kind contributions and \$69,000 in outstanding pledges. But, it spent more than \$261,000 for consulting services, including a feasibility study to determine the club's fundraising potential.

The following discussion by Council Members included: Is the consulting firm still advising and involved? Council expressed disappointment in the capital campaign effort. The City approved \$2 million to cover the outstanding amount and will probably only receive \$250,000 of the amount. Council expressed frustration that \$1.7 million will now have to come out of the general fund. Council reviews all the needs in the City, and \$1.7 million will not be available for other programs in the City. Council asked about other outstanding debt of the club?

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. The Virginia Main Street District has expanded its service area. A successful Virginia Main Street Manager's Retreat was hosted in November. An article appearing in the Virginia Main Street Monitor mentioned James Madison University and Eastern Mennonite University are both working with Harrisonburg Downtown Renaissance to develop programs that introduce and involve their students in downtown revitalization. An orientation was held to familiarize new businesses in the downtown area with parking policies and resources. Fourteen additional parking spaces have been created along Noll Drive. He reviewed the celebration and volunteer receptions, Façade Enhancement Grant Program, several new restaurants, new technology businesses, and renovation projects in the downtown area.

Kris Ludwig, Special Events Manager of HDR, presented the new street closing form. This form has been reviewed and approved by the Fire Chief, Police Chief, Public Works Director, and Downtown Parking Services. The Court Day Festival includes closing the same streets as in previous years from the northwest corner of Court Square, next to Cally's Restaurant to the southeast corner of Court Square at Bank of America and to the intersection of West Market Street at Liberty Street from 7:00 a.m. until 6:00 p.m. Council Member Chenault offered a motion to approve a request to close the streets for the Court Day Festival on June 7th. The motion was seconded by Council Member Byrd and approved by a unanimous vote of Council.

Kristen McCombe, Grants Compliance Officer, presented an overview of a progress report on the status of Community Development Block Grant (CDBG) funded projects. A total of \$117,658.08 in available funds from previous plan years is available to be re-allocated. This funding is available as a result of a) HRHA bond repayment schedule beginning later than anticipated, b) termination of the Bright Smiles program, at the request of JMU and Social Services and c) the City's Spanish Translation project coming in under budget. Mrs. McCombe said Council may choose to a) assign this funding to one or more of the projects that are already funded by CDBG's b) assign this funding to one or more new eligible projects, or c) roll the funding over into the 2009 CDBG Program for a competitive RFP process. In any case, a public hearing must be held followed by a 30 day public comment period.

Following further discussion and comments, Council Member Chenault offered a motion to approve allocating \$99,655.60 to downtown sidewalk projects, \$13,700.80 to the Free Clinic dental program, and \$4,301.68 to be included in the competitive 2009 program. 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

City Attorney Thumma presented the following resolution for Council's consideration:

**RESOLUTION PROVIDING FOR THE IMPLEMENTATION OF THE
COMPREHENSIVE COMMUNITY CORRECTIONS ACT FOR LOCAL
RESPONSIBLE OFFENDERS, THE PRETRIAL SERVICES ACT AND THE
ESTABLISHMENT OF THE HARRISONBURG-ROCKINGHAM COMMUNITY
CRIMINAL JUSTICE BOARD**

WHEREAS, the Virginia General Assembly has adopted legislation entitled the Comprehensive Community Corrections Act for Local Responsible Offenders, Article 9 (Section 9.1-173 et. seq.) of the Code of Virginia and the Pretrial Services Act, Article 5 (Section 19.2-152.2 et. seq.) of the Code of Virginia, both of which were effective July 1, 1995; and

WHEREAS, Sections 9.1-174 and 19.2-152.2 of the Code of Virginia permit counties and cities or combinations thereof to develop and establish local pretrial or community-based probation services pursuant to these acts; and

WHEREAS, Sections 9.1-178 and 19.2-152.2 of the Code of Virginia require that each county and city establishing and operating community-based probation and pretrial services establish Community Criminal Justice Board, and in the case of multi-jurisdictional efforts, that each jurisdiction mutually agree upon the number of appointments to said board.

BE IT THEREFORE RESOLVED that the City of Harrisonburg jointly agrees with the County of Rockingham to implement the services and programs required by the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services Act pursuant to Section 9.1-183, with Rockingham County acting as the administrator and fiscal agent on behalf of the participating localities:

BE IT FURTHER RESOLVED that the City of Harrisonburg jointly establishes the Harrisonburg-Rockingham Community Criminal Justice Board, the said board shall fulfill its responsibilities pursuant to Section 9.1-180, and shall be composed of the following members pursuant to Section 9.1-178 of the Code of Virginia:

One representative from each the governing bodies of the City of Harrisonburg and Rockingham County.

A circuit court judge representing the 26th Judicial Circuit as agreed upon by the judges of said circuit.

A judge of the general district court representing the 26th Judicial District as agreed upon by the judges of said district.

A judge of the juvenile and domestic relations district court representing the 26th Judicial District as agreed upon by the judges of said district.

The Chief Magistrate.

A Commonwealth's Attorney of Harrisonburg and Rockingham County.

An attorney experienced in the defense of criminal matters who is a current member of the Virginia State Bar.

The Sheriff for Rockingham County.

The Chief of Police for the City of Harrisonburg.

A Community Services Board Administrator representing all agencies providing such services to the participating jurisdictions.

A representative of a local adult education program representing all agencies providing such services to the participating jurisdictions.

The City Manager for the City of Harrisonburg and the County Administrator for Rockingham County.

BE IT FURTHER RESOLVED that this resolution supersedes and replaces all prior resolutions approved by the City of Harrisonburg relating to the establishment of required services and the formation of the Harrisonburg-Rockingham Community Criminal Justice Board.

BE IT FURTHER RESOLVED that the City Council of the City of Harrisonburg appoints the City Manager as its governing body representative to begin upon the passage of this resolution and to continue indefinitely.

Approved: January 8, 2008.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

City Attorney Thumma said that this resolution is also being adopted by the Rockingham County Board of Supervisors. It reestablishes the joint city and county community-based probation and pretrial services program and sets up the membership of the Harrisonburg-Rockingham Community Criminal Justice Board. The resolution also appoints the City Manager and a City Council representative to the Board. Council Member Byrd offered a motion to adopt the resolution providing for the implementation of the Comprehensive Community Correction Act for Local Responsible Offenders, the Pretrial Services Act, and the establishment of the Harrisonburg-Rockingham Community Criminal Justice Board. The motion included that the City Manager and a Council Member will represent the City. 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 transfer funds for the Public Works Department. These funds are being transferred into capital projects for the Public Works Vehicle and Storage Building. Council Member Chenault offered a motion to approve this transfer, and that:

\$25,000.00 chge. to: 1000-410241-48295 WIP-Annexed Area – 2
4,356.18 chge. to: 1000-410541-48111 Machinery & Equipment

\$189,126.87 chge. to: 1310-910141-48706 Remodel Public Works Building

\$29,356.18 chge. to: 1310-34210 Transfer from General Fund

\$29,356.18 approp. to: 1000-990111-49216 Transfer to Capital Projects
29,356.18 approp. to: 1310-910141-48707 PW Vehicle & Storage Bldg.

\$189,126.87 approp. to: 1310-910141-48707 PW Vehicle & Storage Bldg.

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

Council Member Chenault offered a motion that Annie H. Tanverd, 1221 Old Richmond Circle, be appointed to a second term on the Blue Ridge Disability Services Board to expire on February 1, 2011. 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 offered a motion that Charles H. Tibbits, 1475 Virginia Avenue, be appointed to a second term on the Blue Ridge Disability Services Board to expire on February 1, 2011. 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

At 10:30 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR

cc: City Council
City Manager
Public Library