

REGULAR MEETING

JANUARY 14, 1992

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; and Captain Duane Fairweather. Absent: City Auditor Peterman.

Minutes of the regular meeting held on December 17, 1991, approved as read.

The following monthly reports were presented and ordered filed:

From the City Treasurer - A trial balance report for the month of December, 1991.

From the Police Department - A report of fines and costs collected - \$1,859.00; cash collected from street parking meters - \$6,295.49; total cash collected and paid on accounts - \$8,154.49.

From the City Auditor's Office - A report of cash discounts saved in the payment of vendors invoices for the month of December, 1991, in the amount of \$538.83.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of December, 1991.

✓ At 7:35 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. Acting City Manager Baker read the following notice as it appeared in the Daily News Record on December 30, 1991, and January 6, 1992:

The Harrisonburg City Council will hold a public hearing on Tuesday, January 14, 1992, at 7:30 p.m. in the City Council Chambers, Municipal Building 345 South Main Street, Harrisonburg, Virginia, to consider an ordinance to sell 1200 square feet of airspace over South Mason Street to The Rockingham Memorial Hospital for the construction of a bridge connector walkway.

A copy of the proposed ordinance, along with a plat showing the exact location of the bridge connector walkway is available for inspection at the City Manager's Office, Municipal Building, 345 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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

Mayor Green called on anyone present desiring to speak in favor of this request. Mr. Larry Jolly, Vice-President of Rockingham Memorial Hospital, stated that he is present to support RMH's former request to purchase 1,200 square feet of space for \$1.00 to construct a connecting spine between the main hospital and the Cancer Center. Mr. Jolly explained that the primary purpose for this walkway is to insure quality patient care. Mr. Jolly also noted that the walkway will be for the convenience of staff and visitors and to insure the safety of the hospital staff. Mr. Jolly further noted that the walkway will be approximately the length of a football field and will be aesthetically designed so as not to give the appearance of walking through a tunnel. Mr. Jolly stated that they hope to begin preliminary construction of the walkway next week with an anticipated seven month construction period; and hope to have the walkway opened by the second week of August. Mr. Jolly concluded in noting that South Mason Street will need to be closed from the first of March through the end of June. Mayor Green called on anyone else present desiring to speak either for or against this request. There being no one desiring to be heard the public hearing was declared closed at 7:45 p.m., and the regular session reconvened. Vice-Mayor Rhodes offered a motion that the ordinance selling 1200 square feet of airspace to RMH at the cost of \$1.00 be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

Acting City Manager Baker noted that the petition to open a dance hall in the City of Harrisonburg will have to be tabled at this time pending receipt of further information.

✓ Acting City Manager Baker stated that due to unforeseen changes, the architect for the judicial complex, have had to do more work than what was originally anticipated, and are requesting an additional \$70,000 between the City and County. Mr. Baker noted that the County has approved their share of this amount at their last meeting. Mr. Baker noted that, if approved, this will be paid out of the bond proceeds. Mr. Baker stated that the architect actually asked for twice this amount, but the jail committee felt that this amount could not be justified. Council Member Heath offered a motion that this additional money for architect fees be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Acting Manager Baker presented for Council's consideration of approval a deed between the City of Harrisonburg and the Harrisonburg Redevelopment and Housing Authority granting and conveying lots no. 1,2,3,4,5 and 6 and the Final Plat of Kelley-Tower Subdivision from the City to the Housing Authority. Vice-Mayor Rhodes offered a motion that the Mayor be authorized to sign the deed. The motion was seconded by Council Member Heath and approved with a unanimous recorded vote of Council.

✓ Acting City Manager presented for Council's consideration of approval the following resolution:

RESOLUTION

WHEREAS, there exists many dangers of many types, including man-made disasters, natural disasters, and possible hostile actions of any unknown enemy; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the City Council of the City of Harrisonburg, and

WHEREAS, the City Council desires and Commonwealth of Virginia Statutes require the adoption of appropriate planned protective measures;

THEREFORE BE IT RESOLVED, that the City Council hereby adopts the City of Harrisonburg Basic Emergency Operations Plan, dated September, 1991.

ADOPTED and APPROVED this ____ day of _____, 1992.

WALTER F. GREEN, III, MAYOR

ATTESTE:

JUDY GRAY, CITY CLERK

Council Member Heath offered a motion that the resolution be approved. The motion was seconded by Council Member Dingledine and approved with a unanimous recorded vote of Council.

✓ Concerning the VPSA 1192 Series A bond sale, Acting Manager Baker noted that a resolution was considered in the fall for the financing of the new elementary school and due to the bond sale for the judicial complex the school board was requested to hold off until the spring sale for the purchase of the school bonds. Mr. Baker noted that the deadlines for the spring sales are rapidly approaching and reviewed a schedule of activities and dates that have to be met for the spring bond sale. Mr. Billy Walton, member of the School Board, reviewed with Council the need for a new elementary school at a cost of \$6,250,000. Mr. Walton stated that there has been on going discussion about the renovation of the high school. Mr. Walton noted that the building is in very bad state of repair and stated that estimates show that it will cost approximately three and a half million dollars just to bring the repairs in line. Mr. Walton stated that they see a great opportunity at this time to approach VPSA for a bond request of \$14,200,000. Mr. Walton noted that this amount would provide for the construction of the new elementary school and provide a appropriate pool of money in the amount of \$7,940,000 for the renovation of the high school. Mr. Walton explained that the high school is in desperate need of being handicapped equipped, the water system valves are being left unrepaired, and the heating and air conditioning system is very poor. Mr. Walton explained that the VPSA interest rates are very low at this time and construction bids are coming in at low rates which is to our advantage. Mr. Walton noted that the proposed resolution does not specify an amount which is being left up to the City Council. At the suggestion of this being done in stages, Mr. Walton explained that it has been highly recommended that the renovation of the high school be done as one project with one contractor which would allow for the appropriate materials and planning to be done for the next phases etc. Council Member Heath stated that he would like to see a special meeting held on this because he does not feel he knows enough about the high school renovations to act on them this evening. Following further discussion and comments from Mayor Green and Mr. Walton, Vice-Mayor Rhodes offered a motion that the following resolution be approved in the amount of \$8,000,000 to provide funds for the construction of the new elementary school and provide seed money to go forward with the engineering and necessary work to begin the high school project.

RESOLUTION

BE IT RESOLVED that the Harrisonburg City Council hereby authorized application for participation in the Virginia Public School Authority 1992 spring bond sale for the purpose of financing the priority school construction project(s) in the Harrisonburg School Boards' Five-Year Capital Improvement Plan in the amount of eight million dollars.

ADOPTED by unanimous action of the Harrisonburg City Council at its meeting held on Tuesday, January 14, 1992.

Walter F. Green, III

Walter F. Green, III
Mayor

Atteste:

_____, Clerk

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council. Mayor Green noted that he will discuss with the Council as to a convenient time to meet with the School Board concerning the high school renovations.

✓ Acting Manager Baker presented for Council's consideration of approval the following resolution:

RESOLUTION

WHEREAS, the 1990-92 biennial budget for K-12 public education fails to provide adequate assistance to Harrisonburg, and

WHEREAS, our students, employees, and program of instruction have suffered and will continue to suffer the consequences of inadequate resources unless state funding improves drastically for 1992-94,

THEREFORE, BE IT RESOLVED, that the City of Harrisonburg urges Governor Wilder to give his full support to the State Board of Education's budget request and further improvements to education in the Commonwealth.

Walter F. Green, III

Walter F. Green, III
Mayor

Council Member Heath offered a motion that the resolution be approved. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Acting Manager Baker presented the following resolution for Council's consideration of approval:

WHEREAS, due to the current inventory of streets within the City of Harrisonburg, being revised to correct errors in logging additions to streets, the following revisions are requested to the Virginia Department of Transportation Urban Division Street Inventory as follows;

1. Principal/Minor Arterial Roads
0.39 center line miles - 1.06 lane miles
2. Collector/Local
0.74 center line miles - 1.68 lane miles

These streets previously had been accepted under Section 33.1-41.1 of the Code of Virginia. Said street revisions are listed on accompanying U-1 Virginia Department of Transportation form, and shown in red on City Map.

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Harrisonburg respectfully requests the Virginia Department of Transportation to make these revisions, effective July 1, 1992.

Walter F. Green, III
Mayor

_____, Clerk

Council Member Dingleline offered a motion that the resolution be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Acting Manager Baker presented and read a letter from Ms. Frances Ore, Secretary for the Harrisonburg Electoral Board stating that the Electoral Board would like to establish a Central Absentee Voter Election District (CAVED) for presidential and Gubernatorial absentee ballots for an election in one central place rather than distributing them to each of the polling places. Mr. Baker further explained that Ms. Ore is asking permission to use the meeting room on the second floor of the municipal building for the CAVED. Mr. Baker stated that the letter indicates that there will no additional cost to the City except for approximately \$300.00 which represents the salaries to pay poll workers. Mr. Baker noted that to do this, the City will have to advertise this and prepare the necessary ordinance. Following approval by the Council, Mayor Green instructed City Attorney Thumma to take care of the necessary paper work.

✓ Acting City Manager presented for Council's consideration a request to rezone 12.52 acres located on the west side of South High Street from B-2 to M-1. Council Member Dingleline offered a motion that this be referred to the Planning Commission. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker called Council's attention to a letter from Ms. Donna Stewart, Director of the Citizens for Downtown, and noted that the Citizens for Downtown (CFD) is again looking to the City to provide office space for the CFD. Council Member Kite stated that the Historical Society has offered space in their building as long as it is agreeable with the City Council. Following comments from Ms. Stewart and Mr. Tom Brubaker, Mayor Green requested Acting Manager Baker to check into the Historical Society space and report back to the City Council.

✓ Ms. Helen Hanson presented to City Council a letter stating that the Harrisonburg Coalition heard Mr. Dan Downy talk about the proposed water pipe line to Harrisonburg and why 15 environmental and nature groups oppose the pipeline. Ms. Hanson stated that they are in favor of exploring other alternatives. Ms. Hanson concluded in stating that the coalition is requesting the City Council to investigate alternative sources of water for the City of Harrisonburg.

At 8:50 p.m., Vice-Mayor Rhodes offered a motion that Council enter an executive session for discussion and consideration of personnel matters and prospective candidates to be appointed to the Board of Public Welfare, the Building Code Board of Appeals, the Harrisonburg Redevelopment and Housing Authority, the Parks and Recreation Commission, the Harrisonburg Electric Commission, the City Planning Commission the Harrisonburg Parking Authority and the Board of Directors for the Citizens for Downtown, exempt from the public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia. The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

At 10:30 p.m., the executive session was closed and the regular session reconvened. City Attorney Thumma read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green asked Council's wishes concerning two appointments to the Parks and Recreation Commission, noting that Mr. Robert G. Dinsmore's and Mrs. Darla F. LePera's second terms expired on December 31, 1991, rendering them ineligible to be reappointed. Vice-Mayor Rhodes offered a motion that Mrs. Wilma T. Bowers, of 1150 Rockingham Drive, be appointed to a first term of four years on the Parks and Recreation Commission, term to expire on December 31, 1995. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council. Council Member Dingleline offered a motion that Mr. Michael W. Armentrout, of 407 West Avenue, be appointed to a first term of four years on the Parks and Recreation Commission, term to expire on December 31, 1995. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Harrisonburg Electric Commission, noting that the second term of Mr. Francis E. Turner expired on December 31, 1991, rendering him ineligible for reappointment. Council Member Kite offered a motion that Mr. Giles R. Stone, 2580 South Main Street, be appointed to a first term of three years on the Harrisonburg Electric Commission; term to expire on December 31, 1994. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Planning Commission, noting that the first term of Mr. Carl Wassum expired on December 31, 1991. Vice-Mayor Rhodes offered a motion that Mr. Carl Wassum be appointed to a second term of four years on the Planning Commission; term to expire on December 31, 1995. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Board of Directors for the Citizens for Downtown (CFD). Mayor Green noted that the Harrisonburg Redevelopment and Housing Authority has awarded the Citizens for Downtown a one time seed grant of \$12,500, and as a condition of the funding, it was agreed that a representative of the City of Harrisonburg would be appointed to the CFD Board of Directors. Council Member Heath offered a motion that Mr. John Byrd, Building Official and Director of the Community Development Office, be appointed as the City's representative on this Board. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

At 10:45 p.m., there being no further business, and on motion adopted, the meeting was adjourned.

Judy M. Gray
CLERK

Stacia B. Green
MAYOR

REGULAR MEETING

JANUARY 28, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Captain Duane Fairweather and City Auditor Peterman.

Minutes of the regular meeting held on January 14, 1992, approved as read.

The City Manager's Progress Report was presented and ordered filed.

✓ At 7:35 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. Acting Manager Baker read the following notice of public hearing as it appeared in the Daily News Record on January 14, and January 21, 1992:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, January 28, 1992, at 7:30 p.m., in the City Council Chambers to hear comments concerning the proposed Harrisonburg Comprehensive Draft. Individuals and group representatives are encouraged to speak. Each speaker will be given five minutes for presentations. Written comments will be accepted.

Copies of the Comprehensive Plan Draft may be studied in the Community Development Office, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m., and in the Rockingham Public Library, 45 Newman Avenue.

This Hearing is being held in accordance with requirements of Section 15.1-446.1, Code of Virginia, 1950, as amended.

Roger D. Baker
Acting City Manager
City of Harrisonburg

Zoning Administrator Gary Cook gave a brief history of the comprehensive plan explaining that in 1989 the Central Shenandoah Planning District was contracted to proceed with preparing a comprehensive plan for the City. Mr. Cook further noted that a Citizens Advisory Committee was selected to assist in the preparation of the comprehensive plan for the City. Mr. Cook stated that after approximately 35 committee and 2 public meetings the draft was presented to the City Council on April 23, 1991. Following further comments, Mr. Cook called Council's attention to an extract from the minutes of the Harrisonburg Planning Commission meeting held on January 15, 1992, as follows:

"...Mr. Cook presented a letter from Shenandoah Valley Soil and Water Conservation giving suggestions/recommendation for the Comprehensive Plan forwarded to City Council for their review and incorporation into the Comprehensive Plan..."

Mr. Cook noted that the Planning Commission forwarded this letter to the City Council, and it should be a part of this public hearing. Mr. Billy Vaughn explained the intent and purpose of the Plan, noting that a Comprehensive Plan is a policy guide which lays the foundation for more detailed plans and is not an implementation tool. Following comments from Council Member Heath, Mayor Green called on anyone present desiring to speak to the Comprehensive Plan.

Ms. Agnes Weaver, Campbell Street, thanked retired Planning Director Bobby Sullivan, Billy Vaughn, Mr. Bob Heath, Margaret Haynes for all their hard work in the plan; all the citizens who have offered comments and the City Council for appointing the committee to assist with the Plan. Ms. Weaver stated that she feels the plan is good and urged the Council to pass the plan.

Mr. Steve Weaver, stated that he would like to offer comments concerning a 30 acre tract of land, zoned R-3, that he owns located off of South High Street. Mr. Weaver noted that the Comprehensive Plan calls for this area to be zoned less dense than it is presently zoned. Mr. Weaver stated that it is his desire as an owner to develop the property multi-family residential and would like for the area to be zoned higher density.

Mr. Jim Deskins, Director of the Housing Authority, stated that the Authority is in full support of the Comp. Plan, and appreciates the flexibility within the plan that enables the Authority to provide more affordable housing in the City.

Mr. Rudy Tucker, of Weyers Cave, and representing the Friends of the North River read a prepared letter stating that they feel the plan should specifically address the need to maintain and rehabilitate the existing water and sewer infrastructure, that water conserving plumbing fixtures should be made mandatory for new construction and remodeling and that comprehensive water resource planning by the City is essential.

Mr. Watt Bradshaw, 107 South Main St., Director of Friends of the Valley, Made comments concerning water conservation, Section 12, page 12, stating that they do not believe that water conservation is going to be an optional item in the future, noting that they would like the sentence changed from "develop policies to implement water conservation: to "develop polices which require water conservation." Mr. Bradshaw also spoke to Section 12, page 14, sentence #2, noting that they would like for this to read "City wide mandatory or City wide

required recycling. Also concerning Section 12, page 7,9 and 14, Mr. Bradshaw noted that he feels a tree commission needs to be established in the City of Harrisonburg. In Section 12, page 10 of the recommendation concerning non-vehicular traffic, Mr. Bradshaw stated that there are areas in the City in desperate need of sidewalks, specifically Port Republic Road west of I81. Mr. Bradshaw also encouraged the development and study of bike routes and sidewalks in and around the City. On section 12, page 13, referring to obtrusive signs, Mr. Bradshaw encouraged the City Council to continue their efforts on removing visual pollution from the City.

Keith Mills, 1305 Smith Avenue, and also a member of the Friends of the Valley, thanked City Council for their efforts and expressed his support for the comments and suggestion made by Mr. Bradshaw concerning water conservation, recycling and the need for bike routes throughout the City and encouraged a study to be done on bike routes.

Eric Cole, Campbell Street, and student of James Madison University noted that he agrees with all the comments made by Mr. Bradshaw and Mills and would also like to very much encourage bike routes in the City.

Danielle Droitsch, 75 Ott Street, reiterated the early comments made concerning the need for bike routes in the City and of natural transmission waterways.

Dominique, P.O. Box 616 and Tiffney Robertson, 537 Layman Avenue, supported the recommendation for mandatory recycling and more strict water conservation measures taken.

Holly Watts, Grace Street, spoke in favor of mandatory recycling on water and sewage, and encouraged bike routes in the City.

Dan Downey, 465 Cardinal Drive, representing Trout Unlimited, presented City Council with a letter from Trout Unlimited.

Ms. Donna Stewart, representing Citizens for Downtown, expressed support for the Comp. Plan and discussed the following three areas that the Citizens for Downtown consider priority areas. Ms. Stewart noted the first item is under downtown revitalization, noting that with the construction of the joint judicial complex in the downtown, there is a great opportunity for other restoration, revitalization and preservation of other downtown structures. Ms. Stewart offered for example, a year round market place which would allow the possibility of a public information center and the possibility for public performances along with publicly and privately sponsored programs. Ms. Stewart explained that the second priority areas is under aesthetics and environmental, noting that it is a good time to designate a parcel for green space for cultural and recreation activities while the downtown is under construction. Ms. Stewart stated that the third area is under improvements in non-vehicular traffic, and noted that the CFD supports the suggestions for bike routes in the City and strongly urge that this become priority funding in the next fiscal year. Ms. Stewart concluded in requesting the City Council to adopt the Comprehensive Plan as a policy directive.

Tonya Dankla, speaking on behalf of the Friends of the Valley, noted that she supports the language contained in the Comp. Plan for green space and trees. Ms. Dankla expressed concern that green space is being only recommended in the plan for residential development, and would like for the Council to encourage the use and maintenance of green space also in commercial and industrial developments.

Cathy McClatchy, member of the Central Neighborhood Coalition, noted that the coalition is very pleased that the citizen's concerns have been included in the draft plan. Ms. McClatchy stated that the coalition urges Council to vote to accept the draft plan and more importantly urges Council to make sure the plan is considered in their decision making.

John Lowe, resident of Garbers Church Road, expressed concern that the feels traffic will be increased on Garbers Church Road as a result of the Comp. Plan, and noted that he is in support of bike routes in the City.

Mayor Green called on anyone else present desiring to be heard concerning the Comprehensive Plan. There being no one present desiring to be heard the Public Hearing was declared closed at 8:40 p.m., and the regular session reconvened. Mayor Green requested that the Comprehensive Plan be kept on the agenda for the next several meetings to give the City Council time to digest the comments received this evening. Council Member Heath noted that several negative statements are contained in the plan and suggested that all negative statements be eliminated.

✓ Mr. Edward A. Steele, Assistant Center Director for the Department of Parks and Recreation was present in the meeting to request City Council's approval of the course, date and times for the Harrisonburg Cycling Classic. Mr. Steele explained that the event is tentatively scheduled for Saturday, July 11, 1992, and the course will be the same as used in the past two years. Mr. Steele noted that Mr. Baker, the Street Superintendent, has indicated that the traffic can be rerouted. Mr. Steele further noted that the race has been endorsed by the Chamber of Commerce and the Citizens for Downtown and all expenses will be picked up by the Cycling Classic Committee. Council Member Heath offered a motion that the City Council grant approval for the course, date and times for the Cycling Classic. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

✓ Concerning the office space available in the Historical Society for the Citizens for Downtown, Acting Manager Baker reported that the space is not energy efficient and there are no restrooms available except to compromise the security of the Historical Society. Following further comments, Mayor Green noted that he is investigating a possible space and will let the City Council know at a later date.

✓ Acting City Manager Baker presented and read a letter from Paul S. Cline, Cline Energy Incorporated, petitioning the City to close Huffman Street from the point at which it deadends near South Main Street, north to the point at which it connects with Stone Spring Road. Vice-Mayor Rhodes offered a motion that the request be referred to the Planning Commission and the Board of Viewers be requested to review the closing request. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

↓ Acting City Manager Baker presented and read a letter from Mr. Dennis D. Coakley requesting that a portion of the alley, which adjoins his property running north and south between Brook Avenue and Academy Street be closed. Council Member Heath offered a motion that this request be referred to the Planning Commission and the Board of Viewers be requested to review the request. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented a request from Dave's Recycling to change their zoning status from B-2 to M-1. Council Member Dingledine offered a motion that the request be referred to the Planning Commission. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on January 15, 1992:

"...Mr. Cook presented the Commission with a Final Plat and a staff report on Sunset Heights, Conrad Addition 2, Section 1. He stated that in the staff report there were six items. Item #1, 2 and 6 have been withdrawn by the staff. Items #4 and 5 were resubmitted with corrections on January 15, 1992. Item 3, required a Erosion and Sediment and Drainage Bond prior to City Council meeting. Mr. Clark, representing Mr. and Mrs. Conrad, objected due to the stalled real estate market. Mr. Neff stated that he felt the bond was a legitimate request but asked that it be modified to read: "Erosion and Sediment and Drainage at and/or near existing lots shall be provided for, prior to final plat by means of 10-2-26(a)(1) or (2) not done. (Required prior to City Council meeting.)" Mr. Neff motioned to approve, subject to revisions of conditions. Mr. Rexrode seconded. All voted aye.

Following comments from Zoning Administrator, Gary Cook, Council Member Heath offered a motion that the recommendation of the Planning Commission to approve subdivision of a 3.7458 acre lot located off Circle Drive, consisting of 14 lots, for Sunset Heights, Conrad Addition 2, Section 1, be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

↓ Acting City Manager Baker called Council's attention to the Recycling and Solid Waste report on page 9 of the City Manager's Monthly progress report, noting the number of recycle bins that are in use in the City. Acting Manager Baker explained that Mr. Holsten has proposed to do more with the Steam Plant to reduce the waste stream by amending sections 6-2-5 and 6-2-8 of the City Code. Section 6-2-8, Mr. Baker explained would be amended to allow the Steam Plant to take in construction materials. Mr. Baker stated that there is money in the budget this year to purchase a grinder to downsize the larger items so they can be burned at the steam plant. Mr. Baker further explained that Section 6-2-5 would need to be amended to require the construction companies to separate the burnable materials from the nonburnables. Following further comments, Mr. Baker requested that this matter be referred to the City Attorney so he can draft the amendments. Vice-Mayor Rhodes offered a motion that the City Attorney and Acting City Manager be authorized to draft amended ordinances. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

↓ Vice-Mayor Rhodes questioned the discrepancies between the number of delinquent services cut on and the number of delinquent services turned off in the Water and Sewer Department's report. Mr. Baker noted that he would investigate this and report back to Council.

↓ Mayor Green stated that he has received a number of calls and comments concerning people running stop lights and requested that the Police Department run spot announcements on the radio and television urging people to be more careful. Mayor Green also questioned how long it has been since timers have been put in to try and coordinate traffic flow, noting that some people feel that the City is stopping traffic rather than letting it flow.

↓ Vice-Mayor Rhodes expressed concern over the lighting in the parking decks, noting that the decks are entirely too dark. Vice-Mayor Rhodes stated that he feels a different type of lighting system needs to be investigated.

↓ Acting City Manager Baker stated that several years ago HEC borrowed five million dollars from the City and it agreed that HEC would pay a certain portion of principal and interest each year and then in the final year there was to be a large balloon payment of about three million that would become due all at once. Acting Manager Baker explained that HEC would like to have Council's permission to take bids from local banks for a ten year loan, now while the interest rates are low, and pay off the remaining balance on the loan and get rid of the balloon payment. Acting Manager Baker stated that the City would have to do this because the Electric Commission can not borrow money. Council Member Heath

offered a motion that Council grant HEC permission to do this. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 9:36 p.m., Council Member Heath offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Board of Public Welfare, Building Code Board of Appeals, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Parking Authority and the Central Shenandoah Planning District, exempt from public meeting requirements pursuant to Section 2.1-344(1) of the Code of Virginia and for discussion and consultation with the City Attorney a legal matter exempt from the public meeting requirements pursuant to Section 2.1-344(7) of the Code of Virginia. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

At 10:15 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

At 10:16 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

FEBRUARY 11, 1992

At a regular meeting of Council held in the Council Chambers this evening at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, and Curtis F. Kite; City Clerk Judy M. Gray; and Captain Duane Fairweather. Absent City Auditor Peterman.

Minutes of the regular meeting held on January 27, 1992, approved as read.

Acting City Manager Baker presented and read a letter from Copper & Associates requesting that 10.005 acres of land situated in the southern section of the City of Harrisonburg be rezoned from its present B-2 classification to M-1. Council Member Heath offered a motion that this request be referred to the Planning Commission. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker presented a letter from Mercy House requesting the City of Harrisonburg to fulfill its decision that Mercy House be tax exempt by abating the real estate taxes assessed in 1990 and 1991. Mr. John Elledge, Executive Director of Mercy House, explained that a bill to the same effect has passed the Virginia Senate and is presently in the House of Delegates. Mr. Elledge also requested the City Council to discontinue listing Mercy House for delinquent real estate taxes. Following comments, City Council agreed to continue this item on the agenda until a decision is made on the bill in the House of Delegates.

✓ Ms. Lynn Cameron was present in the meeting to make a presentation on the Comprehensive Container and Curbside Recycling Bill which is now under consideration by the Virginia General Assembly. Ms. Cameron explained that the bill creates a deposit system for glass, metal and plastic beverage containers. Ms. Cameron noted that under this system, the customer pays five cents per container upon purchasing the beverage and then the money is reimbursed when the container is turned in at a redemption center. Ms. Cameron noted that a State recycling fund would be established from unclaimed deposits and be used to pay the administrative costs related to the program and for grants to improve the State's recycling programs. Following further comments, Ms. Cameron concluded in outlining the benefits of this type of program to the City and asked the City Council to support this bill and communicate this support to legislative services. Mayor Green noted that this system will be discussed with Mr. John Holsten, Sanitation Superintendent, and further noted that the City of Harrisonburg has supported these types of programs all along and is way ahead in its recycling program.

✓ Acting City Manager Baker noted that only one audit proposal for the three year annual audit was received which was from Phibbs, Burkholder, Geisert & Huffman. Mr. Baker stated that Phibbs, Burkholder, Geisert & Huffman have done the City's audit for the past three years for this same price as quoted. Council Member Heath expressed concern over page 11 of the proposal, where it states that Phibbs, Burkholder, Geisert & Huffman may charge more if they do not get the fixed assets special engagement. Following further discussion, Council decided to carry this item on the agenda to give the City Council time to further study the audit proposal.

✓ Acting City Manager presented for Council's information the response to the RFP for the fixed assets inventory for the City of Harrisonburg. Mr. Baker noted that the low bidder was The Valuation Advisory Group Inc. from Atlanta, GA. which quoted a price of \$25,700. Mr. Lester Seal, CPA, noted that he checked the references of this firm and all the CPA firms have been very well satisfied with the work of this firm and stated that they did a very timely job. Mr. Seal also noted that this firm indicated that they could begin work around March 30th and have the job completed by the middle of July. Mayor Green requested that this item be carried forward to give the City Council time to further review the proposals.

✓ Acting City Manager Baker noted that the Park Authority Board of Directors created a foundation, called the Upper Valley Regional Park Foundation, to become a tax exempt organization to help solicit and raise funds and contributions to the Park Authority. Mr. Baker noted that the two counties have appointed a representative to this foundation. Mr. Baker stated that the City needs to appointed a representative to serve on this board; preferable someone who is interested in recreation and the parks. Mayor Green requested that this be carried on the agenda under Boards and Commissions.

✓ A request was presented from Fire Chief Larry Shifflett for approval of a supplemental appropriation in the amount of \$113,192.85, reimbursement by Rockingham County. Vice-Mayor Rhodes offered a motion for the appropriation to be approved for a first reading, and that:

\$ 1,997.09 chgd. to: 1-1900-1901.01 Recoveries &
rebates
79,221.26 chgd. to: 1-1900-1901.01 Recoveries &
rebates

1,437.00 chgd. to: 1-1900-1901.01 Recoveries &
rebates
6,537.50 chgd. to: 1-1900-1901.01 Recoveries &
rebates
24,000.00 chgd. to: Unappropriated fund balance

\$ 78,258.35 approp. to: 1-1-3201-1-0-1005.06 Dispatchers
5,934.50 approp. to: 1-1-3505-2-0-5200.02 Communications
E-911
3,000.00 approp. to: 1-1-3201-2-0-5200.01 Communications
2,000.00 approp. to: 1-1-3201-2-0-5400.01 Other materials
& supplies
24,000.00 approp. to: 1-1-3201-2-0-2005.01 Hospital &
Accident Ins.

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

Vice-Mayor Rhodes questioned if the City of Harrisonburg, is planning to have a clean up month as has been done in the past. Acting Manager Baker stated that he would discuss it at the next staff meeting.

✓ Acting Manager Baker noted that there has been a meeting scheduled on March 19th, at 7:30 p.m. in the Council Chambers with Senator Kevin Miller and Secretary of Transportation Milligan to let individuals in this area see what Secretary Milligan sees for transportation in the future and to give the City and County a chance to voice projects that they would like to see in this area.

✓ Mayor Green noted that numerous letters have been received concerning paving in the City and the ordinance relating to paving. Mayor Green questioned if people have a clear understanding of what the ordinances states. Acting Manager Baker noted that most of the letters he has received are directed towards new construction. Following further discussion, Mayor Green requested that city staff review the paving ordinances and either call or meet with the people who have voiced concerns over paving regulations in the City.

✓ Ms. Nancy Garber, president of the Downtown Retail Merchants, read a letter from the Downtown Retail Merchants requesting that a chair be held open on the Parking Authority for a representative appointed each year by the Retail Merchants and approved by City Council. Ms. Garber noted that the Retail Merchants are requesting this because they are shut out of closed sessions and are not included in discussions concerning prospective companies to study parking. Following Ms. Garber's comments, Mayor Green stated that City Council previously approved for a member of the Retail Merchants to be an ex-officio member of the Parking Authority.

At 8:16 p.m., Council Member Heath offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Board of Public Welfare, the Building Code Board of Appeals, the Harrisonburg Redevelopment and Housing Authority, the Harrisonburg Parking Authority, the Central Shenandoah Planning District Commission, the Board of Viewers, the Board of Zoning Appeals, the Shenandoah Valley Airport Commission and the Upper Valley Regional Park Foundation exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and for discussion and consideration of the acquisition of real estate for a public purpose, exempt from public meeting requirements, pursuant to Section 2.10344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous recorded vote of Council.

At 7:45 p.m., the executive session was closed and the regular session reconvened. City Attorney Thumma read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Harrisonburg Redevelopment and Housing Authority inasmuch as Mr. Eugene H. McEnerney's second term expired on November 29, 1991, rendering him ineligible to be reappointed. Vice-Mayor Rhodes offered a motion that Mr. Alan G. Miller, 660 Tower Street, be appointed to a first term of four years to expire on November 29, 1995. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning two appointments to the Central Shenandoah Planning District Commission noting that Mr. Elon W. Rhodes' and Mr. Robert J. Sullivan's terms expire on June 30, 1992. Council Member Kite offered a motion that Mr. Rhodes and Mr. Sullivan be reappointed to the Central Shenandoah Planning District Commission for a term of three years to expire on June 30, 1995. The motion was seconded by Council Member Dingledine, and approved with a majority vote of Council members present. Council Member Rhodes abstained from voting.

✓ Mayor Green asked Council's wishes concerning an appointment to the Board of Zoning Appeals noting that Mr. Edward E. Hughes' first term expires on March 20, 1992. Vice-Mayor Rhodes offered a motion that Mr. Edward Hughes be appointed to a second term of five years to expire on March 20, 1997. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

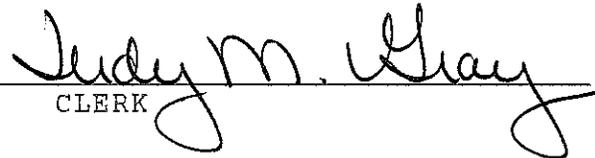
✓ Mayor Green asked Council's wishes concerning an appointment to the Shenandoah Valley Airport Commission noting that Mr. Joe Bowman's first term expired on January 28, 1992. Council Member Heath offered a motion that Mr. Bowman be appointed to a second term of three years to expire on January 28, 1995. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Ms. Emily R. Dingledine, was appointed as the City of Harrisonburg's official emissary to Peterhof, Russia, the City of Harrisonburg's sister city.

At 9:47 p.m., there being no further business, and on motion adopted, the meeting was adjourned.



MAYOR



CLERK

REGULAR MEETING
FEBRUARY 25, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline and Curtis F. Kite; City Clerk Judy M. Gray; Captain Duane Fairweather and City Auditor Peterman. Absent: Council Member Heath

Minutes of the regular meeting held on February 11, 1992, approved as corrected.

The City Manager's monthly progress report for the month of January, 1992, was presented and ordered filed.

At 7:45 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. Acting Manager Baker read the following notice of hearing as it appeared in the Daily News Record on January 29, 1992, and February 18 and 25, 1992:

The Harrisonburg City Council will hold a public hearing on Tuesday, February 25, 1992, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main St.

There will be a public hearing February 25, 1992, at the Harrisonburg City Council Chambers. This hearing will be to discuss Harrisonburg's application for Section 18 funds under the Urban Mass Transportation Act of 1964. These funds will aid in operating, capital and administrative costs for FY93.

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

CITY OF HARRISONBURG
Roger Baker
Acting City Manager

Transportation Director Reggie Smith noted that this is the annual application for Section 18 funding of the Federal Public Transportation Act of 1982, for capital, administrative and/or operating assistance for public transportation systems in non urbanized areas for fiscal year 1992-1993. Mr. Smith noted that this is the basic application that has been done for the past eight years and contains no major changes. Mr. Smith stated that the total application increases the department's operating costs by approximately \$100,000. Mr. Smith called Council's attention to several capital items which include the purchase of four transit buses and a second mini van. Following further comments, Mayor Green

called on anyone desiring to speak either for or against the application. There being no one present desiring to be heard the public hearing was declared closed at 7:50 p.m., and the regular session reconvened. Acting City Manager Baker then called.

✓ At 7:51 p.m., Mayor Green closed the regular session temporarily and called the evening's second public hearing to order. Acting City Manager Baker read the notice of hearing as it appeared in the daily News Record on February 11 and February 18, 1992. Mr. John Flora, Attorney with Wharton, Aldhizer and Weaver, stated that the resolution authorizes the issuance, sale and award of a not more than eight million dollar general obligation school bond to the City of Harrisonburg to be sold at the general public school authority. Mr. Flora noted that the resolution covers all the authorities that the Council needs to authorize to consummate this financing transaction. Mr. Flora concluded in noting that the State has verbally assured Mr. Hiner that this project will be funded. Mayor Green called on anyone present desiring to speak either for or against this issuance, sale and award of general obligation bonds by the City. There being no one desiring to be heard, the public hearing was declared closed at 7:55 p.m., and the regular session reconvened. Vice Mayor Rhodes offered a motion that the resolution be approved for a first reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker called on Dr. Charles Shank to give a presentation on the Shenandoah Valley Regional Center for the Arts. Dr. Shank presented and read a letter on behalf of the Advisory Committee to the Shenandoah Valley Regional Center for the Arts, which noted that JMU will build the center, which will be a state-of-the-art building with a concert hall, theatre and art gallery. In the proposal, the Advisory Committee asked the City Council to consider the possibility of locating the Center for the Arts in downtown Harrisonburg in the immediate vicinity of the Municipal Building. Dr. Shank also read a letter from Dr. Ronald E. Carrier, President of James Madison University, which stated that JMU is continuing its studies on the arts center and that the University agrees that a downtown site should receive full consideration. Dr. Carrier also stated in his letter, if the City Council endorses the committee's report, then he will instruct the architect to include a downtown site in the planning. Vice-Mayor Rhodes offered a motion that this proposal be referred to the Planning Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present.

✓ Mr. Bob Satterwhite, Planner with the Shenandoah Valley Private Industry Council, presented to Council the 1992-1993 Summary of Planning Operations and requested Council's approval of the Plan. Following comments from Mr. Satterwhite, Council Member Dingledine offered a motion that the planned operations for the Private Industry Council for 1992-93 be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council Members present.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 19, 1992:

"...During a Public Hearing, Mrs. Jessie Sipes presented a request to rezone Lot 4A, an undeveloped parcel of land owned by Mr. and Mrs. Jessie E. Sipes, Jr. Mr. Lacy Whitmore, Director of Harrisonburg-Rockingham Community Service Board, explained that the Community Service Board wishes to purchase the property for use as a parking lot and presented a sketch showing the future parking plans for the property. Mr. Joseph Sharrer, Executive Director of Harrisonburg-Rockingham Community Service Board, discussed the need for extra off street parking. There was no opposition. In general session Mr. Rhodes moved to approve. Mr. Neff seconded. All voted aye."

Stacy Turner, Planning Director, called Council's attention to a large scale map of the area and pointed out the lot that is being requested to be rezoned. Ms. Turner noted that there was no opposition expressed at the Planning Commission's public hearing and that the Planning Commission is recommending approval of this rezoning. Council Member Dingledine offered a motion that a public hearing date be set for March 24, 1992, to consider this request. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council Members present.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 19, 1992:

"...Following the Public Hearing (during which Mr. Clark presented the request to rezone Lot 1 of the Edsel and Frances Edwards and Heifer Investments property), opposition was expressed by 8 speakers and a petition with 56 signatures was presented. Mr. Rexrode concluded discussion by the Commissioners, stating that because there was no plan of development and because of the confusion he moved to deny the request. Mr. Wassum seconded the motion. Mr. Rhodes called for the question. Voting no were: Mr. Wassum, Mr. Rhodes, Mr. Neff, Mr. Rexrode, Dr. Gardner and Mr. Baker."

Planning Director Turner called Council's attention to a large scale map of the area and noted that the Planning Commission is recommending to deny this rezoning request. Vice-Mayor Rhodes offered a motion that a public hearing be scheduled

for March 24, 1992, to consider this rezoning request. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 19, 1992:

"... After Mr. Cook read the request to approve Parkland Subdivision, to include a request for variance for requirement Section 10-2-26(a), "The subdivider shall within twelve (12) months, following the approval of the preliminary plat and other required exhibits, file with the Planning Commission the Final Plat", he demonstrated with a block map the area of the subdivision. Mr. Cook stated the staff recommended to approve the Variance and Final Plat. Mr. Neff moved to approve Final Plat and in so doing the variance is granted. Mr. Wassum seconded. All voted aye."

Planning Director Turner stated that the preliminary plat for Parkland Subdivision was considered and approved by the Planning Commission in 1990. Ms. Turner noted that under the subdivision ordinance the developer or owner has 12 months to present the final plat for approval. Ms. Turner further noted that the developer had every intention of complying with the regulations but was unable to do so due to construction delays and the death of the owner. Ms. Turner stated that the developer has now come back for final approval of the final plat along with a variance to the section that requires the final plat within 12 months. Ms. Turner noted that all the utilities are in place and have been approved by the various city departments. Ms. Turner concluded in stating that it is the Planning Commission's recommendation to approve the final plat and grant the variance. Council Member Dingledine offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council Members present.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 19, 1992:

"...After Mr. Cook read the request to close a portion of the alley between Brook Avenue and Academy Street, he informed the Commission that staff has no objections to closing that portion of the alley. Mr. Cook stated the City Street Department recommendations were: "Should the alley be closed, the proposed widening of West Market Street offers an opportunity to exchange the alley closure for right-of-way along Mr. Dennis Coakley's property on West Market Street." Engineering concerns were: "Should alley be closed, all of the alley needs to be closed." Mr. Rhodes felt that the closing of the alley was premature and suggested that the alley closing be tabled. Mr. Coakley addressed the Commission and stated that one reason he would like to close the alley is that there has been a problem with drug dealings occurring there. Mr. Neff said because of the alleged problems, he motioned to recommend that City Council appoint a Board of Viewers. Mr. Wassum seconded. All voted aye."

Following comments from Planning Director Turner, Council agreed to refer this request back to the Planning Commission for further consideration, because the Board of Viewer's report, which was received after the Planning Commission meeting, recommends that the alley not be closed.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 19, 1992:

"...After Mr. Cook read the request to close a portion of Huffman Street, he described the property and surrounding area with a block map. Mr. Cook stated that the recommendation of staff was, "staff had no objections to close the portion of Huffman Street but should retain easements for utilities." Additional recommendations would be to change the name of the remaining Huffman Street to Stone Spring Road. Mr. Rhodes moved to accept the recommendations of staff and to recommend those to City Council and appoint a Board of Viewers. Mr. Gardner seconded. All voted aye."

✓ Planning Director Turner called Council's attention to a large scale map of the area and noted that City staff recommends that the remaining section of Huffman Street be named to Stone Spring Road so Stone Spring Road will be one continuous street. Following further comments, Council Member Dingledine offered a motion that a public hearing be scheduled for March 24, 1992, to consider this request to close a portion of Huffman Street. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council members present.

✓ Acting City Manager Baker presented for Council's consideration of a first reading an ordinance enacting Section 1-1-13 of the Harrisonburg City Code, Central Absentee Voter Election District, CAVED, Acting City Manager Baker explained that this is establishing one central location, the meeting room on the second floor of the Municipal Building, for all absentee votes to come into. City Attorney Thumma stated that once this is approved by the City, it has to go to the Department of Justice for further approval. Following these comments, Council Member Kite offered a motion that the ordinance be approved for a first reading. The motion was seconded by Vice-Mayor Rhodes, and approved with a

unanimous recorded vote of Council Members present.

✓ Acting Manager Baker presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 6-2-5 of the City Code, Disposal of acceptable garbage, refuse, etc. Following comments from City Attorney Thumma, Council Member Dingledine offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council Members present.

✓ Acting City Manager Baker presented the following resolution for Council's consideration of approval.

WHEREAS, that due to construction and reconstruction of certain street within the city limits of Harrisonburg, there is additional street milage which is eligible for maintenance payments as follows:

1. Collector/Local streets which meet the requirements of Section 33.1 - 41.1 of the Code of Virginia as of February 22, 1985, that are eligible for maintenance payments totaling 0.75 miles (1.50 lane miles). Said street being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation forms and shown in red on City map.

NOW, THEREFORE BE IT RESOLVED THAT, the City of Harrisonburg respectfully requests that Virginia Department of Transportation to make maintenance payments effective July 1, 1992.

Mayor

Council Member Dingledine offered a motion that the resolution be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council Members present.

✓ Council Member Dingledine moved that a supplemental appropriation in the amount of \$113,192.85, requested by Fire Chief Shifflett, reimbursement from Rockingham County, be approved for a second and final reading, a first reading having been approved on February 11, 1992, and that:

\$ 1,997.09	chgd. to: 1-1900-1901.01	Recoveries & rebates
79,221.26	chgd. to: 1-1900-1901.01	Recoveries & rebates
1,437.00	chgd. to: 1-1900-1901.01	Recoveries & rebates
6,537.50	chgd. to: 1-1900-1901.01	Recoveries & rebates
24,000.00	chgd. to: Unappropriated	fund balance
\$ 78,258.35	approp. to: 1-1-3201-1-0-1005.06	Dispatchers
5,934.50	approp. to: 1-1-3505-2-0-5200.02	Communications E-911
3,000.00	approp. to: 1-1-3201-2-0-5200.01	Communications
2,000.00	approp. to: 1-1-3201-2-0-5400.01	Other materials & supplies
24,000.00	approp. to: 1-1-3201-2-0-2005.01	Hospital & Accident Ins.

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council Members present.

✓ Acting City Manager Baker presented a request from the Director of Transportation, Reggie Smith, for approval of a transfer of funds in the amount of \$225,000.00, from the General Fund to the Transportation Fund due to insufficient funds. Vice-Mayor Rhodes offered a motion that the transfer be approved, and that:

\$225,000.00	trans. from: General - unappropriated	fund balance
225,000.00	trans. to: Transportation - unappropriated	fund balance

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council Members present.

✓ A request was presented from Transportation Director Smith for approval of a supplemental appropriation in the amount of \$225,000.00, due to insufficient funds. Council Member Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$225,000.00	chgd. to: Transportation - unappropriated	fund balance
30,000.00	approp. to: Transportation - Transit bus	operators
32,500.00	approp. to: Transportation - School bus	operators

162.500.00 approp. to: Transportation - Buildings & grounds

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council Members present.

At 8:25 p.m., Vice-Mayor Rhodes offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Board of Public Welfare, Building Code Board of Appeals, Harrisonburg Parking Authority, Board of Viewers and the Upper Valley Regional Park Authority exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council Members present.

At 9:15 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Building Code Board of Appeals noting that Michael Patrick's second term on the board expired November 30, 1991. Vice-Mayor Rhodes offered a motion that Mr. Orden L. Harman, 650 Stone Spring Road, be appointed to a first term of five years, term to expire November 30, 1996, on the Building Code Board of Appeals. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning two appointments to the Board of Viewers. Vice-Mayor Rhodes offered a motion that Mr. Marshall A. Firebaugh, 550 South Mason Street, and Mr. Thomas J. Wilson, III, 805 Oak Hill Drive, be appointed to the Board of Viewers. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council Members present.

At 9:15 p.m., there being no further business and on motion adopted, the meeting was adjourned.

Judy M. Gray
CLERK

Walter F. Green
MAYOR

REGULAR MEETING
MARCH 10, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Captain Duane Fairweather and City Auditor Peterman.

Minutes of the regular meeting held on February 25, 1992, approved as read.

The following monthly reports were presented and ordered filed:

From the City Treasurer - A trial balance report for the month of February, 1992.

From the Police Department - A report of fines and costs collected-\$5,734.00; cash collected from street parking meters - \$6,486.39; total cash collected and paid on accounts - \$12,220.39.

From the City Auditor's Office - A report of cash discounts saved in the payment of vendors invoices for the month of February, 1992, in the amount of \$219.57.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of February, 1992.

✓ Acting City Manager Baker called Council's attention to the list of bids received for the fixed assets inventory, and noted that this was carried forward from a previous meeting to allow Council time to review the proposal from The Valuation Advisory Group Inc. from Atlanta, GA, which submitted the lowest bid. Acting Manager Baker noted that all the references checked were very satisfied with the work of this firm. Acting Manager Baker further noted that this firm has indicated that they could have the work completed within two months and they will also provide us with the software so the City would be able to do the inventory in the future. Council Member Heath called Council's attention to a revised proposal received from Phibbs, Burkholder, Geisert and Huffman (PBGH), which stated that PBGH will charge \$27,000 to do the City's audit with an additional \$15,000 charge in one of the years if another firm does the fixed assets inventory. Mr. Heath pointed out that the letter states that if PBGH does the fixed assets inventory, the \$15,000 will not be charged. Council Member Heath stated that what this does is make the low bid from The Valuation Group and the current bid from PBGH the same when you consider both projects. Council Member Heath noted that he would prefer to do business with a local firm. Council Member Kite and Dingleline agreed that they would prefer to do business with a local firm. Vice-Mayor Rhodes agreed also, but asked the City Attorney if it will cause any problems in accepting this revised bid from PBGH over the low bidder. City Attorney Thumma stated that before giving an opinion on this he would like to have time to review the original RFP. Mayor Green requested that this item be carried on the agenda to allow the City Attorney time to review the original RFP.

Due to the action taken on the fixed assets inventory, Mayor Green requested that the audit proposal also be carried on the agenda.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on February 19, 1992:

"...After Mr. Billy Vaughn, Central Shenandoah Planning Representative, explained that the report presented was in two parts: "Council Recommendations" and "Public Comments", he stated that the public comments made did not necessarily request changes to the text of the Comprehensive Plan, only that the recommendations of the documents were not specific enough. There was discussion among the Commissioners and Mr. Vaughn regarding the portion of the Plan which deals with Planning Sector #17 - Old Town. Mr. Neff made a motion that the comments on page 3 (page 3 of Mr. Vaughn's report deals with changes to the analysis of Planning Sector #17 - Old Town) be approved as presented by changing paragraph 1, Issues/Comments, inserting the words "a number of"; changing paragraph 3 to read as shown in option #2; and changing paragraph 4 to read as shown in option #2.

Acting Manager Baker stated that the comments that were presented by the public and the changes that Council Member Heath suggested have been incorporated into the Comprehensive Plan. Planning Director Turner noted that the plan has been recommended for approval by the Planning Commission. Council Member Heath offered a motion that the City adopt the comprehensive plan as presented. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented for Council's consideration of a second and final reading the resolution for the General Obligation School Bonds for the new elementary school. Following further comments from Acting Manager Baker, Council Kite offered a motion that the resolution be approved for a second and final reading. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker presented for Council's consideration of a second and final reading an ordinance enacting Section 1-1-13 of the Harrisonburg City Code - Central Absentee Voter Election District. Vice-Mayor Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 6-2-5 of the Harrisonburg City Code - Disposal of acceptable garbage, refuse, etc. Council Member Dingledine offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Heath and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 6-2-8 of the City Code - Refuse not acceptable for Disposal. Council Member Heath offered a motion that the ordinance be approved for a second reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker presented and read a letter from Christine A. Whitelow, Utility Billing Department, requesting permission to write off as uncollectible a list of delinquent accounts. Acting Manager Baker noted that all attempts have been made to collect these accounts. Vice-Mayor Rhodes offered a motion that Council grant permission for the accounts to be written off. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented for Council's consideration of approval the following two resolutions to the Virginia Department of Transportation requesting that two urban projects be added to the six year urban project plan:

Project Programming Resolution

WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by Council resolution be made in order that the Department program an urban highway project in the City of Harrisonburg, Virginia; now

THEREFORE BE IT RESOLVED, that the Council of the City of Harrisonburg, Virginia request the Virginia Department of Transportation to establish an urban system highway project to widen Cantrell Avenue from Reservoir Street to Ott Street to four (4) lanes.

BE IT FURTHER RESOLVED, that the Council of the City of Harrisonburg hereby agrees to pay its share of the total cost for preliminary engineering, right of way and construction of this project in accordance with Section 33.1-44 of the Code of Virginia, and that, if the City of Harrisonburg subsequently elects to cancel this project, the City of Harrisonburg hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this ____ day of _____, 19____
City of Harrisonburg, Virginia

ATTEST

Clerk, BY _____ Mayor

PROJECT PROGRAMMING RESOLUTION

WHEREAS, in accordance with Virginia Department of Transportation construction allocation procedures, it is necessary that a request by Council resolution be made in order that the Department program an urban highway project in the City of Harrisonburg, Virginia; now

THEREFORE BE IT RESOLVED, that the Council of the City of Harrisonburg, Virginia request the Virginia Department of Transportation to establish an urban system highway project to improve the intersection of Route 33 (East Market Street) and Cantrell Avenue, including the turning lane and lengthening the off ramp from I-81 onto Route 33.

BE IT FURTHER RESOLVED, that the Council of the City of Harrisonburg hereby:

1. Agrees to pay its share of the total cost for preliminary engineering, right of way and construction of this project in accordance with Section 33.1-44 of the Code of Virginia.

2. If the City of Harrisonburg subsequently elects to cancel this project, the City of Harrisonburg hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this ____ day of ____, 19____
City of Harrisonburg, Virginia

Attest

Clerk, By _____ Mayor

Council Member Dingledine offered a motion that the two resolutions be approved. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous recorded vote of Council.

✓ Council Member Kite offered a motion that a supplemental appropriation in the amount of \$225,000.00 requested by Transportation Director Reggie Smith for transit and school bus operators and buildings and grounds be approved for a second and final reading, a first reading having been approved on February 25, 1992, and that:

\$225,000 chdg. to: 8 - unappropriated fund balance
30,000 approp. to: 8-81-1009.09 Transit bus operators
32,500 approp. to: 8-82-1009.11 School bus operators
162,500 approp. to: 8-87-7010.00 Building & grounds

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker presented for Council's approval a resolution authorizing the issuance of the City of Harrisonburg, Virginia general obligation electric system bond in the principal amount of \$3,300,000.00 for the purpose of refunding certain outstanding indebtedness of the City for the City's electric system under the management of the City's Harrisonburg Electric Commission and providing for the form, details and payment thereof. Acting Manager Baker reminded Council that on January 28, 1992, City Council approved for HEC to pay off this loan. Council Member Dingledine offered a motion that the resolution be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker reported that the lights have been replaced on the upper level of the parking deck. Acting Manager Baker noted that there are still some tubes burnt out on the lower deck but that they will be replaced tomorrow. Acting Manager Baker further noted that plan are underway to open up the stairwell at the Water Street deck to discourage loitering.

✓ Mayor Green questioned how the work is coming on Liberty Street. Acting Manager Baker reported that the work seems to be back on schedule with the infrastructure work to be completed as per the contract. Acting Manager Baker stated that the contract calls for the Liberty Street work to be completed by the end of June.

At 8:15 p.m. Council Member Heath offered a motion for Council to enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Board of Public Welfare, Harrisonburg Parking Authority, Upper Valley Regional Park Foundation and the Harrisonburg City School Board, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and for discussion and consideration of the acquisition and use of real property for a public purpose, namely streets, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

At 9:45 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Harrisonburg Rockingham Regional Sewer Authority to fill the unexpired term of Mr. John E. Driver. Mayor Green noted that Mr. John E. Driver has submitted his resignation from the Authority. Vice Mayor Rhodes offered a motion that Mr. Henry C. Clark, 660 Ohio Avenue, be appointed to fill the unexpired term of Mr. John E. Driver, with term to expire on July 14, 1994. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 9:46 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

**REGULAR MEETING
MARCH 24, 1992**

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingleline, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Captain Duane Fairweather and City Auditor Peterman. Absent: Mayor Walter F. Green, III.

Minutes of the regular meeting held on March 10, 1991, approved as read.

The City Manager's Monthly Progress Report for the month of February, 1992, was presented and ordered filed.

At 7:32 p.m., Vice-Mayor Rhodes closed the regular session temporarily and called the evening's first public hearing to order. Acting City Manager Baker read the following notice as it appeared in the Daily News Record on March 14, and 21, 1992.

The Harrisonburg City council will hold a public hearing on Tuesday, March 24, 1992, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the following application to vacate a portion of Huffman Street, in the City of Harrisonburg:

A request of Cline Energy, Incorporated to vacate a portion of Huffman Street, that lies between South Main Street and Stone Spring Road in the City of Harrisonburg.

Copies of the recommendations of the City Planning Commission and the Harrisonburg Board of Viewers, along with a copy of a plat showing the portion of the street to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

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

CITY OF HARRISONBURG
Roger D. Baker,
Acting City Manager

Vice-Mayor Rhodes called on anyone present desiring to speak for the closing request. Mr. Paul Cline, President of Cline Energy, stated that they would like the portion of Huffman Street between Stonespring Road and Route 11 to be closed. Mr. Cline indicated that they own the property on both sides of this portion of Huffman Street and would like the portion closed so they can have a continuous piece of property. Acting City Manager Baker noted that the Board of Viewers and Planning Commission have recommended that this be closed. Acting Manager Baker also stated that the Planning Commission suggested the remaining portion of Huffman Street from Stonespring Road be called Stonespring Road. Vice-Mayor Rhodes called on anyone desiring to speak against the request. There being no others desiring to speak either for or against the closing the public hearing was declared closed at 7:35 p.m. and the regular session reconvened. Council Member Dingleline offered a motion that the Council accept the recommendation of the Planning Commission to close this portion of Huffman street and to rename it to Stonespring Road. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council Members present.

At 7:36 p.m. Vice Mayor Rhodes closed the regular session temporarily and called the evening's second public hearing to order. Acting Manager Baker read the following notice as it appeared in the Daily News Record on March 10, 17, 1992:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 24, 1992, at 7:30 p.m., in the City Council Chambers,

345 South Main Street, to consider this rezoning request:

1. Mr. and Mrs. Jessie E. Sipes, Jr. request to rezone lot 4A, an undeveloped parcel of land northeast of Harrisonburg-Rockingham Community Service Board Property at 1241 North Main Street, from R-2 "Medium Density" Residential District to B-2 General Business District. The parcel is located on Lot 4A, Block B, Sheet 42 on Harrisonburg Block Maps and is not identified, but sets behind 1351 North Main Street.

If this request is granted, the present use will conform to the zoning districts applied for: Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this Public Hearing.

Roger D. Baker
Acting City Manager
City of Harrisonburg

Vice-Mayor Rhodes called on anyone desiring to speak for this rezoning request. Ms Nancy Sipes, owner of the property, stated that she and her husband are planning to sell this piece of property to the Community Service Board for the purpose of expanding their parking facilities. Mr. Lacy Whitmore, representative of the Community Service Board and speaking in favor of the rezoning, presented City Council with a drawing of their proposed site and the proposed plan for the additional parking facilities. Following additional comments from Mr. Whitmore, and there being no others desiring to speak either for or against the rezoning request, the public hearing was declared closed at 7:45 p.m. and the regular session reconvened. Council Member Heath offered a motion that this request to rezone lot 4A from R-2 to B-2 be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present.

At 7:36 p.m. Vice Mayor Rhodes closed the regular session temporarily and called the evening's second public hearing to order. Acting Manager Baker read the following notice as it appeared in the Daily News Record on March 10, 17, 1992:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 24, 1992, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider this rezoning request:

2. Edsel and Frances Edwards and Heifer Investments request to rezone Lot 1, 1.345 acres on the west side of Willow Hill Drive, from R-2 "Medium Density" Residential District to conditional R-3 "Multiple Dwelling Residential District." The parcel is located on Lot 1, Block O, Sheet 9 on Harrisonburg Block Maps and is identified as 117 Pleasant Hill Road.

If this request is granted, the present use will conform to the zoning districts applied for: Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this Public Hearing.

Roger D. Baker
Acting City Manager
City of Harrisonburg

Acting City Manager Baker read a letter from Mr. Henry C. Clark, Counsel for Edsel E. Edwards, Frances L. Edwards and Heifer Investments stating that the request for the rezoning of the two parcels for Edsel E. Edwards, Frances L. Edwards and Heifer Investments is withdrawn.

In reference to the bids for the fixed assets inventory and the audit proposal, City Attorney Thumma stated that since these two items were advertised separately, they can not be bid on together. Mr. Thumma did note that it is permissible to rebid them together if time allows. Following further comments, Council Member Kite offered a motion that all bids for the fixed assets inventory be rejected because of the considerable difference between the high and low bid. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council Members present.

Council Member Heath offered a motion that all bids for the Audit proposal be rejected and that the fixed assets and city audit be rebid as a joint package. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council members present.

Acting City Manager Baker called Council's attention to their copies of the Harrisonburg Electric Commission's budget for fiscal year 1992-93, and noted that the Commission is required to submit their budget to the City Council by the

first meeting in April. Acting City Manager Baker noted that copies are available in the Manager's Office for public inspection.

✓ Acting City Manager Baker presented a request from the Jail Committee to have the City water, sewer connection fees and building permit fees waived for the Joint Judicial Committee. Mr. Baker noted that the City normally waives fees for governmental entities of this type located in the City. Acting Manager Baker further noted that the Committee is going to request HEC to waive their connection fees also. Council Member Heath asked how much the fees would be and questioned that since the City and County are equally sharing the construction costs shouldn't these fees be shared equally also. Council Member Kite stated that he does not feel this would promote good will between the City and County and suggested that the issue be taken back to the Jail Committee. Acting Manager Baker noted that, early in the planning stages of the Judicial Complex, an agreement to this effect had been made. Following further discussion by the Council Members, Council Member Kite offered a motion that the City water and sewer connection fees and building permit fees be waived for the Joint Judicial Complex. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council Members present.

✓ Acting City Manager Baker presented and read a letter from Kent and Robin Dayton and Terry Richardson requesting that their properties located at 711 and 715 Old Furnace Road be rezoned from B-2 to R-1. Council Member Dingledine offered a motion that this request be referred to the Planning Commission. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council Members present.

✓ Acting City Manager presented and read a letter from Copper & Associates requesting that 41.4 acres of land situated on the west side of Reservoir Street and on the north and south sides of University Boulevard be rezoned from its present M-1 and R-3 classification to B-2. Council Member Heath offered a motion that this request be referred to the Planning Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council Members present.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on March 18, 1992:

"...After the Planning Director described the area, she stated the Planning Commission had voted City Council appoint a Board of Viewers and due to the report from the Board of Viewers, City Council sent the matter back to the Planning Commission for further consideration. The Board of Viewers unanimously recommended the alley not be closed because of the amount of use and the objections of the surrounding neighbors. Mr. Wassum stated that after visiting the alley in question, he saw the alley was in use and moved to deny the request on the recommendation of the Board of Viewers. Mr. Neff seconded the motion. All voted aye..."

Planning Director Turner stated that due to the large amount of usage of this alley the Planning Commission voted unanimously to deny this alley closing request. Mr. Dennis Coakley stated that originally his neighbors were in favor of closing the alley and since he has maintained the alley for eleven years he decided to file the petition to have the alley closed. Mr. Coakley noted that there is a dangerous intersection in the middle of the alley that runs very close to his home. Mr. Coakley further noted that when Route 33 is widened it will take some of his front yard so he was interested in purchasing the alley to increase the size of his back yard. Vice-Mayor Rhodes noted that nothing can be done at this point due to the request being denied by the Planning Commission and the Board of Viewers. Council Member Heath stated that he understands Mr. Coakley's reason for wanting the alley closed but noted that as a Council Member he has to rely on the recommendations from the Board of Viewers and the Planning Commission, so therefore would offer a motion to accept the Planning Commission's and Board of Viewers' recommendation to deny the closing request. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on March 18, 1992:

"...During a Public Hearing, Mr. Ray Nicely, agent for Henry P. Deyerle, Trustee, presented a request to rezone Lot 3, 8 and a portion of Lot 12, 10.005 acres located on the east end of Warehouse Road, from B-2 "General Business District" to M-1 "General Industrial District". Mr. Nicely explained the purpose of the request was to bring the warehouse on the property and its use into conformance with the present zoning regulations. He said that what is shown as a part of Lot 12 on the block map has been submitted as a minor subdivision for incorporation into Lot 8 and that the reason this area is included in the request was because of the grading plan. After discussion Mr. Neff motioned to approve, with staff recommendations, as the requested M-1 "General Industrial District" zoning is in conformance with the Comprehensive Plan recommendation and also puts the present use into conformance with the zoning ordinance. Dr. Gardner seconded. All voted aye.

Following comments from Acting City Manager Baker and Planning Director Turner,

Council Member Heath offered a motion that a public hearing date be set for April 28, 1992, to hear this rezoning request. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council Members present.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on March 18, 1992:

"... During a public hearing, Mr. David Fisher, owners, presented a request to rezone Lot 2, 3.021 acres located on the west side of South High Street, from B-2 "General Business District" to M-1 "General Industrial District". Ms. Turner described the property, saying that this property was in conformance with county zoning regulations when developed and did not come out of conformance until annexed into the City and zoned to B-2. She said Mr. Fisher was recently denied a building permit to allow him to build a small addition because it did not conform to the zoning of B-2. The Planning Director described the adjoining properties and pointed out that staff has requested that Mr. Fisher make provisions for a truck turn around area and widen the driveway entrance on South High Street to 30 feet to comply with the minimum standards set by the State. These facilities are requested regardless of whether the rezoning is approved. Mr. Fisher said he was glad to comply with the request. Mr. Wassum motioned to approve the request. Dr. Gardner seconded. Voting aye were: Dr. Gardner; Mr. Baker; Mr. Hughes and Mr. Wassum. Voting no was Mr. Neff.

Following comments from Planning Director Turner, Council Member Kite offered a motion that a public hearing be scheduled for April 28, 1992, to hear this rezoning request. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council Members present.

✓ ~~Vice Mayor Rhodes~~ ^{Mayor Green} asked Council's wishes concerning an appointment to the Harrisonburg Parking Authority noting that Ms. Deborah M. York resigned from the Authority effective January 1, 1992. Council Member Heath offered a motion that Mr. Carson I. Moore, 492 Virginia Avenue, be appointed to a first term of five years, term to expire November 28, 1995, on the Harrisonburg Parking Authority. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council Members present.

✓ ~~Vice Mayor Rhodes~~ ^{Mayor Green} asked Council's wishes concerning an appointment to the Harrisonburg Transportation Safety Commission to replace Richard Presgrave since his retirement. Council Member Dingleline offered a motion that Captain Duane Fairweather be appointed to serve on the Harrisonburg Transportation Safety Commission. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council Members present.

✓ Several residents of the Willow Hills Estates area expressed concern that even though the Edsel and Frances Edwards and Heifer Investments rezoning request has been withdrawn that these parties may come back at a future date with the same request. Vice-Mayor Rhodes noted that he feels it is highly unlikely that it will come back and City Attorney Thumma noted that if they do, the whole process will have to start over from the beginning.

✓ Acting City Manager Baker presented the following resolution for Council's consideration of approval:

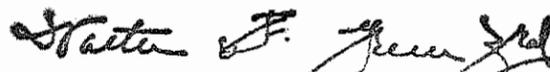
Beautify Harrisonburg Month

WHEREAS, the Mayor and the City Council of Harrisonburg recognize the benefits of having an attractive community and would encourage the citizens of Harrisonburg to assist in making our City more visually pleasing, and

WHEREAS, the general public, including individual citizens, civic organizations, businesses, industries, institutions, garden clubs and the City's various departments are planning together with efforts to plant trees, shrubbery and flowers, and,

WHEREAS, a new organization, Greener Harrisonburg, has been formed by interested volunteers and is coordinating with City personnel efforts to beautify the City of Harrisonburg,

NOW THEREFORE, BE IT RESOLVED THAT the Mayor and the City Council of Harrisonburg declares the month of April 1992 to be "Beautify Harrisonburg Month."



Dr. Walter F. Green, III, Mayor

Council Member Dingleline offered a motion that the resolution be approved. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council Members present.

✓ Council Member Kite stated that citizens have expressed an interest in having reduced water rates for the summer months for watering their lawns and gardens. Council Member Kite stated that they would like to use the water based

on a prior six month usage. Acting City Manager Baker stated that the primary reason that this has not been done in the past is because the City is charged by the sewer authority for all the water used. Council Member Heath stated that this would encourage more use of the natural resources and he feels we need to be conserving our natural resources at this time. Following further comments, it was suggested the Acting City Manager Baker check with the towns of Bridgewater and Elkton to see how they offer the reduced water rates for the summer months.

✓ Acting City Manager presented a request from the Virginia Department of Transportation that a small strip of land that is at the corner of Maryland Avenue and Main Street, which will be a part of the Port Road project, be deeded to the Department of Transportation. Following further comments, Council Member Heath offered a motion that the Acting City Manager be authorized to sign the deed. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council Members present.

✓ Acting City Manager Baker presented a request from Fire Chief Shifflett that the City Council increase the 911 tax on phone bills. Acting Manager Baker noted that the tax was set at 51 cents when it was incorporated in April 1986, to allow for the construction. Acting Manager Baker noted that not enough money was collected from these taxes last year to operate the 911 system. Acting Manager Baker stated that the request is that the tax be increased to 60 cents. Following further comments, Council Member Heath offered a motion that the 911 tax on phone bills be increased by 9 cents per month. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council Members present.

✓ Acting Manager Baker reported that on the Wolfe Street parking deck three lights are not presently working because the ballasts are burnt out, but noted they are to be replaced as soon as the parts come in. Acting Manager Baker stated that the Liberty Street parking deck lights have received a lot of water damage which has destroyed the wires and conduits. Acting Manager Baker noted that a contractor is presently working in this area and that the City now has a crew assigned to check the lights once a month to keep them in proper working order. Acting Manager Baker further noted that Mr. Wayne Lilly, the Electrical Inspector, is to get with HEC to look at the situation and see what can be done.

At 9:30 p.m., there being no further business and on motion adopted the meeting was adjourned.

Judy M. Gray
CLERK

Stetta F. Brown
MAYOR

Regular Meeting
April 14, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; and Colonel Donald Harper. Absent: City Auditor Peterman.

Minutes of the regular meeting held on March 24, 1992, approved as corrected.

The following monthly reports were presented and ordered filed:

City Treasurer - A trial balance report for the month of March, 1992.

Police Department - A report of fines and costs collected - \$4,464.00; cash collected from street parking meters - \$6,549.17; total cash collected and paid on accounts \$11,013.17.

City Auditor's - A report of cash discounts saved in the payment of vendors invoices for the month of March, 1992, in the amount of \$219.57.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of March, 1992.

Acting City Manager Baker introduced Colonel Donald Harper, the City's new Chief of Police.

Mr. Walter Hancock, of Wiley and Wilson, was present in the meeting to present the raw water study - western sources. Mr. Hancock noted that this supplement, to the initial study done in August 1991, was written because several factors have evolved that could affect the order of some of the recommended improvements. Mr. Hancock reviewed the impact factors which lead to the writing of this supplement which include changes within the Harrisonburg Rockingham Regional Sewer Authority, Wampler Longacre, Inc. increased need for water in the Hinton area, and regulation changes within the State of Virginia and the State Water Control Board. Mr. Hancock also reviewed the most viable alternative to the continued development of the City's western raw water source which is the development of the City owned site near Island Ford on the South Fork of the Shenandoah River. In his review, Mr. Hancock noted the cost of using this alternative source. Following further comments, Mr. Hancock outlined the four options which were evaluated in order to determine the most economically feasible path for the City to follow in future years. Mr. Hancock concluded in recommending that the City initiate the following steps beginning with the 1992-93 fiscal year: continue to plan for Rawley Springs/Switzer Reservoir waterline; construct a larger line at Rawley Springs; initiate the Phase I (development suitability) portion of an underground investigation regarding groundwater potential in the area of Rawley Springs/Switzer Reservoir; study the feasibility of locating the next water treatment plant expansion at either Grandview Drive or Rawley Springs; begin design of the raw water line and modification of the existing lines between Dale Enterprise and Hinton and provide for the design and construction to lower the existing water lines exposed in the stream beds and install the proposed new 24-inch raw water line at these stream crossings to minimize future stream disturbance. Mike Collins, Water and Sewer Superintendent, made several comments concerning the plan and noted that he fully endorses the plan which has been presented this evening. Mr. Jimmy Mason, President and General Manager of Wampler-Longacre Turkey, noted that the Hinton plant comes very close to running out of water on some days and are also considering adding a second shift so he fully endorses and recommends that this project be adopted. Mayor Green thanked Mr. Hancock for the presentation.

Acting City Manager Baker presented and read a letter from Ms. Donna Stewart, Executive Director for Citizens for Downtown, stating that Citizens for Downtown would like to hold its First Fridays Fundfest in a street fair environment with a request of City Council to approve the closing of a segment of Water Street, at the intersection of Federal Alley, in the downtown area to accomplish this. The letter stated that the events are scheduled for the first Fridays of each month from May through October, from 6:30 p.m. until 9:00 p.m. Acting Manager Baker noted that he met with Citizens for Downtown, along with Captain Fairweather and the Street Superintendent and they felt this location would be the least disruptive to traffic flow. Acting Manager Baker called Council's attention to a diagram showing where they would like to close water street and showing the parking lot, where they have secured permission from the Parking Authority, to hold these events. Ms. Stewart gave a brief background of similar events held in other surrounding cities and noted that the Harrisonburg events will be somewhat different in that it will be a nonalcoholic event. Ms. Stewart noted that she sent a letter to the Retail Merchants stating what they planned to do and, having not received any formal response, went to the Parking Authority to obtain permission to use a city parking lot for the event. Following this, Ms. Stewart noted that the President of the Retail Merchants stated that the Retail Merchants would not support any event which caused the closing of any parking facility or street at any time in the downtown area. Ms. Stewart stated that they continued with the request because similar events are held in other areas and at this time there is no green space in the downtown to hold events. Ms. Stewart stated that the Parking Authority granted permission

for the use of the parking lot and to compliment this, they would like to request that traffic traveling down Water Street be redirected. Ms. Stewart further noted that if the street can't actually be closed during this time that cones or "slow" signs be placed at this location to slow the traffic and make it safe for pedestrians. Ms. Stewart concluded in stating that the mission of the Citizens for Downtown is to provide special events and bring people to the downtown. Ms. Nancy Garber stated that the downtown merchants are strongly opposed to closing of any street or parking lot in the downtown and feel that this type of event will hurt the businesses. Following lengthy comments from Ms. Garber, Mayor Green requested that this matter be tabled until the Citizens for Downtown and the Retail Merchants can get together and reach an amicable solution to their differences.

✓ Mr. Taylor Howell was present in the meeting to present the 1992 Plan of Service of the Virginia Employment Commission for Service Delivery Area-4 Shenandoah Valley. Mr. Howell noted that the plan is basically the same as it has been in the past. Following further comments from Mr. Howell, Council Member Heath offered a motion that the City Council adopt the service plan for the Virginia Employment Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Mr. Robert Zodda was present in the meeting to request changes to Article E, Places of Amusement, Section 16-8-41 and Section 16-8-42 of the City Code. Mr. Zodda noted that he would like the age changed in section 16-8-41 from 18 years of age to 14 years of age and up unless with a parent or guardian; and would like section 16-8-42 changed "from between 12 midnight and 6:00 a.m." to "from between 2:00 a.m. and 6:00 a.m." Mr. Zodda noted that they plan to have a 100 seat full service restaurant and would like to install pool tables. Mr. Zodda presented Council with a layout of the restaurant and noted that they want to create a family atmosphere and very much want to form mixed leagues. Mr. Zodda noted that with the restriction currently in place "there is no where in town he could take his 11 year old son and play pool." Following discussion and concerns expressed by Council Members as to an establishment being open to 2:00 a.m., Council agreed to have the City Attorney check into this matter and bring it back to Council.

✓ Acting City Manager Baker presented the following resolution for Council's consideration of approval:

WHEREAS, Shenandoah Valley Travel Association (formerly Shenandoah Valley Inc.), was formed in 1924 with the object and purpose of promoting the rich natural, scenic and historic resources and attractions of the Shenandoah Valley. SVTA was instrumental in the establishment of the Skyline Drive, Shenandoah National Park and the Shenandoah Blossom Festival.

WHEREAS, Shenandoah Valley week has been proclaimed by many Governors to call public attention to the history, natural wonders, beauty and important economic impact the tourism industry has in the Valley.

WHEREAS, The Governor of the Commonwealth of Virginia, L. Douglas Wilder, has been pursuing a Rural Development Initiative which includes tourism as an essential part of the program.

WHEREAS: The Tourist Season for this year is approaching and National Tourism Week is May 3 through 9.

BE IT RESOLVED: We hereby endorse the efforts of the Shenandoah Valley Travel Association to have the Governor of the Commonwealth of Virginia proclaim the week of April 26 through May 1 as Shenandoah Valley Week.

BE IT FURTHER RESOLVED: We will encourage our citizens, businesses and civic groups to work together to beautify our community for the tourist season.

BE IT FURTHER RESOLVED: We will encourage our citizens to extend to each visitor that world famous Shenandoah Valley Hospitality each and every day.

Resolution Adopted on the 14th day of April, 1992, by the governing body of the City of Harrisonburg.

Authorized Signature

Title

Vice-Mayor Rhodes offered a motion that the resolution be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented for Council's consideration of approval an IDA refunding resolution. Acting Manager Baker noted an IDA Bond was issued in 1981 to construct Camelot Nursing Home and now they want to refinance the bond issue at this time to take advantage of the low interest rates. Acting Manager

Baker noted that all the resolution does is to authorize the reissuance of those bonds. Following comments from Mr. Don Rhinehart, associated with the owner of Medical Associates of American, Council Member Heath offered a motion that the resolution be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ In reporting back to City Council on reduced water rates for the summer months, Acting Manager Baker stated that the town of Bridgewater uses the period from March 15 to April 15 as a base period to determine the amount of water used and then for three months, from June 15th to September 15th, they charge a flat rate based on the water usage during this one month period. Vice-Mayor Rhodes noted that this comes up about every three years and has always been turned down because the Council did not feel it was fair. Vice-Mayor Rhodes further noted that with the City facing the expense of upgrading the Regional Sewer, he does not feel it is a good time to offer this.

✓ Acting Manager Baker reported that the channel connector between the two bridges and conduit that had to be placed in the street on Liberty Street are finished. Acting Manager Baker noted that the footings for the Liberty Street bridge were completed today. Acting Manager Baker stated that the contractor has until the end of June to complete this project, noting that Liberty Street will not be opened up by the end of May as indicated in the Daily News Record. Acting Manager Baker noted that the sanitary sewer and storm drain system should be finished within the next two weeks, with the curb and gutter and sidewalks being completed within the next month.

✓ For Council's information, Acting City Manager Baker stated that several meetings have been held by a group of people in Harrisonburg interested in having a "First Night Harrisonburg" which is an alcohol free event held on New Year's Eve for the entire family. Acting Manager Baker noted that anyone interested is welcome to attend the meetings.

✓ Vice-Mayor Rhodes presented Council with a Tour DuPont T-shirt that he was given today while attending a Tour DuPont meeting.

✓ In reference to a letter denying the placing of a banner across Main Street by the Rotary Club of Harrisonburg to advertise their annual Antique Show, Council Member Heath stated that the Rotary Club, along with many other clubs in the area, do a lot for the community and when the City's denies something like this it really does not help them. Council Member Heath offered a motion that the Rotary Club of Harrisonburg be permitted to hang a banner across Main Street with the help of HEC and with the understanding that they carry a \$1,000,000 insurance policy naming the City as an additional insurer. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

✓ Council Member Heath called Council's attention to a letter from Jim Saker requesting that the area where Dr. Sedwick's old office is located be used as a beautification spot following the widening of Port Road. Council Member Heath stated that he would like to go on record stating that, if the land can not be used for anything else, that it be used as a beautification spot.

✓ At 9:30 p.m., Council Member Heath offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Board of Public Welfare, Upper Valley Regional Park Foundation, Industrial Development Authority and the Central Shenandoah Planning District Commission Executive Committee, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and for discussion and consideration of the acquisition and use of real property for a public purpose, namely property to be acquired by the Housing Authority and property to be conveyed to the Housing Authority, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia; and for discussion and consultation with the City Attorney regarding legal issues involving a franchise agreement, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. The motion was seconded by Council Member Dingledine and approved with a unanimous recorded vote of Council.

✓ At 10:50 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

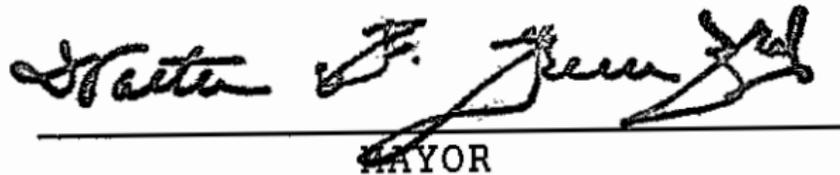
✓ Council Member Dingledine offered a motion that Vice-Mayor Rhodes be appointed to serve on the Executive Committee of the Central Shenandoah Planning District Commission. The motion was seconded by Council Member Kite, and approved with a majority vote of Council. Vice-Mayor Rhodes abstained from voting.

✓ Vice Mayor Rhodes offered a motion authorizing Acting Manager Baker to transfer the property adjacent to the Catholic Church to the Housing Authority. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council.

✓ Council Member Heath offered a motion that the City Council agree in concept with the letter from Jim Deskins, Director of the Housing Authority, concerning the acquisition of the Shenandoah Valley Band Instrument building. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

At 11:00 p.m., there being no further business and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING
APRIL 28, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Colonel Donald Harper and City Auditor Peterman.

Minutes of the regular meeting held on April 14, 1992, approved as read.

The City Manager's monthly progress report was presented and ordered filed.

At 7:40 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. Acting Manager Baker read the following notice of public hearing as it appeared in the Daily News Record on April 14, 1992, and April 21, 1992:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, April 28, 1992 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider these rezoning request:

1. David M. Fisher's request to rezone Lot 2, 3.021 acres on the west side of South High Street, from B-2 "General Business District" to M-1 "General Industrial District." The M-1 district is intended primarily for manufacturing, processing, storage and distribution activities. The parcel is shown as Lot 2, Block F, Sheet 8 on Harrisonburg Block Maps and is identified as 1811 South High Street.

If this request is granted, the present use will conform to the zoning district applied for. Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this Public Hearing.

Roger D. Baker
Acting City Manager
City of Harrisonburg

Planning Director Turner noted that this request is for Dave's Recycling to bring the property into compliance with zoning requirements so that the use may be enlarged. Ms. Turner explained that Dave's Recycling was recently denied a building permit to allow them to build a small addition because it is a nonconforming use in the B-2 zoning classification. Ms. Turner noted that this site was originally in conformance prior to annexation. Ms. Turner further noted that the lot does contain a single family dwelling which is currently a nonconforming use and will remain a nonconforming use if the property is rezoned. Ms. Turner stated that the owner has been requested to improve his entrance to comply with the "minimum standards for Entrances to Highways" and to provide a turn around area on the site. Ms. Turner further stated that these areas have been requested to be addressed regardless of whether or not the property is rezoned. Ms. Turner added that Mr. Fisher has agreed to, and is in the process of incorporating these changes to the property. Ms. Turner concluded in stating that no opposition has been expressed to this rezoning request. Mr. David Fisher stated that with recycling demands increasing he very much needs to expand his business and would greatly appreciate Council's consideration of this request. At 7:55 p.m., the public hearing was declared closed and the regular session reconvened. Council Member Heath offered a motion that the request to rezone 3.021 acres on the west side of South High Street from B-2 "General Business

District" to M-1 "General Industrial District" be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ At 7:40 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. Acting Manager Baker read the following notice of public hearing as it appeared in the Daily News Record on April 14, 1992, and April 21, 1992:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, April 28, 1992 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider these rezoning request:

- 2 Henry P. Deyerle's request, as Trustee, to rezone lots 3,8 and a portion of lot 12, 10.005 acres located on the east end of Warehouse Road, from B-2 "General Business District" to M-1 "General Industrial District." The M-1 district is intended primarily for manufacturing, processing, storage and distribution activities. These parcels are shown as Lots 3 and 8, Block C, Sheet 108 and a portion of Lot 12, Block A, Sheet 107 on Harrisonburg Block Maps and identified as 21, 30 and 31 Warehouse Road.

If this request is granted, the present use will conform to the zoning district applied for. Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:30 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this Public Hearing.

Roger D. Baker, Acting City Manager
City of Harrisonburg

Planning Director Turner explained that the property is occupied by a 102,000 square foot warehouse, and the purpose of the request is to bring the existing warehouse structure and the present use of the land into conformance with current zoning regulations. Ms. Turner further explained that when this building was constructed the property was in the county and was in conformance with county zoning requirements. Ms. Turner noted that after annexation the area was zoned B-2 and the use was still in conformance until the B-2 zoning restrictions were changed to limit warehousing and other storage facilities to 20,000 square feet. Ms. Turner stated that all the surrounding area is also zoned B-2, but many of the surrounding uses would also fit into the M-1 zoning classification. Ms. Turner noted the only opposition that was expressed to this request was from Dayton Interiors. Ms. Turner concluded in stating that the Planning Commission is recommending approval of this rezoning request. At 7:55 p.m., the public hearing was declared closed and the regular session reconvened. Council Member Heath offered a motion that the rezoning request be approved. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker noted that Mercy House came to the City Council in February requesting tax-exempt status and that all past due real estate taxes for Mercy House be abated. At the time of the request, Acting Manager Baker stated that a bill to the same effect had passed the Virginia Senate and was in the House of Delegates. Acting Manager Baker reminded Council that since the bill had not passed the House, Council delayed making a decision at that time. Acting Manager Baker noted that the bill has just recently been passed in the House and asked Council's wishes on the request. Vice-Mayor Rhodes offered a motion that the Commissioner of Revenue be instructed to abate all past due real estate taxes for Mercy House. The motion was seconded by Council Member Dingledine and approved with a unanimous recorded vote of Council.

↓ Acting City Manager Baker presented for Council's consideration of a first reading an ordinance amending and re-enacting section 16-8-41, Poolrooms; persons under eighteen years of age, of the Harrisonburg City Code. City Attorney Thumma stated that he left the ordinance as it originally was and inserted the following paragraph (c):

(c) For the purpose of this section, any restaurant located within the city with a pooltable area, that is licensed, under Sections 4-98.1 and 4-98.2 of the Code of Virginia, 1950, as amended, to serve food and beverages and which has a minimum seating capacity of 50 persons in the restaurant area, shall not be considered a poolroom. Further no person under 14 years of age shall be allowed in the pooltable area of the restaurant unless accompanied by an adult.

Council Member Kite stated that he feels the original ordinances were put in place for a reason and does not feel they should be changed at this time. Council Member Heath stated he feels the "accompanied by an adult" should be changed to "accompanied by a parent or guardian" and the minimum seating capacity be increased to 80 - 100 persons, not to include the bar area. Council Member Heath offered a motion that this ordinance change be tabled at this time for further study. Mayor Green noted that he would like to know the ABC Board's

opinion on this. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

✓ Acting Manager Baker called Council's attention to their copies of the bid results for the Joint Judicial complex and stated that the architects are presently evaluating the bids and discussing ways to lower the construction costs. Acting Manager Baker read the list of bids received and noted that plans are to award the bid on May 12, 1992.

Acting Manager Baker called Council's attention to their copies of the bid results for the City Audit and Fixed Assets RFP, noting that the apparent low bidder is Phibbs Burkholder Geisert & Huffman. Following discussion, Council Member Heath offered a motion that Phibbs Burkholder Geisert & Huffman be awarded the contract for the city audit and fixed assets inventory. The motion was seconded by Council Member Dingleline and approved with a unanimous recorded vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Transportation Safety Commission meeting held on Wednesday, April 1, 1992:

After Chairman Rhodes read Ms. Bradfield's letter of concern about the safety at the crest of the Port Republic Road hill at Squire Hill and Hunter's Ridge. Jim Baker noted that there was on-going curb and gutter work at the intersection of Port Republic Road and Devon Lane, but that even when completed, there will not be enough width to construct a left turn lane. Following a brief discussion of increased traffic in the area. Ralph Smith motioned that the Commission recommend to Council that the speed limit be reduced to 35 MPH westbound at Turner Ashby Lane. The action was seconded by Secretary Tamkin and carried by unanimous vote of the Commission.

Following discussion, Vice-Mayor Rhodes offered a motion that the recommendation of the Transportation Safety Commission to reduce the speed limit to 35 MPH westbound at Turner Ashby Lane be approved. The motion was seconded by Council Member Dingleline and approved with a unanimous vote of Council.

✓ Vice-Mayor Rhodes stated that the members of the Harrisonburg Transportation Safety Commission, as a means of expediting smaller requests, would like to have authorization to be able to put up signs, painting cross walks and proceed with smaller requests without having to through City Council for approval. City Council agreed to give the Commission the authority to do this.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 15, 1992:

"...The Planning Director explained that this subdivision was before the Planning Commission March 18, 1992. She said the property was located on the east side of Main St. and was to be developed by the JMU Foundation. The Preliminary Plat had been approved by Planning Commission, January 1991, and in May 1991, the Planning Commission tabled final approval of the subdivision until the City could obtain a sewer easement from the Mosby Heights Association. This easement has been obtained and is shown on the plat of survey. This is part of 7.1 acres which was rezoned from R-2 to B-2, January 1990, with the intent to build a commercial subdivision. She said there is development and dedication of public streets involved. The proposed subdivision received preliminary approval and has been through the Comprehensive Site Plan Review process. At this point it is being held until a bond is posted for public improvements. Final plat is recommended for approval contingent upon submission of an acceptable construction bond or letter of credit to insure the improvements.

Mr. Neff made a motion to recommend approval contingent upon submission of an acceptable construction bond or letter of credit as recommended by staff. Mr. Rhodes seconded. Question was called for by Mr. Wassum. All voted aye.

Planning Director Turner called Council's attention to a large scale map of the area and reiterated many of the points made in the above Planning Commission report. Following further comments, Vice-Mayor Rhodes offered a motion that the recommendation of the Planning Commission to approve this subdivision, contingent upon submission of an acceptable construction bond or letter of credit, be approved. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 15, 1992:

"... The Planning Director explained that the proposal to change the name of Carolyn Drive to Acorn Drive was requested by City Engineering Department. She said the City is currently working on the construction of Acorn Drive from Mt. Clinton Pike to North Liberty Street and from Liberty Street up to the existing end of Acorn Drive and the Acorn Industrial Park. Acorn Drive and the Industrial Park was plated as part of the Acorn Industrial Park Subdivision with a small section of the street called Carolyn Drive, which resulted from the

Heatwole Subdivision, Section 2. At this time the road changes name at that small section of Carolyn Drive and then changes back to Acorn Drive. Therefore, the City Engineering Department requested that before the City does any further construction on this road, the Planning Commission and City Council consider changing the name so it would be Acorn Drive continuously from Virginia Avenue to Mt. Clinton Pike.

After discussion regarding which street was named first Mr. Wassum recommended that this proposal be sent to City Council. Dr. Gardner seconded. Mr. Neff called for the question. All vote aye.

Following comments from Planning Director Turner, Council Member Dingleline offered a motion that Carolyn Drive be changed to Acorn Drive continuously from Virginia Avenue to Mt. Clinton Pike as requested by the City Engineering Department. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on April 15, 1992:

"... The Planning Director explained that this item was before the Commission at the March 18, 1992 meeting. She briefly described the request for a resubdivision of Lot 1, Block D, Unit 3, Willow Hills on a block map. She explained that Lot 1 is being purchased by Heifer Investments from Eddie Edwards. The request for final plat approval includes a request for a variance from submission of a preliminary plat as the request creates no new developable lots. Ms. Turner said this property contains an easement of right-of-way for several other properties: the Heatwole property to the north, and lots 1 and 2 of the Edwards Subdivision to the east. One of Heifer Investments' buildings encroaches on this easement area and conveyance of "Lot 1B" to Heifer would resolve this encroachment problem. At the March 18, 1992 meeting Mr. Boward Heatwole asked to table the subdivision until he had time to confer with his attorney. Ms. Turner said that Mr. Heatwole notified her this week that he had come to an agreement with Heifer Investments; being that if the building, which encroaches on the easement were ever to cause him a hardship in trying to sell his property, then Heifer Investments would modify or tear the building down. She said that Mr. Heatwole wanted to thank the Commission for the additional time. Ms. Turner added that staff recommendation was for approval provided note #10 on the plat should be reworded to read: A 10' easement is "hereby" provided ... instead of "will be" provided.

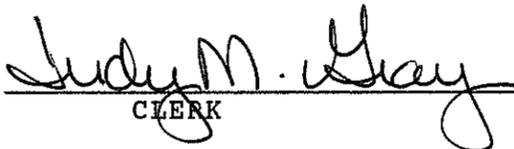
Planning Director Turner called Council's attention to a large scale map of the area and reviewed with Council the reason for this resubdivision as explained in the above Planning Commission report. Acting City Manager Baker asked if notation #10 on the plat had been reworded as requested in the Planning Commission's motion. Mr. Ray Nicely of Copper and Smith stated that the #10 notation had been changed on the mylar and should have been received in the Community Development Office. Council Member Heath offered a motion that the Planning Commission's recommendation to approve this resubdivision, contingent on notation #10 being reworded, be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

↓ Acting Manager Baker stated that he received a notice from Warner Cable stating that channel 20 is temporary off the air and they do not know what this problem is or when it will return to the air.

↓ Acting Manager Baker stated that after reviewing Warner Cable franchise agreement, Mr. Lester Seal realized that Warner Cable should be paying the City on a quarterly basis. Acting Manager noted that a copy of their audit has been received along with a check for the first quarterly payment.

↓ Acting Manager Baker noted that he received a letter from Citizens for Downtown stating that they are postponing their request to partially close a portion of Water Street for First Friday's.

At 8:40 p.m., there being no further business and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING
MAY 12, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray and Colonel Donald E. Harper. Absent: City Auditor Peterman.

Minutes of the regular meeting held on April 28, 1992, approved as read.

The following monthly reports were presented and ordered filed:

City Treasurer - A trial balance report for the month of April 1992.

Police Department - A report of fines and costs collected - \$6,225.95; cash collected from street parking meters - \$9,022.02; total cash collected and paid on accounts - \$15,277.97.

City Auditor's - A report of cash discounts saved in the payment of vendors invoices for the month of April, 1992, in the amount of \$521.32.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquent; complaints; rereads, etc. for the month of April, 1992.

At 7:34 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. Acting City Manager Baker read the following notice of public hearing as it appeared in the Daily News Record on May 5, 1992:

Notice is hereby given that a public hearing on said budget as submitted will be held in the Council Chamber in the Municipal Building, 345 South Main Street, at 7:30 p.m. on the 12th day of May, 1992, at which meeting the said budget will be further acted upon by the Council. All citizens are invited to attend and provide the Council with written and oral comments and ask questions concerning the City's entire proposed budget. The proposed budget summarized above can be inspected by the public from 8:30 a.m. until 5:00 p.m., Monday through Friday in the City Manager's office, second floor, Municipal Building, or at the Rockingham Public Library, 45 Newman Avenue.

Given under my hand this 5th day of May, 1992

Acting City Manager Baker reviewed his budget message letter with Council pointing out that he is recommending real estate taxes be collected twice per year on December 5 and June 5, to give the City and citizens a more balanced cash flow and because of the interest that can be earned on the money. Acting Manager Baker also pointed out that he is recommending that the City pay the employees 5% Virginia Retirement System cost; noting that this is very important to the morale of the employees, since no pay raises were given last year. Following further comments from Acting Manager Baker, Mayor Green called on anyone desiring to be heard.

Ann Bender, speaking on behalf of the Valley Program for Aging Services, stated that this organization has increased its spending by 23% and hopes the City will consider increasing its contribution to the Valley Program for Aging Services.

Mr. Jim Saker, stated that he feels it is time for the City to take a serious look at raising taxes, noting that he thinks the City has tried to get by too long without raising taxes.

At 8:15 p.m., there being no others desiring to be heard, the public hearing was declared closed and the regular session reconvened. Following the public hearing it was agreed that the City Council will hold a budget work session on Thursday night, May 14th at 7:30 p.m., and also on Tuesday, May 19th if necessary.

Acting Manager Baker presented for Council's approval of a first reading the Appropriation Ordinance of the City of Harrisonburg, Virginia, for Fiscal Year ending June 30, 1993. Vice-Mayor Rhodes offered a motion that the appropriation ordinance be approved for a first reading. The motion was seconded by Council Member Heath and approved with a unanimous recorded vote of Council.

Acting Manager Baker presented for Council's approval a resolution amending and restating certain provisions of a resolution authorizing the issuance of not to exceed \$8,000,000 General Obligation School Bonds, 1992 Series A, of the City of Harrisonburg, VA. Acting Manager Baker stated that this is required because we now have the amount of the debt service schedules which spells out the exact interest rate. Council Member Dingledine offered a motion that the resolution be approved. The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

Acting City Manager Baker presented for Council's approval of a first reading an ordinance amending and re-enacting Section 16-8-41 of the Harrisonburg City Code. Following discussion, Council Member Heath offered a motion that the ordinance be approved for a first reading contingent upon the years of age being changed from 14 years of age to 16 years of age. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

Acting City Manager Baker presented for Council's approval of a first

reading an ordinance amending and re-enacting Section 16-8-42 of the Harrisonburg City Code. Council Member Heath offered a motion that the ordinance which states that no public poolroom or restaurant with pooltable area operating for pecuniary gain shall be open, or be allowed to remain open for patronage, between 2:00 a.m. and 6:00 a.m., be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker presented for Council's information the abstract of votes cast in the City of Harrisonburg, Virginia at the May 5, 1992, General Election.

✓ Acting Manager Baker presented and read a letter from City Engineer Art Wilcox recommending that the City initiate action to request that VDOT deed to the city the rights of way for the following projects:

1. Virginia Avenue - 0042-082-106-RW-201
(within corp. limits only)
2. Virginia Avenue - 0042-115-103, RW-201
3. S. High Street - 0042-115-102, RW-201

Following discussion, Council Member Dingledine offered a motion that Acting Manager Baker be authorized to contact VDOT in regards to obtaining the deeds. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ Dr. Barry Hensley, representing the Garbers Church Road residents, was present in the meeting to request the City Council to reconsider the construction format for Garbers Church Road. Dr. Hensley stated that the residents feel that a four-lane highway is inconsistent to a single family neighborhood and will cause increased traffic. Dr. Hensley stated that the residents would like a 60 foot right-of-way for a two-lane road with curb and gutter. Acting Manager Baker noted that two lanes will meet with the State's minimum standards, but stated that if the road is two-laned now the City could very likely have to come back in the further and put the four lanes in. Acting Manager Baker also stated that if the four lanes are put in at a later date, 20 more feet of right of way will have to be obtained for the road; where if they put four-lanes in right now the state will allow the city to put it in with only 60 feet of right of way. Following further discussion, Vice Mayor Rhodes offered a motion that the City proceed with putting in only two lanes of road on Garbers Church Road after having acquired the 60 feet of right of way. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented a request from Copper and Association requesting that 1 17.502 acre portion of undeveloped land situated on the southwest side of Evelyn Byrd Avenue be rezoned from R-3 to B-2. Council Member Heath offered a motion that this request be referred to the Planning Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented and read a letter from Mr. James M. Triplett, representing the Eastover Subdivision, stating that people are using their streets as a means of avoiding the heavy traffic and traffic light at Hardees restaurant thereby causing an uninterrupted speedway through the Eastover Subdivision to the Mall area and Route 33. Mr. Triplett was present in the meeting and stated that the residents feel that something definitely needs to be done and suggested the possibility of no thru truck signs and a stop light at Paul Street and Eastover Drive. Following further comments, Vice-Mayor Rhodes offered a motion that this matter be referred to the Harrisonburg Transportation Safety Commission. The motion was seconded by Council Member Kite and approved with a unanimous vote of Council.

✓ Acting Manager Baker stated that the City of Harrisonburg's water treatment plant has received approval to operate at 10 million gallons a day for an eighteen month period from the State Water Control Board. Acting Manager Baker noted that the City of Harrisonburg is the only city in the state which is allowed to do this. Acting Manager Baker stated that the two primary reasons the State gave for the City being allowed to do this is because of the quality of our raw water and the professional and capable staff of the water treatment plant.

✓ Acting Manager Baker stated that the Joint Judicial Committee is recommending that the bid for the Judicial Complex be awarded to Howard Shockey & Son, Inc. at a cost of \$17,666,000, and that the architects be instructed to work with the contractor and Joint Judicial Committee to identify areas of cost savings. Council Member Heath offered a motion that the recommendation of the committee be approved. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ A request was presented from Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$90,024.44 as EOC reimbursement from Rockingham County, Two for Life Funds and donations. Council Member Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$78,777.32 chgd. to: 1-1900-1901.01 Recoveries &
Rebates
8,805.12 chgd. to: 1-2400-2404.02

100.00 chgd. to: 1-1900-1901.01 Recoveries & Rebates
 1,020.00 chgd. to: 1-1900-1901.01 Recoveries & Rebates
 610.00 chgd. to: 1-1900-1901.01 Recoveries & Rebates
 380.00 chgd. to: 1-1900-1901.01 Recoveries & Rebates
 332.00 chgd. to: 1-1900-1901.01 Recoveries & Rebates

8,805.12 approp. to: 1-1-3505-2-0-5413.01 Other operation expenses
 1,900.00 approp. to: 1-1-3201-2-0-5500.02 Travel training
 2,500.00 approp. to: 1-1-3201-2-0-5410.01 Uniforms
 1,900.00 approp. to: 1-1-3201-2-0-3004.04 Maint. & Repairs Mach. & Equip.
 2,000.00 approp. to: 1-1-3201-2-0-3004.03 Maint. & Repairs Auto Equip.
 17,000.00 approp. to: 1-2-3201-0-0-7001.04 Fire Training Grounds
 15,186.32 approp. to: 1-2-3201.0.0.-7005.00 Motor Vehicles and Equip.
 40,733.00 approp. to: 1-1-3201-1-0-1005.06 Dispatchers

The motion was seconded by Council Member Kite and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker requested Council's permission to sign a lease to rent on a monthly basis the house the City owns at the corner of Garbers Church Road and Route 33. Council Member Heath offered a motion that the Acting City Manager be authorized to sign the lease. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council.

✓ Council Member Dingledine noted that she has received calls from citizens complaining about the "cruising" that has started up again in the Hardee's Resturant area.

At 9:25 p.m., Council Member Heath offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Board of Public Welfare, Upper Valley Regional Park Foundation, Industrial Development Authority, Community Services (Chapter 10) Board, Blue Ridge Diversionary Program Community Corrections Resources Board, Private Industry Council and the City Manager appointment exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and for discussion and consideration of the acquisition and use of real property for a public purpose, namely property to be acquired for street, exempt from the public meeting requirements pursuant to Section 2.10344(A)(3) of the Code of Virginia. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

At 10:45 p.m. the executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Private Industry Council inasmuch as Mr. Daniel E. Stark's term expires on June 30, 1992. Council Member Dingledine offered a motion that Mr. Daniel E. Stark be appointed to serve another term on the Private Industry Council with term to expire on June 30, 1997. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Upper Valley Regional Park Authority. Vice-Mayor Rhodes offered a motion that Mr. Cecil Gilkerson be appointed to serve on the Upper Valley Regional Park Authority. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

✓ Following discussion concerning the paving ordinance, Council Member Heath offered a motion that the City Attorney be authorized to redraft the paving ordinance. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

At 10:55 p.m., there being no further business and on motion adopted, the meeting was adjourned.

Judy M. Gray
 CLERK

Stacia E. Green
 MAYOR

REGULAR MEETING

MAY 26, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Colonel Harper and City Auditor Peterman.

Minutes of the regular meeting held on May 12, 1992, approved as read.

The City Manager's Monthly progress report was presented and ordered filed.

At 7:40 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. Acting Manager Baker read the following notice of hearing as it appeared in the Daily News Record on May 19, 1992:

City of Harrisonburg
Notice of Proposed
Tax Increases

Notice is hereby given pursuant to Section 58.1-3007 of the Code of Virginia 1950, as amended of the following proposed tax increases for the City of Harrisonburg.

	Actual 1991	Proposed 1992
Tangible	1.50 per \$100	2.00 per \$100
Personal Property	1.50 per \$100	2.00 per \$100
Machinery & Tools	1.50 per \$100	2.00 per \$100
Meals Tax	2%	4%

A public hearing on the proposed increases will be held on May 26, 1992, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia. All interested citizens will be given the opportunity to be heard at this time.

Given under my hand this 19th day of May, 1992.

Roger D. Baker
Acting City Manager

Mayor Green called on anyone present desiring to speak either for or against the tax increases.

Bob Maphis, Vice President of Clayborne's Dinnerhouse and Seafood Grill, spoke against the meal's tax increase. Mr. Maphis noted that he does not feel it is fair for the City to try and solve a large portion of its economic problems by placing a significant tax boost on only one element of one retail business; and suggested a more equal distribution among all businesses. Mr. Maphis noted that people aren't oblivious to a tax increase, noting that they react by cutting back or switching to other lower food cost alternatives. Mr. Maphis presented Council with a petition signed by over 1000 guests at Claybornes stating their opposition to the meal's tax increase. Following further comments, Mr. Maphis concluded in reiterated that point for the City not to single one industry out to bear all the burden.

Bruce Gray, stated that he is opposed to all tax increases. Mr. Gray stated that Harrisonburg is growing due to the low tax rates and that the citizens will stop eating out if the meal's tax is increased.

Jerry Kirby, owner of Western Sizzlin, noted that people drive from Waynesboro to Staunton because Staunton does not have a meal's tax and Waynesboro does.

Robby Kline, Manager of Shoney's Inn, stated that citizens do look at what taxes they pay. Mr. Kline further stated that he feels it is unfair to jump on restaurants to pay all the taxes; noting that taxes need to be spread out.

Stuart Suttle, Manager of Pizza, noted that there are three Pizza Huts in Harrisonburg, and stated that he feels a meal's tax increase will dramatically influence the action of the citizens.

Mayor Green called on anyone else desiring to speak either for or against the tax increases. The being no others desiring to be heard, the public hearing was declared closed at 7:56 p.m., and the regular session reconvened.

Acting Manager Baker presented for Council's consideration of a second and final reading the Appropriation Ordinance of the City of Harrisonburg, Va, for fiscal year ending June 30, 1993. Council Member Heath offered a motion that the Appropriation Ordinance be approved for a second and final reading. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous recorded vote of Council. To clear up some misunderstandings, City Attorney Thumma stated that raising the meals tax involves an ordinance change which involves two readings for approval; and the other tax increases are covered on page 30 of the Appropriation Ordinance. Council Member Heath offered a motion, based on the fact that he does not want the City to get weak and because he feels this is the broadest based area to raise the amount of money needed, that the an ordinance amending and re-enacting Section 4-2-87 of the Harrisonburg City Code be approved for a first reading. Council Member Heath noted that he is making this motion for a first reading with the understanding that the Council will have time to

*For ordinance
see PAGE 381*

consider all the comments received this evening. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 16-8-41, Poolrooms; persons under eighteen years of age, of the City Code. Vice Mayor Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 16-8-42, Same; opening and closing hours, of the Harrisonburg City Code. Vice-Mayor Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker presented for Council's information an ordinance repealing Section 10-2-61(f) of the Harrisonburg City Code, and an ordinance enacting section 10-3-25(21) of the Harrisonburg City Code. Acting Manager Baker stated that these ordinances were brought about due to concerns expressed by local business and noted that they need to be referred to the Planning Commission for a public hearing because they will involve a zoning text amendment. Council Member Heath stated that he does not feel comfortable with the reference to "as per city specifications" in Section 10-3-25(21); noting that this leaves it wide open and feel the ordinances needs to state specific specifications. Council Member Dingledine offered a motion that these ordinances be referred to the Planning Commission. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Acting Manager Baker presented for Council's consideration of approval a resolution encouraging the citizens of the City of Harrisonburg and all businesses within the area to continue their outstanding support of the local United Way, both by honoring current pledges and committing to United Way's forthcoming 1992 campaign. Vice-Mayor Rhodes offered a motion that the resolution be approved. The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker presented and read a letter from the Downtown Harrisonburg Retail Merchants requesting Council's permission to use the sidewalks in front of the businesses downtown on Saturdays during the month of June. Council Member Kite offered a motion that permission be granted for use of the sidewalks on Saturdays during June. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 20, 1992:

"... During a Public Hearing, the Planning Director explained that this item was before the Commission at the March 18, 1992 meeting. She explained that in March, Stoneburner Land Company requested rezoning of two lots, Lot 1 and 5, because the existing use, materials supplier, is nonconforming under the present B-2 zoning classification. The use became nonconforming due to annexation into the City and the City's rezoning of the property to B-2. The original request in March was made at the same time as a similar request from Dave's Recycling, an adjacent use. The request for Dave's Recycling was recommended for approval, however, because of concerns expressed by Commissioners regarding the potential abutment of residentially zoned land to industrially zoned land, Stoneburner agreed to table the request and return with a modification. Since that time, Stoneburner Land has gone through the minor subdivision process resubdividing Lot 1 to include a 50 foot wide strip from Lot 5 and has revised their rezoning request, so that the modified Lot 1 is the only lot involved in the rezoning request. The minor subdivision to revise Lot 1 has been approved by the Director of Community Development and recorded. The Planning Director pointed out that although the Comprehensive Plan recommends a commercial use for this area, that this case presents a special situation as the use was established in good faith as a conforming use and the rezoning is recommended for approval as presented. Mike Miller, from Stoneburner Land Company, spoke in favor of the request and explained why 50 feet has been added to Lot 1. The previous property line restricted the use of Lot 1 due to setback requirements. The new line is still several hundred feet from the residential property.

Mr. Hughes asked Ms. Turner to read a letter received from Mr. Rexrode, a commissioner unable to attend the meeting, expressing his opposition to the rezoning on the basis that it does not conform with the Comprehensive Plan.

Following discussion regarding the property and variances received from the Board of Zoning Appeals, Dr. Gardener moved that the requested rezoning to M-1 be recommended to City Council. Mr. Wassum seconded. Voting aye were: Mr. Wassum, Mr. Rhodes, Mr. Hughes and Dr. Gardner. Voting no were: Mr. Neff and Mr. Baker.

Planning Director Turner called Council's attention to a large scale map of the area and reiterated many of the points in the above extract. Ms. Turner stated that no opposition was expressed to this rezoning request at the Planning Commission's public hearing; and noted that the Planning Commission is recommending this request with a four to two vote. Council Member Heath offered a motion that the recommendation of the Planning Commission be accepted and a public hearing be scheduled for June 23, 1992, to hear this request. The motion was seconded by Council Member Dingleline and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 20, 1992:

"...During a public hearing, the Planning Director explained that the stated purpose of the request to rezone this 41.1 acre is to extend the existing commercial development on the west side of Reservoir into this area. The applicant stated that it was felt the B-2 zoning would provide a better buffer to the adjacent residentially zoned property than the M-1. The request involves 10.4 acres located on the northwest corner of the intersection and 30.982 acres located on the southwest corner of the intersection. Of this 30.982 acres, 26.982 acres is zoned M-1 and 4 acres are zoned R-3. The request made is to rezone the entire 41.4 acres to B-2. Ms. Turner pointed out the zoning classification on a large scale map of the area. The Comprehensive Plan recommends a "Planned Business" use of this area, stating that "these are areas suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses" and that issues which should be addressed include control of access, use of service roads, reverse frontage development, landscaping and buffering, parking, setbacks, signage, and building mass and height. The City zoning ordinance does not currently contain a classification that directly corresponds to this classification. The commercial uses permitted under the B-2 classification fit this description more readily than do uses permitted under the M-1 classification. The transportation element of the Comprehensive Plan also addresses this property by suggesting that Neff Avenue be extended across to the west side of Reservoir Street and on to connect with Port Republic Road at the point where the elementary school access road will intersect. This will be addressed when the proposed subdivision of this property is reviewed later in the meeting. Other development issues will also be addressed with review of the subdivision. On the Comprehensive Plan land use map it is difficult to determine where the line between the recommended "Planned Business" and residential uses lies. However, it is reasonable to assume that the line should be on the property line of the subject property. The rezoning is recommended for approval. Additionally, a letter from Litten and Sipe, and adjacent property owner was received stating that while they originally had concerns relating to drainage in the area, they have spoken to Mr. Bill Neff about the issue and do not object to the rezoning.

At this time, Mr. Hughes requested Ms. Turner to read a letter he received from Dr. Ronald Carrier, president of James Madison University relating to the development of this property. A copy of this letter is included in its entirety.

Mr. Ray Nicely of Copper and Associates, representing the owner and developer, spoke in favor of the request and requested that the rezoning be considered independently of the subdivision request. He reminded the Commissioners that at the time the property in question was zoned to M-1, commercial uses were allowed in the M-1 zoning classification. The zoning ordinance was later changed, removing commercial used from the M-1 district. He stated that he believed the small R-3 area on the property was actually an error on the zoning map, although he did not research this in the past council minutes. A commercial use of this area is more consistent with the current development trend in this area than an industrial use would be. There are no immediate development plans for the 10 acre portion on the northwest corner of the intersection.

Mr. Bill Neff, developer, stated that he felt a rezoning to B-2 would be in the best interest of both the owner and the City. He believes that the primary use of the property will be professional office. There were no speakers in opposition.

Mr. Rhodes motioned to approve the rezoning of B-2. Dr. Gardner seconded. All voted aye.

Following comments from Planning Director Turner, Council Member Heath offered a motion that the Planning Commission's recommendation be accepted, and a public hearing be scheduled for June 23, 1992, to hear this rezoning request. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

↓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 20, 1992:

"...During a Public Hearing, the Planning Director explained that these requests were made as there are two single family homes on these two lots which are zoned B-2, bringing about nonconforming use status. The property owners are having difficulty selling and refinancing their homes as lenders are hesitant to loan money for uses that do not conform to the City's zoning ordinance. To the east is an R-1 area which contains homes very similar in age, lot size and type of structure to these houses. Across the street is an area zoned R-2 which contains single family homes, a cemetery, a church and multi-family homes. The area adjacent on Market Street is zoned B-2 and contains commercial uses, with the closest commercial uses being a tire company and automobile dealership. This area is recommended by the Comprehensive Plan for "Planned Single Family Residential" use. There is not a comparable classification in the current zoning ordinance and R-1 is the closest classification available. The rezoning of both of these lots is recommended for approval. Mr. Kent Dayton, owner of Lot 3, referred to a letter he wrote to Dr. Green on May 11, 1992, requesting this rezoning. This letter was signed by both he and Ms. Richardson, owner of Lot 2. He spoke of the problems experienced by both property owners in attempting to sell and refinance the homes, as well as problems in obtaining insurance. The nonconforming status does not allow the homes to be expanded. In addition, these home are "starter" homes which are in demand in this area. Lastly, he stressed that all of the similar homes on the street are zoned residential. Ms. Terry Richardson, owner of Lot 2, also spoke in favor of the request, stating that it was her home for which potential purchasers have been unable to obtain financing. Several surrounding property owners, including: Claude Phillippy, Arlene Gilmer and Warren Evans spoke in favor of the request.

After brief discussion regarding any zoning concerns to adjacent commercial properties, Mr. Neff motioned to recommend approval of the requested R-1 zoning for 711 Old Furnace Road (Lot 2). Mr. Rhodes seconded. All voted aye.

Planning Director Turner called Council's attention to a large scale map of the area and noted that the Planning Commission is recommending this rezoning request and no opposition was expressed at the Planning Commission's public hearing. Vice-Mayor Rhodes offered a motion that the Planning Commission's recommendation be accepted and a public hearing be scheduled for June 23, 1992, to hear these rezoning requests. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from minutes of the Harrisonburg Planning Commission meeting held on May 20, 1992:

"...The Planning Director explained that this was a request for final subdivision plat approval of Lot 1 in the previously discussed preliminary subdivision, Deyerle, Section 39. Construction plans have been submitted for Comprehensive Site Plan Review and are being reviewed by staff. The only other issues involved with this request are the ones covered during consideration of the preliminary subdivision (increasing the right-of-way width for the proposed "Lucy Circle" to 60 feet, increasing this street's pavement width to 48 feet from the face of curb to face of curb, moving the stormwater detention facility from the street right-of-way.) The final subdivision of Lot 1, Deyerle Subdivision, Section 39, is recommended for approval contingent on several conditions:

1. Changes to preliminary plat of Deyerle Subdivision, Section 39 as required by Planning Commission;
2. Approval of Comprehensive Site Plans by City Staff;
3. Submission of an acceptable construction bond or letter of credit to insure completion of all improvements shown on the final plat;
4. Changes to final plat to reflect changes required to preliminary plat.

Mr. Neff moved to approve the final subdivision of Lot 1, Deyerle Subdivision, Section 39, subject to recommendations of staff. Dr. Gardner seconded. All voted aye.

Planning Director Turner called Council's attention to a large scale map of the area, and noted that the Planning Commission is recommending approval of the final subdivision of Lot 1, Deyerle Subdivision, Section 39 contingent on the above listed conditions. Following further comments, Council Member Heath offered a motion that the recommendation of the Planning Commission to approve this final subdivision, based on the contingencies, be approved. The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous vote of Council.

✓ Council Member Kite offered a motion for a supplemental appropriation in the amount of \$90,024.44, requested by Fire Chief Shifflett as EOC reimbursement from Rockingham County, Two for Life Funds and donations be approved for a second and final reading, a first reading having been approved on May 12, 1992, and that:

\$78,777.32 chgd. to: 1-1900-1901.01 Recoveries & Rebates
 8,805.12 chgd. to: 1-2400-2404.02
 100.00 chgd. to: 1-1900-1901.01 Recoveries & Rebates
 1,020.00 chgd. to: 1-1900-1901.01 Recoveries & Rebates
 610.00 chgd. to: 1-1900-1901.01 Recoveries & Rebates
 380.00 chgd. to: 1-1900-1901.01 Recoveries & Rebates
 332.00 chgd. to: 1-1900-1901.01 Recoveries & Rebates

 8,805.12 approp. to: 1-1-3505-2-0-5413.01 Other operation expenses
 1,900.00 approp. to: 1-1-3201-2-0-5500.02 Travel training
 2,500.00 approp. to: 1-1-3201-2-0-5410.01 Uniforms
 1,900.00 approp. to: 1-1-3201-2-0-3004.04 Maint. & Repairs Mach. & Equip.
 2,000.00 approp. to: 1-1-3201-2-0-3004.03 Maint. & Repairs Auto Equip.
 17,000.00 approp. to: 1-2-3201-0-0-7001.04 Fire Training Grounds
 15,186.32 approp. to: 1-2-3201.0.0.-7005.00 Motor Vehicles and Equip.
 40,733.00 approp. to: 1-1-3201-1-0-1005.06 Dispatchers

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ A request was presented from Colonel Harper for approval of a supplemental appropriation in the amount of \$11,817.65 to recover monies expended for overtime at JMU and other locations; to recover money paid for electric bills of old shooting range by Lyon's Painting; to recover reimbursement of drug monies and to purchase SWAT supplies for the department. Vice-Mayor Rhodes offered a motion for the appropriation to be approved for a first reading; and that:

\$11,817.65 chgd. to: 1-1900-1901.01 Recoveries & Rebates

 4,745.00 approp. to: 1-1-3101-2-0-5413.01 Other Operating Expenses
 5,414.52 approp. to: 1-1-3101-1-0-1004.07 Special Police (overtime)
 491.86 approp. to: 3-1-3140.00 Drug Forfeiture
 1,165.27 approp. to: 1-1-3101-2-0-5101.01 Electricity

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ A request was presented from Transportation Director Smith for approval of a supplemental appropriation in the amount of \$80,000.00, to eliminate projected deficits. Council Member Heath offered a motion for the appropriation to be approved for a first reading; and that:

\$80,000.00 chgd. to: 8 - Unappropriated Fund Balance
 15,000.00 approp. to: 8-1-81-1-0-100909 Transit Bus Operators
 30,000.00 approp. to: 8-1-82-1-0-100911 School Bus Operators
 22,000.00 approp. to: 8-1-82-2-0-581001 Depreciation
 13,000.00 approp. to: 8-1-83-1-0-100912 Taxi/Van Operators

The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker presented a request for approval of a transfer of funds in the amount of \$80,000.00 from the General Unappropriated Fund Balance to the Transportation Unappropriated Fund Balance to eliminate projected year end deficits. Council Member Heath moved that the transfer be approved and that:

\$80,000 trans. from: General Unappropriated Fund Balance

 80,000 trans. to: Transportation Unappropriated Fund Balance

The motion was seconded by Vice-Mayor Rhodes and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker called Council's attention to a letter from Mr. Harry B. Price proposing that Old South High Street's name be changed to Loewner Street. Council Member Dingledine offered a motion that the letter be referred to the Planning Commission. The motion was seconded by Vice Mayor Rhodes, and approved with a unanimous vote of Council.

✓ For Council's information, Acting Manager Baker noted that the Public Works Department will be having displays this Friday at Valley Mall in the J.C. Penney court.

✓ Acting Manager noted that the Manager of the Shenandoah Valley Airport called to say that on June 1, 1992, the airport will have the inaugural flight of the new service, which is daily flights to Charlotte, North Carolina. Acting Manager Baker noted that all the Council Members are invited to attend the ceremonies and they would also like to know if any Council Member is interested in being on the champagne flight to Charlottesville. Council Member Heath stated that he will be available to attend the ceremonies.

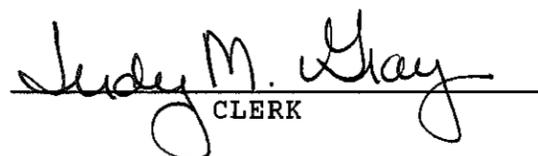
✓ Acting Manager Baker that the VML always holds a conference following each municipal election for newly elected Mayors and Council Members. Acting Manager Baker stated that the conference will be held in Charlottesville on July 29 - 31.

At 9:15 p.m., Council Member Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Board of Public Welfare, Industrial Development Authority, Community Services (Chapter 10) Board and the Blue Ridge Diversionary Program Community Corrections Resources Boards. The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

At 9:50 p.m, the executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Board of Public Welfare noting that Ms. Nancy Callender's term expired on June 30, 1991. Council Member Dingledine offered a motion that Ms. Ruby J. Callahan be appointed to a four year term on the Board of Public Welfare, with term to expire on June 30, 1995. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

At 9:55 p.m. there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

JUNE 9, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; and Colonel Donald Harper. Absent: City Auditor Peterman.

Minutes of the regular meeting held on May 26, 1992, approved as corrected.

The following monthly reports were presented and ordered filed:

City Treasurer - A trial balance report for the month of May 1992.

Police Department - A report of fines and costs collected - \$4,134.25; cash collected from street parking meters - \$6,408.61; total cash collected and paid on accounts - \$10,542.86.

City Auditor's - A report of cash discounts saved in the payment of vendors invoices for the month of May, 1992, in the amount of \$313.72.

From the Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquent; complaints; rereads, etc. for the month of May, 1992.

At 7:40 p.m., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. Acting Manager Baker read the following notice of public hearing as it appeared in the Daily News Record on Thursday, May 28, and Friday, May 29, 1992:

NOTICE OF PUBLIC HEARING
City Council Chambers
Tuesday, June 9, 1992
7:30 p.m.

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 9, 1992, at 7:30 p.m., in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia.

The Harrisonburg City Council will receive the views of citizens within the Harrisonburg School District concerning the vacancies in the East and West School Wards. These School Board members' terms will commence July 1, 1992, and be for a three year term to June 30, 1995.

Pursuant to Section 22.1-29.1 of the Code of Virginia, 1950, as amended, no nominee or applicant whose name is not considered at a public hearing shall be appointed as a School Board member.

Roger D. Baker
Acting City Manager

Mayor Green called on anyone present desiring to be considered as a nominee for the School Board. Ms. Helen Pettus submitted Mr. Alvin M. Pettus', 78 Rex Road, application for consideration of the School Board. Acting Manager Baker noted that he received an application from Ms. Jane Chu Prey, 28 Laurel Street, indicating a desire to be considered for the School Board. Due to a misunderstanding as to whether or not Mr. Billy Walton is interested in being considered for reappointment, Mayor Green stated that the public hearing will be continued at the June 23, 1992, City Council meeting. At 7:45 p.m. there being no others desiring to be heard, the public hearing was declared closed and the regular session reconvened.

Acting Manager Baker stated that for the past two years City staff has been planning and designing for the improvement of Garbers Church Road as required by the annexation court order. Acting Manager Baker further stated that City staff designed the road to be a four lane road because it is designated to be so in the Comprehensive Plan and because of the new development that is anticipated in that area which could generate in excess of 9,000 vehicles per day. Acting Manager Baker noted that following a public information meeting held with the residents of Garbers Church Road, the residents attended the May 12, 1992, City Council meeting stating that they did not desire a four lane road because of the increased traffic it would cause and because a four lane road is not conducive to a residential neighborhood. At this Council Meeting, Acting Manager Baker noted that Council approved a motion to put in only two lanes of road on Garbers Church Road after having acquired the 60 feet of right of way. Acting Manager Baker stated that now there is confusion as to whether there will be 36 feet of pavement or 44 feet of pavement which needs clarification by the Council. Following lengthy discussion by the Council Members and residents of Garbers Church Road, Council Member Heath offered a motion that the road be built with 44 feet curb to curb on a 60 foot right-of-way. The motion also stated that the two center lanes will be paved and designated as traffic lanes, and the two outside lanes will be surface treated and designated for parking. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council. Street Superintendent Jim Baker noted that off street parking has also been planned for all the residents with the 60 feet of right-of-way. Mayor Green also requested that City staff stake off the 60 feet of right-of-way to show the residents exactly where the parking etc. will be. Mayor Green also noted that City staff will look into whether it is necessary or feasible to move some

homes back from the road.

✓ Acting Manager Baker presented for Council's consideration of a second and final reading, the following ordinance amending and re-enacting Section 4-2-87, Levy and rate, of the Harrisonburg City Code:

In addition to all other taxes of every kind, now or hereafter imposed by law, there is hereby imposed and levied on food items sold by restaurants, as defined herein, a tax equivalent to four (4) percent of the total amount paid for said food items.

This ordinance shall be effective from the 1st day of July, 1992.

ADOPTED AND APPROVED this ___ day of ____, 1992.

ATTESTE: _____ MAYOR
 _____ CLERK OF THE COUNCIL

Vice Mayor Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Dingledine, and approved with a majority vote of Council Members with Mayor Green, Vice-Mayor Rhodes, Council Member Heath, and Council Member Dingledine voting for the motion and Council Member Kite voting against the motion.

✓ Acting Manager Baker called Council's attention to a letter from Mr. Lance Braun requesting permission to conduct the annual July 4th professional fireworks display by Ruggieri-USA at Spotswood Country Club on Saturday, July 4, 1992. Council Member Heath offered a motion that permission be granted for the fireworks display. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

✓ Acting Manager Baker noted that only one bid was received from Trumbo Electric, Inc. for the installation of new electric service and relighting of the lower level of the parking deck located on Water Street. Acting Manager Baker stated that Trumbo Electric's bid contained the following two Options: Option 1, high pressure sodium lighting which would provide an average maintained lighting level of approximately six footcandles lighting along the front of the parking spaces and in the meter area and approximately two footcandles lighting in the center of the traffic lane at a cost of \$50,140.00; Option 2, high pressure sodium lighting which will provide a much more uniform lighting design and will provide an average maintained lighting level of approximately 8 footcandles over the entire area at a cost of \$61,560.00. Acting Manager Baker stated that he would like to recommend that the City Council go with option #2. Following further discussion, Vice-Mayor Rhodes offered a motion that the City approve option #2 for the Water Street Parking Deck lighting. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council. Mayor Green noted that both parking decks are leaking in the stairwells; and Vice-Mayor Rhodes stated that the Wolfe Street Parking Deck also needs a new lighting system.

✓ Acting Manager Baker presented for Council's information a letter from the office of the Governor stating that the General Assembly passed a requirement that local governments establishment a local Disability Service Board by November 1, 1992. The letter also stated that this can be done in combination with other localities or as an individual locality. Acting Manager Baker also noted that the VML is working with the Department of Rehabilitative Services to develop guidelines and technical assistance for local governments in establishing a Disability Service Board. Mayor Green noted that he feels it would be a good idea to do this with the County. Acting Manager Baker suggested possibly doing it with the PDC or the Detention Home, and further noted that he would be glad to check with other local administrators to get their feelings on it.

✓ Acting Manager Baker presented and read a letter from Mr. Sidney R. Bland, president of the Harrisonburg-Rockingham Historical Society requesting that the City Council grant the Historical Society another year of occupancy of the Warren-Sipe Museum; noting that the earliest the new facility will be opened is the spring of 1993. Council Member Heath offered a motion that the Historical Society be granted another year's lease of the Warren-Sipe Museum. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on June 3, 1992:

"...The Chairman asked if everyone had reviewed Ms. Turner's letter concerning the second item on the agenda regarding the naming of the access road to serve the new southeast elementary school. He then asked Ms. Turner the source of the information that the historical name of a street in the area was Peach Grove Lane. Ms. Turner explained that Mr. Eddins, a property owner in that area, submitted the name of Peach Tree, stating that it was historical and that another property owner in the area had informed the City Engineering staff that the historical name was Peach Grove Lane. Mr. Hughes agreed that there had been a street named Peach Grove in that area and stated that Jimmy

Terrell was supposed to be researching the matter.

There was some discussion of postponing a decision until this research was complete. Ms. Turner explained that two city departments requested that due to work orders, delivery of materials and permits being issued, that the street be named. Mr. John Byrd recommended that regardless of whether it was Peach Tree or Peach Grove, the road be named.

After further discussion, regarding whether it should be a street, road, or avenue, Mr. Wassum recommended the name Peach Grove Avenue be forwarded to City Council. The motion was seconded by Mr. Neff. All voted aye.

Following comments from Acting Manager Baker, Council Member Heath offered a motion that the recommendation of the Planning Commission to name the access road to the Stonespring Elementary School, Peach Grove Avenue be approved. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council. Council Member Kite stated that he feels the name, Stonespring, should be spelled the same everywhere it is used; noting that in all other places it is spelled as two words.

✓ Vice-Mayor Rhodes offered a motion for a supplemental appropriation in the amount of \$80,000.00, requested by Transportation Director Smith to eliminate projected deficits, be approved for a second and final reading, a first reading having been approved on May 26, 1992, and that:

\$80,000.00 chgd. to: 8 - Unappropriated Fund Balance
 15,000.00 approp. to: 8-1-81-1-0-100909 Transit Bus
 Operators
 30,000.00 approp. to: 8-1-82-1-0-100911 School Bus
 Operators
 22,000.00 approp. to: 8-1-82-2-0-581001 Depreciation
 13,000.00 approp. to: 8-1-83-1-0-100912 Taxi/Van
 Operators

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Council Member Dingledine offered a motion for a supplemental appropriation in the amount of \$11,817.65, requested by the Police Department to recover monies expended for overtime at JMU and other locations; to recover money paid for electric bills of old shooting range by Lyon's Painting, to recover reimbursement of drug monies and to purchase SWAT supplies for the department, be approved for a second and final reading, a first reading having been approved on May 26, 1992, and that:

\$11,817.65 chgd. to: 1-1900-1901.01 Recoveries &
 Rebates
 4,745.00 approp. to: 1-1-3101-2-0-5413.01 Other
 Operating Expenses
 5,414.52 approp. to: 1-1-3101-1-0-1004.07 Special
 Police (overtime)
 491.86 approp. to: 3-1-3140.00 Drug Forfeiture
 1,165.27 approp. to: 1-1-3101-2-0-5101.01 Electricity

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ A request was presented from Building Inspector John Byrd for approval of a supplemental appropriation in the amount of \$3,000, due to insufficient funds. Vice-Mayor Rhodes offered a motion for the appropriation to be approved for a first reading; and that:

\$3,000.00 chgd. to: 1 - Unappropriated Fund Balance
 3,000.00 approp. to: 2-0-2005.01 - Hosp. & Acc.
 Insurance

The motion was seconded by Council Member Heath, and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker presented a request for approval of a transfer of funds in the amount of \$200,000.00 from the School Superintendent Hiner to transfer funds within appropriate budget areas for closing out fiscal year. Council Member Dingledine offered a motion that the transfer be approved and that:

\$200,000 trans. from: Schools - 61000 - Instruction
 \$200,000 trans. to: Schools - 62000 - Adm./Attendance/
 Health
 Schools - 64000 - Operation &
 Maintenance

The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ A request was presented from Acting Manager Baker for approval of a supplemental appropriation in the amount of \$62,000, which is money needed to pay for the renovation of the lighting at the parking deck. Council Member Heath offered a motion for the appropriation to be approved for a first reading; and that:

\$62,000 chdg. to: 1 - Unappropriated Fund Balance

62,000 approp. to: 1-4302-02-0-300404 - Maint. &
Repairs - Bldg./Grounds

The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker noted that the School Board would like to have a short ground breaking ceremony at the site for the new elementary school on June 23, 1992, at 6:30 p.m.

✓ Acting Manager Baker noted that there is a small triangle of land, ^{new elementary} which is a little more than an acre, that was cut off when the road to the ~~middle~~ school was built. Acting Manager Baker stated that he would like authorization for the Mayor to sign a deed deeding this small triangle of land to the School Board. Vice-Mayor Rhodes offered a motion that the Mayor be given authorization to sign the deed. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

✓ Mayor Green noted that the Rockingham Union Masons #27 want to participate in a corner stone for the Judicial Complex.

✓ Acting Manager Baker called Council's attention to their copies of the new service contract for the Harrisonburg-Rockingham Regional Sewer Authority, and noted that it will be back on the Council's agenda some time in the future.

✓ Mayor Green requested that a letter from Harrisonburg Electric Commission noting that a feasibility study has been authorized to study extending the 69KV line parallel to the railroad from the intersection of South Main St. and Monument Ave. to the Stone Springs Substation in order that a decision can be made whether to remove the 69KV line from the corner of Crawford Ave. and Monument Ave. west to the intersection of South Main St. and Monument be forwarded to Judy Miller.

Mayor Green noted that he would like this evening's City Council meeting to be adjourned until Friday, June 12, 1992, at 10:00 to go into executive session to discuss personnel. At 9:14 p.m., there being no further business, Vice-Mayor Rhodes offered a motion that the Council meeting be adjourned until Friday morning at 10:00 a.m. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

Judy M. Gray CLERK Walter F. Green, Jr. MAYOR

REGULAR MEETING

JUNE 23, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor Walter F. Green, 3rd; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Elon W. Rhodes; Council Members Emily R. Dingledine, Curtis F. Kite and C. Robert Heath; City Clerk Judy M. Gray; Colonel Donald Harper and City Auditor Peterman.

Minutes of the regular meeting held on June 9, 1992, approved as read.

The City Manager's monthly progress report was presented and ordered filed.

At 7:37 p.m., Mayor Green noted that the public hearing to receive nominees for the Harrisonburg City School Board is continued and asked if there is anyone present desiring to be considered as a nominee. Acting Manager Baker stated that the names of Alvin Pettus and Jane Prey were received during the public hearing on June 9, 1992. Acting Manager Baker also noted that Mr. Billy M. Walton would like to be considered for a second term on the School Board. At 7:40 p.m., there being no others desiring to be heard, the public hearing was declared closed and the regular session reconvened.

At 7:41 p.m., Mayor Green closed the regular session temporarily and called the evening's second public hearing to order. Acting Manager Baker read the following notice of hearing as it appeared in the Daily News Record on June 9 and June 16, 1992:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 23, 1992, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following rezoning requests:

1. Kent P. and Robin L. Dayton's request to rezone Lot 3, .32 acres (approximately), located on the south side of Old Furnace road., from B-2 "General Business District" to R-1 "Single Family Residential District." The parcel is designated as Lot 3, Block G, Sheet 32 on Harrisonburg Block Maps and is identified as 715 Old Furnace Road.
2. Terry S. Richardson's request to rezone Lot 2, .34 acres (approximately), located on the south side of Old Furnace Rd., from B-2 "General Business District" to R-1 "Single Family Residential District." The parcel is designated as Lot 2, Block G, Sheet 32 on Harrisonburg Block Maps and is identified as 711 Old Furnace Road.

Planning Director Turner called Council's attention to a large scale map of the location of this rezoning request and noted that the property owners have run into problems in trying to sell these properties because of the nonconforming use. Ms. Turner also noted that several neighbors spoke in favor of the rezoning request and that no one spoke against the request. Mayor Green asked if there was anyone present desiring to speak either for or against this rezoning request. There being no one present desiring to be heard the public hearing was declared closed at 8:10 and the regular session reconvened. Vice-Mayor Rhodes offered a motion that this rezoning request be approved. The motion was seconded by Council Member Dingledine and approved with a unanimous recorded vote of Council.

At 7:41 p.m., Mayor Green closed the regular session temporarily and called the evening's second public hearing to order. Acting Manager Baker read the following notice of hearing as it appeared in the Daily News Record on June 9 and June 16, 1992:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 23, 1992, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following rezoning requests:

3. Henry P. Deyerle, Trustee, request to rezone Lot 2, a 41.4 acre parcel of land located on the northwest and southwest corners of the intersection of Reservoir St., and University Blvd., from M-1 "General Industrial District" to B-2 "General Business District." The parcel, is designated as Lot 2, Block A., Sheet 85 on Harrisonburg Block Maps and is not identified by a street number.

Planning Director Turner stated that the purpose of this rezoning request is to continue the nature of the development that is already in place in the area behind the Mall. Ms. Turner noted that the Comprehensive Plan shows this area recommended for a planned business use, and further noted that there is no current comparable zoning classification to the planned business classification in our present zoning ordinance. Ms. Turner continued to note that no objections were received from the adjacent property owners and a letter was received from Dr. Carrier stating that he had no objections with the development of the property in the manner in which it had been proposed. Ms. Turner concluded in stating that this rezoning request is being recommended by the Planning Commission. Mayor Green called on anyone present desiring to speak either for or against this rezoning request. Mr. Ray Nicely, representing Dr. Deyerle and Bill Neff, stated that they feel that everything is in order and that this is an appropriate rezoning request. Mr. Nicely also stated that this development

conforms in every way with the intent of the B-2 district and noted that he would asked the Council for their approval of this request. Mayor Green asked if there was anyone else present desiring to be heard. There being no others desiring to be heard, the public hearing was declared closed at 8:10, and the regular session reconvened. Council Member Heath offered a motion that the rezoning request be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

✓ At 7:41 p.m., Mayor Green closed the regular session temporarily and called the evening's second public hearing to order. Acting Manager Baker read the following notice of hearing as it appeared in the Daily News Record on June 9 and June 16, 1992:

The Harrisonburg City Council will hold a Public Hearing on Tuesday, June 23, 1992, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following rezoning requests:

4. Paul W. Stoneburner and Stoneburner Land Co.'s request to rezone lots 1 and 5, 12.52 acres on the west side of S. High Street from B-2 "General Business District" to M-1 "General Industrial District." The M-1 district is intended primarily for manufacturing, processing, storage, and distribution activities. The parcels are shown as Lot 1, Block F, Sheet 8 and Lot 5, Block B, Sheet 115 on Harrisonburg Block Maps and are identified as 1821 South High Street.

If these request are granted, the present uses will conform to the zoning districts applied for. Maps and other information are available for review in the Community Development Department, 409 S. Main Street, Monday through Friday, 8:30 a.m. to 5 p.m. All persons interested will have an opportunity to express their views at this public hearing.

Planning Director Turner called Council's attention to a large scale map of the area and noted that this parcel of land was in conformance while it was in the County, but after annexation the parcel was zoned B-2 and became a nonconforming use with the City's zoning ordinance. Ms. Turner noted that the reason for the request is to bring their current business, of building supplies dealership, into conformance with the City's zoning regulations. Mayor Green asked if there was anyone present desiring to speak either for or against this rezoning request. Mike Miller, employee of Stoneburners, expressed Stoneburner's desire to have this rezoning request approved. Mr. Miller stated that Stoneburners has been a prosperous business over the past years and in order to continue to prosper and grow they need this rezoning change.

Mayor Green called on anyone else present desiring to be heard. There being no other desiring to speak either for or against this rezoning request, the public hearing was declared closed at 8:10 p.m., and the regular session reconvened. Council Member Dingledine offered a motion that this request be approved. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

✓ Ms. Betty S. Redmond, Nurse Manager for the Central Shenandoah Health District, was present in the meeting and gave a brief report on nursing activities at the Harrisonburg-Rockingham County Health Department.

✓ Acting Manager Baker presented and read a letter from the Downtown Retail Merchants requesting permission to use the sidewalks in the downtown on July 17th and 18th. Council Member Dingledine offered a motion that permission be granted for use of the sidewalks. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

✓ Acting Manager Baker presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. Vice-Mayor Rhodes offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker presented an easement and indemnity agreement between Raymond and Patricia Studwell and the City of Harrisonburg concerning an easement for the maintenance, replacement, and repair of a sanitary sewer line. This easements extends across the western most portion of the Studwell's lot and the Studwell are desirous of constructing an addition to their residence which will extend over the easement. Following discussion of the agreement, Council Member Heath offered a motion that the easement and indemnity agreement be approved, which will allow the Studwell to construct the addition to their residence provided that any portion of the said addition shall be three feet above grade and shall not extend more than 2.5 feet horizontally into the easement. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous recorded vote of Council.

Council received the following extract from the Planning Commission meeting held on June 17, 1992:

"...The Planning Director explained that the location of the property was at the southwest corner of the intersection of Reservoir St. and University Blvd. She explained that this subdivision received preliminary approval at the June 3, 1992, meeting for 25 lots. At that meeting there was a slightly different road alignment for Neff Avenue.

This alignment would take the southern boundary of the extension of Neff Avenue and place it at the intersection where Woodland of Virginia property, the City property, and JMU's property, all meet the Deyerle property. That alignment was considered satisfactory by the City Engineer. The City Engineer asked that a concern be noted for the record, this being, when Neff Avenue Extended is built, depending on the grade, it could mean approximately 180 foot of construction area. That, in addition to the street pavement and the right-of-way width there was also an area where the slopes had to be filled in. Ms. Turner stated that she had spoken to Dr. Rose, representing JMU, and asked him if the University was aware that beyond the 60 feet of right-of-way, they could be talking about 90 feet from the center line over to JMU's side of the road that would be cleared for construction and slopes. Dr. Rose said that since Dr. Carrier had previously approved a different alignment of the street, which was over 60 feet further on JMU's property, he would say JMU would continue to approve the revised plans at the state level. Ms. Turner stated that at the last meeting, staff had recommended that the Reservoir Street pavement be extended so that there could eventually be 4 lanes of traffic on Reservoir Street, involving 24 feet of pavement from the center line over to Deyerle property, plus curb and gutter. This will place 69 K.V. HEC power poles into the street. Since the poles are very costly to move, the City has reconsidered and is now proposing that Mr. Neff not be required to put in 22 feet of pavement. This will still allow for 4 lanes of traffic if the road were widened on both sides. She said Mr. Neff has agreed to do his side now and the City would be responsible for part of the other side, and future development would be responsible for the remainder. In addition, the center line of the road would have to be moved off 2 1/2 feet to the east of the center line of the right-of-way. It has been agreed by City staff that this compromise would have to be made in order to avoid moving power lines. There were also changes made that had been requested by staff, involving utility easements primarily for the benefit of HEC. There is also rewording on a water and sewer easement to show that it would be an exclusive water and sewer easement. Written permission would be needed in order for other utility use. This change was made at the City's request because there is going to be a water main in the area. The other change involves erosion control previously discussed. Ms. Turner stated that this plat is recommended for approval contingent on approval of construction plans and submission of an acceptable construction bond or letter of credit.

After review of the changes made on the revised plat, Mr. Paul Rexrode thanked Mr. Bill Neff for the consideration he showed regarding the concerns of the Commission about the Arboretum at the last meeting, and motioned to approve subject to staff considerations in regard to the construction plans and the submission of an acceptable construction bond or letter of credit. Mr. Wassum seconded. All voted aye.

Planning Director Turner called Council's attention to a large scale map of the area and pointed out the location of Section 40. Ms. Turner reiterated many of the points in the above extract and noted that JMU supports the continuing of the street through a portion of the arboretum which will also require necessary state approvals. Following further comments, Ms. Turner stated that the Planning Commission is recommending approval of this final subdivision contingent on the approval of the construction plans for the development and that an appropriate construction bond or letter of credit be submitted by the developer. Vice-Mayor Rhodes offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Heath and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on June 17, 1992:

"...The Planning Director explained that City Council referred the possibility of renaming Old South High Street to Loewner Street to the Planning Commission due to a request received from Harry B. Price. After reading the letter of request there was discussion in reference to other residences being aware of the request. Mr. Rhodes said he didn't see a problem with the request but felt the other people in the area deserved an opportunity to speak.

Dr. Gardner moved to send the request to City Council.

Following comments from Planning Director Turner, Council Member Dingleline offered a motion that the name of Old High Street be changed to Loewner Street. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on June 17, 1992:

"...The Planning Director explained that the request was for a final subdivision in Deyerle Subdivision, Section 39, lot 1, located on the east side of the proposed Deyerle Avenue extension. This subdivision has received preliminary approval from Planning Commission

at the May 20, 1992, meeting which involved the preliminary subdivision and the plans for eleven commercial properties which would have access from both Evelyn Byrd Ave. and Neff Ave. At the time of the preliminary approval, Planning Commission requested two changes to the preliminary plat, one of which was that the proposed Lucy Circle be a 60 foot right-of-way with 44 feet of pavement plus curb and gutter. The second request was that the storm water detention area be removed from the right-of-way, which was dedicated from the end of the temporary cul-de-sac out to the end of Lot 1. These changes were revised and submitted to the Planning Department. At the May 20, 1992, Planning Commission meeting, the subdivision was considered for preliminary and final approval. The difference was that the final plat approved at the time, showed construction of all of Deyerle Avenue extension and all of Lucy Circle. Mr. Neff indicated between the Planning Commission meeting and the following City Council meeting that this was going to cause some problems because of the sale of other lots. He said this would make it difficult to determine where the right-of-way for Lucy Circle would be, as it would require him to acquire additional right-of-way property. At the City Council meeting, Mr. Neff submitted a different final plat for Lot 1, and City Council objected because this was not the plat submitted and approved by Planning Commission. Mr. Neff is now submitting a revised final plat which will replace the final plat previously approved by Planning Commission and City Council. This plat shows Lot 1 with Deyerle Avenue extended and developed just beyond the boundaries of Lot 1 and ending in a temporary cul-de-sac for the time being. Ms. Turner stated the changes that were requested have been made and staff recommends approval contingent upon approval of construction plans and submission of appropriate construction bond or letter of credit.

After review of the revised plat by the Commission, Dr. Gardner made a motion to recommend approval contingent upon approval of construction plans and submission of a construction bond or letter of credit. Mr. Rexrode seconded. All voted aye.

Planning Director Turner called Council's attention to a large scale map of the area and reviewed the Planning Commission's extract with the Council. Following further comments, Planning Director Turner stated that the Planning Commission is recommending approval of this subdivision contingent on the construction plans being approved and the submission of a construction bond or letter of credit. Council Member Dingleline offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council.

↓ Council Member Heath offered a motion for a supplemental appropriation in the amount of \$3,000.00, requested by Building Inspector Byrd due to insufficient funds, be approved for a second and final reading, a first reading having been approved on June 9, 1992, and that:

\$3,000.00 chdg. to: 1 - Unappropriated Fund Balance

3,000.00 approp. to: 2-0-2005.01 - Hosp. & Acc.
Insurance

The motion was seconded by Vice Mayor Rhodes, and approved with a unanimous recorded vote of Council.

↓ Council Member Heath offered a motion that a supplemental appropriation in the amount of \$62,000, requested by Acting Manager Baker which is money needed to pay for the renovation of the lighting at the parking deck be approved for a second and final reading, a first reading having been approved on June 9, 1992, and that:

\$62,000 chdg. to: 1 - Unappropriated Fund Balance

62,000 approp. to: 1-4302-02-0-300404 - Maint. &
Repairs - Bldg./Grounds

The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

↓ Council Member Kite noted that the jail committee met last Friday and some of the members of the Committee wanted to allow the contractor to close Liberty Street five days a week from 7:00 a.m. until 5:00 p.m. Council Member Kite noted that this was not a part of the original contract and the jail committee voted against this. Realizing that sometimes it will be necessary for the street to be closed on some days, Council Member Kite offered a motion that the contractor be required to give Jim Baker, Street Superintendent, three days prior notice as to what day he needs the street closed. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council. Acting Manager Baker stated that visits to the construction site will have to be coordinated through the City Manager's office due to the dangers of being in the construction area.

At 8:30 p.m., Council Member Dingleline offered a motion that Council enter an executive session for discussion and consideration of personnel and

prospective candidates to be appointed to the City School Board, Industrial Development Authority, Community Services Board and the Blue Ridge Diversionary Program Community Corrections Resources Board exempt from the public meeting requirements pursuant to Section 2.1-344 (A) (1) of the Code of Virginia. The motion was seconded by Council Member Kite, and approved with a unanimous recorded vote of Council.

At 8:40 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Green asked Council's wishes concerning an appointment to the Blue Ridge Diversionary Program Community Corrections Resources Board inasmuch as Ms. Agnes Weaver's term expired on June 30, 1992. Council Member Dingleline offered a motion that Ms. Susie P. Versen, 1535 Hillcrest Drive, be appointed to a one year term on the Blue Ridge Diversionary Program Community Corrections Resources Board, with term to expire on June 30, 1993. The motion was seconded by Council Member Kite, and approved with a unanimous vote of Council.

✓ Mayor Green asked Council's wishes concerning two appointments to the Harrisonburg City School Board noting that Mr. Julius B. Roberson's and Mr. Billy M. Walton's 1st terms expired on June 30, 1992. Council Member Dingleline offered a motion that Mr. Alvin M. Pettus, 78 Rex Road, be appointed to a first term of three years on the Harrisonburg School Board representing the west ward, with term to expire on June 30, 1995. The motion was seconded by Vice-Mayor Rhodes, and approved with a unanimous vote of Council. Council Member Kite offered a motion that Mr. Billy M. Walton, 818 Oakland Drive, be appointed to a second term of three years on the Harrisonburg School Board representing the east ward, with term to expire on June 30, 1995. The motion was seconded by Council Member Heath, and approved with a unanimous vote of Council.

At 8:42 p.m., there being no further business and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

REORGANIZATION MEETING
WEDNESDAY, JULY 1, 1992

At a reorganization meeting held in the Council Chamber today at 10:00 a.m. there were present: Acting City Manager Baker, City Attorney Earl Thumma, Council Members Walter F. Green, III, C. Robert Heath, Emily R. Dingleline, Agnes Massie Weaver and John N. Neff; City Clerk Judy M. Gray, City Auditor Philip Peterman and Colonel Donald Harper.

The following special meeting call was presented:

An emergency existing, there will be a special meeting of the City Council, required by Section 42 of the City Charter, to be held in the Council Chamber on Wednesday, July 1, 1992, at 10:00 a.m., to consider the following matters and take necessary action thereon:

1. Call to order
2. Oath prescribed by Law, Section 42 of the City Charter: Mrs. Emily Dingleline, Mrs. Agnes Weaver, Mr. John Neff.
3. Re-organization of City Council:
 - a. Election of MAYOR, 2 year term Section 7 City Charter
 - b. Election of VICE-MAYOR, 2 year term Section 7 City Charter
 - c. Appoint CITY ATTORNEY, 2 year term City Code Section 3-2-1
 - d. Appoint COLLECTOR OF DELINQUENT TAXES, 2 year term City Code Section 4-1-41
 - e. Appoint one member of Council to Planning Commission, City Code Section 10-1-2(c)
4. Designate regular meeting time and dates (Currently 2nd and 4th Tuesday of each month at 7:30 p.m.)
5. Other Matters

City Clerk Gray reported that she was in receipt of Oaths of Office, duly taken by Emily R. Dingleline, Agnes Massie Weaver, and John N. Neff.

Under Item 3 of today's agenda, "Re-organization of City Council, Section a through e, the following actions were taken:

Acting City Manager Baker entertained a nomination for Mayor of the City of Harrisonburg. Council Member Neff offered a motion that Mr. C. Robert Heath be appointed as Mayor of the City of Harrisonburg. The motion was second by Council Member Weaver and approved with a majority vote of Council, with Council Member Heath abstaining.

Mayor Heath expressed appreciation for the support of the Council Members and further stated that he appreciates Dr. Walter F. Green's 22 years of service to the City of Harrisonburg as a Council Member and for the number of years he has served as Mayor.

Council Member Weaver offered a motion that Mr. John N. Neff be appointed to serve as the Vice-Mayor of the City of Harrisonburg. The motion was seconded by Council Member Dingleline, and approved with a majority vote of Council, with Council Member Neff abstaining.

Council Member Dingleline offered a motion that Mr. Earl Q. Thumma, Jr., be reappointed as the City Attorney. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council was reminded that the present two year term of the Delinquent Tax Collector, held by City Treasurer Beverly S. Miller, will expire as of December 31st of this year. Council Member Dingleline moved that Ms. Miller be reappointed to serve as Delinquent Tax Collector for the City of Harrisonburg, beginning December 31, 1992 and expiring December 31, 1994. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council.

Council Member Weaver offered a motion that Mr. John N. Neff be appointed to serve as the City Council's representative on the Planning Commission. The motion was seconded by Council Member Dingleline, and approved with a majority vote of Council, with Vice-Mayor Neff abstaining.

Vice-Mayor Neff offered a motion that the City Council continue to meet on the second and fourth Tuesday of each month at 7:30 p.m. in the City Council's chambers. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

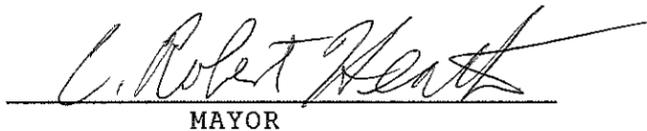
At 10:10 p.m. Vice-Mayor Neff offered a motion that Council enter an executive session for discussion and consideration of the acquisition of and the use of real estate for public purposes, namely the Joint Judicial Complex, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended.

At 10:30 a.m. the executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

Vice-Mayor Neff offered a motion that the Jail Committee be given authorization to proceed with a settlement with the Jail Contractor. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 10:31 a.m. there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

JULY 14, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor C. Robert Heath; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Judy M. Gray and Colonel Donald Harper. Absent: City Auditor Philip Peterman.

Minutes of the regular meeting held on June 23, 1992, approved as read.

The following monthly progress reports were presented and ordered filed:

City Treasurer - A trial balance report for the month of June 1992.
Police Department - A report of fines and costs collected - \$1,839.05; cash collected from street parking meters - \$6,052.64; total cash collected and paid on accounts - \$7,891.69.
City Auditor's - A report of cash discounts saved in the payment of vendors invoices for the month of June, 1992, in the amount of \$1,447.92.
Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of June, 1992.

✓ Acting Manager Baker presented and read a letter from Valley Playhouse requesting permission to place a banner across Main Street from July 18 to August 10, 1992, in the same position that the Rotary Club had their banner. Acting Manager Baker noted that HEC has agreed to put up and take down the banner and Valley Playhouse has secured the proper insurance. Vice-Mayor Neff offered a motion that permission be granted to Valley Playhouse to place the banner across Main Street. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

✓ Acting City Manager Baker called Council's attention to a letter from Harry B. Price recommending that Loewner Street be changed back to Old South High Street because of all the hassle and inconveniences the name change would cause. Acting Manager Baker also pointed out that Mr. Price recommends that a street sign be placed on the corner of Water Street and Old South High Street to indicate that the street is Old South High Street and that the street sign on the corner of Bruce Street and Old South High Street be changed from South High Street to Old South High Street. Council Member Weaver offered a motion to rescind the action to change the name of Old South High Street to Loewner Street and that street signs be placed to clearly mark Old South High Street as indicated in Mr. Price's letter. The motion was seconded by Council Member Neff and approved with a unanimous vote of Council. Mr. Kemper Dadisman of Hartman Drive suggested that some specific regulations need to be set up for street name changes in the future.

✓ Acting Manager Baker called Council's attention to a letter from Mr. Timothy E. Cupp in which Mr. Cupp is asking for an amendment to Comprehensive Plan Update. Acting Manager Baker stated that the amendment Mr. Cupp is seeking would change the designation in the Plan Update for the area defined in the petition as "affected property" from "neighborhood residential" to "low density residential," and would conform with the current R-1 zoning for, as well as the predominant use of, the property. Acting Manager Baker noted that the "affected property" is the area bounded on the south by the unopened alley immediately south of and parallel to Franklin Street, the west by Ott Street, the north by Woodbine Cemetery and the east by Myers Avenue, Kiwanis Park and Woodbine Cemetery. Following some discussion, Vice-Mayor Neff offered a motion that this letter be referred to the Planning Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Acting Manager Baker presented for Council's information the list of delinquent taxes on Real Estate for the year of 1991 and Tangible Personal Property for the years 1990 and 1991 as required by Chapter 20, Section 58-978 of the Tax Code of Virginia, and Article 9, Section 4-1-28 of the City Code.

✓ Acting Manager Baker presented for Council's information the following list of delinquent taxes remaining unpaid at the close of fiscal year ending June 30, 1992:

<u>YEAR</u>	<u>TAX</u>	<u>AMOUNT</u>
Prior to 1989	Real Estate	\$ 31,101.48
1989	Real Estate	20,022.55
1990	Real Estate	38,871.17
1989	Personal Property	20,888.80

✓ Acting Manager Baker presented and read a letter from City Treasurer Beverly S. Miller, requesting permission to charge off the following delinquent business licenses since all means of collection have been exhausted:

3064	B R T Inc/Premier Travel	\$	220.00
3251	Boyer Christopher B		40.00
3253	Boyer Christopher B		51.70

2989	Collegiate Designs Inc	550.00
2955	Fincham Enterprises, Inc/Bonanza Family Restaurant	231.39
2951	Mauck Craig/AAA Rearview Bicycle	120.00
3260	Pultz Lena	40.00
2586	Roberson Deborah J	610.00
3066	Shields Edward/Royal Amusement Co	143.00
3201	Shifflett Connie J	80.00
3071	Taylor Billy E. Jr./Concepts Inter.	550.00

Council Member Weaver offered a motion that permission be granted to the City Treasurer to charge off the above list of delinquent business licenses. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Acting Manager Baker presented and read a letter from Orden L. Harman of Triple H. Farms, Inc. asking for approval of the subdivision plat for Section seven of Harmony Heights. Acting Manager Baker noted that the City Council and Planning Commission approved this same plat over a year ago, but due to the economic climate at that time, construction and the recording of the plat was held up. Acting Manager Baker further noted that because of the lapse in time the subdivision will have to be reapproved. Council Member Dingleline offered a motion that this request be referred to the Planning Commission. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ A request was presented from Street Superintendent Jim Baker for approval of a supplemental appropriation in the amount of \$20,345.85, to recover funds previously appropriated for completion of Grattan Street. Vice-Mayor Neff offered a motion for the appropriation to be approved for a first reading; and that:

\$20,345.85 chgd. to: 1 - Unappropriated fund
balance
20,345.85 approp. to: 1-2-4102-0-0-7012.02
Work in Progress
Annexed Area

The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker reported that ashes from the Resource Recovery Facility were sent to Commonwealth Laboratories to be tested for possibly containing high amounts of some metals. Acting Manager Baker stated that he is pleased to report that the ashes contained no detectable amounts of these metals so no special precautions will have to be taken.

✓ Acting Manager Baker noted that there have been some preliminary discussions with Greyhound officials concerning Greyhound possibly using the City's transportation facilities as the Greyhound Bus Terminal. Acting Manager Baker stated that this is becoming very common around the state and that the Department of Transportation is encouraging this. Acting Manager Baker further stated that what he is asking for at this point is permission to proceed with this concept. Council Member Weaver offered a motion that permission be granted to the Acting City Manager to proceed with this concept. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Acting Manager Baker called Council's attention to a letter from Street Superintendent, Jim Baker stating that due to back-ups of the left-turn lane traffic from Cantrell Ave., west-bound onto South-bound South Main Street; the Street Department has suggested that the intersection be re-phased and a double left-turn movement lane be installed at this location. Following further comments from Acting Manager Baker, Council agreed that the Street Department should proceed with the installation of this lane.

✓ Acting Manager Baker presented Council with a handout of Various Selected Data for Harrisonburg. Acting Manager Baker stated that copies of this information are available to the public in the Manager's Office. Council Member Weaver requested that a copy be sent to the public library.

✓ Mr. Kemper Dadisman introduced Richard Zane from Scout Troop 40, and noted that Richard is working on his Citizenship Award.

At 8:02 p.m., Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the: Industrial Development Authority, Community Services Board, Planning Commission and the City Manager's position, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and for discussion and consultation with the City Attorney in reference to a boundary line agreement, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

At 9:15 p.m., this evening's executive session was closed as well as the executive session that was entered into on June 12, 1992, and the regular session reconvened. Mayor Heath read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

There being no further business and on motion adopted, the meeting was adjourned.

Judy M. Gray
CLERK

Robert Heath
MAYOR
Robert Heath

REGULAR MEETING

JULY 28, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor C. Robert Heath; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, and Agnes Massie Weaver; City Clerk Judy M. Gray; Colonel Donald Harper and City Auditor Philip Peterman. Absent: Council Member Dingleline.

Minutes of the regular meeting held on July 14, 1992, approved as read.

The City Manager's monthly progress report for the month of June 1992, was presented and ordered filed.

✓ Council received the following extract from the Planning Commission meeting held on July 15, 1992:

"...Ms. Stacy Turner explained that this was a request for final subdivision approval and the property was located in the Harmony Heights Subdivision at the extreme northwest of the City. The plan shows an extension of Buttonwood Court and the development of Poplar Circle. She stated that this was considered by Planning Commission in May of 1991, and approved. It went to City Council on May 28, 1991, with the meeting extract showing that the Planning Director requested the action on the final plat of Harmony Heights Subdivision, Section 7 be delayed because it involved a pump station and the work of the engineers has not been completed. Ms. Turner stated that this subdivision is now recommended for approval contingent upon improvements being completed or an amended construction bond or letter of credit submitted to insure the completion of all improvements.

Dr. Gardner asked if the pumping station was approved by the City Engineer. Ms. Turner referred to this letter written by Mr. Art Wilcox, City Engineer.

Dear Mr. Harman:

Confirming our conversation of Thursday, April 2, 1992, the construction plans for the streets, storm sewage, potable water distribution and sanitary sewerage systems have been "Accepted for Construction" and conform to the minimum City Standards which were in effect on March 23, 1992.

Except for the proposed detention basin, the erosion and sediment control facilities were also "Accepted" on that date. As we have informed your engineer, review of the construction plans for the 24.5' high dam will not begin until a subsoil investigation is made and a report and recommendation is forthcoming from a foundations engineer. Such recommendations must be incorporated into the design of the dam.

Lastly, if our memory is correct, the existing pond (being used now as a sediment basin) must be enlarged or the new dam constructed prior to the construction of any one section 8,9 or 10.

Please be advised that this letter speaks of engineering and

has been after the contractor to pay a business licenses since he is doing business in the City. In order for Kenbridge Construction company to pay this business license fee, they would have to submit a change order to gain back whatever it would cost then for the licenses. Acting Manager Baker also explained that this money would come out of the bond issue and interest paid on it, if the fees are not waived. Due to concerns expressed by the Council Members as to whether the subcontractors' business licenses fees are going to be waived and how much money is involved, Council Member Weaver offered a motion that this request be tabled for further information. The motion was seconded by Vice-Mayor Neff and approved with a unanimous recorded vote of Council Members present.

Acting Manager Baker presented and read a letter from City Treasurer, Beverly Miller listing the uncollected real estate prior to 1989, which totals \$29,783.06. Acting Manager Baker noted that Ms. Miller is requesting Council's permission to proceed with any and all actions necessary to collect these taxes with last resort to sell the properties. Council Member Weaver stated that she feels this should automatically be done every three years. Following further comments, Council Member Weaver offered a motion that the City Treasurer be granted permission to do everything in her power to collect these taxes including selling the properties. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council Members present.

Acting Manager Baker stated that the Americans with Disabilities Act passed in 1990 requires several things for public buildings which include self evaluations, having an architectural barrier analysis, having a transition plan and someone has to be officially appointed as the coordinator. Vice-Mayor Neff offered a motion that Acting City Manager Roger Baker be appointed as the Americans with Disabilities Act coordinator. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council Members present.

Vice-Mayor Neff offered a motion for a supplemental appropriation in the amount of \$20,345.85 requested by Street Superintendent Jim Baker to recover funds previously appropriated for completion of Grattan Street, be approved for a second and final reading, a first reading having been approved on July 14, 1992, and that:

\$20,345.85 chgd. to: Unappropriated fund balance

20,345.85 approp. to: 1-2-4102-0-0-7012.02 Work in
Progress - Annexed Area

The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council Members present.

Ms. Helene Pettus presented and read a letter from the Willow Hill Residents expressing concerns in regards to the implementation of the Comprehensive Plan. The letter stated that incorrect maps were used and noted that the plan appeared to have been altered after copies were offered for sale. The main concern expressed by the citizens in the letter is that the Generalized Land Use Guide contradicts a decision made on February 19, 1992 to deny a request for higher density in the Willow Hills Area. The letter requests that the Planning Commission and the City Council have the Generalized Land Use Map amended to change the entire Willow Hills area, including Pleasant Hill Road, from medium density residential to low density residential, and that this be done before the rewriting of zoning ordinances. Mayor Heath noted that the City can not really do anything with it at this point because these designations will not be defined until the zoning process starts. Planning Director Turner noted that the committee to choose a consultant to rewrite the zoning text has narrowed down their selections and are currently in the process of working out a contract with a firm to rewrite the zoning text. Ms. Turner also stated that a public hearing will be held by the Planning Commission concerning the referral received by Mr. Cupp concerning an amendment to the Comprehensive Plan. Vice-Mayor Neff stated that it is premature to assume that because it is medium density that it will go to R-3 because medium density could potentially be R-2 or R-3. Vice-Mayor Neff also noted that a public meeting will be held concerning the rewriting of the zoning ordinance. Following further comments, Mayor Heath noted that it was never the intent of the Comprehensive Plan to make neighborhoods more dense.

Acting Manager Baker stated that at the present time all negotiations with Greyhound have been broken off and they have been told that the City will not negotiate with them any further unless there is no way they can work this through private enterprise.

Acting Manager Baker supplied Council with a copy of a draft letter that will be sent thanking persons for applying to various boards and commission and a sample application that citizens can fill out if they are interested in serving on a particular board or commission. Acting Manager Baker stated that these are for Council's review and they will be acted on at a later time.

Acting Manager Baker noted that the Port Republic Road project is being bid with the contract being awarded in August and work beginning the first part of September. Acting Manager Baker stated that the utilities including HEC, GTE Telephone and Shenandoah Valley companies have been very cooperative in putting their utilities underground. Acting Manager Baker noted that Warner Cable did not desire to go underground and did not need to be in the City's easements because they did not wish to share in the cost of opening the trench. Acting

Manager Baker explained that about a week after HEC was out of the area Warner Cable contacted Ms. Utility to locate HEC's conduit and came along without anyone's permission and buried their cable on top of HEC's conduit. Acting Manager Baker stated that they are now out of the City's easement and have managed to get some easements of their own in the rear of the properties. Council Member Weaver stated that she does not feel that it is fair to the property owners to run an easement in the front of their homes and in the rear; noting that she feels all utilities should use the same trench.

✓ Council Member Weaver called Council's attention to a copy of the minutes from July 8, 1980, and a public statement that appeared in the Daily News Record on July 1, 1980 where HEC and the City made a commitment to bury only the 69 kv power line when Port Republic Road is widened. Council Member Weaver noted that she would like to get this on the Council's agenda concerning the City and HEC honoring this commitment.

Acting Manager Baker noted that the construction and engineering standards are presently being reviewed by City staff. Acting Manager Baker stated that hopefully this will go to the Planning Commission meeting in August for their review. It was also noted that a public hearing will be held at the Planning Commission level.

Acting Manager Baker also noted that the City County liaison committee is being worked on.

At 8:20 p.m., Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, the Community Services Board and the Planning Commission, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and for discussion and consideration of real estate to be used for a public purpose and real estate to be acquired for a public purpose, namely a street, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia.

At 10:25 p.m., the evening's executive session was closed and the regular session reconvened. City Clerk Gray read the following 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 business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

There being no further business and on motion adopted, the meeting was adjourned.

Judith M. Gray
CLERK

Walter F. Bennett
MAYOR
Robert Heath

✓ A P P R O P R I A T I O N O R D I N A N C E
OF THE CITY OF HARRISONBURG, VIRGINIA

For the Fiscal Year Ending June 30, 1993

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 1993. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENT; 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

That the following sums of money be and the same hereby are appropriated for the general government purposes herein specified for the fiscal year ending June 30, 1993:

Paragraph One - City Council and Clerk (1101)

For the current expenses and capital outlay of the CITY COUNCIL AND CLERK, a division of the Legislative Department, the sum of one hundred thousand, six hundred thirty-one dollars and no cents (\$100,631.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$59,281.00
(2) Other Operating Expenses	38,050.00
(3) Capital Outlay	3,300.00

Paragraph Two - Office of City Manager (1201)

For the current expenses and capital outlay of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of one hundred twelve thousand, three hundred eighty-one dollars and no cents (\$112,381.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$80,906.00
(2) Other Operating Expenses	29,475.00
(3) Capital Outlay	2,000.00

Paragraph Three - Office of City Attorney (1204)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of forty-four thousand, eight dollars and no cents (\$44,008.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 42,608.00
(2) Other Operating Expenses	1,400.00

Paragraph Four - City Auditor (1207)

For the current expenses and capital outlay of the CITY AUDITOR, a division of the General and Financial Administration, the sum of one hundred fifty-three thousand, three hundred twenty-five dollars and no cents (\$153,325.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$114,115.00
(2) Other Operating Expenses	37,210.00
(3) Capital Outlay	2,000.00

Paragraph Five - Independent Auditor (1208)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of thirty-nine thousand, nine hundred dollars and no cents (\$39,900.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 39,900.00
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Paragraph Six - Commissioner of Revenue (1209)

For the current expenses and capital outlay of the COMMISSIONER OF REVENUE, a division of the General and Financial Administration, the sum of two hundred thirty-two thousand, one hundred seven dollars and no cents (\$232,107.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$176,267.00
(2) Other Operating Expenses	51,840.00
(3) Capital Outlay	4,000.00

Paragraph Seven - Board of Real Estate Assessors (1210)

For the current expenses of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of forty-one thousand, seven hundred dollars and no cents (\$41,700.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	26,500.00
(2) Other Operating Expenses		15,200.00

Paragraph Eight - Board of Equalization (1211)

For the current expenses of the BOARD OF EQUALIZATION, a division of the General and Financial Administration, the sum of six thousand dollars and no cents (\$6,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	5,000.00
(2) Other Operating Expenses		1,000.00

Paragraph Nine - City Treasurer (1213)

For the current expenses and capital outlay of the CITY TREASURER, a division of the General and Financial Administration, the sum of two hundred forty-two thousand, five hundred thirty-three dollars and no cents (\$242,533.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	167,923.00
(2) Other Operating Expenses		70,610.00
(3) Capital Outlay		4,000.00

Paragraph Ten - Accounting Department (1214)

For the current expenses and capital outlay of the CERTIFIED PUBLIC ACCOUNTANT, a division of the General and Financial Administration, the sum of sixty-six thousand, six hundred thirty-six dollars and no cents (\$66,636.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	57,306.00
(2) Other Operating Expenses		8,830.00
(3) Capital Outlay		500.00

Paragraph Eleven - Retirement Board (1217)

For the current expenses and contributions of the RETIREMENT BOARD, a division of the General and Financial Administration, the sum of one million, nine hundred thirty-six thousand dollars and no cents (\$1,936,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Contribution to Retirement for City Employees		\$1,936,000.00
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Paragraph Twelve - Data Processing (1220)

For the current expenses and capital outlay of the DATA PROCESSING, a division of the General and Financial Administration, the sum of one hundred eleven thousand, five hundred ninety-two dollars and no cents (\$111,592.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	60,202.00
(2) Other Operating Expenses		40,390.00
(3) Capital Outlay		11,000.00

Paragraph Thirteen - Purchasing Agent (1222)

For the current expenses of the PURCHASING AGENT, a division of the General and Financial Administration, the sum of one hundred eleven thousand, two hundred fifty-two dollars and no cents (\$111,252.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	91,532.00
(2) Other Operating Expenses		19,720.00

Paragraph Fourteen - Delinquent Tax Collector (1224)

For the current expenses of the DELINQUENT TAX COLLECTOR, a division of the General and Financial Administration, the sum of twenty-three thousand dollars and no cents (\$23,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$	22,000.00
(2) Other Operating Expenses		1,000.00

Paragraph Fifteen - Electoral Board and Officials (1301)

For the current expenses and capital outlay of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of sixty-one thousand, seven hundred thirty-five dollars and no cents (\$61,735.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 47,925.00
(2) Other Operating Expenses	10,810.00
(3) Capital Outlay	3,000.00

Paragraph Sixteen - Juvenile & Domestic Relations Court (2105)

For the current expenses and capital outlay of the JUVENILE & DOMESTIC RELATIONS COURT, a division of the Judicial Administration, the sum of thirteen thousand, two hundred dollars and no cents (\$13,200.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 10,200.00
(2) Capital Outlay	3,000.00

Paragraph Seventeen - County Court (2111)

For the current expenses of the COUNTY COURT, a division of the Judicial Administration, the sum of one thousand, two hundred dollars and no cents (\$1,200.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 1,200.00
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Paragraph Eighteen - Lunacy Commission (2112)

For the current expenses of the LUNACY COMMISSION, a division of the Judicial Administration, the sum of five hundred twenty-five dollars and no cents (\$525.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 500.00
(2) Other Operating Expenses	25.00

Paragraph Nineteen - Police Department (3101)

For the current expenses and capital outlay of the POLICE DEPARTMENT, a division of the Department of Public Safety, the sum of two million, forty-seven thousand, nine hundred thirty-two dollars and no cents (\$2,047,932.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$1,469,852.00
(2) Other Operating Expenses	464,080.00
(3) Capital Outlay	114,000.00

Paragraph Twenty - Fire Department (3201)

For the current expenses and capital outlay of the FIRE DEPARTMENT, a division of the Department of Public Safety, the sum of one million, six hundred thirty-five thousand, five hundred thirty-three dollars and no cents (\$1,635,533.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$1,187,063.00
(2) Other Operating Expenses	378,970.00
(3) Capital Outlay	69,500.00

Paragraph Twenty-One - City and County Jail (3302)

For the current expenses of the CITY AND COUNTY JAIL, a division of the Department of Public Safety, the sum of one hundred seventy-seven thousand, eight hundred twelve dollars and no cents (\$177,812.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 14,102.00
(2) Other Operating Expenses	163,710.00

Paragraph Twenty-Two - Building Inspection (3401)

For the current expenses and capital outlay of the BUILDING INSPECTION, a division of the Department of Public Safety, the sum of two hundred eighteen thousand, two dollars and no cents (\$218,002.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 182,292.00
(2) Other Operating Expenses	34,210.00
(3) Capital Outlay	1,500.00

Paragraph Twenty-Three - Game Warden (3502)

For the current expenses of the GAME WARDEN, a division of the Department of Public Safety, the sum of twenty-nine thousand, ten dollars and no cents

(\$29,010.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 4,110.00
(2) Other Operating Expenses	24,900.00

Paragraph Twenty-Four - Coroner (3503)

For the current expenses of the CORONER, a division of the Department of Public Safety the sum of one thousand dollars and no cents (\$1,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,000.00
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Paragraph Twenty-Five - Emergency Services (3505)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of one hundred thirty-three thousand, three hundred twenty-four dollars and no cents (\$133,324.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,050.00
(1) Other Operating Expenses	132,274.00

Paragraph Twenty-Six - General Engineering (4101)

For the current expenses and capital outlay of the GENERAL ENGINEERING, a division of the Department of Public Works, the sum of two hundred twelve thousand, one hundred seventy-four dollars and no cents (\$212,174.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 142,274.00
(2) Other Operating Expenses	33,900.00
(3) Capital Outlay	36,000.00

Paragraph Twenty-Seven-Street Inspection, Repairs & Maint. (4102)

For the current expenses and capital outlay of the STREET INSPECTION AND MAINTENANCE, a division of the Department of Public Works, the sum of three million, seven hundred fifty-eight thousand, seven hundred twenty-six dollars and no cents (\$3,758,726.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 800,391.00
(2) Other Operating Expenses	1,463,560.00
(3) Capital Outlay	1,494,775.00

Paragraph Twenty-Eight - Street Lighting (4104)

For the current expenses of STREET LIGHTING, a division of the Department of Public Works, the sum of four hundred seventeen thousand dollars and no cents (\$417,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 417,000.00
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Paragraph Twenty-Nine - Traffic Engineering (4107)

For the current expenses and capital outlay of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of four hundred seventy-two thousand, three hundred twenty-nine dollars and no cents (\$472,329.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 129,729.00
(2) Other Operating Expenses	157,600.00
(3) Capital Outlay	185,000.00

Paragraph Thirty - Highway & Street Beautification (4108)

For the current expenses and capital outlay of the HIGHWAY & STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of one hundred sixty-seven thousand, six hundred seventy-three dollars and no cents (\$167,673.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 103,293.00
(2) Other Operating Expenses	49,380.00
(3) Capital Outlay	15,000.00

Paragraph Thirty-One - Street Cleaning (4202)

For the current expenses and capital outlay of the STREET CLEANING, a division of the Department of Public Works, the sum of two hundred sixty-two thousand, seven hundred forty-eight dollars and no cents (\$262,748.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 100,578.00
(2) Other Operating Expenses	132,170.00
(3) Capital Outlay	30,000.00

Paragraph Thirty-Two - Insect and Rodent Control (4206)

For the current expenses of the INSECT AND RODENT CONTROL, a division of the Department of Public Works, the sum of twenty-six thousand, two hundred thirty dollars and no cents (\$26,230.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 14,000.00
(2) Other Operating Expenses	12,230.00

Paragraph Thirty-Three - General Properties (4302)

For the current expenses and capital outlay of the GENERAL PROPERTIES, a division of the Department of Public Works, the sum of one hundred fifty-six thousand, four hundred eighty-two dollars and no cents (\$156,482.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 34,822.00
(2) Other Operating Expenses	71,660.00
(3) Capital Outlay	50,000.00

Paragraph Thirty-Four - Downtown Rehabilitation Project (4304)

For the capital outlay of the DOWNTOWN REHABILITATION PROJECT, a division of the Department of Public Works, the sum of ten thousand dollars and no cents (\$10,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Capital Outlay	\$ 10,000.00
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Paragraph Thirty-Five - Local Health Department (5101)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of one hundred forty-eight thousand, seven hundred fifty-six dollars and no cents (\$148,756.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 148,756.00
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Paragraph Thirty-Six - Mental Health & Mental Retardation (5202)

For the current expenses of the MENTAL HEALTH AND MENTAL RETARDATION, a division of the Health and Welfare Department, the sum of eighty thousand, one hundred sixteen dollars and no cents (\$80,116.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 80,116.00
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Paragraph Thirty-Seven - Tax Relief for Elderly (5306)

For the current expenses of the TAX RELIEF FOR ELDERLY, a division of the Health and Welfare Department, the sum of twenty thousand dollars and no cents (\$20,000.00) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 20,000.00
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Paragraph Thirty-Eight - Bureau of Parks & Recreation (7101)

For the current expenses and capital outlay of the BUREAU OF PARKS & RECREATION, a division of Parks, Recreation and Cultural, the sum of seven hundred forty-eight thousand, three hundred thirteen dollars and no cents (\$748,313.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 477,363.00
(2) Other Operating Expenses	188,450.00
(3) Capital Outlay	82,500.00

Paragraph Thirty-Nine - Community Activities Center (7104)

For the current expenses and capital outlay of COMMUNITY ACTIVITIES CENTER, a division of Parks, Recreation and Cultural, the sum of two hundred eighty-seven thousand, two hundred eighty-six dollars and no cents (\$287,286.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 175,306.00
(2) Other Operating Expenses	97,980.00
(3) Capital Outlay	14,000.00

Paragraph Forty - National Guard Armory (7105)

For the current expenses and capital outlay of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of fifty-five thousand, three hundred thirty-one dollars and no cents (\$55,331.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 20,821.00
(2) Other Operating Expenses	29,510.00
(3) Capital Outlay	5,000.00

Paragraph Forty-One - Simms Recreation Center (7106)

For the current expenses and capital outlay of the SIMMS RECREATION CENTER, a division of Parks, Recreation and Cultural, the sum of thirty-one thousand, two hundred sixty dollars and no cents (\$31,260.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 20,270.00
(2) Other Operating Expenses	7,990.00
(3) Capital Outlay	3,000.00

Paragraph Forty-Two - Westover Swimming Pool (7107)

For the current expenses and capital outlay of the WESTOVER SWIMMING POOL, a division of Parks, Recreation and Cultural, the sum of one hundred ninety-five thousand, two hundred forty-nine dollars and no cents (\$195,249.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 74,439.00
(2) Other Operating Expenses	72,810.00
(3) Capital Outlay	48,000.00

Paragraph Forty-Three - Athletic Complex (Landfill) (7108)

For the current expenses and capital outlay of the ATHLETIC COMPLEX (LANDFILL), a division of Parks, Recreation and Cultural, the sum of forty-two thousand, nine hundred seventy-four dollars and no cents (\$42,974.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 6,374.00
(2) Other Operating Expenses	12,600.00
(3) Capital Outlay	24,000.00

Paragraph Forty-Four - Planning Commission (8101)

For the current expenses and capital outlay of the PLANNING COMMISSION, a division of the Community Development, the sum of one hundred ten thousand, seven hundred forty dollars and no cents (\$110,740.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 56,470.00
(2) Other Operating Expenses	19,270.00
(3) Capital Outlay	35,000.00

Paragraph Forty-Five - Zoning Administration (8102)

For the current expenses and capital outlay of the Zoning Administration, a division of the Community Development, the sum of fifty-four thousand, five hundred fifty-four dollars and no cents (\$54,554.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 42,724.00
(2) Other Operating Expenses	8,830.00
(3) Capital Outlay	3,000.00

Paragraph Forty-Six - Board of Zoning Appeals (8104)

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Community Development, the sum of six thousand, six hundred eighty dollars and no cents (\$6,680.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 1,080.00
(2) Other Operating Expenses	5,600.00

Paragraph Forty-Seven - Economic Development - RDC (8105)

For the current expenses of the ECONOMIC DEVELOPMENT - RDC, a division of the Community Development, the sum of forty-three thousand, six hundred four dollars and no cents (\$43,604.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 36,000.00
(2) Other Operating Expenses	7,604.00

Paragraph Forty-Eight - Harrisonburg Parking Authority (8106)

For the current expenses of the HARRISONBURG PARKING AUTHORITY, a division of the Community Development, the sum of one hundred twenty-seven thousand,

thirty-four dollars and no cents (\$127,034.00) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$ 53,644.00
(2) Other Operating Expenses	73,390.00

Paragraph Forty-Nine - Non-Departmental (09)

For subsidizing the City's Public Utilities, and for aiding the activities of independent, civic, charitable, and other organizations, the sum of one million, seven thousand, eight hundred three dollars and no cents (\$1,007,803.00) is appropriated from the General Fund to be apportioned as follows:

9102 Insurance - Employees	\$ 212,010.00
9103 Insurance and Bond Premiums	114,500.00
9104 Support of Community and Civic Organizations:	
5604.01 State Chamber of Commerce	150.00
5604.02 Chamber of Commerce (AL Parade \$275)	2,675.00
5604.03 County Rest Room	2,500.00
5604.04 Rockingham Library Assoc.	160,000.00
5604.05 Salvation Army	4,400.00
5604.06 Rescue Squad (Gas & Oil)	8,500.00
5604.07 Shenandoah Valley, Inc.	500.00
5604.08 Upper Valley Regional Park Authority	29,000.00
5604.09 Commission-Regional Juvenile Detention Home	16,108.00
5604.10 Shenandoah Valley Soil & Water Conservation District	1,250.00
5604.11 Blue Ridge Community College	3,000.00
5604.12 Harrisonburg-Rockingham Historical Society	1,000.00
5604.14 Central Shenandoah Planning District	7,676.00
5604.15 Valley Program for Aging Services	20,000.00
5604.16 WVPT - Public Television	2,800.00
5605.01 Other Non-Departmental	28,000.00
5605.03 First Step, Inc.	21,000.00
5605.05 CATV - System	5,000.00
5605.09 Chamber of Commerce Convention	22,680.00
5605.10 Gemeinschaft Half-Way House	600.00
9105 Joint Expenses - Rockingham County:	
3009.05 Payment to Rockingham County	300,000.00
9106 Airport:	
5606.01 Subscription&Contributions	25,000.00
9107 Dues to Municipal League:	
5607.01 Dues to Virginia Municipal League	6,954.00
5608.01 Dues to National League of Cities	2,500.00

Paragraph Fifty - Indebtedness Requirement General Fund (10)

For the payment of the interest on and the retirement of bonds of the City of Harrisonburg, Virginia, the sum of one million, fifty thousand, six hundred fifty-seven dollars and no cents (\$1,050,657.00) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest	\$1,050,657.00
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Paragraph Fifty-One - Transfers to Other Funds (11)

For supplementing the revenue of other funds the sum of sixteen million, four hundred eighty-three thousand, two hundred forty-four dollars and no cents (\$16,483,244.00) is appropriated from the General Fund to be apportioned as follows:

(1) Central Garage Fund	\$ 48,432.00
(2) Central Stores Fund	32,928.00
(3) Virginia Public Assistance	284,184.00
(4) Schools	12,714,768.00
(5) Public Transportation	612,276.00
(6) Sanitation	2,790,656.00

Paragraph Fifty-Two - Reserve for Contingencies (12)

For Reserve for Contingencies of the General Fund the sum of two million, fifty-nine thousand, sixty-two dollars and no cents (\$2,059,062.00) is appropriated from the General Fund to be apportioned as follows:

(1) Reserve for Contingencies	\$ 2,059,062.00
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S U M M A R Y

Expenditures and Revenue

Total General Fund Appropriation for the
Fiscal Year Ending June 30, 1993 \$35,576,363.00

To be provided for from the following
Anticipated and Estimated Revenue which
is as follows:

General Property Taxes (Est.)	\$15,237,550.00
Other Local Taxes (Est.)	13,260,449.00
Permits, Privilege Fees and Regulatory Licenses (Est.)	95,710.00
Fines and Forfeitures (Est.)	317,000.00
Revenue From Use of Money & Property (Est.)	222,700.00
Charges for Services (Est.)	257,200.00
Miscellaneous Revenue (Est.)	2,010,600.00
Recovered Costs (Est.)	386,910.00
Payments in Lieu of Taxes (Est.)	12,000.00
Non-Categorical Aid (Est.)	668,800.00
Shared Expenses (Categorical) (Est.)	204,400.00
Categorical Aid (Est.)	1,752,400.00
Non-Revenue Receipts (Est.)	1,000.00
Transfers (Est.)	1,149,644.00

Total General Fund Revenue (Estimated)
for the Fiscal Year Ending June 30, 1993 \$35,576,363.00

SECTION II - SCHOOL BOARD

That the following sums of money be and the same hereby are appropriated for
the school purposes specified for the fiscal year ending June 30, 1993:

Paragraph One - Instruction (61000)

For the current expenses of the INSTRUCTION OF THE DEPARTMENT OF EDUCATION,
the sum of thirteen million, eight hundred eight-five thousand, three hundred and
sixty one dollars and no cents (\$13,885,361.00) is appropriated from the City
School Fund to be apportioned as follows:

(1) Instruction \$13,885,361.00

Paragraph Two - Administration/Attendance & Health Service
(62000)

For the current expenses of ADMINISTRATION/ATTENDANCE & HEALTH SERVICE OF
THE DEPARTMENT OF EDUCATION, the sum of one million, one hundred seventy-seven
thousand, two hundred ninety-eight dollars and no cents (\$1,177,298.00) is
appropriated from the City School Fund to be apportioned as follows:

(1) Administration/Attendance
& Health Service \$ 1,177,298.00

Paragraph Three - Pupil Transportation Services (63000)

For the current expenses of PUPIL TRANSPORTATION SERVICES OF THE DEPARTMENT
OF EDUCATION, the sum of four hundred fifty-nine thousand, one hundred seventy-
two dollars and no cents (\$459,172.00) is appropriated from the City School Fund
to be apportioned as follows:

(1) Pupil Transportation Ser. \$ 459,172.00

Paragraph Four - Operations & Maintenance (64000)

For the current expenses of OPERATIONS AND MAINTENANCE OF THE DEPARTMENT OF
EDUCATION, the sum of one million, seven hundred thirty-seven thousand, six
hundred sixty-two dollars and no cents (\$1,737,662.00) is appropriated from the
City School Fund to be apportioned as follows:

(1) Operations & Maintenance \$ 1,737,662.00

Paragraph Five - School Food Services and Other Non
Instructional Operations (65000)

For the current expenses of SCHOOL FOOD SERVICES AND OTHER NON INSTRUCTIONAL
OPERATIONS OF THE DEPARTMENT OF EDUCATION, the sum of one million, one hundred
fifty-five thousand, four hundred three dollars and no cents (\$1,155,403.00) is
appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services & Other
Non Instructional Operations \$ 1,155,403.00

Paragraph Six - Facilities (66000)

For the current expenses of FACILITIES OF THE DEPARTMENT OF EDUCATION, the sum of two thousand dollars and no cents (\$2,000.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Facilities \$ 2,000.00

Paragraph Seven - Indebtedness Requirements School Board (67000)

For the payment of interest on and the retirement of loans of the School System of the City of Harrisonburg, Virginia, the sum of two million, sixty thousand, eight hundred sixteen dollars and no cents (\$2,060,816.00) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds & Interest \$ 2,060,816.00

S U M M A R Y

Expenditures and Revenue

Total School Fund Appropriations for
Fiscal Year Ending June 30, 1993 \$20,477,712.00

To be provided for from the
following Anticipated Revenue,
which is as follows:

Receipts From State School Funds (Est.) \$ 5,907,367.00
Revenue From Federal Funds (Est.) 815,637.00
Receipts From Other Funds (Est.) 1,039,940.00
Receipts From City Funds 12,714,768.00

Total School Fund Revenue (Estimated)
for the Fiscal Year Ending June 30, 1993 \$20,477,712.00

SECTION III - WATER FUND

That the following sums of money be and the same hereby are appropriated for the water purposes herein specified for the fiscal year ending June 30, 1993:

Paragraph One - Administration (1)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of ninety-six thousand, five hundred seventy-four dollars and no cents (\$96,574.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$ 56,614.00
(2) Other Operating Expenses 39,960.00

Paragraph Two - Source of Supply (2)

For the current expenses of SOURCE OF SUPPLY OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of two hundred forty-five thousand, six hundred dollars and no cents (\$245,600.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$ 7,800.00
(2) Other Operating Expenses 237,800.00

Paragraph Three - Transmission and Distribution (3)

For the current expenses and equipment of TRANSMISSION AND DISTRIBUTION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of five hundred twenty-seven thousand, eight hundred fifty-two dollars and no cents (\$527,852.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$ 221,362.00
(2) Other Operating Expenses 306,490.00

Paragraph Four - Customer Accounting and Collecting (4)

For the current expenses of CUSTOMER ACCOUNTING AND COLLECTING OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred twenty-one thousand, nine hundred fifty dollars and no cents (\$121,950.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$ 81,290.00
(2) Other Operating Expenses 40,660.00

Paragraph Five - Miscellaneous (5)

For setting aside reserves for depreciation and payment of taxes, the sum of five hundred eighty-seven thousand, seven hundred twenty-eight dollars and no cents (\$587,728.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Depreciation	\$	483,228.00
(2) Taxes, etc.		104,500.00

Paragraph Six - Water Purification (6)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of four hundred twelve thousand, seven hundred twenty-four dollars and no cents (\$412,724.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services	\$	241,014.00
(2) Other Operating Expenses		171,710.00

Paragraph Seven - Capital Outlay (7)

For the capital improvements in the WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one million, four thousand, nine hundred dollars and no cents (\$1,004,900.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlay	\$	1,004,900.00
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Paragraph Eight - Indebtedness Requirements Water Fund (8)

For the payment of interest, retirement and handling charges of bonds of the PUBLIC SERVICE ENTERPRISES - WATER ACTIVITIES, the sum of seven thousand, two hundred dollars and no cents (\$7,200.00) is appropriated from the Water Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$	7,200.00
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Paragraph Nine - Non-Departmental (9)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of three hundred ninety-four thousand, eight hundred dollars and no cents (\$394,800.00) is appropriated from the Water Fund to be apportioned as follows:

(1) To General Fund, Share of Accounting, Collecting & Data Processing	\$	187,176.00
(2) To General Fund - Insurance		4,512.00
(3) To General Fund - Retirement & Social Security		121,920.00
(4) To Central Garage Fund		56,508.00
(5) To Central Stores Fund		24,684.00

Paragraph Ten - Transfers to Other Funds (10)

For sharing the cost of operation of other funds the sum of one hundred twenty-two thousand dollars and no cents (\$122,000.00) is appropriated from the Water Fund to be apportioned as follows:

(1) To General Fund - Utility Tax	\$	122,000.00
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S U M M A R YExpenditures and Revenue

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 1993	\$	3,521,328.00
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To be provided for from the following Anticipated Revenue, which is as follows:

Anticipated Cash Balance (Est.)	\$	157,100.00
Other Local Taxes (Est.)		122,000.00
Permits, Privilege Fees and Regulatory Licenses (Est.)		143,500.00
Revenue From Use of Money & Property (Est.)		23,500.00
Charges for Services (Est.)		2,527,600.00
Recovered Costs (Est.)		4,400.00
Non-Revenue Receipts (Est.)		60,000.00
Transfers (Est.)		483,228.00

Total Water Fund Revenue (Estimated)

for the Fiscal Year Ending June 30, 1993 \$ 3,521,328.00

SECTION IV - SEWER FUND

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, 1993:

Paragraph One - Administration (1)

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of ninety thousand, eight hundred eighty-four dollars and no cents (\$90,884.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$	56,614.00
(2) Other Operating Expenses		34,270.00

Paragraph Two - Treatment and Disposal (2)

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one million, thirteen thousand, two hundred dollars and no cents (\$1,013,200.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$	20,000.00
(2) Other Operating Expenses		993,200.00

Paragraph Three - Collection and Transmission (3)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of three hundred twenty-two thousand, ninety-two dollars and no cents (\$322,092.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$	175,162.00
(2) Other Operating Expenses		146,930.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of four hundred eighty-six thousand, nine hundred fifty-two dollars and no cents (\$486,952.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Depreciation	\$	405,552.00
(2) Taxes, etc.		81,400.00

Paragraph Five - Customer Accounting and Collecting (5)

For the current expenses of CUSTOMER ACCOUNTING AND COLLECTING OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred seventeen thousand, one hundred fifty dollars and no cents (\$117,150.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Personal Services	\$	81,290.00
(2) Other Operating Expenses		35,860.00

Paragraph Six - Capital Outlay (7)

For the capital improvements of the SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of eight hundred one thousand dollars and no cents (\$801,000.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlay	\$	801,000.00
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Paragraph Seven - Indebtedness Requirement - Sewer Fund (8)

For the payment of interest and retirement of bonds and temporary loans of the PUBLIC SERVICE ENTERPRISES - SEWER ACTIVITIES, the sum of one million, ninety-two thousand dollars and no cents (\$1,092,000.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$	1,092,000.00
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Paragraph Eight - Transfers to Other Funds (9)

For sharing the cost of operation of other funds for the benefit of the SEWER DEPARTMENT, the sum of three hundred fifty-four thousand, three hundred sixty dollars and no cents (\$354,360.00) is appropriated from the Sewer Fund to be apportioned as follows:

(1) To General Fund - Share of Accounting, Collecting, & Data Processing	\$	193,632.00
(2) To General Fund - Insurance		2,832.00

(3) To General Fund - Retirement & Social Security	76,704.00
(4) To Central Garage Fund	56,508.00
(5) To Central Stores Fund	24,684.00

S U M M A R Y

Expenditures and Revenue

Total Sewer Fund Appropriations for
the Fiscal Year Ending June 30, 1993 \$ 4,277,638.00

To be provided for from the following
Anticipated Revenue, which is as follows:

Anticipated Cash Balance (Est.)	\$ 652,893.00
Other Local Taxes (Est.)	500.00
Permits, Privilege Fees and Regulatory Licenses (Est.)	41,000.00
Revenue From Use of Money & Property (Est.)	38,590.00
Charges for Services (Est.)	3,108,000.00
Recovered Costs (Est.)	1,000.00
Non-Revenue Receipts (Est.)	30,103.00
Transfers (Est.)	405,552.00

Total Sewer Fund Revenue (Estimated)
for the Fiscal Year Ending June 30, 1993 \$ 4,277,638.00

SECTION V - VIRGINIA PUBLIC ASSISTANCE FUND

That the following sums of money be and the same hereby are appropriated for
the social services purposes herein specified for the fiscal year ending June 30,
1993:

Paragraph One - Director of Social Services (5301)

For the current expenses of the DIRECTOR OF SOCIAL SERVICES, a division of
the Department of Social Services, the sum of six hundred sixty-seven thousand,
thirty-eight dollars and no cents (\$667,038.00) is appropriated from the Virginia
Public Assistance Fund to be apportioned as follows:

(1) Personal Services	\$ 401,912.00
(2) Other Operating Expenses	265,126.00

Paragraph Two - Bureau of Public Assistance (5302)

For the current expenses of the BUREAU OF PUBLIC ASSISTANCE, a division of
the Department of Social Services, the sum of four hundred twenty thousand, three
hundred eleven dollars and no cents (\$420,311.00) is appropriated from the
Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 420,311.00
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Paragraph Three - Social Services Bureau (5309)

For the current expenses of the SOCIAL SERVICES BUREAU, a division of the
Department of Social Services, the sum of three hundred ninety-one thousand,
eight hundred dollars and no cents (\$391,800.00) is appropriated from the
Virginia Public Assistance Fund to be apportioned as follows:

(1) Other Operating Expenses	\$ 391,800.00
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Paragraph Four - Capital Outlay (7000)

For the capital outlay of the Department of Social Services, the sum of
twelve thousand dollars and no cents (\$12,000.00) is appropriated from the
Virginia Public Assistance Fund to be apportioned as follows:

(1) Capital Outlay	\$ 12,000.00
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S U M M A R Y

Expenditures and Revenue

Total Virginia Public Assistance Fund
Appropriations for the Fiscal Year
Ending June 30, 1993 \$ 1,491,149.00

To be provided for from the following
Anticipated Revenue which is as follows:

Recoveries and Rebates (Est.)	\$ 15,002.00
Categorical Aid (Est.)	1,191,963.00
Transfers From Other Funds (Est.)	284,184.00

Total Virginia Public Assistance Fund
Revenue (Estimated) for the Fiscal Year
Ending June 30, 1993 \$ 1,491,149.00

SECTION VI - CENTRAL GARAGE FUND

That the following sums of money be and the same hereby are appropriated for Central Garage purposes herein specified for the fiscal year ending June 30, 1993:

Paragraph One - Central Garage (1)

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of two hundred fourteen thousand, four hundred seven dollars and no cents (\$214,407.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Personal Services	\$ 151,757.00
(2) Other Operating Expenses	62,650.00

Paragraph Two - Capital Outlay (7)

For the capital improvements of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of sixteen thousand dollars and no cents (\$16,000.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Capital Outlay	\$ 16,000.00
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Paragraph Three - Transfers to Other Funds (9)

For sharing the cost of operation of other funds for the benefit of the CENTRAL GARAGE FUND, the sum of thirty-one thousand, forty-four dollars and no cents (\$31,044.00) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) To General Fund - Insurance	\$ 1,104.00
(2) To General Fund - Retirement & Social Security	29,940.00

S U M M A R Y

Expenditures and Revenue

Total Central Garage Fund Appropriations for the Fiscal Year Ending June 30, 1993	\$ 261,451.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Revenue From Use of Money & Property (Est.)	\$ 100,003.00
Transfers From Other Funds (Est.)	161,448.00

Total Central Garage Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1993	\$ 261,451.00
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SECTION VII - CENTRAL STORES OPERATING FUND

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, 1993:

Paragraph One - Central Stores (1)

For the current expenses of the CENTRAL STORES, a division of the Central Stores Revolving Fund, the sum of fifty-eight thousand, five hundred seventy-six dollars and no cents (\$58,576.00) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services	\$ 32,806.00
(2) Other Operating Expenses	25,770.00

Paragraph Two - Capital Outlay (7)

For the capital improvements of the CENTRAL STORES, a division of the Central Stores Revolving Fund, the sum of seventeen thousand dollars and no cents (\$17,000.00) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Capital Outlay	\$ 17,000.00
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Paragraph Three - Transfers to Other Funds (9)

For sharing the cost of operation of other funds for the benefit of the CENTRAL STORES FUND, the sum of six thousand, seven hundred twenty dollars and no cents (\$6,720.00) is appropriated from the Central Stores Fund to be apportioned

as follows:

(1)	To General Fund - Insurance	\$	240.00
(2)	To General Fund - Retirement & Social Security		6,480.00

S U M M A R Y

Expenditures and Revenue

Total Central Stores Fund Appropriations for the Fiscal Year Ending June 30, 1993	\$	82,296.00
To be provided for from the following Anticipated Revenue, which is as follows:		
Transfers From Other Funds (Est.)	\$	82,296.00
Total Central Stores Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1993	\$	82,296.00

SECTION VIII - PUBLIC TRANSPORTATION

That the following sums of money be and the same hereby are appropriated for Public Transportation purposes herein specified for the fiscal year ending June 30, 1993:

Paragraph One - Transit Buses (1)

For the current expenses of the TRANSIT BUSES, a division of the Public Transportation Fund, the sum of six hundred sixty-three thousand, six hundred fifty-five dollars and no cents (\$663,655.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$	326,555.00
(2)	Other Operating Expenses		337,100.00

Paragraph Two - School Buses (2)

For the current expenses of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of four hundred forty-one thousand, nine hundred ninety-two dollars and no cents (\$441,992.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$	233,792.00
(2)	Other Operating Expenses		208,200.00

Paragraph Three - Taxi Cabs/Vans (3)

For the current expenses of the TAXI CABS/VANS, a division of the Public Transportation Fund, the sum of five hundred fifty-six thousand, nine hundred ninety-one dollars and no cents (\$556,991.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$	366,551.00
(2)	Other Operating Expenses		190,440.00

Paragraph Four - Miscellaneous (4)

For the current expenses of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of ninety-one thousand, one hundred fifty dollars and no cents (\$91,150.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$	17,000.00
(2)	Other Operating Expenses		74,150.00

Paragraph Five - Capital Outlay (7)

For the capital improvements in the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of nine hundred three thousand dollars and no cents (\$903,000.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Capital Outlay	\$	903,000.00
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Paragraph Six - Transfers to Other Funds (9)

For sharing the cost of operation of other funds for the benefit of the PUBLIC TRANSPORTATION DEPARTMENT, the sum of one hundred eighty-nine thousand, six hundred thirty-six dollars and no cents (\$189,636.00) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	To General Fund - Insurance	\$	6,756.00
(2)	To General Fund - Retirement & Social Security		182,880.00

S U M M A R Y

Expenditures and Revenue

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 1993	\$ 2,846,424.00
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To be provided for from the following
Anticipated Revenue, which is as follows:

Services to Departments (Est.)	\$ 11,000.00
Charges for Services (Est.)	1,100,108.00
Recovered Costs (Est.)	1,000.00
Other Categorical Aid (Est.)	1,009,900.00
Transfers From Other Funds (Est.)	724,416.00

Total Public Transportation Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1993	\$ 2,846,424.00
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SECTION IX - SANITATION FUND

That the following sums of money be and the same hereby are appropriated for the Sanitation purposes herein specified for the fiscal year ending June 30, 1993:

Paragraph One - Resource Recovery Facility (1)

For the current expenses of the RESOURCE RECOVERY FACILITY, a division of the Sanitation Fund, the sum of seven hundred twenty-three thousand, one hundred five dollars and no cents (\$723,105.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$	446,855.00
(2)	Other Operating Expenses		276,250.00

Paragraph Two - Refuse Collection (2)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of four hundred fifty-one thousand, two hundred twelve dollars and no cents (\$451,212.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$	311,062.00
(2)	Other Operating Expenses		140,150.00

Paragraph Three - Sanitary Landfill (3)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of one hundred sixty-seven thousand, eight hundred twenty dollars and no cents (\$167,820.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$	97,950.00
(2)	Other Operating Expenses		69,870.00

Paragraph Four - Miscellaneous (4)

For setting aside reserve for depreciation and the payment of taxes, the sum of three hundred eleven thousand, nine hundred fifty-five dollars and no cents (\$311,955.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Depreciation	\$	311,955.00
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Paragraph Five - Sanitary Recycling (5)

For the current expenses of the SANITARY RECYCLING, a division of the Sanitation Fund, the sum of two hundred sixty-one thousand, two hundred one dollars and no cents (\$261,201.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$	157,701.00
(2)	Other Operating Expenses		103,500.00

Paragraph Six - Capital Outlay (7)

For the capital improvements of the SANITATION FUND, a division of the Sanitation Fund, the sum of nine hundred fourteen thousand, fifty-six dollars and no cents (\$914,056.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Capital Outlay \$ 914,056.00

Paragraph Seven - Debt Service (8)

For the payment of the interest on and the retirement of bonds of the SANITATION FUND, the sum of one million, five hundred four thousand, six hundred eighteen dollars and no cents (\$1,504,618.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Serial Bonds and Interest \$ 1,504,618.00

Paragraph Eight - Non-Departmental (9)

For sharing the cost of operation of other funds for the benefit of the SANITATION FUND, the sum of two hundred seven thousand, three hundred sixty dollars and no cents (\$207,360.00) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) To General Fund - Insurance \$ 7,380.00
 (2) To General Fund - Retirement & Social Security 199,980.00

S U M M A R Y

Expenditures and Revenue

Total Sanitation Fund Appropriations for the Fiscal Year Ending June 30, 1993 \$ 4,541,327.00

To be provided for from the following Anticipated Revenue, which is as follows:

Revenue From Use of Money & Property (Est.) \$ 22,000.00
 Charges For Services (Est.) 1,550,000.00
 Recovered Costs (Est.) 8,511.00
 Transfers (Est.) 2,960,816.00

Total Sanitation Fund Revenue (Estimated) for the Fiscal Year Ending June 30, 1993 \$ 4,541,327.00

TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH IX
 IN THIS ORDINANCE
 FOR THE FISCAL YEAR ENDING JUNE 30, 1993
 RECAPITULATION

Section I (General Fund)	\$35,576,363.00	Section II
(School Fund)	\$20,477,712.00	
Section III (Water Fund)	\$ 3,521,328.00	
Section IV (Sewer Fund)	\$ 4,277,638.00	
Section V (Virginia Public Assistance Fund)	\$ 1,491,149.00	
Section VI (Central Garage Fund)	\$ 261,451.00	
Section VII (Central Stores Fund)	\$ 82,296.00	
Section VIII (Public Transportation Fund)	\$ 2,846,424.00	
Section IX (Sanitation Fund)	\$ 4,541,327.00	

TOTAL APPROPRIATIONS \$73,075,688.00

SECTION X

All of the monies appropriated as shown by the contained items in Sections I through IX are appropriated upon the terms, conditions and provisions hereinbefore 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 be fixed at \$0.58 (Fifty-Eight Cents), collectible in total on December 5, 1992, and one half on June 5, 1993, and that the rate of taxation on Tangible Personal Property and Machinery and Tools, as defined by Chapter 35 of Title 58.1 of the Code of Virginia, 1950, as amended, and on all boats or watercraft under five (5) tons burthen used for business or pleasure, as defined by Section 58.1-3503 of said Code, and on all vehicles without motive power used or designed to be used as mobile homes or offices or for other means of habitation, as defined by Section 58.1-3503 of said Code, be fixed at \$2.00 (Two Dollars and No Cents) on each one hundred dollars assessed valuation for the year 1992; it being expressly provided, however, that the provisions of this Ordinance shall not apply to household goods and personal effects as enumerated in Section 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 in total on or before December 5, 1992 and one half on June 5, 1993. 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.)

That the salaries, wages and allowances set out in detail in the budget statement, and adopted by the City Council for the fiscal year beginning July 1, 1992, and ending June 30, 1993, 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 provided by ordinance; provided, however, that the City Manager is authorized to make such re-arrangements of salaries in the several departments 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.

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, 1992.

Given under my hand this _____ day of _____, 1992.



MAYOR



CLERK

REGULAR MEETING

AUGUST 11, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor C. Robert Heath; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; Colonel Donald Harper and City Auditor Philip Peterman. Absent: City Clerk Judy M. Gray.

Minutes of the regular meeting held on July 28, 1992, approved as read.

The following monthly progress reports were presented and ordered filed:

City Treasurer - A trial balance report for the month of July, 1992.

Police Department - A report of fines and costs collected - \$2,729.75; cash collected from street parking meters - \$5,838.95; total cash collected and paid on accounts - \$8,568.70.

City Auditor's - A report of cash discounts saving the payment of vendors invoices for the month of July, 1992, in the amount of \$

Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of July 1992.

✓ Acting City Manager Roger Baker presented and read a letter from JoAnne Hughes, Program Coordinator for the RMH Women's Health Focus requesting permission to place a banner across Main Street to promote October as Breast Cancer Awareness Month. Acting Manager Baker noted that Ms. Hughes has been made aware of the fact that she needs to make arrangements with Harrisonburg Electric Commission to hang the banner and that they need to provide the City with a certificate of insurance naming the City as an additional insurer in the amount of \$1,000,000. Following comments from Ms. Hughes, Mayor Heath noted that there had been some concerns expressed over the recent banner across Main Street as to the size of the advertising on the banner, and asked that the advertising be cut down to a smaller size on banners. Council Member Weaver offered a motion that RMH Women's Health Focus be granted permission to place a banner across Main Street during the month of October. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Marc Taylor, representing the steering committee for First Night Harrisonburg, was present in the meeting to provide the Council with information about First Night and what the plans are for First Night. Mr. Taylor noted that First Night is a safe, alcohol free New Year's Eve celebration of the arts and the community for the entire family which is organized by a group of volunteers. Mr. Taylor stated that the concept of First Night started in Boston 16 years ago and now over 140 cities across US, Canada and United Kingdom hold First Nights. Following an article in the Daily News Record about the concept of First Nights, Mr. Taylor noted that a steering committee was formed in April and have been making plans ever since for Harrisonburg's First Night. Mr. Taylor explained that plans include an opening ceremony at 6:30 at the Court House followed by performances, demonstrations, entertainments and activities in several locations all in the downtown area starting at 7:00 p.m. and ending at 11:40. At 11:40 p.m., Mr. Taylor stated that a processional will guide the participants to a finale which will include a count down to midnight and fireworks. The plans are being developed in consultation with the Police Department, Fire Department, School Board, Public Works, City Planners office, Sheriffs' office, Board of Supervisors, City and Co. Recreation Department, various media organizations, civic volunteers, etc. Mr. Taylor stated that the committee will need to come before Council in the future for various permits, etc. but in the meantime plan on keeping the City informed of all the plans as they are made. Mr. Taylor noted that at this time all they are asking for is Council's good will and best wishes for the planning and development of this event. Following a video of a First Night that was held last year in Waynesboro, Council Member Weaver offered a motion that the City Council support the concept of First Night Harrisonburg as presented by Marc Taylor. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Acting Manager Baker noted that the request from School Superintendent, Alan Hiner, to waive the business license fee for Kenbridge Construction Company has been withdrawn.

✓ Acting Manager Baker provided City Council with a background history of the 69 KV power line located on Monument Avenue noting that around 1980, a meeting was held with the citizens of the Purcell Park area and they requested that the 69 KV pole and power line be removed. Acting Manager Baker also noted that the City Council minutes of July 8, 1980, state that when the widening of Port Republic Road is completed, this line would be rerouted. Acting Manager Baker further noted that there was a statement made by HEC in the Daily News Record on July 1, 1980, where HEC indicated that if it is at all feasible to do so, cables will be put underground on Port Republic Road and the line through Monument Avenue and Crawford Avenue will be eliminated. In 1990, HEC had a feasibility study done by a firm in Roanoke for re-routing the 69 KV and 23 KV lines and a decision was made by HEC, due to the economics, to place the 23 KV line underground before the Port Republic Road project started. HEC has plans to eventually move the pole as a part of the study. Council Member Weaver noted

that it seems pretty clear from the Council Minutes of July 8, 1980, that it was the intent that the high power, 69 KV line, be re-routed and taken out of the entire neighborhood. Council Member Weaver also called Council's attention to an paid public ad that appeared in the newspaper around the same time which stated it would be in the best interest of all concerned to re-route the 69 KV line. The ad further read that when the road work is done, if it is at all feasible to do so, the cable will be put underground on Port Republic Road and the line through Crawford and Monument Avenue will be eliminated. Council Member Weaver noted that the only stipulation mentioned in being able to do this is the financial stability of HEC. Council Member Weaver stated that she feels that HEC is very financially stable and that she feels the present government has to honor the commitments that have been made in the past. Vice-Mayor Neff noted that it would be helpful to the Council and to the public if different scenarios of different routings and the costs of each could be presented. Vice-Mayor Neff further noted that it would be his recommendation to refer this matter back to the Harrisonburg Electric Commission for a plan of action and have them present back to Council how they plan to react to this information. Council Member Green stated that he met with HEC, and reminded them that the Port Road Project was going to be done and reminded them of the promises that had been made. Council Member Green further added that after that the Council learned that there was some questions concerning an engineering report that recommended the 69 KV line not be placed underground. Mike York presented a report that Council had not seen that the line should not go underground but that HEC was studying a means of going back out the railroad tracks in order to get the situation remedied. Vice-Mayor Neff offered a motion that a representative of HEC be requested to appear before City Council with the engineering study and proposed plan of action as to placing the 69 KV line underground. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ Acting Manager Baker presented and read a letter from W. Raymond Showalter, Jr. requesting the rezoning of lots 5-B-5, 5-C-9 and 5-C-10 on South Main Street from M-1 to B-2; and a letter from Sue Ann Myers, Director of First Step, requesting the rezoning of 1224 and 1226 North Main Street from R-2 to B-2. Vice-Mayor Neff offered a motion that the two rezoning requests be referred to the Planning Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Mayor Heath noted that at the last meeting, Council received for a review a form to be used by persons interested in being considered for appointments to Boards and Commissions. Council Member Weaver noted that she would like to see a place on the form for volunteer activities under duties and your job because there are many people who do not work and for the fact that a persons' volunteer activities are as important to consider as a job. Council Member Weaver also noted that when people apply for these boards and commission they need to know what their duties will be, how long the term will be, whether they will be paid for serving on the Board, where and when the Board meets etc. Vice-Mayor Neff agreed, noting that the requirements and expectations of each Board and Commission needs to listed on the application along with the responsibilities of serving on the Board or Commission. Mayor Heath noted that he would like each person applying for a Board or Commission to state why they are interested in serving on a board. Vice-Mayor Heath asked that action on this be tabled until the Council receives a revised draft of the application.

✓ A request was presented from Fire Chief Shifflett for approval of a supplemental appropriation in the amount of \$32,844.99, to recover unused State grant funds which reverted to the General Fund unappropriated fund balance at June 30, 1992. Vice-Mayor Neff offered a motion for the appropriation to be approved for a first reading; and that:

\$32,844.99 chgd. to: 1-04070-Unappropriated Fund
Balance

9,196.89 approp. to: 02-03201-00-0-700601 - Fire
Program Fund

23,648.10 approp. to: 01-03505-02-0-541602 - Hazar-
dous Material Equipment

The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Vice-Mayor Neff stated that he was approached by the Rockingham Union Lodge #27, Masonic Lodge, to request the honor and privilege of laying and dedicating the cornerstone at the new Judicial and Jail Complex Buildings. Following discussion, Council agreed to refer this request to the Joint Judicial Jail committee. Mayor Heath asked Acting Manager Baker to be sure that this request is given to the committee.

✓ Mayor Heath noted that he has become aware of the fact that the School Board will soon be approaching the City Council in regards to funding for the renovation of the High School. Mayor Heath stated that the last action taken on this by the City Council was to approve the funds necessary to continue the planning of this project. Mayor Heath also noted that at the same time there was a question as to whether the entire project would be done all at one time or in phases over a period of years. With this in mind, Mayor Heath stated that he feels the School Boards should be asked to meet with the Council to inform the Council as to the different costs and options etc. of the renovations. Mayor

Heath requested Acting Manager Baker to check with the School Board on this.

✓ Acting Manager Baker called Council's attention to the schedule for participating in the fall bond issue of the Virginia Public School Authority

✓ Acting Manager Baker noted that on the financial statement the sanitation fund appears to be in bad shape, but stated that this because of a debt payment that had to be made in July.

✓ Acting Manager Baker noted that the City Council has been invited by Dr. Carrier to join him and other JMU staff at the site for the College of Sciences and Applied Technologies east of I81 for a box lunch on Friday, August 14, 1992, at 12:00 noon.

✓ Acting City Manager Baker presented a request for approval of a transfer of funds in the amount of \$40,000 from the General Reserve for Contingencies to the Street Construction and Maintenance for the paving of Ohio Avenue because this project was not included in the 1992-93 Budget. Vice-Mayor Neff moved that the transfer be approved and that:

\$40,000 trans from: 01-05-09401-00-0-144100 Res. for
Contingencies
40,000 trans to: 01-01-04102-02-0-300428 Maint. &
Repairs

The motion was seconded by Council Member Weaver and approved with a unanimous recorded vote of Council.

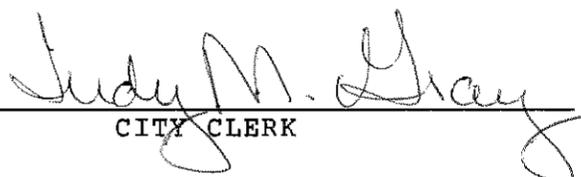
At 8:35 p.m., Council Member Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the: Industrial Development Authority, Community Services Board, Planning Commission, Parks and Recreation Commission, Redevelopment and Housing Authority, Harrisonburg Electric Commission, Harrisonburg Parking Authority and City Manager appointment, exempt from the public meeting requirements pursuant to Section, 2.1-344(A)(1) of the Code of Virginia; and for discussion and consideration of the acquisition of real estate to be used for a public purpose, namely a street, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia. The motion was seconded by Council Member Green and approved with a unanimous recorded vote of Council.

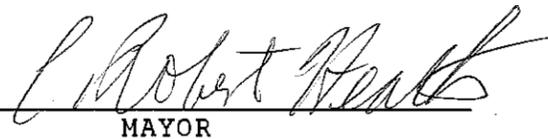
At 10:00 p.m., the evening's executive session was closed and the regular session reconvened. Mayor Heath read the following which was agreed to with an unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Vice-Mayor Neff offered a motion to authorize the Acting City Manager and City Attorney to offer the appraised value for the purchase of a vacant property at the intersection of Myers Avenue and Reservoir Street; and if the appraised value is not accepted, to proceed with condemnation. Vice-Mayor Neff noted that the property is needed for the improvement of the intersection. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Mayor Heath asked Council's wishes concerning an appointment to the Planning Commission to fill the unexpired term of Mr. John Neff since he is now the Council's representative on the Planning Commission. Council Member Weaver offered a motion that Kathy A. Whitten, 560 S. Mason Street, be appointed to fill the unexpired term on the Planning Commission with term to expire on December 31, 1992. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

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


CITY CLERK


MAYOR

REGULAR MEETING
AUGUST 25, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor C. Robert Heath; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Judy M. Gray; Colonel Donald Harper and City Auditor Philip Peterman.

Minutes of the regular meeting held on August 11, 1992, approved as read.

The City Manager's monthly progress report was presented and ordered filed.

Mike York, General Manager of HEC, was present in the meeting to review the report of Hayes, Seay, Mattern and Mattern, Inc. and present the Commission's recommendation on placing the 69 KV line underground. Mr. York stated that in the spring of 1990, HEC hired Hayes, Seay, Mattern and Mattern to look at the routing of the different power lines on Port Republic Road, Crawford Avenue and Monument Ave. so they could come up with a game plan when the widening of Port Road came about. Mr. York called Council's attention to page six of the summary and briefly summarized the six different routings giving the pros and cons of each routing. Mr. York explained that plan A involves shifting the overhead powerline on Port Road behind the right-of-way at a cost of approximately \$183,000. Mr. York stated that the drawback of this plan, would be that the line would be so close to some of the homes and porches on Port Road. Mr. York noted that Plan B involves taking the 23 KV line that runs parallel to Port Republic Road and put it underground at I81; run it parallel to Port Road, and come up a Litten Real Estate. Mr. York further noted that this plan B has nothing to do with the 69KV line. Mr. York added that this is what the Commission has accepted to do since the widening of Port Road has started, and in sharing the ditching costs with Warner Cable, GTE, and Shentel, the cost will be approximately \$500,000.00. Mr. York noted that Plan C, is to reroute the 69 KV line to Maryland Avenue Substation along the railroad tracks. Mr. York noted that some of the line will be on the railroad and very tall poles will be needed to span the 500 feet across Main St. Mr. York noted that this plan would cost approximately \$257,000.00 plus right-of-way costs and would make the lines the most visible. Mr. York noted that Plan D reroutes the 69 KV line along I-81 and Port Republic Road overhead to Maryland Avenue Substation. Mr. York noted that this plan is not feasible because it runs the lines too close to the homes as in Plan A and would cost approximately \$378,000. Mr. York explained that Plan E is to reroute the 69 KV line along I-81 and Port Republic Road underground to Maryland Avenue Substation at a cost of \$1,863,000. Mr. York stated that this plan is not advisable because of the reliability and maintenance in trying to feed a major substation off of an underground line. Mr. York concluded in noting that Plan F reroutes the 69 KV line along the railroad tracks to the Maryland Ave. Substation and reroutes the 69 KV circuit along I-81 to the Port Republic Road Switching Station at a cost of \$1,676,000. Mr. York noted that this would take down the 69 KV lines on Monument Ave. and Crawford, but would not be a total removal and that there would still be a pole line on these two streets. Following further comments from Mr. York and questions by the Council Members, Mr. York noted that the Commission voted to leave the 69 KV line where it is because the substation on Maryland Avenue has to be feed by a reliable source and putting the 69 KV line underground will cost customers well over \$1,000,000. Following more discussion, and concerns expressed by Council Member Weaver and Dingleline that they would like to see the pole moved out of the residential area, Council Member Weaver offered a motion that action on this item be tabled until the City can see a profile of what the poles will look like where the line would have to span Main Street 500 feet, and to give Council time to digest the report from HEC. The motion was seconded by Council Member Neff, and approved with a unanimous vote of Council.

Acting City Manager presented the following resolution for Council's consideration of approval:

WHEREAS, the School Board of the City of Harrisonburg, Virginia (the School Board) has determined that a vital need exists for acquisition, construction, reconstruction, renovation, expansion and equipping of the public school facilities in the City of Harrisonburg, Virginia (City); and

WHEREAS, the School Board, in order to meet the needs of present and future enrollments, must acquire, construct, reconstruct, renovate, expand, and equip public school facilities in the City; and

WHEREAS, the Virginia Public School Authority (the VPSA) has been authorized by the Virginia General Assembly to purchase local school bonds for capital projects for school purposes; and

WHEREAS, it is anticipated that the VPSA will approve the purchase of up to \$10,000,000 in local school bonds of the City to pay the costs of such acquisition, construction, reconstruction, renovation, expansion and equipping of public school facilities in the City, including but not limited to, Harrisonburg High School (all capital

projects for school purposes within the City being designated collectively herein as the "projects"); and

WHEREAS, the School Board has requested the City Council of the City of Harrisonburg (the City Council) to (i) consent to and authorize an application to the VPSA to purchase such bonds and (ii) take such other actions as may be necessary to authorize the issuance of general obligation local school bonds of the City in the maximum principal amount not to exceed \$10,000,000 to be sold to the VPSA to provide funds to pay a portion of the costs of these essential projects.

NOW, THEREFORE, BE IT RESOLVED, that the City Council, acting on behalf of the City of Harrisonburg, Virginia, agrees that it is in the best interest of the City to consider participation in the 1992 fall bond sale to the Virginia Public School Authority; and

BE IT FURTHER RESOLVED, that the City Council hereby consents to and authorizes an application to the Virginia Public School Authority, with respect to such general obligation school bonds of the City in an aggregate amount not to exceed \$10,000,000 (the Bonds) for the purpose of providing funds to pay a portion of the costs for these essential capital projects for school purposes in the City as described above; and

BE IT FURTHER RESOLVED, that the City Council calls for a public hearing on this issue at 7:30 p.m. on Tuesday, September 22, 1992, and for such appropriate notices to be given and acts to be taken as may be required by law to consider the issuance of the Bonds.

DATED: August 25, 1992.

Clerk of the City Council

Acting Manager Baker noted that what this resolution does is to authorize application to be made to be included in the fall bond sale for the Virginia Public School Authority. It sets an amount not to exceed \$10,000,000, that can be applied for and sets a public hearing for Tuesday, September 22, 1992, at 7:30. Acting Manager Baker reminded Council that they have until October 19, 1992, to set an exact amount, which will be \$10,000,000 or lower, or to drop out from the bond sale. Vice-Mayor Neff offered a motion that the resolution to make application for the bond sale be approved. The motion was seconded by Council Member Dingleline, and approved with a unanimous recorded vote of Council.

✓ Council Member Weaver offered a motion that Ms. Carolyn Perry, of Wharton Aldhizer and Weaver be appointed as the bond attorney for the bond issue. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Acting City Manager presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 7-3-83(13), Certain waters or wastes prohibited from discharge into any public sewer, of the Harrisonburg City Code. Acting City Manager Baker noted that the Harrisonburg Rockingham Regional Sewer Authority has changed the parameters for certain materials being in the sewage, so because of this and in order to enforce it, the materials have to be included in the City's ordinance. Acting Manager Baker noted that this has already been adopted by the Sewer Authority. Council Member Weaver offered a motion that the ordinance be approved for a first reading. The motion was seconded by Vice-Mayor Neff and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker presented and read a letter from Mr. Lance K. Braun, Regional Representative for Ruggieri-USA, requesting permission to conduct a fireworks display at JMU on Saturday, September 19, 1992, at Bridgeforth Stadium for the opening of the home 1992 football game season. Acting Manager Baker noted that the display will carry a \$1,000,000 public liability insurance policy. Mr. Lance Braun was present in the meeting and noted that the public will be made aware of this display through the news media and JMU publications. Mr. Braun noted that the hospital will be notified and the particular neighborhood that has had complaints about the fireworks display in the past will be notified. Council Member Weaver offered a motion that permission be granted for the fireworks display to be held at JMU on Saturday, September 19, 1992. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on July 15, 1992:

"... The Planning Director presented a request from Oakcrest Builders, Inc. to vacate a public utility and access easement. The easement was established during the Ridgeville Community Improvements Project, but was not used as Oakcrest Builders placed the sewer line in another easement during the development of Stonewall Heights. The unused easement was "to be vacated" by way of approval of the final subdivision plat of Stonewall Heights. Wording on that plat, however, was not what was required and the easement was not actually vacated.

Oakcrest Builders, Inc. is now requesting the easement to be vacated by way of a "Vacation and Extinguishment of Easement". The Planning Director explained that HEC, the City Water Department and the City Street Department had no concerns with vacating this portion of the easement.

Mr. Nicely discussed the wording of the note on the plat with the Commissioners and explained that now these notes are being worded differently to avoid this problem in the future.

Mr. Baker motioned to approve. Ms. Whitten seconded. All voted aye..."

Planning Director Turner called Council's attention to a large scale map of the area and reiterated many of the points in the above report. Vice-Mayor Neff offered a motion that the recommendation of the Planning Commission to approve the vacation of the easement be approved. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on July 15, 1992:

"...The Planning Director explained with a block map a request for final plat approval of the Resubdivision of Lot 1, Block D, Unit 3, Willow Hills. She explained that this resubdivision was previously recommended for approval by Planning Commission and approved by City Council on April 28, 1992. The request involves property located near the northwest corner of the intersection of Pleasant Hill and Willow Hill Roads. Presently, the Longs own the area shown as Lots 1A and 1B on the plat of survey. Their property contains an easement of right-of-way for several other properties: the Heatwole property to the north, and Lots 1 and 2 of the Edwards Subdivision to the east. The total property owned by the Longs currently consists of 26,143 square feet. They have agreed to convey the 9,964 square feet easement area to Heifer Investments, owner of Lot 1 of the Edwards Subdivision. One of Heifer Investments' buildings encroaches on this easement area and conveyance of "Lot 1B" to Heifer would resolve this encroachment problem.

When this plat was originally submitted, the portion of "Lot 1B" provided as an easement of right-of-way for Lot 1A was shown as extending back approximately 140 feet from Willow Hill Drive. The revised plat shows the entire "Lot 1B" as shaded, indicating the easement for Lot 1A now extends across the entire area of Lot 1B. Other than this revision, the plat remains as it was when previously submitted and approved. The Planning Director added that the request for final plat approval of the Resubdivision of Lot 1, Block D, Unit 3, Willow Hills is recommended for approval as presented by the plat of survey.

Mr. Rexrode moved to recommend approval. Dr. Gardner seconded. All voted aye..."

Following comments from Planning Director Turner, Vice-Mayor Neff offered a motion that the recommendation of the Planning Commission to approve this final plat be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on July 15, 1992:

"...The Planning Director explained with a block map a request for final subdivision approval for Deyerle Subdivision, Section 40, Phases I and II. She said Phase I consists of lots 1-3, 15 & 16 and is located at the south side of the proposed Neff Avenue extended. Phase II which consists of lots 4-14 and 17-25 was located on the north side of Neff Avenue extended. Ms. Turner explained that the final plat for this entire subdivision received approval from City Council on June 23, 1992. Since that time, the owner has decided that instead of recording the subdivision at one time, he would like to record it in two phases. He is requesting final plat approval of both phases at this time and plans to record them several weeks apart.

As previously described, the subdivision involved 30.982 acres located at the southwest corner of the intersection of Reservoir Street and University Boulevard. This property was rezoned from M-1 (General Industrial) to B-2 (General Business) in June 1992. This 25 lot subdivision received preliminary approval from Planning Commission on June 3 and final approval from City Council on June 23, 1992.

The new plats submitted for Phase I and Phase II show no significant changes from the previously approved plats. The development has simply been divided into two phases and the change of location of a temporary storm water detention facility from lot 16 to lot 1. This was done to reflect what was being worked on with the current construction plans and the desires of the City Engineer to have

that detention basin removed from lot 16 and relocated to lot 1. This is intended to be a temporary facility and removed after 70% of the lots in the drainage area are developed. A performance bond to insure improvements has been received and approved by the City Attorney. As such, both Phases I and II are recommended for final approval.

There was discussion regarding the reason for phases for the subdivision. Ms. Turner explained that with the development approved in phases, they could record Phase I and start construction and wait to record Phase II enabling them to make any changes a buyer may need.

Mr. Ray Nicely, representing Copper and Associates, explained that lot 3, which is in Phase I, is under contract with a 60 day closing date. At the time of the request there were some possible changes for Phase II before a sale. At this time there are no anticipated changes to either phase.

Chairman Hughes asked for questions. Mr. Wassum motioned to recommend final approval. Mr. Baker seconded. All voted aye..."

Following comments from Planning Director Turner, Vice-Mayor Neff offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

✓ Council Member Dingledine offered a motion for a supplemental appropriation in the amount of \$32,844.99 requested by Fire Chief Shifflett as unused State grant funds which reverted to the General Fund unappropriated fund balance at June 30, 1992, be approved for a second and final reading, a first reading having been approved on August 11, 1992, and that:

\$32,844.99 chgd. to: 1-04070-Unappropriated Fund Bal.

9,196.89 approp. to: 02-03201-00-0-700601 - Fire
Program Fund

23,648.10 approp. to: 01-03505-02-0-541602 - Hazard-
ous Material Equipment

The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council Members present.

✓ Acting Manager Baker noted that County Administrator Bill O'Brien will be writing a letter to Dr. Harry Clayman concerning the Masons laying the cornerstone for the new joint judicial complex. Acting Manager Baker explained that the building plans do not call for a cornerstone in any of the buildings, but call for a bronze plaque of dedication.

✓ Acting Manager Baker advised Council that under the annexation court order the City was required to have a land use tax for a period of ten year. Mr. Baker noted that this is the last year of the ten year period and Kale Barb, Commissioner of Revenue, desires to know what Council wishes are on continuing this tax. Mayor Heath requested the Mr. Barb be requested to attend the next Council meeting to explain this tax.

Acting Manager Baker reminded Council that they need to get their VML registration forms turned in.

✓ Council Member Dingledine noted that she was contacted by some residents on Emery Street stating that they are being besieged by the birds. Acting Manager Baker suggested that Lakey Logan, Director of Parks and Recreation be contacted since she has been very involved with this problem in the past couple of years.

✓ Council Member Weaver noted she received a letter from a citizen noting that under the annexation court order, curb and gutter was to be put in Ashby Heights, and questioned if the work is planned. Acting Manager Baker noted that this work is planned, and if it is not in this year's budget it will be in next year's budget. Council Member Weaver requested a list of the projects that the annexation court order called for to be done.

✓ Council Member Dingledine noted that she received calls from residents of Willow Street noting that there is a lot of illegal parking on Willow Street close to the Brockway Plant. Mayor Heath requested that the Police Department check on this please.

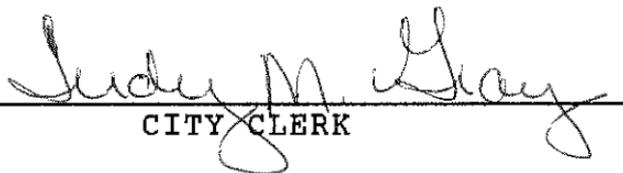
✓ Ms. Mary Ellen Shreckise was present in the meeting to explain the upcoming project of GTE. Ms. Shreckise noted that many of GTE's underground conduits and cables need to be replaced and stated that some City street will have to be dug up in order to do the repairs. Ms. Shreckise called Council's attention to a map outlining the streets that will have to be dug up.

At 8:42 p.m., Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, the Community Services Board, the Planning Commission, Parks and Recreation Commission, Redevelopment and Housing Authority, Harrisonburg Electric Commission,

Harrisonburg Parking Authority, Central Shenandoah Planning District Commission, convention and Visitors Bureau, and City Manager, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia.

At 9:50 p.m., the evening executive session was closed and the regular session reconvened. Mayor Heath read the following which was agreed to with an unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

At 9:51 p.m., there being no further business and on motion adopted, the meeting was adjourned.


CITY CLERK


MAYOR

SPECIAL CALL MEETING

AUGUST 31, 1992

At a special call meeting of Council held this morning in the Council Chambers at 10:00 a.m. there were present: Mayor C. Robert Heath; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Judy M. Gray; Colonel Donald Harper.

Acting City Manager Roger Baker read the following special call notice:

An emergency existing, there will be a special meeting of the City Council, called by the Mayor to be held in the Council Chamber on Monday, August 31, 1992, at 10:00 a.m. to consider the following matters and take necessary action thereon:

- A. Roll Call
- B. Consider Appointment of City Manager
- C. Other matters
- D. Adjourn

Mayor Heath noted that the purpose of this special call meeting is to appoint a City Manager for the City of Harrisonburg. Mayor Heath noted that Roger Baker has been doing a very good job of Acting City Manager since Marvin B. Milam retired the end of September 1991. Mayor Heath further noted that the Council received over 100 applications for the position of City Manager and that those 100 applications were narrowed to 10-20 by a group hired to do preliminary screening of the applications. Mayor Heath then noted that the City Council narrowed the applicants to 5 in which to interview and further noted that they have selected the person that they think will do a good job for the City of Harrisonburg.

Council Member Weaver offered a motion that Mr. Steven E. Stewart be appointed to a two year term as City Manager of Harrisonburg, effective November 2, 1992, and that the Mayor be authorized to sign an employment agreement to that effect, which as been prepared by the City Attorney and that Mr. Stewart's beginning salary be \$70,000 annually, and he be given a one time relocation allowance of \$15,000. The motion was seconded by Council Member Dingleline and approved with a unanimous recorded vote of voting Council Members. Council Member Green thanked Roger and the City staff for their services over the past year of change and stated that he feels that both this Council and the previous Council owe them a great deal of gratitude. Council Member Green stated that he has known Roger as a team player and knows the high respect he enjoys from his fellow employees. Council Member Green further stated that he certainly hopes that Roger will remain with the City because we need him on our team

Mayor Heath introduced Mr. Stewart and his wife Nita and noted that Mr. Stewart was born in Burlington, NC and is 41 years old. Mayor Heath then gave the following background information about Mr. Stewart. Mr. Stewart holds a degree in politics from Wake Forest University and a masters degree in Political Science from Appalachian State University. Mr. Stewart has been in local government for 17 years, and prior to his present position with Apex, NC, Mr. Stewart was County Manager of Caswell County, NC, for 4 years. Presently and for the past 10 years, Mr. Stewart has been town Manager of Apex, NC. which is a town of about 5,500 population, located just south of Raleigh and adjacent to Cary, NC. In recent years, Apex has had a growth rate of 7% to 8% annually. The town is influenced heavily by its proximity to Raleigh and is experiencing the usual challenges of rapid growth. Mayor Heath noted that this was one of the reasons Mr. Stewart was chosen because he has been facing the same challenges in Apex that the City of Harrisonburg has been with rapid growth. Mayor Heath concluded in stating that he is very pleased to have Steve and Nita on board.

Mr. Stewart thanked the Council for having confidence in him and stated that he is looking forward to working with the City staff and serving the citizens of Harrisonburg.

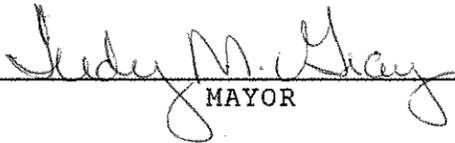
Mayor Heath stated that Roger has done an excellent job making the decisions that had to be made and stated that he is very grateful for Roger's services.

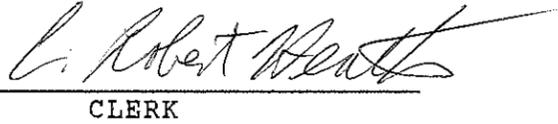
Acting Manager Baker thanked everyone for their comments and noted that he considers himself a team player and a professional and will continue to be with the City and would like to welcome Mr. Stewart.

Council Member Dingleline thanked Roger for the excellent job he has done with the City over the past eleven months. Council Member Dingleline noted that much of the baggage that Mr. Baker brought with him was not his fault. Council Member Dingleline stated that her sincere hope is that Mr. Baker continues with the City. Council Member Dingleline concluded in stating her support and best wishes for Mr. and Mrs. Stewart and noted that she knows he will keep the quality of life in Harrisonburg the same as we have always enjoyed.

Council Member Neff thanked Roger for his hard, dedicated work over the past eleven months. Council Member Neff noted that Mr. Baker's leadership and management as Acting Manager is to be commended and further praised his working relationship with him on the planning Commission. Council Member Neff stated that he looks forward to Mr. Stewart's leadership and giving new vision to the City.

At 10:10 a.m. there being no further business Vice-Mayor Neff offered a motion that the meeting be adjourned. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.


MAYOR


CLERK

REGULAR MEETING

SEPTEMBER 8, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor C. Robert Heath; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Judy M. Gray; Colonel Donald Harper and City Auditor Philip Peterman.

Minutes of the regular meeting held on August 25, 1992, approved as read.

The following monthly progress reports were presented and ordered filed:

City Treasurer - A trial balance report for the month of August 1992.

Police Department - A report of fines and costs collected - \$1,429.45; cash collected from street parking meters - \$7,479.32; total cash collected and paid on accounts - \$8,908.77.

City Auditor's - A report of cash discounts saved in the payment of vendors invoices for the month of August, 1992, in the amount of \$539.31

Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of August 1992.

Paul Hunter was present in the meeting to request the City's support of the Harrisonburg Rescue Squad's Bike tour to be held on October 17, 1992. Mr. Hunter explained that the tour is actually a fund raising project, to help raise the money needed to purchase a new ambulance. Mr. Hunter noted that the majority of the bike route is outside the city limits, with approximately five miles being in the City. Mr. Hunter stated that they have received approval from the Department of Transportation. Mr. Hunter called Council's attention to a map outlining the route the bikers will be taking and concluding in stating that if they get City Council's approval this evening, then they can start advertising for the tour. Acting Manager Baker further added that the City has been supplied with a certificate of insurance naming the City as an additional insurer. Vice-Mayor Neff offered a motion that the City of Harrisonburg approve for this bike race to travel on the City streets as indicated and to offer the support of the Police and Street Departments. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

Acting City Manager Baker presented and read the following resolutions for Council's consideration of approval:

A Resolution Concerning the Adoption of the
Harrisonburg Regional Sewer Authority
Service Contract

WHEREAS, the Harrisonburg-Rockingham Regional Sewer Authority (the "Authority") intends to expand and make improvements to its wastewater treatment plant, and

WHEREAS, due to this project the existing service contract among the Authority and the City of Harrisonburg, the County of Rockingham, The Towns of Bridgewater, Mount Crawford and Dayton (the "Member Jurisdictions") dated August 12, 1977, must be amended, and

WHEREAS, the Authority held a public hearing on August 27, 1992, to receive comments on the proposed contract, and

WHEREAS, the Authority adopted the form of the contract labeled Draft 8 and dated August 24, 1992 at a special meeting of its members on August 27, 1992, and

WHEREAS, this Council now determines that it is in the best interest of the City and Authority to adopt a new service contract.

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

1. The form of the Contract labeled Draft 8, dated August 24, 1992, among the Authority and the Member Jurisdictions as submitted to this meeting and made a part of this resolution as though set forth in full herein, is approved by the City Council.

2. The Mayor is authorized and directed to execute and deliver the Contract with such changes, insertions and omissions as may be approved by him. The execution of the Contract shall be conclusive evidence of such approval.

Resolved this 8th day of September, 1992.

C. Robert Heath, Mayor

A Resolution Concerning the Term of the
Harrisonburg-Rockingham Regional Sewer Authority

WHEREAS, the Harrisonburg-Rockingham Regional Sewer Authority (the "Authority") intends to issue its bonds (the "Bonds") to finance the costs of improvements to the Authority's wastewater treatment plant and

to refund the Authority's outstanding revenue bonds, and

WHEREAS, the maturity dates of some of the Bonds will be on dates which are later than the expiration of the Authority's term of corporate existence, which term expires on July 14, 2020, and

WHEREAS, the term of corporate existence of the Authority should be a date which is later than the final maturity date of the Bonds.

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

The term of corporate existence of the Authority is extended until October 1, 2040, as provided by Section 15.1-1250(a) of the Code of Virginia, 1950, as amended.

Resolved this 8th day of September, 1992.

C. Robert Heath, Mayor

Following comments from Mr. Curtis Poe, Director of the Harrisonburg Rockingham Regional Sewer Authority, and questions from the Council Member, Council Member Weaver offered a motion that the resolution approving the service contract, draft 8 be approved. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council. Council Member Dingledine offered a motion that the resolution concerning the term of the Harrisonburg-Rockingham Regional Sewer Authority be approved. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

✓ Acting City Manager Baker presented and read a letter from Thad Green of Quarles Petroleum, Inc., requesting that their property located on Route 42-Virginia Avenue extended be rezoned from B-2 to M-1. Vice-Mayor Neff offered a motion that this rezoning request be referred to the Planning Commission. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

✓ Commissioner of Revenue, Kale Barb, was present in the meeting to discuss with Council the City's land use tax. Mr. Barb noted that this is the last year of the ten years for the land use tax under the annexation court order and he is present to request whether Council's wishes to continue the tax or not. Mr. Barb explained that the tax is used to differ taxes for people that own farm land in excess of 5 acres etc. Mr. Barb noted that 68 people in the City presently qualify for the land use tax in the City and that approximately \$181,841.60 taxes are deferred. City Attorney Thumma noted that the City ordinance has no time frame as to the land use tax, so if Council wants the tax stopped then they need to take action to amend the ordinance, otherwise the land use tax continues. Following further discussion, Council Member Green offered a motion that no action be taken so the land use tax continues. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Mike Collins, Superintendent of Water and Sewer, was present in the meeting to update the Council on the Harrisonburg Water Treatment Facility Expansion to 10 million gallons per day.

✓ Mr. John Byrd reported that he has been serving on a committee for the rebuilding of the spring house which was originally located at the south west corner of Court Square. Mr. Byrd noted that the Committee believes it can be rebuilt to very closely resemble what the original structure looked like. Mr. Byrd further noted that Rockingham County is in agreement to giving a 30 x 30 foot piece of land to place the structure on. Mr. Byrd also explained that the structure will be built the same time as the Court Complex so as to not further disrupt the city streets, etc. Mr. Byrd stated that the committee plans on keeping the cost of the spring house minimal with having most of the supplies and labor donated. Mr. Byrd concluded in stating that with the County donating land for the structure it is the committee's request that the City contribution be in the way of maintenance etc. Council Member Weaver thanked Mr. Byrd for his work with this exciting project and stated that she would like for the City Council to go on record endorsing this project and expressing their thanks for the work that has been done in bringing this project about. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 7-3-83(13) Certain waters or wastes prohibited from discharge into any public sewer, of the Harrisonburg City Code. Vice-Mayor Neff offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

✓ Council Member Weaver noted that she has received calls from citizens complaining that channel 9 is blurry. Acting Manager Baker noted that he would register this complaint with Warner Cable.

At 8:25 p.m. Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, the Community Services Board, Planning Commission, Parks and Recreation Commission, Redevelopment and Housing Authority, Harrisonburg Electric Commission, Harrisonburg Parking Authority, Central Shenandoah Planning District Commission,

Convention and Visitors Bureau Advisory Council and the Joint Judicial Jail Committee exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and for discussion and consultation with legal counsel regarding a pending lawsuit filed in Federal District Court exempt from the public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended; and for discussion and consideration of real estate to be acquired for public purposes, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

At 9:40 p.m., the executive session was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with an unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Heath asked Council's wishes concerning three appointments to the Community Services (Chapter 10) Board inasmuch as Mr. William Harper's and Ms. Albunyer Arrington's second terms expired on July 1, 1992; and Mr. Philip L. Peterman's term expired July 1, 1990. Council Member Green offered a motion that Mr. Jackson E. Ramsey, 282 Franklin Street, be appointed to a first term of three years on the Community Services Board, with term to expire July 1, 1995. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council. Council Member Weaver offered a motion that Rachel Hollis, 165 Diamond Court, be appointed to a first term of three years on the Community Services Board, with term to expire July 1, 1995. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council. Council Member Weaver offered a motion that Joanne Taylor, 119 Broad Street, be appointed to a one year term on the Community Services Board with term to expire July 1, 1993. (Note: Ms. Taylor will still be eligible to serve two more consecutive terms since one year of service is less than half of a full term.) The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council.

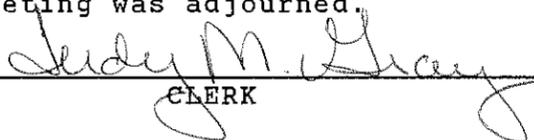
✓ Mayor Heath asked Council's wishes concerning someone to replace Mr. Elon Rhodes on the Central Shenandoah Planning District Commission. Council Member Dingledine, offered a motion that Council Member Agnes Massie Weaver be appointed to replace Mr. Rhodes on the Commission, with Ms. Weaver's term to on June 30, 1995. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council.

✓ Mayor Heath asked Council's wishes concerning someone to replace Mr. Curtis Kite on the Convention and Visitors Bureau Advisory Council. Council Member Weaver offered a motion that Council Member Dingledine be appointed to serve on the Convention and Visitors Bureau. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

✓ Mayor Heath asked Council's wishes concerning someone to replace Mr. Curtis Kite on the Joint Judicial Jail Committee. Council Member Weaver offered a motion that Council Member Green be appointed to serve on the Joint Judicial Jail Committee. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Vice-Mayor Neff offered a motion that the City accept as a gift the parcel of land located at the corner of Noll Drive and Gay Street from H. D. Harman. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

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


CLERK


MAYOR

REGULAR MEETING
SEPTEMBER 22, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor C. Robert Heath; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Judy M. Gray; Colonel Donald Harper and City Auditor Philip Peterman.

Minutes of the special call meeting held on August 31, 1992, and the minutes of the regular meeting held on September 8, 1992, approved as read.

The City Manager's monthly progress report was presented and ordered filed.

At 7:36 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. Acting Manager Baker read the following notice of public hearing as it appeared in the Daily News Record on September 8th and 15th:

NOTICE OF PUBLIC HEARING WITH RESPECT TO THE ISSUANCE, SALE AND AWARD OF GENERAL OBLIGATION BONDS BY THE CITY OF HARRISONBURG, VIRGINIA, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$10,000,000 FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A PORTION OF THE COSTS OF CAPITAL PROJECTS FOR SCHOOL PURPOSES WITHIN THE CITY OF HARRISONBURG, VA

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia will hold a public hearing pursuant to the provisions of Section 15.1-227.8 of the Code of Virginia (1950), as amended, with respect to the adoption by the City council of a Resolution authorizing the issuance, sale and award of the principal amount not to exceed \$10,000,000 of General Obligation Bonds of the City of Harrisonburg, Virginia, for the purpose of providing funds to pay a portion of the costs of capital projects for school purposes within the City of Harrisonburg, VA.

The public hearing which may be continued or adjourned will be held at 7:30 p.m. on Tuesday, September 22, 1992, before the City Council at the City Council Chambers, in the Municipal Building located at 345 South Main Street, Harrisonburg Virginia. Persons interested in the issuance, sale and award of the Bonds may appear at the hearing and present their views. A copy of the proposed Resolution is on file and open for inspection at the office of the City Manager in the Municipal Building located at 345 South Main Street, Harrisonburg, VA from 9:00 a.m. to 5:00 p.m. Monday through Friday.

City Council of the City of
Harrisonburg, VA

Carolyn Perry, Bond Counsel, explained that the Virginia Public

School Authority, will require a 20 year term and annual payments of principal will be made on December 15th of each year that the bond is outstanding and semi annual payments of interest will be payable on June 15th and December 15th of each year. Ms. Perry also noted that the Va. Public School Authority and the draft authorizing resolution does require the City to authorize a maximum 9% interest rate. Ms. Perry further noted that if the City sold this bond today, she would expect an interest rate in the range of 6.5% for the net interest cost. Ms. Perry further pointed out that for the first 10 years, the City will have no right of prepayment. Ms. Perry stated that the authorizing resolution does authorize the appropriate City officials to execute a proceeds agreement that is by and among the Va. Public School Authority. Ms. Perry noted that bond closing and funding availability is scheduled for December 9, 1992, and further noted that the Va. Public School Authority did announce this morning that the City of Harrisonburg may expect the full 10 million dollar funding request. Mayor Heath called on anyone present desiring to speak in favor of the school bond issue.

Mickey Moore, speaking in favor of the bond issue, noted that this is not a new problem and has been discussed since 1984 when he served on the School Board. Mr. Moore noted that handicapped access, problems with the mechanical plant, leaky roofs and many other problems need to be addressed. Mr. Moore concluded in stating that these improvements are long over due and he is firmly in favor of the bond issue.

Mayor Heath called on anyone else present desiring to speak either for or against the bond issue. There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened. Council Member Green questioned when the City Council will see the final figure on what the improvements to the High School will cost. School Superintendent Hiner stated that working drawing are expected in December with bids being taken in January and the estimate being 10 million dollars. Council Member Weaver offered a motion that the authorizing resolution be approved for a first reading. The motion was seconded by Council Member Dingledine and approved with a majority recorded vote of Council Members. (Vice-Mayor Neff abstained from voting)

Acting City Manager Baker stated that quotes were solicited from Nations Bank, Crestar Bank and Dominion Bank for the financial institution to be designated as Bond Registrar and Paying Agent for the City's bonds. Acting Manager Baker noted that the following quotes were received:

Nations Bank - \$350 administrative fees
 \$750 annual fee
 Crestar Bank - \$350 administrative fees
 Dominion Bank - no bid

✓ Acting Manager Baker noted that he would like to recommend that Crestar Bank be named as the paying agent and bond registrar. Council Member Weaver questioned why the other banks in the City were not contacted. Ms. Perry noted that the other banks are not on the State approved list. Council Member Dingledine offered a motion that Crestar be named as the paying agent and bond registrar for the City. The motion was seconded by Council Member Green and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented and read a letter from Lance E. Braun, Regional representative of Ruggieri-USA requesting permission to conduct an informal test firing of some fireworks to be used in the proposed display on New Year's Eve. Following concerns expressed by several Council Members about the lack of insurance coverage, the Mayor requested that this request be tabled until the insurance problem can be explored.

✓ Acting Manager Baker noted that the City received a request from JMU to explore the possibility of using the Resource Recovery Facility as the central heating facility for the new campus for the College of Integrated Science and Technology. Mr. Baker noted the City will have to determine if we have a reliable supply of steam, determine some type of a fossil fuel backup in case we ran out of refuse, need to know exactly what type of modification or additions may be needed at the steam plant in order to meet the steam load, and look at funding alternatives. Acting Manager Baker noted that he would like Council's authorization to proceed with studying this possibility. Acting Manager Baker also noted that engineering monies are available in the Steam Plant budget. Vice-Mayor Neff questioned that since JMU and the City both stand to gain from this venture, if the costs of the engineering study could be shared with JMU. Following comments from Sanitation Director John Holsten, Vice-Mayor Neff offered a motion to authorize Acting Manager Baker to move ahead with the preliminary engineering study to assess the potential of using the Steam Plant as the central heating facility for the new campus of Integrated Science and Technology at JMU. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented and read a letter from Mr. Hunsberger, Director of Client Service of Mercy House, requesting that their three buildings, which contain 13 apartments, be treated for billing purposes as three units with daily pick-up for these three buildings being approximately \$42.00 per month. The letter indicated that Mercy House is making this request as a United Way Agency and as an effort to help keep the costs of the shelter down. Acting Manager Baker noted that presently the City does not offer reduced rates to any other non-profit organizations. Acting Manager Baker also reminded Council that the City is in the process of trying to upgrade the landfill which will be costly and further noted that the refuse fees the City presently collects do not cover all the costs now. Acting Manager Baker also called Council's attention to a letter from Street Superintendent Jim Baker outlining what the City's regular refuse service for the 13 apartments would be and with a recommendation that every day pickup be offered at a rate of \$6.60 per month per apartment. Vice-Mayor Neff pointed out that if Mercy House would go with the City's regular refuse service for the apartments they would be paying less than what they currently pay. Acting Manager Baker noted that this is true, but stated that Mercy House would like to have commercial collection every day, which at the regular City's rate, would be \$182.00 per month. Following further discussion, Council Member Weaver offered a motion that, in fairness to all the other non-profit organizations in the City, that the City do not reduce the refuse collection rates for Mercy House. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council. Council Member Dingledine noted that she would like to encourage Mercy House to use the regular residential refuse service which would result in a savings from what they currently pay.

✓ Acting City Manager Baker called Council's attention to a letter from the VML asking for the City of Harrisonburg to support the City of Alexandria in their opposition to the location of a football stadium for the Washington Redskins in Potomac Yard. Following discussion, Council Member Green offered a motion that this item be tabled until after the VML meeting in October. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Acting Manager Baker reminded Council of the report that was presented on August 25, 1992, by Mr. Mike York, General Manager of HEC, of the study that was done concerning the burying of the 69 KV line. Acting Manager Baker stated that following this report it was requested that a profile be drawn up illustrating what the lines would look like if they were relocated to Main Street. Acting Manager Baker called Council's attention to this profile and pointed out what the 23 KV lines and the 69 KV lines would look like where they would have to cross Main Street at the 460 foot span. Acting Manager Baker also pointed out what the lines would look like in relation to a one and two story house. Following further comments from Acting Manager Baker, Council Member Dingledine questioned why the Harrisonburg Electric Commission did not like any of the options recommended by the firm that made the study. Mr. York noted that the expense of options was the main problem. Mr. York further noted that the Maryland Avenue substation is a critical substation and spending \$1,000,000 to move a line is a lot of money. Council Member Weaver questioned what the rates would be to extend the improvements over

several years and how would it affect the citizens electric bills. Mr. York stated that they just feel that to spend this kind of money is not in the best interest of all the citizens of Harrisonburg and that HEC does not like to borrow money for capital improvements. Council Member Weaver stated that spending \$1,000,000 is scary, but noted that she feels it is more scary for the City and HEC not to keep their word. Mr. Fred Scott, member of HEC, stated that the Commissioners are all very aware of all the articles in the newspapers and this issue has been of great concern to the Commissioners. Mr. Scott noted that after Hayes, Seay, Mattern and Mattern recommended not to put the 69 KV line underground, the Commission looked to see if there was a feasible alternative to the problem on Crawford Avenue. Mr. Scott noted that money is not the primary issue, and that the Commission respects the views of the residents on Crawford, but questioned if spending \$1,000,000 to eliminate one bad situation to create another, is a good investment for the City.

Following further discussion and comments from Margaret Haynes, speaking in favor of relocating the line and Dennis Boffo speaking against spending \$1,000,000 to relocate the lines; Mayor Heath requested that further discussion on this matter be delayed to allow time for further study.

✓ Council received the following extract from the Planning Commission meeting held on September 16, 1992:

"...Ms. Stacy Turner explained with a block map a request to rezone Lot 9, approximately 1,190 acres, located on the east side of Waterman Drive, from M-1 "General Industrial District" to B-2 "General Business District". She said that although the property is zoned M-1 "General Industrial", the uses are more characteristic of the B-2 "General Business" zoning classification. She said the property involved contains 5 buildings, two of these are used for storage, the other are occupied by Reedy's Car Wash, Jazzercise and the Fraternal Order of Eagles. She said that both sides of Waterman Drive in this area are zoned M-1, although many of the uses on the east side fit into the B-2 zoning classification, including: the uses on the subject lot, Discount City Appliances, Showalter Amusement, auto sales and repair establishments and Valley Sports Center. Several uses in the area do fit more closely into the uses permitted by the M-1 "General Industrial" classification, including: Friendship Industries, Animal Heath and David A. Reed. Uses such as Griffith Bag Company and Shade Equipment may fit into either the M-1 or B-2 classification, a more detailed assessment would be needed. Frazier Quarry occupies most of the property on the west side of Waterman Drive and utilizes it industrially.

The reason for the present situation is that prior to 1987, the M-1 zoning classification allowed commercial uses as well as industrial uses. Changes to zoning ordinance removed this mixture, reserving the M-1 district solely for industrial uses. This has resulted in several areas of the City being zoned M-1 "General Industrial", containing non-conforming commercial uses.

the VFW property, to the north on the east side of Waterman Drive, was rezoned from M-1 to B-2 in November, 1991. At that time an attempt was made to rezone the entire area on the east side of Waterman Dr. Due to objections by Friendship Industries at that time, a decision was made to rezone only the VFW property to B-2.

To the rear of Mr. Reedy's property are apartments which front on Rockingham Drive and are zoned R-3, "Multiple Dwelling Residential District." Rezoning the Reedy property to B-2 will cause no more adverse impact on these or other nearby residential properties than the present M-1 zoning classification.

As this request will bring the current uses into conformance with the zoning ordinance, complies with the recommendations of the Comprehensive Plan and does not adversely affect surrounding properties, the request to rezone to B-2 is recommended for approval as presented.

Chairman Hughes asked if there was anyone present to speak for the rezoning.

Mr. William Julias, representing Mr. Robert Reedy, referred to the letter of request sent to Mayor Heath setting forth the reasons for the request. He said the nature of the request is to allow Mr. Reedy to have more flexibility with the use of his property and the improvements thereon. Mr. Julias offered to answer any questions.

Chairman Hughes asked if there was anyone else that would like to speak for the request. There was no one. Chairman Hughes asked if there was anyone that would like to speak against the request. There was no one. The Chairman brought the meeting back to general session and asked if there were any questions from the Commissioners.

Ms. Whitten asked what objection Friendship Industries had of the previous request.

The Planning Director said that Friendship Industries is an

industrial use, a manufacturing operation, and rezoning the property to B-2 would make it a non-conforming use. This would make it difficult to resell, to build on additions and to reestablish if it were destroyed.

Dr. Gardner asked if Animal Health would fit more into M-1. Ms. Turner said that she and Mr. Cook felt that because Animal Health is in the line of warehouse distribution more than retail use, they would probably fit into the M-1 classification. Mr. Baker said "What puts Animal Health into M-1 is that they have more than 20,000 square feet of warehouse space."

Mr. Neff motioned that Lot 5, Block M, Sheet 36, 1.190 acres be rezoned from M-1 to B-2 as recommended by staff. Mr. Wassum seconded. Mr. Baker called for the question. All voted aye.

Following comments from Planning Director Turner, Vice-Mayor Neff offered a motion that a public hearing date be set for October 27, 1992, to hear this rezoning request. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on September 16, 1992:

"...The Planning Director explained with a block map a request to rezone lots 5, 9 and 10, located on the east side of South Main St. from M-1 "General Industrial District" to B-2 "General Business District". She said the property is zoned M-1 "General Industrial" and as such, the current commercial uses on the property are non-conforming. Mr. Showalter, owner of the property has stated that he is having difficulty renting one of the buildings because of the industrial zoning classification. The use proposed for this vacant building, formerly occupied by Anderson Books, is a recreational "poolroom" type establishment.

Most of the property in this area on the east side of South Main Street is zoned M-1, "General Industrial District", although the majority of uses are commercial. Most of the west side of South Main in this area is zoned B-2, "General Business District". Prior to 1987, the M-1 zoning classification allowed commercial uses as well as industrial uses. Changes to the zoning ordinance removed this mixture, reserving the M-1 district solely for industrial uses. This has resulted in several areas of the City being zoned M-1, "General Industrial", containing non-conforming commercial uses.

The majority of the surrounding uses on both the east and west sides of South Main Street are commercial. In addition, the Comprehensive Plan recommends a commercial use of this general area, on both sides of Main Street. A rezoning of this property would bring existing uses into conformance with the zoning classification as well as conform to the recommendations of the Comprehensive Plan.

There is however, one existing problem with the property under consideration which may be compounded by a rezoning to B-2. Access to the properties from South Main Street is difficult and unsafe due to the number and location of entrances as well as the present parking layout. General maintenance of the parking lot surfaces is also needed. Lots 9 and 10, the lots located to the north of the intersection have parking spaces in front of the buildings. Cars using these spaces must back directly out into South Main Street to leave the establishments. These spaces are also located partially on public right-of-way. The parking lots on the ends of these buildings also encourage parking on the right-of-way, presenting safety and maintenance concerns.

Lot 5, south of the intersection, contains two entrances which are not safe due to inadequate sight distance and one entrance's proximity to the intersection of South Main Street and Pleasant Hill Road.

Parking and access problems on this property are a concern regardless of whether the zoning remains industrial or is changed to commercial. It is recognized that these problems are partially the result of the widening that occurred on South Main Street in and as such have not been totally under the control of the property owner.

City staff has talked to Mr. Showalter regarding the parking problems and he had indicated that he is willing to pave the area behind the Anderson Book Store on lot 5, try to correct the problem of cars parking along the right-of-way on lot 10, and will put up wheel stops on the north end of lot 9. The only problem that was not resolved was the direct parking in front of the flower shop and the doctors office and Mr. Showalter felt that his was a part of his negotiations for right-of-way with VDOT.

Chairman Hughes asked if anyone would like to speak for the proposal.

Frank Hayden, representing Mr. Showalter, said he had nothing else

to add but was there to answer questions.

Mr. Showalter, said that he is aware of the parking problems in the area but that after meeting with City staff hopes the conclusions they arrived at would alleviate most of these problems.

Chairman Hughes asked if there was anyone else that would like to speak for the request. There was no one. Chairman Hughes asked if there was anyone that would like to speak against the request. There was no one. The Chairman brought the meeting back to general session and asked if there were any questions from the Commissioners.

The Commissioners discussed the parking problems with Mr. Showalter. Mr. Wassum moved to approve the rezoning of Lots 9 and 10, Block C and Lot 5, Block B, Sheet 5, located on the east side of South Main Street from M-1 "General Industrial District" to B-2 "General Business District". Mr. Rexrode seconded. All voted aye.

Following comments from Planning Director Turner, Council Member Dingledine offered a motion that a public hearing be scheduled for October 27, 1992, to hear this rezoning request. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on September 16, 1992:

"The Planning Director explained with a block map a request for final plat approval of Blue Stone Hills, section 4, Lot 1, located on the west side of Evelyn Byrd Avenue. The request is for a subdivision of a 2.52 acre lot from an approximately 90 acre tract. The 2.52 acre proposed Lot 1 fronts on Evelyn Byrd Avenue, with the remaining acreage having frontage on Emerald Drive. The preliminary plat of this subdivision was approved by Planning Commission on August 19, 1992. There are plans for a street to be developed intersecting with the west side of Evelyn Byrd Avenue, just northwest of proposed Lot 1. This proposed future street is not presented as part of this subdivision, but is referenced on the plat. This future street was approved as part of the preliminary subdivision plat of Deyerle Subdivision, Section 39. Ms. Turner said that water and sewer are available to serve the proposed Lot 1, therefore a bond is not needed. The property is currently zoned R-3 "Medium Density Residential", although the intended use of Lot 1, a professional office, would require a commercial zoning. The owner plans to submit a rezoning request soon. The final subdivision plat for Lot 1, Section 4, Blue Stone Hills is recommended for approval as presented by the plat.

Mr. Ray Nicely, representing the owner of Blue Stone Hills, explained that what they intend to do is put together a master plan of all the remaining land of Blue Stone Hills and then request a rezoning from R-3 "Medium Density Residential" to B-2 "General Business District".

After questions from the Commissioners about the proposed 50 foot (right-of-way width) Lucy Circle, Ms. Turner explained that at the August 16 Planning Commission meeting an agreement was reached that in addition to the 50 foot right-of-way, there would be on either side of the street, a 5 foot wide restricted public easement, allowing only for shrubs, drainage facilities, future sidewalks, etc.

Chairman Hughes asked for a motion. Mr. Wassum moved to approve the final subdivision of Blue Stone Hills, Section 4, Lot 1. Mr. Baker seconded. All voted aye.

Following comments from Planning Director Turner, Council Member Green offered a motion that the recommendation of the Planning Commission to approve the final subdivision be approved. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

✓ Acting Manager Baker presented and read a letter from the Utility Billing Department recommending that a list of delinquent accounts totaling \$2,095, be written off as uncollectible. Council Member Green offered a motion that authorization be given to write off the list of delinquent accounts. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Acting Manager Baker presented for Council's consideration of a first reading an ordinance repealing Article B of Title 5, Chapter 2 of the Harrisonburg City Code. Council Member Weaver offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker presented for Council's consideration of a first reading an ordinance enacting Section 5-2-15 of the Harrisonburg City Code. Fire Chief

Shifflett noted that this deals with emergency vehicle access to large construction sites. Vice-Mayor Neff questioned what do you do about existing conditions that will not meet this ordinance. Chief Shifflett noted that this ordinance is intended to deal mainly with new construction. Vice-Mayor Neff noted that he is concerned with the portion that reads alteration or demolition which takes it back into existing conditions. Vice-Mayor Neff questioned if the wording could be changed to where if the fiscal conditions on site do not accommodate the minimum requirements then the local authority has the right of negotiation to alter this but still provide access. Council Member Weaver offered a motion that the ordinance be approved for a first reading subject to the wording change. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

✓ A request was presented by Transportation Director Smith for approval of a supplemental appropriation in the amount of \$25,000.000 for an additional school bus. Council Member Dingledine offered a motion for the appropriation to be approved for a first reading, and that:

\$25,000.00 chgd. to: 05-09-401 000 144 100 Reserve for
Contingency

15,000.00 approp. to: 81 82 10 1009.11 School Bus Drivers
5,000.00 approp. to: 81 82 20 5408.07 Fuels, Lub. Tires
5,000.00 approp. to: 81 82 20 3004.09 Maintenance &
Repairs

The motion was seconded by Council Member Weaver and approved with a unanimous recorded vote of Council.

For Council's information, Acting City Manager Baker reported the following:

- That Port Road traffic will be limited going east bound on Wednesday, September 23, 1992, starting around 6:30 a.m.
- Copies of the Shenandoah Valley Regional Airport Audit ending June 30, 1992, are available in the City Manager's office for public review.

✓ Acting Manager Baker supplied Council with a letter concerning the establishment of local Disability Service Board, and noted that the City has an option of establishing a local board ourselves or we could join with the County or another jurisdiction. Acting Manager Baker noted that this will be discussed in greater length at the next City Council meeting.

Acting Manager Baker called Council's attention to information from the VML and noted that the Council needs to appoint a voting delegate and an alternate to represent the City during the business meeting at the Virginia Municipal League. Council Member Dingledine offered a motion that Mayor Heath serve as the delegate and Vice-Mayor Neff be the City's alternate at the business meeting at the VML meeting. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

✓ Vice-Mayor Neff stated that he would like to commend the City in making the decision to go ahead with the lighting improvements made to the Water Street Parking Deck. Vice-Mayor Neff noted that the job was well done and well recommended.

✓ Council Member Weaver complimented John Lambert, Jim Baker and Harold Shifflett for the help they gave the Old Town neighborhood association in planting the trees along Mason Street. Council Member Weaver added that during this project, these worker were always very courteous and gracious and the entire neighborhood was very pleased their work on the project.

Council Member Weaver also expressed thanks to Gary Cook for the efforts he has made with the sign commission and also commended Jeff Mellott for the story written on this matter. Council Member Weaver read the following quote from the JMU Breeze, "To the Harrisonburg Bus Transit System, thank you for your great service to the public and especially JMU students, the new bus schedules are awesome.

At 9:25 p.m., Council Member Dingledine offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to the appointed to the Industrial Development Authority, the Planning Commission, the Parks and Recreation Commission, Redevelopment and Housing Authority, Harrisonburg Electric Commission, Harrisonburg Parking Authority and the City/County Liaison Committee, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, and for discussion and consideration of the acquisition of and the use of real estate for public purposes, namely streets and public utilities, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended.

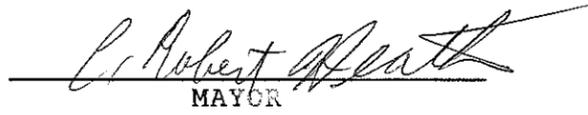
At 10:38 the Executive Session was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with an unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public business matters lawfully exempt from open meeting 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Council Member Weaver offered a motion that Mayor Heath, Vice-Mayor Neff and

Acting City Manager Baker serve on the City County liaison committee. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

At 10:40 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

OCTOBER 13, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor C. Robert Heath; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Judy M. Gray; Colonel Donald Harper and City Auditor Philip Peterman.

Minutes of the regular meeting held on September 22, 1992, approved as read.

The following monthly progress reports were presented and ordered filed:

City Treasurer - A trial balance report for the month of September, 1992.

Police Department - A report of fines and costs collected - \$4,273.00; cash collected from street parking meters - \$5,918.40; total cash collected and paid on accounts - \$10,191.40

City Auditor's - A report of cash discounts saved in the payment of vendors invoices for the month of September, 1992, in the amount of \$180.29.

Utility Billing Department - A report of water and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of September, 1992.

Acting Manager Baker presented and read a letter from Copper and Associates, representing Rodney and Sylvia Eagle, requesting that property located on both sides of proposed Peach Grove Avenue approximately 600 feet southeast of Port Republic Road be rezoned from its present R-1 classification to R-3. Acting Manager Baker presented another letter from Copper and Associates, representing Blue Stone Land Company owner of approximately 90 acres of undeveloped land situated on the southwest side of Evelyn Byrd Avenue, requesting that 16.257 acres of this land be rezoned from its present R-3 classification to a B-2 designation. Council Member Weaver offered a motion that the two rezoning requests be referred to the Planning Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

Acting Manager Baker presented and read a letter from W. Marshall Price requesting that the City Council close the alley on the east side of his house at 279 Newman Avenue. Mr. Price's letter indicated that he owns both parcels of land on both sides of this alley and would be willing to purchase the land from the City. Council Member Dingledine offered a motion that this alley closing request be referred to the Planning Commission. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Acting Manager Baker presented and read a letter from James W. Deskins, Executive Director of the Housing Authority, requesting that a portion of Hill Street north of the intersection of Hill and Kelley be closed. Council Member Weaver offered a motion that this street closing request be referred to the Planning Commission. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

Mr. Ken Huffman, Phibbs, Burkholder, Geisert and Huffman, was present in the meeting to update the Council on the fixed assets inventory. Mr. Huffman first reviewed with the Council the twelve major reasons why it is important to establish a general fixed assets account group. Mr. Huffman noted that they are on schedule according to their proposal, with intentions to have the fixed assets inventory completed by June 30, 1993. Mr. Huffman noted that they have met with all the department heads and were pleased to find that most departments already have pretty good records of their fixed assets. Mr. Huffman noted that Mark Milam has agreed to do the perpetual information from this point forward as far as getting the fixed assets recorded as they are acquired and will work along with their people to get the fixed assets, both equipment and real estate, recorded. Mr. Huffman further noted that the software has already been selected and purchased and the training has already taken place.

Acting City Manager Baker presented for Council's information the Harrisonburg Electric Commission's financial report ending June 30, 1992, and noted that copies are available for public inspection in the City Manager's office.

Acting Manager Baker presented for Council's information the Harrisonburg-Rockingham Regional Sewer Authority's Audit for the fiscal year ending June 30, 1992, and noted that copies are available in the Manager's office for public inspection.

Council received the following extract from the Planning Commission meeting held on October 7, 1992.

"...The Chairman asked the Commission to address the appointments of a Citizens Advisory Committee for the rewrite and revision of the City's zoning and subdivision ordinances.

After discussion in regards to the composition of the committee, it was decided that the groups to be represented would include: Builder/Developer; Lawyer; Chamber of Commerce; Redevelopment and Housing Authority; Rockingham Development Corporation; Board of Zoning Appeals Member; Planning Commission member; City Council member and general citizens.

Recommendation for appointment were:

Builder/Developer - Jerry Scripture
 Lawyer - Tim Cupp
 Chamber of Commerce - Margaret Haynes
 Redevelopment and Housing Authority - Sam Knight
 Rockingham Development Corporation - Walter Trobaugh
 Board of Zoning Appeals member - Edward E. Hughes
 Planning Commission Member - Paul L. Rexrode
 City Council Member - Robert Heath
 General Citizen - Elon Rhodes
 General Citizen - George Homan

Dr. Gardner moved to recommend these names to City Council. Mr. Roger Baker seconded, All voted aye..."

Following discussion Vice-Mayor Neff offered a motion that the recommendation for appointments from the Planning Commission be approved with the additional names added: Susan Layman, Cathy McClatchy, Barbara Wheatley, and Beth Wampler. Vice-Mayor Neff also included in his motion that representatives from appropriate agencies such as James Madison University and Rockingham Development Corporation be invited to attend the committee meetings as needed. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Acting City Manager Baker presented and read the following resolution for Council's consideration of a second and final reading:

**RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND
 AWARD OF NOT TO EXCEED \$10,000,000 GENERAL
 OBLIGATION SCHOOL BONDS OF THE CITY
 OF HARRISONBURG, VIRGINIA, 1992 SERIES B, TO BE
 SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY AND
 PROVIDING FOR THE FORM AND DETAILS THEREOF.**

WHEREAS, the City Council (the "Council") of the City of Harrisonburg, Virginia (the "City"), has determined that it is necessary and expedient to borrow not to exceed \$10,000,000 and to issue its general obligation school bonds for the financing of certain capital projects for school purposes, including, but not limited to, the acquisition, construction, reconstruction, rehabilitation, expansion and equipping of Harrisonburg High School.

WHEREAS, the City held a public hearing, duly noticed, on Tuesday, September 22, 1992, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.1-227.8A, Code of Virginia, 1950, as amended (the "Virginia Code").

WHEREAS, The School Board by Resolution dated August 18, 1992, and the Council, by Resolution dated August 25, 1992, have authorized the City's application for participation in the 1992 fall bond sale to the Virginia Public School Authority.

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

1. Authorization of Bonds and Use of Proceeds. The Council hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$10,000,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes. The Council hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.

2. Sale of the Bonds. It is determined to be in the best interest of the City to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase, and the City to sell to the VPSA, the Bonds at par upon the terms established pursuant to this Resolution. The Mayor, the City Manager or the Acting City Manager, as the case may be, and such officer or officers of the City as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement dated as of October 28, 1992, with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Council at this meeting, which form is hereby approved (the "Bond Sale Agreement").

3. Details of the Bonds. The Bonds shall be issuable in registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, 1992 Series B"; shall bear interest payable semi-annually on June 15 and December 15 (each an "Interest Payment Date"), beginning June 15, 1992, at the rate or rates established in accordance with Section 4 of this Resolution; and shall mature on December 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments:), subject to the provisions of Section 4 of this Resolution.

4. Interest Rates and Principal Installments. The City Manager or the Acting City Manager, as the case may be is hereby authorized and directed to accept the interest rate or rates on the Bonds established by the VPSA, provided that each interest rate shall be ten one-hundredths of one percent (0.10%) over the annual rate to be paid by the VPSA for the corresponding maturity of the bonds to be issued by the VPSA (the "VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that no interest rate on the Bonds shall exceed nine percent (9%) per annum. The Principal Installments are subject to change at the request of the VPSA. The City Manager or the Acting City Manager, as the case may be, is hereby authorized and directed to accept changes in the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rate or rates and such Interest Payment Dates established by the VPSA as having been so accepted as authorized by this Resolution.

5. Form of the Bonds. For as long as the VPSA is the registered owner of the Bonds, the Bonds shall be in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A. On twenty (20) days written notice from the VPSA, the City shall deliver, at its expense, Bonds in marketable form in denominations of \$5,000 and whole multiples thereof, as requested by the VPSA, in exchange for the temporary typewritten Bond.

6. Payment; Paying Agent and Registrar. The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal of, premium, if any, and interest on the Bonds shall be made in immediately applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal or interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) Crestar Bank, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. Prepayment or Redemption. The Principal Installments of the Bonds held by the VPSA coming due on or before December 15, 2002, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before December 15, 2002, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of the Bonds held by the VPSA coming due after December 15, 2002, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature after December 15, 2002, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after December 15, 2002, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption.

<u>Dates</u>	<u>Prices</u>
December 15, 2002 to December 14, 2003, inclusive . . .	103%
December 15, 2003 to December 14, 2004, inclusive . . .	102
December 15, 2004 to December 14, 2005, inclusive . . .	101
December 15, 2005 and thereafter	100 ;

Provided, however, that while the VPSA is the registered owner of the Bonds, the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the VPSA. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

8. Execution of the Bonds. The Mayor and the Clerk of the City Council or any Deputy Clerk are authorized and directed to execute and deliver the Bonds and to affix the seal of the City thereto.

9. Pledge of Full Faith and Credit. For the prompt payment of the principal of, the premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the City are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the City subject

to local taxation sufficient in amount to provide for the payment of the principal of, the premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the City to the extent other funds of the City are not lawfully available and appropriated for such purpose.

10. Use of Proceeds Certificate. The Mayor, the City Manager or the Acting City Manager, as the case may be, and such officer or officers of the City as either may designate are hereby authorized and directed to execute a Use of Proceeds Certificate and Non-Arbitrage Certificate setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such use of Proceeds Certificate and Non-Arbitrage Certificate and that the City shall comply with the covenants and representations contained therein. Furthermore, the Council covenants on behalf of the City that the City shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludible from gross income for Federal income tax purposes.

11. State Non-Arbitrage Program; Proceeds Agreement. The Council hereby determines that it is in the best interest of the City to authorize and direct the City Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Mayor, the City Manager or the Acting City Manager, as the case may be, and such officer or officers of the City as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement, in substantially the form as the Proceeds Agreement entered into previously by the City when the City issued its general obligation school bond to the VPSA in the 1992 spring sale, which form is hereby approved, with respect to the deposit and investment of proceeds of the Bonds by and among the City, the other participants in the sale of the VPSA Bonds, the VPSA, Public Financial Management, Inc., as investment manager, and Central Fidelity Bank, as depository. The execution and delivery of the Proceeds Agreement as described in this Section 11 hereof shall conclusively evidence such final form of the Proceeds Agreement as established by the VPSA as having been so accepted as authorized by this Resolution.

12. Comprehensive Annual Financial Reports. The City shall, so long as the VPSA is the registered owner of the Bonds, submit a copy of its Comprehensive Annual Financial Reports for each fiscal year of the City to the VPSA as soon as practical, after the ending of each such fiscal year.

13. Filing of Resolution. The appropriate officers or agents of the City are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of Rockingham County, Virginia.

14. Further Actions. The members of the Council and all officers, employees and agents of the City are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance, sale and award of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. Effective Date. This resolution shall take effect immediately.

Date: October 13, 1992.

Mayor, City of Harrisonburg,
Virginia

Acting City Manager, City of
Harrisonburg, Virginia

Following a few comments from Acting Manager Baker, Council Member Dingleline offered a motion that this resolution be approved for a second and final reading. The motion was seconded by Council Member Weaver, and approved with a majority recorded vote of Council. (Vice-Mayor Neff abstained from voting).

✓ Acting Manager Baker presented and read for Council consideration of a second and final reading an ordinance enacting Section 5-2-15 of the Harrisonburg City Code. Council Member Weaver offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

Acting City Manager Baker presented and read for Council's consideration of a second and final reading an ordinance repealing article B of title 5, Chapter 2 of the Harrisonburg City Code. Vice-Mayor Neff offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Dingledine and approved with a unanimous recorded vote of Council.

Acting City Manager Baker presented and read a letter from Phyllis Kline, Downtown Retail Merchants, requesting the use of the sidewalks in front of the Court Square on Saturday, October 31, 1992, for the annual Trick or Treat Contest. Ms. Kline also requested permission in the letter to block off Main Street on Saturday, December 5, 1992, at 10:00 a.m. for the annual Christmas Parade. Council Member Weaver offered a motion that permission be granted for use of the sidewalks on Saturday, October 31, 1992. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council. Council Member Weaver also offered a motion that permission be granted to block off Main Street on Saturday, December 5, 1992, for the purpose of the annual Christmas Parade. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

Acting Manager Baker presented and read a letter from Marc Taylor, Chairman of First Night, requesting the following streets to be closed in the area of the First Night celebration from 6:30 p.m. to 12:00 midnight on December 31:

1. Main St. from the north side of Franklin St. to the south side of Wolfe St. leaving Bruce and Water open;
2. Market Street from the west side of Federal Street to the east side of Liberty Street (including Court Square)
3. Graham Street; and
4. Elizabeth Street from the west side of Federal St. to the east side of Liberty Street.

Mr. Taylor indicated in the letter that the police and other emergency vehicles would be permitted on these street. Mr. Taylor's also requested in the letter that from 11:30 p.m. until midnight that south Main St. from the north side of Franklin St. to the north-side of Campbell St. be closed and if the Municipal Building Parking lot could be used as a gathering spot from which to view fireworks. Mr. Taylor was present in the meeting and noted that the Police Department has been contacting concerning these street closings and have no problem with them being closed. Following further comments, Council Member Dingledine offered a motion that permission be granted for these streets to be closed for the purpose of the celebration of First Night. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Acting Manager Baker presented and read a letter from Mr. Tomas Scotto Lavina requesting permission to obtain a dance hall permit for his restaurant. Acting Manager Baker called Council's attention to the report from the Fire Inspector, noting that Scotto's does comply with the requirements for a dance hall permit; and from the Police Department stating that Mr. Lavina has no previous record. Vice-Mayor Neff offered a motion that permission be granted to Mr. Lavina to obtain a dance hall permit. The motion was seconded by Council Member Green and approved with a unanimous vote of Council.

Acting Manager Baker presented and read the following Resolution for Council's consideration of approval:

RESOLUTION - HALLOWEEN

BE IT RESOLVED, that curfew is hereby declared, to be effective and endorsed at and after the hour of 10:00 p.m. on the night of Saturday, October 31, 1992. (HALLOWEEN), after which curfew hour it shall be unlawful for any person to be on the streets or public places of the City of Harrisonburg for the purpose of celebrating Halloween.

The provisions of this resolution are designed to curb and limit the celebration of Halloween to appropriate hours, and shall not extend or apply to the use of the City streets or other public places for any other proper purpose.

APPROVED this ____ day of October, 1992

CITY OF HARRISONBURG

Mayor

ATTESTE:

Clerk

Council Member Dingledine offered a motion that the resolution be approved. The motion was seconded by Council Member Green and approved with a unanimous vote of Council.

Acting City Manager Baker reminded Council that at the last City Council meeting the Council authorized him to discuss with Rockingham County to see if they would be interested in forming a joint Disability Services Board. Mr. Baker stated that this is something that is required under Section 51.5-47 of the Code of

Virginia. Mr. Baker noted that Waynesboro and Staunton have formed their own boards and Bath County, Lexington and Rockingham County have formed a joint board.

Mr. Baker stated that Augusta County, Rockingham County and the City of Harrisonburg are interested in forming a joint board. Mr. Baker noted that a new law has been passed, so the State is behind in getting all the joint powers agreement to the localities which is needed before we can proceed any further. Mr. Baker requested Council to be thinking of people that will fit into the following three categories to serve on this board : hearing impaired, sight impaired and physically handicapped. Mr. Baker noted that the membership will also include one local official for each jurisdiction, two representatives of the business community.

✓ Council Member Green offered a motion that a supplemental appropriation in the amount of \$25,000.00, requested by Transportation Director Reggie Smith for an additional school bus, be approved for a second and final reading, a first reading having been approved on September 22, 1992, and that:

\$25,000 chdg. to: 05-09-401-000-144-100 Reserve for
contingency

15,000 approp. to: 81-82-10-1009.11 School Bus Drivers

5,000 approp. to: 81-82-20-5408.07 Fuels, Lub. Tires

5,000 approp. to: 81-82-20-3004.09 Maintenance & Repairs

The motion was seconded by Vice Mayor Neff and approved with a unanimous recorded vote of Council.

✓ Acting Manager Baker presented a letter from Willow Hills Subdivision requesting the City Council to send to the Planning Commission a letter from the Willow Hills residents dated July 22, 1992. Acting Manager Baker noted that the letter also states that the Willow Hills residents wish to maintain the present zoning of R-2 residential, and are interested in insuring continued zoning which would not allow for quadruplexes or apartment buildings as is allowed in Medium Density Residential. Ms. Helene Pettus, neighborhood representative for Willow Hills subdivision, was present in the meeting and handed out a petition signed by residents stating their desire to remain under the R-2 Residential zoning. Following comments from Ms. Pettus, Council Member Weaver offered a motion that the letter dated July 22, 1992, and this letter dated October 6, 1992, be referred to the Planning Commission for inclusion in their study of the zoning laws. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

Mayor Heath requested Acting City Manager Baker and Ms. Betty Jolly to plan a reception for Mr. Steven Stewart, the new City Manager, sometime during the first couple weeks after he takes over his office as City Manager with the City.

Acting Manager Baker noted that due to new guidelines and regulations adopted by the State, it will be December of January before they can proceed with the Bond sale for the Harrisonburg Rockingham Sewer Authority's expansion.

At 8:40 p.m., Council Member Weaver offered a motion that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, the Planning Commission, the Parks and Recreation Commission, the Redevelopment and Housing Authority, the Harrisonburg Electric Commission the Harrisonburg Parking Authority and the Citizens Advisory Committee for the rewrite and revision of the City's zoning and subdivision ordinances exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and for discussion and consideration of real estate to be used for public purposes, property to be acquired for access to the new elementary school, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

At 9:50 the Executive Session was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with an unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Heath asked Council's wishes concerning three appointments to the Harrisonburg Redevelopment and Housing Authority inasmuch as the first terms of Mr. Larry Packett, Mr. Robert Williams and Ms. Janice Abbott expire on November 29, 1992. Council Member Weaver offered a motion that Mr. Packett, Mr. Williams and Ms. Abbott all be appointed to second terms of four years to expire on November 29, 1996. The motion was seconded Vice-Mayor Neff and approved with a unanimous vote of Council.

✓ Mayor Heath asked Council's wishes concerning an appointment to the Harrisonburg Electric Commission inasmuch as Mr. Walter Trobaugh's first term expires on December 31, 1992. Council Member Dingleline offered a motion that Mr. Trobaugh be appointed to a second term of three years to expire on December 31, 1995. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 9:55 p.m., there being no further business and on motion adopted the meeting was adjourned.


MAYOR


CLERK

cc: City Council
Acting City Manager
City Auditor
Betty Jolly
Public Library

**REGULAR MEETING
OCTOBER 27, 1992**

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor C. Robert Heath; Acting City Manager Roger D. Baker; City Attorney Earl Q. Thumma, Jr; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; City Clerk Judy M. Gray; and Colonel Donald Harper. Absent: City Auditor Philip Peterman.

Minutes of the regular meeting held on October 13, 1992, approved as corrected.

The City Manager's Monthly Progress Report was presented and ordered filed.

At 7:35 p.m. Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. Acting Manager Baker read the following notice of public hearing which appeared in the Daily News Record on October 13, 1992, and October 20, 1992:

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 27, 1992, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following rezoning request:

1. Robert M. Reedy's request to rezone Lot 9, 1.19 acres on the east side of Waterman Drive, from M-1 "General Industrial District" to B-2 "General Business District". The B-2 district is intended to provide a sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, and miscellaneous recreational and service activities. The Comprehensive Plan recommendation for this property is "Commercial" which includes retail, wholesale or service functions. The parcel is shown as Lot 9, Block M, Sheet 36 on Harrisonburg Block Maps and is identified as 98, 100, and 110 Waterman Drive.

If this request is granted, the present uses will conform to the zoning districts applied for. Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday, Through Friday, 8:30 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 connections with this Public Hearing shall notify the City Manager's Office at least 5 days prior to the time of the meeting.

Roger D. Baker, Acting City Manager

Mayor Heath called on anyone present desiring to speak either for or against this rezoning request. There being no one present desiring to be heard the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Vice-Mayor Neff offered a motion that the request to rezone 1.19 acres on the east side of Waterman Drive from M-1 to B-2 be approved. The motion was seconded by Council Member Weaver and approved with a unanimous recorded vote of Council.

At 7:35 p.m. Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. Acting Manager Baker read the following notice of public hearing which appeared in the Daily News Record on October 13, 1992, and October 20, 1992:

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, October 27, 1992, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following rezoning request:

2. Raymond W. Showalter, Jr.'s request to rezone Lots 5, 9 and 10 located on the east side of South main Street, from M-1 "General Industrial District" to B-2 "General Business District". The B-2 district is intended to provide a sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive and miscellaneous recreational and service activities. The Comprehensive Plan recommendation for this property is "Commercial" which includes retail, wholesale or service functions. The parcels are shown as Lot 5, Block B and Lots 9 and 10, Block C, Sheet 5 on Harrisonburg Block maps and are identified as 1740, 1750, 1756, 1762, 1768, 1774, 1776, 1780, 1786, 1820, 1824, 1828, 1832, and 1834 South Main Street.

If this request is granted, the present uses will conform to the zoning districts applied for. Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday, Through Friday, 8:30 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 connections with this Public Hearing shall notify the City Manager's Office at least 5 days prior to the time of the meeting.

Roger D. Baker
Acting City Manager

Mayor Heath called on anyone present desiring to speak either for or against this rezoning request. Mr. Frank Hayden, representing Mr. Showalter, noted that he was available to answer any questions, and to urge Council's approval of this request. There being no others desiring to be heard the public hearing was declared closed at 7:38 p.m., and the regular session reconvened. Council Member Dingledine, offered a motion that the request to rezone lots 5, 9 and 10 from M-1 to B-2 be approved. The motion was seconded by Council Member Green and approved with a unanimous recorded vote of Council.

Mr. Kale Barb, Commission of Revenue, was present in the meeting to discuss the penalty for not filing personal property. Mr. Barb noted that the Virginia State laws requires that personal property be filed between January 1 and May 1. Mr. Barb further noted that the City of Harrisonburg adopted an ordinance on November 26, 1991, concerning this penalty. Following the passing of this ordinance, Mr. Barb explained that ads appeared in the Daily News Record, announcements were made on the local radio stations, on City Span and forms were available at the local banks, and the Commission of Revenue's office to get the message out to the public. Mr. Barb stated that notices were not sent out to everyone individually, and the biggest complaint from the citizens has been that they were not aware of the penalty. Council Member Green stated that he feels what Mr. Barb did was right, but he realizes that a great many people did not see the notice. Following further comments, Council Member Green offered a motion that City Council approve for a first reading an ordinance to negate the penalty charges for this year with the penalty being reinstated for the following year. City Attorney Thumma noted that it is legal to do this as long as it is done in the form of an ordinance directing the Commissioner of Revenue and City Treasurer not to collect the penalty and to refund the monies already collected. City Attorney Thumma further added that the ordinance will then have to be re-enacting for the following year if that is what Council desires. The motion was seconded by Council Member Weaver and approved with a unanimous recorded vote of Council. Council Member Weaver questioned if the Harrisonburg form could be sent out with the State form. Mr. Barb noted that he would explore the possibility of doing this.

Ms. Cathy McClatchy was present in the meeting as a representative of the Harrisonburg Rockingham County Extension Homemakers to present each member of Council with a Radon test kit.

Mr. Allen Gutshall was present in the meeting to present to Council the Health Department's environmental health annual report for the City of Harrisonburg.

Acting City Manager Baker presented for Council's consideration the bids received for the Stone Spring Road Pump Station, the water system improvements and the street system improvements. Acting Manager Baker noted that all the bids were below the original estimates and he would like to recommend awarding the following contracts: the water line contract to F.L. Showalter, Inc. at a cost of \$212,000.00; the street system improvements contract to Plecker Construction Co. Inc. at a cost of \$1,274,133.40 and the contract for the Stone Spring Road pump station to Harman Construction Co. at a cost of \$199,850.00. Council Member Dingledine offered a motion that the contracts be awarded as recommended by the Acting City Manager. The motion was seconded by Council Member Green, and approved with a unanimous recorded vote of Council.

Acting Manager Baker noted that under State Law Code Section 51.5-47 we are required to establish a Disabilities Service Board. Acting Manager Baker further noted that after discussing this with Rockingham and Augusta Counties they were both very interested in forming a joint board with the City of Harrisonburg. Acting Manager Baker then read the following resolution for Council's consideration of approval:

**RESOLUTION OF THE CITY OF HARRISONBURG, VA
FOR THE ESTABLISHMENT OF A DISABILITY SERVICES BOARD**

At a regularly scheduled meeting of the City Council of the City of Harrisonburg, Virginia, held in City Council Chambers at 345 South Main Street, Harrisonburg, Virginia on the 27th day of October 1992, all members of Council were present.

WHEREAS, Section 51.5-47 of the Code of Virginia, 1950 as amended, provides for the establishment of a Disability Services Board; and

WHEREAS, it is the desire of the City Council of the City of Harrisonburg, Virginia, to establish a Board, with the intent of implementing the provisions of Section 51.5-47 of the Code of Virginia;

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

That there be established by the City Council of the City of Harrisonburg, Virginia, in conjunction with local governments of the Counties of Rockingham and Augusta, Virginia, a Disability Services Board of Central Shenandoah Valley to be composed of a maximum of fifteen (15) members, who shall be appointed by the governing bodies of the constituent jurisdictions.

Initially, nine (9) members shall be appointed to the Board, three (3) from the City of Harrisonburg, three (3) from the County of Rockingham and three (3) from the County of Augusta.

One member (1) from each of the constituent jurisdictions for a period of three (3) years from November 1, 1992.

One (1) member from each of the constituent jurisdictions for a period of two (2) years from November 1, 1992.

One (1) member from each of the constituents jurisdictions for a period of one (1) year from November 1, 1992.

The term of each members of the Board after initial staggered terms shall be for three (3) years, except that vacancies shall be filled for the balance of an unexpired term.

This Resolution shall take effect immediately.

Date: October 27, 1992.

MAYOR, CITY OF HARRISONBURG
VIRGINIA.

Council Member Weaver offered a motion that the resolution be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

Mayor Heath noted that the next item on the agenda is further discussion on the 69 KV line as to its proper location, and asked Acting Manager Baker if he has any additional information for the Council on this matter. Acting Manager Baker stated that he has nothing to add to the previous discussions on this matter. Mayor Heath noted that the Council's needs to understand that the extent of the Council's action on this can be as a recommendation to HEC, emphasizing that the Council does not have direct control over the placement of this line. Council Member Weaver offered a motion that the City Council request HEC to relocate the 69 KV lines and remove the large cement pole out of the Purcell Park neighborhood, Monument and Crawford Avenue in a window of time, between the years 1995 and 1997. Council Member Dingledine questioned where the lines should be put. Council Member Weaver stated that HEC can put them where they want to, noting that she is happy that HEC has gotten the lines away from the new jail facility, but hates that the Purcell Park residents and people going to the park have to look at the lines and large pole. Mayor Heath called for a second to the motion; and there being no second, stated that in the absence of a second to the motion, the motion dies and the City Council has no further recommendation for HEC concerning the 69 KV lines and large cement pole. Mayor Heath thanked the members of HEC for being present and their time involved with this matter.

Acting Manager Baker presented and read a letter from Marc Taylor, Chairman of First Night requesting permission from the City Council to allow Ruggieri Fireworks to produce a ten minute fireworks display at midnight on December 31, 1992. Mr. Taylor also requested in the letter permission to have a warming fire on the sidewalk at the southwest corner of Court Square during the First Night celebration from 6:30 p.m. to 11:30 p.m. Following comments from Mr. Marc Taylor, and Mr. Lance Braun, of Ruggieri, Council Member Dingledine offered a motion that permission be granted for the fireworks display and the warming fire to be used in conjunction with the First Night celebration on December 31, 1992. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Acting Manager Baker presented and read a letter from Beverly S. Miller, City Treasurer, requesting Council's approval to advertise as unpaid the delinquent real estate for the years 1990 and 1991. Council Member Weaver offered a motion that the City Treasurer be granted permission to advertise the unpaid delinquent real estate. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on October 21, 1992.

"...The Planning Director explained with a block map a request for final plat approval of Deyerle Subdivision, Section 39, Lots 2 through 11, located on the west side of Evelyn Byrd Avenue. The request is for a subdivision of an area of approximately 18.4 acres. Ms. Turner explained that the subdivision received preliminary approval from Planning Commission in May, 1992 and was revised and reapproved in August, 1992. This revision changed the right-of-way for the proposed

"Lucy Drive" to 50 feet, provided that a 5 foot restricted easement is provided on each side. This restricted easement is noted on the final subdivision plat as well. The Planning Director explained that the proposed "Lucy Drive" will end in a temporary cul-de-sac at proposed Lot 11, but right-of-way for future street development has been provided along the length of proposed Lot 11. The temporary cul-de-sac will be used until Lucy Drive is extended to Reservoir Street. Ms. Turner stated that the bond is posted as a part of another project and the plat is in conformity with the previously approved preliminary plat and is recommended for approval as presented.

Chairman Hughes asked for a motion. Dr. Gardner moved to approve the final subdivision of Deyerle, Section 39, Lots 2 through 11. Mr. Wassum seconded. All voted aye..."

Planning Director Turner called Council's attention to a large scale map of the area and noted that Planning Commission is recommending approval of this final subdivision. Vice-Mayor Neff offered a motion that the recommendation of the Planning Commission be approved. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

✓ Acting City Manager Baker presented and read a letter from Barry K. Kelley and Virginia Miller requesting that the ten foot alley that runs between their homes on Franklin Street be closed. Council Member Weaver offered a motion that this alley closing request be referred to the Planning Commission. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

Acting City Manager Baker presented to City Council two drawings of the new Joint Judicial Complex and Courts building.

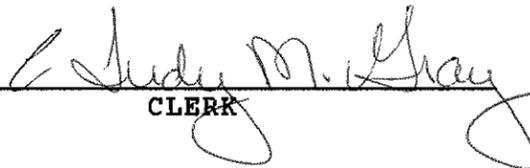
Council Member Weaver noted that it needs to be well advertised that the Utility Billing Department will be moving to

Beery Road and that citizens and students will have to go to this location to have their water turned on etc. It was suggested that a notice be put in the JMU and EMC newspapers along with all the other media.

✓ Acting Manager Baker called Council's attention to a letter from Commissioner of Revenue, Kale Barb, stating that the 1992 general reassessment of real estate in the City of Harrisonburg is nearing completion and a board of equalization must be appointed by the circuit court. City Attorney Thumma noted that the Council can recommend the names for this board then he will petition the Circuit Court for these persons to be appointment. Mr. Thumma noted that before the court can appoint anyone to this board the persons need to be trained by the State Tax Department, so Mr. Barb would like Council's recommendations as soon as possible. Acting Manager Baker noted that Mr. Barb has suggested the following names for recommendation: Thomas J. Wilson, III, Irvin C. Lee, Nelson L. Liskey, Edward P. Shank and R. Nelson Hawkins. Mr. Barb also recommended Edwin M. "Sam" Cook as a prospective member should any other the other five decline to serve. Council Member Weaver offered a motion that the six names recommended by the Commissioner of Revenue be recommended to the Circuit Court Judge. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 8:45 p.m., there being no further business and on motion adopted, the meeting was adjourned.


MAYOR


CLERK

jmg

cc: City Council
City Manager
Assistant City Manager
City Auditor
Betty Jolly
Public Library

REGULAR MEETING

NOVEMBER 10, 1992

At a regular meeting of Council held this evening in the Council Chamber at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Judy M. Gray; Colonel Donald Harper and City Auditor Philip Peterman.

Minutes of the regular meeting held on October 27, 1992, approved as read.

The following monthly progress reports were presented and ordered filed:

City Treasurer - A trial balance report for the month of October, 1992.

Police Department - A report of fines and costs collected - \$6,132.75; cash collected from street parking meters - \$7,403.82; total cash collected and paid on accounts - \$13,536.57.

City Auditor's - A report of cash discounts saved in the payments of vendors invoices for the month of October, 1992, in the amount of \$

Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of October 1992.

Ms. Marilyn Jerrels, president of the Education Association, was present in the meeting to present each City Council member with a certificate of appreciation for the City's great support the schools.

At 7:32 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record on Wednesday, November 4, 1992:

RE: Christian Light Publications, Inc.
Request for Real and Personal Property Tax exemption.

TAKE NOTICE that on Tuesday, the 10th day of November, 1992, at 7:30 p.m. or as soon thereafter as may be heard, the Harrisonburg City Council shall consider the adoption of a resolution granting Christian Light Publications, Inc. exemption from taxation on its real and personal property pursuant of Article X, Section 6 (a)(6) of the Constitution of Virginia.

Said hearing shall be held in the City Council Chamber located at 345 South Main Street, Harrisonburg, Virginia, and all interested citizens shall be given the opportunity to be heard concerning this matter.

Steven Stewart
City Manager
Harrisonburg, Virginia

City Manager Stewart noted that this is a request for Christian Light Publications to be exempt from real and personal property tax. Mr. Stewart then called Council's attention to a resolution which recommends to the General Assembly for final action on this request. Mayor Heath called on anyone present desiring to speak for this resolution.

Mr. Dusty Rhodes, legal counsel for Christian Light Publications, noted that a notice of this hearing was properly made and advertised in the Daily News Record. Mr. Rhodes stated that his purpose this evening is to proffer to the council a resolution whereby Christian Light Publication would be granted exempt status from paying both real and personal property tax.

Mayor Heath called on anyone else present desiring to speak either for or against the adoption of this resolution. There being no others desiring to speak concerning the resolution the public hearing was declared closed at 7:37 p.m. and the regular session reconvened.

Council Member Dingledine questioned if any other similar organization in the City has tax exemption. City Attorney Thumma noted that Mercy House and Friendship Industries have recently been granted tax exemption. Council Member Weaver asked for background information on this organization and questioned if it considers itself a church. Mr. John Hartzler, Treasurer/General Manager of Christian Light Publications, noted that they are a publishing company that publishes religious educational materials. Mr. Hartzler stated that they do not make a profit; noting that if income exceeds expenses then the money is turned back into the business to produce more publications. Mr. Hartzler also noted that they have been granted tax exemption from the internal revenue service. Vice Mayor Neff asked if there are other businesses in the state that serve the same purpose and are exempt from paying taxes. City Attorney Thumma noted that there is a long list of tax exempt entities as designated by the General Assembly available. Following further comments, Vice Mayor Neff offered a motion that this matter be tabled until the next regularly scheduled City Council meeting so information can be obtained concerning other entities in the state that have been granted tax exemption. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

Mr. Bob Berrson, Citizens for Downtown, was present in the meeting to request the City Council's support of the need to preserve and develop the sections of Blacks Run in the downtown area that are still above ground. Mr. Berrson read a quote from an article that appeared in the Daily News Record in the 1980's which sums up the goals of the Blacks Run restoration project. One section Mr. Berrson read stated that Blacks Run could be one of the "biggest assets" for downtown Harrisonburg. Mr. Berrson thanked the City Council for their support of the project so far and noted that he would like to request Council's commitment to support the efforts to keep the portions of Black Run that remain above ground preserved. Mr. Berrson then presented Council with a slide presentation of before and after pictures of sections of Blacks Run that have already been preserved. Following the slide presentation, Vice-Mayor Neff questioned if there is a master plan for the preservation of Blacks Run. Mr. Berrson stated that at this point the preservation is being done in segments, but noted a master plan could be developed if that is Council's desire. Vice-Mayor Neff noted that he would like to see a master plan of the project. Water and Sewer Superintendent Collins stated that the City is four years into a twenty-two year plan of upgrading the sanitary sewer system and there is planned construction in some of the areas of Black Run that have been marked for preservation. Mr. Collins noted that he is in favor of the preservation of Blacks Run, but stated that the preservation work will have to be coordinated with the City Departments. Council Member Weaver questioned if this is something that should be referred to the Citizens' committee that is working on the amendments of the zoning laws. Following further discussion, Council Member Weaver offered a motion that this request be referred to the Citizens Committee working on the amendments of the zoning laws along with Council's support of the concept and with the understanding that all efforts of preservation will be coordinated with all City Departments. The motion was seconded by Vice-Mayor Neff, and approved with a majority vote of Council. (Council Member Green opposed.)

✓ Colonel Donald G. Harper, Chief of Police presented Council with the Harrisonburg Police Department's Five Year Plan. Colonel Harper explained that the plan is based on three goals which include: more community involvement, becoming a more proactive organization and retaining qualified personnel. Colonel Harper also reviewed with the Council his long range plan with recommendations for development in the following areas: human resources, patrol operation, automation, community relations/crime prevention, criminal investigation, training, facilities and organizing for effective operations. Colonel Harper concluded by stating that his main goal is to provide the best police service to the City of Harrisonburg. Vice-Mayor Neff questioned if any cost projections have been made for the five year plan; noting that it would be helpful for the Manager and the Council in planning for the future to have the projected cost impact of the plan over the five years based on capital improvements, programs, personnel etc.

✓ City Manager Stewart presented and read a letter from Robert A. McKearney requesting that a 1.063 acre parcel of land located on the northwest corner of Country Club Road and Keezletown Road be rezoned from R-1 to B-2 Conditional (planned business). City Manager Stewart also presented and read a letter from C. F. Weaver, for the heirs of Martha V. Webster, requesting that the parcel of land designated on the City Tax Map as lot 8, block V, page 33 be rezoned from R-1 to R-3 conditional, for professional offices or two single family residential units. Council Member Weaver stated that since both of these requests involve conditional zoning, she would like to see the conditions set out much more clearly than they are presented at this point, particularly when they are advertised for public hearing. Vice-Mayor Neff offered a motion that both rezoning requests be referred to the Planning Commission. The motion was seconded by Council Member Dingleline, and approved with a unanimous vote of Council.

✓ City Manager Stewart noted that for some time the City has had a moratorium on water and sewer connections outside the City limits. Mr. Stewart further noted in recent months there have been a couple of requests to allow individual taps to be made to serve lots outside the corporate limits. Assistant City Manager Baker explained that in the summer of 1988, following a lot of requests from developers for water and sewer services outside the City limits, City Council placed a one year moratorium on outside connections. Assistant Manager Baker further noted that in 1989, the moratorium was applied indefinitely. Assistant Manager Baker did note that originally the moratorium was applied primarily to subdivisions, but the way it was placed it applied to everyone outside the City limits. Assistant Manager Baker noted that there are a few areas outside the City, namely Lincolnshire Drive, where the sewer is pumped into the City and that he has been told that some verbal agreements were made concerning City water connections made in the County primarily Belmont Estates. Assistant Manager Baker stated that the recent requests for city water and sewer have come from single family homes that are in sight of City water. Assistant Manager Baker stated that staff needs direction from the City Council as to what their wishes are on this moratorium. Assistant Manager Baker concluded in stating that he would not recommend a blanket lifting of the moratorium, but feels that single families could be served. Mr. Collins, Water and Sewer Superintendent, noted that he supports the possibility of providing water and sewer services to single family homes that do not require main extensions and would recommend the limit of one extension per lot. Mr. Collins presented Council with details of the water treatment plant capacity, the waste water treatment plant capacity and the sanitary sewer interceptor. Mr. Collins stated that looking at this from a business standpoint, and with the water/sewer rates and fees the City has in place right now; to raise the moratorium the citizens of Harrisonburg would be greatly subsidizing the County. Following further comments, Mr. Collins noted that his suggestion would be to wait until the rate structure is analyzed before lifting the total moratorium. Following further discussion and comments, Council Member

Green offered a motion that city staff be requested to prepare guidelines, for Council's review, to be used in making minor modifications to the water and sewer moratorium to allow for single family connections. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration of a second and final reading an ordinance amending and re-enacting Section 4-1-12, Same-Penalty for failure to make return or failure to exhibit property, of the Harrisonburg City Code. City Attorney Thumma stated that this ordinance relates to the filing of personal property tax returns. Attorney Thumma also noted that it has a sunset provision. Council Member Weaver offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-1-5, Assessment of real estate-Generally; preparation and delivery of land and personal property books, of the Harrisonburg City Code. Council Member Weaver offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-1-26, Statement of city taxes to be mailed to taxpayer, of the Harrisonburg City Code. Council Member Dingledine offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-1-27, Collection of taxes generally; when taxes due; interest and penalties on taxes, of the Harrisonburg City Code. Vice-Mayor Neff offered a motion that the ordinance be approved for a first reading. The motion was seconded by Council Member Weaver and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration of approval a deed between the City of Harrisonburg and the Commonwealth of Virginia. City Manager Stewart explained that a portion of the road that will serve the Stone Spring Elementary School will be in the County and in order for the State to maintain this portion, a right-of-way has to be granted to the State. Council Member Dingledine offered a motion that the deed of right-of-way be granted. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

Following discussion, Council Member Dingledine offered a motion that the December 22, 1992, City Council meeting be canceled unless there is an emergency. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration of approval the following proclamation:

On the occasion of the celebration of twenty-five years of service to the citizens of Harrisonburg and the Central Shenandoah Valley, the Harrisonburg City Council honors Blue Ridge Community College for the many higher education opportunities the College has provided for our region since 1967.

The Harrisonburg City Council recognizes those individuals who worked so hard in the mid-sixties to ensure that a community college was located in our region and expresses its appreciation of the faculty, staff, and administration of the College for making the dream of high quality, affordable higher education for all a reality in the Central Shenandoah Valley.

Over 43,000 students have attended Blue Ridge Community College since 1967 and are now contributing to the life and economic health of our region and of our country.

On this day, November 10, 1992, the Harrisonburg City Council is pleased to extend its congratulations to Blue Ridge Community College and to wish the College well in its next twenty five years.

With Sincere Appreciation,

C. Robert Heath, Mayor
City of Harrisonburg

Council Member Weaver offered a motion that the Mayor be authorized to sign the proclamation. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous vote of Council.

Assistant City Manager Baker explained that he met with the Board of Viewers and they have a recommendation for amending City Code Section 6-1-22 to increase the fees for street, alley and right-of-way closings to at least 100.00, if not 125.00 dollars. Assistant Manager Baker noted that the Board of Viewers would also

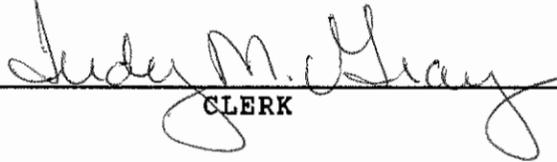
like for this section to include the fees for the Board of Viewers. Council Member Weaver stated that she would like to know the guidelines for which Boards and Commissions get paid and which ones do not. Following further discussion, Vice-Mayor Neff offered a motion that the City Attorney be authorized to rewrite City Code Section 6-1-22 and for City staff to work up the figures. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 9:15 p.m., Council Member Dingledine offered a motion for Council to enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, Planning Commission, Parks and Recreation Commission, Harrisonburg Parking Authority, Disability Services Board and personnel discussion with the City Manager, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia; and for discussion and consultation with legal counsel pertaining to legal matters requiring the provision of legal advice by counsel on pending litigation in the federal court, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

At 10:05 p.m. the executive session was closed and the regular session reconvened. City Clerk Gray read the following which was agreed to with an unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Heath asked Council's wishes concerning an appointment to the Industrial Development Authority inasmuch as the second terms of Mr. William B. Gunn and Ms. Frances Miller expired on April 24, 1992. Vice Mayor Neff offered a motion that Mr. John Rouse, 1255 Upland Drive, be appointed to a four year term on the Industrial Development Authority, with term to expire on April 24, 1998. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 10:06 p.m., there being no further business, and on motion adopted, the meeting was adjourned.


CLERK


MAYOR

jmg

cc: City Council
City Manager
Assistant City Manager
City Auditor
Betty Jolly
Rockingham Public Library

REGULAR MEETING

NOVEMBER 24, 1992

At a regular meeting of Council held this evening in the Council Chambers at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingledine and Agnes Massie Weaver; City Clerk Judy M. Gray; Colonel Donald Harper and City Auditor Philip Peterman.

Minutes of the regular meeting held on November 10, 1992, approved as read.

The City Manager's Monthly Progress Report was presented and ordered filed.

Mr. Mac Nichols, legal counsel for Christian Light Publication, was present at the meeting to answer questions concerning Christian Light Publication's request for real and personal property tax exemption. The Council expressed concern that Christian Light does not offer a direct service to people of the community as other organizations which have this exemption. Organizations which have more than one service only have the exemption on property used exclusively for charitable purposes. Mr. Nichols stated that the code does not restrict tax exempt status to organizations which offer services that directly impact the community, but only that there be a religious purpose. Council also expressed a concern that this exemption would give Christian Light Publication an unfair advantage over other Christian book stores in the area. Another concern was that Christian Light Publication has a broad base of customers, whereas other exempt organizations service only this community. Vice-Mayor Neff offered a motion to deny the request of Christian Light Publication for real and personal property tax exemption. The motion was seconded by Council Member Dingledine, and approved with a unanimous vote of Council.

At 7:40 p.m., Mayor Heath closed the regular session temporarily and called the evening's public hearing to order. City Manager Stewart read the following notice of public hearing as it appeared in the Daily News Record on Tuesday, November 24, 1992:

RE: ADA Paratransit Plan Revision and Update

A public hearing on the revised Paratransit Plan developed by the City of Harrisonburg's Public Transportation Department in response to requirements of the Americans with Disabilities Act of 1990 (ADA) is scheduled for Tuesday, November 24, 1992 beginning at 7:30 p.m. The Public hearing will be held in conjunction with the regularly scheduled City Council Meeting and will be held in the City Council Chambers, City Hall, Harrisonburg. The Paratransit Plan describes proposed changes to the existing Harrisonburg Paratransit program in order to bring this service into compliance with the ADA Revisions to the original plan submitted in January, 1992 as well as information required in the annual update of the plan will be discussed. Comments on the draft plan, up to the date of the public hearing, are also welcomed. Copies of the draft plan are available at the Public Transportation Department, 475 E. Washington Street, Harrisonburg (telephone: 434-2515) The draft plan is available in accessible formats upon request.

Mayor Heath called on Reggie Smith, Transportation Director, to present highlights of the ADA Paratransit Plan and answer any questions. Reggie Smith noted that this plan was originally prepared by the Transportation Department and submitted in January, 1992. The plan was turned down. The state hired a consultant to assist the Department in preparing the plan. The main thing with ADA is providing the service. Mr. Smith stated that the Transportation Department was basically providing most of the services, but did not have it in the correct wording. The wording has been corrected and more charts, pictures and maps provided. The few minor changes with this plan: provide service to one route that goes out into the County, because the Department is required to provide paratransit service within three-quarters of a mile of all our transit routes; the route run on Tuesdays and Thursdays will have the fare increased to \$3.00. Mr. Smith further stated that there are written statements of what the Department is going to do which the Department has been doing. The Department is way above the requirements of the law. The budget figures in this plan are figures which have been in the City's budget. The revision of the plan is due December 15, 1992. The update of what has been done in the past year is due January 26, 1993. This plan is a combination of these two required plans. Mr. Smith presented Council with two sheets for signature. Mayor Heath then called on anyone present desiring to speak either for or against this plan. There being no one present desiring to speak either for or against the plan, the public hearing was declared closed at 7:55 p.m. and the regular session reconvened.

Council Member Weaver questioned how many people are using this service. Reggie Smith stated that thirty trips per day are made. Council Member Weaver offered a motion that the ADA Paratransit Plan be adopted. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council.

Mayor Heath presented to Reggie Smith, Transportation Director, a plaque from the Virginia Department of Rail and Public Transportation with the inscription: "Outstanding Public Transportation System Achievement Award, Urban, Rural Areas

Harrisonburg Bus Service, 1992." Reggie Smith stated that his department won this award by increasing the ridership by 46%, and by converting all buses to non-smoking buses. Mr. Smith further noted that the ridership has increased another 40% this year.

City Manager Stewart presented two application forms for City Council appointed Boards and Commissions and a cover letter from the Mayor for Council's consideration. Form #1 makes no mention of handicaps or special needs, Form #2 permits the applicant to indicate if special accommodations or arrangements are needed. Mayor Heath presented a new letter written in his own words to replace the letter presented by the City Manager. After discussion by Council, Council Member Weaver offered a motion that application form #2 be approved with the new letter from the Mayor and the following modifications: add the date, add request for volunteer work, and make all personal questions (birthday, ethnic background, etc.) optional. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council.

City Manager Stewart read the following resolution for Council's consideration of approval:

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

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the "Authority"), has considered the request of United Dominion Realty Trust, Inc. (the "Applicant") for the issuance of refunding revenue bonds, of which bonds in an amount not to exceed \$1,260,000 (the "Bonds") will be issued to assist the Applicant in refinancing the outstanding principal amount of the Multi-Family Housing Revenue Bonds (Cavalier Court Project), Series 1981, issued by the Hopewell Redevelopment and Housing Authority to finance the acquisition and rehabilitation of the Applicant's 78-unit multi-family residential rental project known as Towne Square Apartments (formerly Cavalier Court Apartments) in the City of Hopewell, Virginia (the "Project"), and held a public hearing thereon on November 18, 1992;

WHEREAS, the Authority has requested the City Council of the City of Harrisonburg, Virginia (the "Council"), to approve the issuance of the Bonds to comply with Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), and, as required by clause 2 of Chapter 514 of the Acts of the General Assembly of Virginia of 1983, Section 15.1-1378.1 of the Code of Virginia of 1950, as amended (the "Virginia Code"); and

WHEREAS, a copy of the Authority's resolution approving the issuance of the Bonds, a record of the public hearing and a "fiscal impact statement" with respect to the Project have been filed with the Council;

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 for the benefit of the Applicant to the extent required by Section 147(f) of the Code and Section 15.1-1378.1 of the Virginia Code, to permit the Authority to assist in the refinancing of the Project.
2. Approval of the issuance of the Bonds, as required by Section 147(f) of the Code and Section 15.1-1378.1 of the Virginia Code, does not constitute an endorsement to a prospective purchaser of the Bonds or the creditworthiness of the Project or the Applicant, but the Bonds shall provide that neither the City of Harrisonburg or the City of Hopewell, Virginia, shall be liable on the Bonds nor in any event shall the Bonds be payable out of any funds or properties other than those of the Authority specifically pledged thereto.
4. This resolution shall take effect immediately upon its adoption.

City Manager Stewart then called on Jim Sipe, legal counsel for the Housing Authority, to explain this resolution. Jim Sipe stated that this is a refunding bond that is being requested to be issued which ordinarily does not require City Council's approval. Mr. Sipe explained that refunding is being done because of the drop in interest rates and that the only reason he is back before Council is that this same developer has a small project in Hopewell, Virginia, \$1,260,000, which originated in 1985, and the developer wants to refinance that also. The developer requested that the two bonds be combined into one issue, in order to go through only one underwriter and official statement. Mr. Sipe stated that the developer has been through the Circuit Court of Rockingham County validation proceeding and this was approved. Mr. Sipe further stated that no one spoke in opposition to the refunding at the public hearing held in Hopewell. Mr. Sipe noted that the Housing Authority approved this request and

respectfully requests Council's approval of this resolution. Vice-Mayor Neff offered a motion that the resolution of the City Council approving issuance of refunding Bonds for United Dominion Realty Trust in the amount of \$6,580,000 be approved. The motion was seconded by Council Member Weaver and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented the following resolution to Council for approval:

**RESOLUTION APPROVING THE HARRISONBURG-ROCKINGHAM REGIONAL
SEWER AUTHORITY'S SERVICE CONTRACT**

WHEREAS, the Harrisonburg-Rockingham Regional Sewer Authority intends to expand and make improvements to its wastewater treatment plant, and

WHEREAS, Due to this project, the existing service contract among the Authority and the City of Harrisonburg, the County of Rockingham and the Towns of Bridgewater, Dayton and Mount Crawford (the "Member Jurisdictions") dated August 12, 1977, must be amended, and

WHEREAS, The Authority held a public hearing on August 27, 1992, at 7:00 p.m. concerning the adoption of a service contract, and

WHEREAS, The Members of the Harrisonburg-Rockingham Regional Sewer Authority have now determined that it is in the best interest of the Authority and have adopted a new service contract.

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

1. The form of Contract labeled Draft 10 dated October 5, 1992, among the Authority and the Member Jurisdictions as submitted to this meeting and made a part of this resolution as though set forth in full herein, be and the same is approved and adopted by the City Council of the City of Harrisonburg, and
2. The Mayor is authorized and directed to execute and deliver said Contract.

City Manager Stewart stated that this resolution was approved by City Council at the September 8, 1992 meeting. This draft changes the cap of the surcharge from 20% of Gross Revenues of the members system to 25%. This change was necessary in order to maintain an "A" rating with Moody's Rating Service. City Attorney Thumma added that the only difference between this resolution and the one approved in September is the draft number from 8 to 10 and the date to October 5, 1992. This resolution has been approved by every locality except Harrisonburg. Council Member Weaver offered a motion that the Council approve the resolution approving the Harrisonburg-Rockingham Regional Sewer Authority Service Contract. The motion was seconded by Vice-Mayor Neff and approved with a unanimous recorded vote of Council.

✓ City Manager Stewart presented the following guidelines to modify the Water and Sewer Moratorium for users outside the Harrisonburg City Limits:

1. Water Service shall not exceed a 1" meter connection per approved AWWA methods.
2. Sewer Service shall not exceed a 4" service connection.
3. No extensions of or from City mains or private lines shall be permitted.
4. Only one water and/or sewer connection shall be allowed per lot or parcel as recorded on a plat of record as of November 1, 1992. The connection shall serve only a single family residence.
5. All applicable City Ordinances, standards and policies shall apply.
6. Prior to obtaining water and/or sewer service, the property owner must complete a City-furnished application form.
7. The Harrisonburg City Council reserves the right to impose additional requirements in the future or to impose a complete moratorium.
8. Properties which are not wholly within the City, but which pay city property taxes are exempt from moratorium, and will be treated as if they were wholly within the City.

After discussion by Council, Council Member Dingledine offered a motion that the guidelines for modifying the Water and Sewer Moratorium be approved subject to review by Rockingham County Board of Supervisors. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

✓ Council received the following extract from the Planning Commission meeting held on November 18, 1992:

"....Chairman Hughes went into Public Hearing and the Planning Director described with a tax map the request from Quarles Petroleum, Inc. to rezone the northern half of lot 68 from B-2 "General Business" to M-1 "General Industrial", located at 1090 Virginia Avenue, Lot 68, Block O, Sheet 47. The southern half of the parcel is currently zoned M-1 "General Industrial" and the northern half is zoned B-2 "General Business" and consists of 1.583 acres. Quarles has two buildings located on the southern end of the parcel and wishes to use the northern end for the storage and distribution of propane. There are restrictions that state that a propane tank cannot be any closer than 50 feet from a property line. This places constraints on placing storage tanks on the southern portion which has a building on it. Therefore, Quarles would like to rezone the northern half to M-1 and place the tanks on that portion of the property. Ms. Turner said that the general area contains both a mixture of uses and a mixture of zoning classifications. The west side of Virginia Avenue is zoned B-2 at its intersection with Mt. Clinton Pike. This includes F&M Bank, a couple of multi-family dwellings and mobile homes. South of this is a large R-1 area, developed with the single family "Holiday Hills" Subdivision. The east side of Virginia Avenue is also zoned B-2 in the area of the Mt. Clinton Pike intersection. The B-2 Classification extends south onto the Quarles's parcel and then changes to M-1 which extends south past the Edom Road area. Directly south of the Quarles parcel, in the M-1 area, is Park View Auto Sales, two dwellings and Shenandoah Manufacturing. The Norfolk & Southern Railroad runs behind the Quarles parcel and all property located east of the railroad is zoned M-1. Ms. Turner said that the City's Comprehensive Plan recommends a commercial use for this portion of the Quarles parcel. The southern portion of the Quarles property and property further south is recommended for light industrial use. Reasons for this recommendation include the proximity to both the single family neighborhood and the commercial intersection. Although it would appear that the "light industrial" recommendation means industrial use in the general area is acceptable, the "light industrial" definition should be considered. The current City zoning ordinance does not distinguish between light industrial and general industrial and many uses currently permitted in the M-1 zoning classification may not fit into the "light industrial" category. Ms. Turner pointed out that if the request is not approved, Quarles still has the option of placing the tank on the portion of the property already zoned M-1. The Planning Director said because the Comprehensive Plan recommends a Commercial use for this property and also because it is located adjacent to densely populated area, a rezoning to M-1 "General Industrial" is not recommended for approval.

Chairman Hughes asked for anyone who would like to speak for the proposal.

Roger Williams, representing Quarles Petroleum Inc., said that the old storage tanks have been removed and Quarles Petroleum would like to put in new tanks. Mr. Williams described the property and the surrounding areas and said that since the property on the south side of Virginia Avenue including the south part of the lot in question and all the property east and northeast is M-1 than it would be reasonable to approve this rezoning. Mr. Williams said that as far as the residential subdivision, it does not front on Virginia Avenue so therefore does not access on Virginia Avenue. He listed some of the other M-1 uses in the area and said that the Comprehensive Plan talks in general about the location of this particular lot, making the northern portion commercial and the southern portion light industrial. But right now they don't have the option to ask for light industrial zoning. He said that as far as safety concerns, if the rezoning was approved, installation of the new tanks would be completely in accordance with state safety precautions. Mr. Williams added that Quarles Petroleum is determined to be a good neighbor and a good corporate citizen and would welcome any suggestions regarding the situation.

Mr. Thad Green, manager of Quarles Petroleum, described the new storage tanks and assured the Commission that he would monitor these tanks himself. Mr. Green said that it would not be feasible to put the tanks on the south end of the property due to the fact that there is a building there and that Quarles Petroleum has a monthly rental income of \$750.00 a month from that property. He said that the tank will be moved 200 feet to the north, further away from the homeowners.

Chairman Hughes asked if anyone would like to speak against the proposal.

Ed Wampler, 1250 Waterman Drive, opposed the rezoning and listed the reasons saying that the rezoning would allow larger storage of petroleum in the future than is currently feasible. He added that increased noise of truck traffic; the smell of petroleum products; the danger of a catastrophic occurrence; the possibility of drawing heavy industry; and the possible draw of an agri-business industry were also reasons. Mr. Wampler explained that these industries would be good community assets, but not located adjacent to established residential properties.

Betty White, 1075 Virginia Avenue, said the use of more storage tanks would not be compatible to the neighborhood. Chairman Hughes asked for a show of hands of people against the proposal. There was a show of approximately 2 hands.

There being no one else to speak, Chairman Hughes brought the meeting back to general session and asked for questions from the Commission.

Mr. Neff stated that in preparation of the Land Use Guide, Virginia Avenue from Edom Road north, on the east side, was designated according to the Comprehensive Plan as light industrial. The intention was to encompass and incorporate the area and should have taken in Quarles Petroleum. He said he had problems rezoning this property M-1 without some type of conditions on the property that said that the owner would agree to have it converted back to light industrial, but didn't know if this could be done. After discussion among the Commissioners regarding this possibility it was decided that the Commissioners could not support an M-1 zoning.

Mr. Wassum moved to deny the request. Mr. Rexrode seconded. All voted aye...."

Planning Director Turner called Council's attention to a large scale map of the area and reiterated many of the points in the above report. Vice-Mayor Neff offered a motion that a Public Hearing be scheduled for January 12, 1992. The motion was seconded by Council Member Weaver, and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on November 18, 1992:

"....The Planning Director explained with a block map a request to close the alley located on the east side of 279 Newman Avenue, a request made by W. Marshall Price, and a request of Barry Kelly and Virginia Miller to close the alley between their lots at 272 and 260 Franklin Street. She said that the requests were to close two connecting alleys from the surrounding property owners. W. Marshall Price has requested that the alley east of his house at 279 Newman Avenue, be closed. He owns the property on both sides of the alley and is willing to purchase the right-of-way. Barry Kelly of 272 Franklin Street and Virginia Miller of 260 Franklin Street have requested to close the portion of this same alley which runs between their homes. These two portions of the alley are located directly across Bruce Street from one another. Reasons for these requests include safety and maintenance concerns. Although this alley is used, closing it will not block off access to any properties. As the City does not maintain alleys, these property owners have been shouldering the burden of the maintenance of this alley for all users. The requests to close both portions of this alley are recommended for approval provided that easements for electric poles and storm sewer facilities are maintained.

Mr. Neff made a motion to recommend that City Council appoint a Board of Viewers. Dr. Gardner seconded. All voted aye...."

Planning Director Turner called Council's attention to a large scale map of the area and reiterated many of the points in the above report. Council Member Weaver offered a motion that a Public Hearing be scheduled for January 12, 1992. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council.

Council received the following extract from the Planning Commission meeting held on November 18, 1992:

"....The Planning Director explained with a block map a request to close the portion of Hill Street located north of the intersection of Hill and Kelley Streets. This request was made by the Harrisonburg Redevelopment and Housing Authority. She said this portion of Hill Street is undeveloped. The stated purpose of this request is to "facilitate the development of a multi-use community facility" on property to the east of the right-of-way. The Redevelopment and Housing Authority owns these two lots and is interested in selling them to Immanuel Mennonite Church for development. Immanuel Mennonite plans to

construct a church that would also be used as a day care facility and a site for evening tutoring activities. Immanuel Mennonite Church obtained setback variances for the proposed structure from the Board of Zoning Appeals on November 2, 1992. This portion of Hill Street is not used for trash removal or access to the adjacent Simms School property. Ms. Turner said that she had talked to the Director of Parks and Recreation and she said there were no objections. Provided that the property is resubdivided to resolve the street frontage problem, and the electric easement is maintained, the request is recommended for approval.

Mr. Baker asked if the property owner of lot 8 had any concerns or objections and stated that they too had the option of buying their portion of the street. Mr. Gerald Shenk, representing Immanuel Mennonite Church, stated that he had talked to the owners of that property, Mr. and Mrs. Conley, and they are not likely to be interested in the purchase of the property but would possibly like some property improvements, such as a fence between the properties.

After discussion Mr. Neff made a motion to recommend that City Council appoint a Board of Viewers. Ms. Whitten seconded. All voted aye...."

Planning Director Turner called Council's attention to a large scale map of the area and reiterated many of the points in the above report. Vice-Mayor Neff offered a motion that a Public Hearing be scheduled for January 12, 1992. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council.

City Manager Stewart presented a request for approval of a transfer of funds in the amount of \$10,000.00 from General Reserve for Contingencies Fund Balance to BRCC-Site Improvement based upon passage of the State's Bond Issue. Council Member Weaver moved that the transfer be approved and that:

\$10,000 trans. from:	General Reserve for Contingencies Fund Balance
10,000 trans. to:	Blue Ridge Community College - Site Improvement Fund Balance

The motion was seconded by Council Member Dingledine and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-1-12, Same-Penalty for failure to make return or failure to exhibit property, of the Harrisonburg City Code. Council Member Dingledine offered a motion that the ordinance be approved for a first reading. The motion was seconded by Vice-Mayor Neff, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 6-1-22, Fee for processing applications, of the Harrisonburg City Code. Council Member Weaver stated a need to see the number of viewers inserted. After discussion by Council, Vice-Mayor Neff offered a motion that this matter be tabled for clarification and until further information concerning the Board of Viewers and the process of alley and street closings can be presented. The motion was seconded by Council Member Dingledine and approved by unanimous vote of Council.

City Manager Stewart presented and read for Council consideration of a second and final reading an ordinance amending and re-enacting Section 4-1-5, Assessment of real estate-Generally; preparation and delivery of land and personal property books, of the Harrisonburg City Code. Vice-Mayor Neff offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Weaver, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented and read for Council consideration of a second and final reading an ordinance amending and re-enacting Section 4-1-26, Statement of city taxes to be mailed to taxpayer, of the Harrisonburg City Code. Vice-Mayor Neff offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Dingledine, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented and read for Council consideration of a second and final reading an ordinance amending and re-enacting Section 4-1-27, Collection of taxes generally; when taxes due; interest and penalties on taxes, of the Harrisonburg City Code. Council Member Dingledine offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Green and approved with a unanimous recorded vote of Council.

City Manager Stewart asked the Council's wishes concerning an appointment of an Acting City Clerk due to the upcoming maternity leave of the City Clerk. Council Member Weaver offered a motion that Bernice A. Farmer be appointed as Acting City Clerk during the absence of Judy Gray, the City Clerk. The motion was seconded by Council Member Dingledine, and approved with an unanimous recorded vote

of Council. Mr. Stewart further noted that there are times when it is necessary to execute documents during the absence of the City Clerk and recommended the appointment of a Deputy Clerk. Vice-Mayor Neff offered a motion that JoAnne Cave, Administrative Assistant to the Manager, be appointed as Deputy Clerk. The motion was seconded by Council Member Weaver and approved with an unanimous recorded vote of Council.

Council Member Weaver questioned if sidewalks are in the plans for Peach Grove Avenue. City Manager Stewart noted that he would check into this matter.

Council Member Dingledine stated that the Advisory Council of the Tourist Commission were concerned about the closing of part of Skyline Drive from December 1, 1992 through June 1, 1993. Council Member Dingledine offered a motion that Council write a letter to the Park Service and the local politicians expressing the City's concern over the closing of part of Shenandoah Park from December 1, 1992, to the first week in June, and the City's recommendation that the park be reopened earlier in the spring. The motion was seconded by Council Member Green and approved with an unanimous vote of Council.

Council Member Weaver stated that she was contacted by several citizens as to why the trees were trimmed so severely on Norwood and Reservoir Streets, particularly when there are no overhead wires at this location.

Council Member Weaver stated that she would like to see City Code Section 16-10-4 enforced in the case where signs are being taped on houses, etc. City Attorney Earl Thumma stated that the City has no jurisdiction when it comes to private property.

Council Member Weaver recommended that the City prepare a public relations booklet/checklist for newcomers to the City. The booklet would list who to contact in local government for specific areas.

City Attorney Thumma asked for any Charter changes. No changes were offered.

Council Member Green stated that the property along Black's Run is private property not owned by the City. The history of cleanup since 1970 has been a joint effort of the City with the private property owners. Vice-Mayor Neff recommended that a letter be sent to Bob Berrson from Council expressing Council Member Green's concern that any preservation measures need to be discussed and approved by the property owners.

For Council information, Assistant City Manager Baker noted that the 1992 General Assembly has passed a Comprehensive Services Act for At Risk Youth and Families. Assistant Manager Baker explained that this Act restructured Virginia Services and Funding to better meet the needs of families with children and youth who have behavioral and/or emotional problems. Assistant Manager Baker explained that they are trying to get some coordination between the five major child-serving systems which include: the schools, Social Services, the Health Department, the Community Services Board and the Juvenile Relations Court. The Act requires that these agencies coordinate their efforts so services are not duplicated. Assistant Manager Baker stated that a committee has to be formed as a result of the Act, and the City needs to decide if we want to form a joint committee with the County or have our own separate committee. Assistant Manager Baker further stated that there is a committee made up of the City's Social Services Director, the County Social Services Director, a representative from the City and County Schools, a representative from the Community Services Board and a representative from the Court System, already meeting that is similar to what they are requesting. Assistant Manager Baker noted that the Act also requires that a parent serve on the committee as well as a representative from the Health Department. Assistant Manager Baker stated that he and County Administrator Bill O'Brien have met with this committee to try and determine the advantages or disadvantages of a joint committee versus separate committees. Assistant Manager Baker stated that the only advantage they could identify to forming a joint committee, is that the City and County already have joint operations now with some of the agencies required to be on the committee and if a joint committee was formed the representative from these agencies would only have to attend one meeting versus two. Assistant Manager Baker did note that the schools, along with some of the other agencies, felt that if a joint committee was formed it would be better if the funds were kept separate which would be allowed. Assistant Manager Baker concluded by stating that a joint resolution is being prepared, if it is Council's desire, and that he will have more details on this at the next City Council meeting.

At 9:30 p.m., Council Member Dingledine offered a motion for Council to enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, Planning Commission, Parks and Recreation Commission, Harrisonburg Parking Authority, and Disability Services Board and discussion and consideration of performance of personnel, namely city manager, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. The motion was seconded by Council Member Weaver, and approved with an unanimous recorded vote of Council.

At 10:50 p.m., the executive session was closed and the regular session reconvened. City Manager Stewart read the following which was agreed to with an unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

✓ Mayor Heath asked Council's wishes concerning an appointment to the Planning Commission to represent the administrative branch. Council Member Weaver offered a motion that City Manager Steve Stewart be appointed as the representative of the administrative branch to the Planning Commission. The motion was seconded by Vice-Mayor Neff and approved with a unanimous vote of Council.

✓ Mayor Heath asked Council's wishes concerning an appointment to the Harrisonburg Parking Authority inasmuch as the second term of Mr. Earl F. Taylor expires on November 28, 1992. Council Member Weaver offered a motion that Mr. James C. McHone, 75 Court Square, be appointed to a first term for five years to expire on November 28, 1997. The motion was seconded by Council Member Dingledine and approved with a unanimous vote of Council.

✓ Mayor Heath asked Council's wishes concerning appointments to the Parks and Recreation Commission inasmuch as the second term of Mr. Richard L. Tysinger expires on December 31, 1992 and the first term of Mr. Wallace E. Banks expires December 31, 1992. Vice-Mayor Neff offered a motion that Mr. Conan G. Showalter, 651 Garbers Church Road, be appointed At-Large to a first term-West for four years to expire on December 31, 1996. The motion was seconded by Council Member Weaver and approved with a unanimous vote of Council. Council Member Dingledine offered a motion that Mr. Wallace E. Banks be appointed to a second term of four years. The motion was seconded by Vice-Mayor Neff and approved with a majority vote of Council.

At 10:53 p.m., there being no further business and on motion adopted the meeting was adjourned.


MAYOR


CLERK

jmg
cc: City Council
City Manager
Assistant City Manager
City Auditor
Betty Jolly
Rockingham Public Library

REGULAR MEETING

DECEMBER 08, 1992

At a regular meeting of Council held this evening in the Council Chamber at 7:30 p.m., there were present: Mayor C. Robert Heath; City Manager Steven Stewart; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor John N. Neff; Council Members Walter F. Green, III, Emily R. Dingleline and Agnes Massie Weaver; Acting City Clerk Bernice A. Farmer; Colonel Donald Harper and City Auditor Philip Peterman.

Minutes of the regular meeting held on November 24, 1992, approved as corrected.

The following monthly progress reports were presented and ordered filed:

City Treasurer - A trial balance report for the month of November, 1992.

Police Department - A report of fines and costs collected - \$3,670.50; cash collected from street parking meters - \$6,056.77; total cash collected and paid on accounts - \$9,727.27.

City Auditor's - A report of cash discounts saved in the payments of vendors invoices for the month of November, 1992, in the amount of \$135.98.

Utility Billing Department - A report of water, sewer and refuse accounts, meters read; installations; cut delinquents; complaints; rereads, etc. for the month of November 1992.

Mayor Heath read the following resolution for Council's consideration of approval:

RESOLUTION

40 YEARS OF COUNCIL-CITY MANAGER GOVERNMENT

WHEREAS, the City of Harrisonburg was founded in 1780 and incorporated as an independent city within the borders of Rockingham County in 1849; and,

WHEREAS, the City Council in 1952 adopted the Council-City Manager form of government by which the Council sets general governing policies and the manager oversees daily City operations; and,

WHEREAS, since the adoption of this form of government the City of Harrisonburg has had four City Managers -- Col. Arthur T. Dow, W.A. Woodward, Marvin Milam and Steven E. Stewart.

NOW THEREFORE BE IT RESOLVED, that the current City Council and City Manager hereby salute the 1952 Council for instituting a lasting effective form of government in Harrisonburg; and,

BE IF FURTHER RESOLVED, that the City honor the contributions of its three previous City Managers and our current manager for their work in maintaining effective and efficient governmental operations in the City.

This Resolution was formally considered and adopted by the Harrisonburg City Council at its meeting on December 8, 1992.

C. Robert Heath
Mayor, City of Harrisonburg

Vice-Mayor Neff offered a motion that the resolution of the City Council Celebrating Harrisonburg's 40th Anniversary be approved. The motion was seconded by Council Member Weaver and approved with an unanimous vote of Council.

✓ Mayor Heath read the following resolution for Council's consideration of approval:

RESOLUTION

WHEREAS, the City of Harrisonburg was founded in 1780 and incorporated as an independent city within the borders of Rockingham County in 1849; and,

WHEREAS, the City Council in 1952 adopted the Council-City Manager form of government by which the Council sets general governing policies and the manager oversees daily City operations; and,

WHEREAS, the City of Staunton is just 25 miles south of Harrisonburg, and a sister city participating in such regional cooperative organizations as the Shenandoah Valley Airport Commission and the Central Shenandoah Planning District Commission; and,

WHEREAS, the Council-City Manager form of government which Harrisonburg adopted has its roots in the Virginia Shenandoah Valley in the City of Staunton, a locality which was the first in the country to adopt this form of government in 1908; and,

WHEREAS, the Council-City Manager form of government has been adopted by nearly all the independent cities in the Commonwealth of Virginia, and many others nationwide.

NOW, THEREFORE BE IT RESOLVED, that the City Council and the City Manager of the City of Harrisonburg honor their counterparts in the City of Staunton with the presentation of this resolution.

This Resolution was formally considered and adopted by the Harrisonburg City Council at its meeting on December 8, 1992.

C. Robert Heath
Mayor, City of Harrisonburg

Council Member Weaver offered a motion that the resolution honoring City Council and City Manager of the City of Staunton be approved. The motion was seconded by Council Member Dingledine and approved with an unanimous vote of Council.

Mayor Heath then called on Douglas Wine, Vice-Mayor of the City of Staunton, to comment on the resolution. Vice-Mayor Wine, City of Staunton, extended congratulations to City of Harrisonburg on 40th anniversary of Council-City Manager form of government. Vice-Mayor Wine further noted that this form of government has served Harrisonburg well for the past 40 years and Staunton for the past 84 years. Vice-Mayor Wine stated that Staunton is proud to be the birth place of the Council-City Manager form of government. Vice-Mayor Wine further noted that since 1908, when the plan was born, close to three thousand governments within the United States and Canada have elected to adopt this form of government. Vice-Mayor Wine thanked Council for this honor and stated his wish for the continuance of the good relationship between the two cities. Vice-Mayor Wine then gave booklets to Council stating how the Council-City Manager form of government was started in 1908. Vice-Mayor Wine received applause for his comments.

Mayor Heath thanked Vice-Mayor Wine for being present at the meeting and for his comments.

✓ City Manager Stewart called on Chuck Rodamer and Tanya Denckla, representing Greener Harrisonburg, to present the landscaping plan for I-81 Interchanges and East Market Street corridor.

Tanya Denckla, Executive Director of Greener Harrisonburg, stated that the landscaping plans were put together with the following design considerations: 1) Traffic Safety, tree size and placement; 2) Plant Diversity; 3) Color; 4) Road Conditions, heat, pollution, salt; 5) Low Maintenance. Ms. Denckla further noted that the plan will be done in steps. The first step will be the median strip from Valley Mall to Vine Street. The second step will be the I-81 interchanges. Ms. Denckla then called on Chuck Rodamer to show some of the proposed plants.

Chuck Rodamer, professional in landscaping business, stated that many people contributed to the selection of the plants with the above mentioned design considerations. Mr. Rodamer noted that the City of Harrisonburg's landscape maintenance has improved tremendously over the last few years. Mr. Rodamer then passed around pictures of proposed trees and flowers to the Council.

Mayor Heath asked who is responsible for maintaining the cloverleaf. Jim Baker, Superintendent of Streets, stated that there is a proposal already in place for the Street Beautification Department to take over the maintenance (mowing) of the cloverleaf because the State's rate of mowing is not as frequent as the City's.

Tanya Denckla stated that the funds for the plants are coming from public sources (individual citizens, organizations, and business's which line the corridor) and grant funds. Ms. Denckla further stated that during one month \$900.00 has been raised from the business' which line the corridor.

Council Member Weaver offered a motion that the landscaping plan concept be approved and passed to the Virginia Department of Transportation for review. The motion was seconded by Council Member Dingleline.

Jim Baker, Superintendent of Streets, presented a letter describing additional maintenance costs: the need for an additional person, a labor three position, and the need for an additional vehicle.

City Manager Stewart stated that the City is considering pulling resources from Public Works and Parks and Recreation to use existing staff and equipment for the next year to absorb these improvements.

Council Member Weaver offered a suggestion that there be a cooperation between the three entities which perform mowing: Parks and Recreation, Schools, and the City. City Manager Stewart took this suggestion under advisement.

After the above discussion the motion was approved with an unanimous vote of Council.

✓ Mr. Lester O. Seal, CPA, Director of Finance, presented for Council's information the City's Comprehensive Annual Financial Report(CAFR) for the fiscal year July 1, 1991 to June 30, 1992, and noted that copies are available for public inspection in his office, the City Manager's Office and that one copy is being sent to the Public Library. Mr. Seal further stated that Mr. Ken Huffman, Phibbs, Burkholder, Geisert and Huffman, will be present at the January 12, 1993 meeting to answer any questions concerning the audit.

✓ Mr. Patrick Sweet, Chairman of Harrisonburg Parking Authority, updated the Council on plans for a downtown parking study. Mr. Sweet noted that there is a need for a professional study of

Harrisonburg's central business district parking system because of the following concerns: construction of joint City/County Judicial complex, continued loss of existing parking facilities, future expansion of library and services, potential for increased downtown office occupancy, determine if operations are efficiently operated and in sufficient in supply, compare cost of each parking space downtown by a cost analysis with the performance of the parking system, and review the volunteer effort of the parking authority as a policy maker and all other agencies involved in managing the parking system. Mr. Sweet further noted that the parking authority hopes to decide on a consultant with an estimated cost of \$25,000 at their regularly scheduled meeting December 9, 1992. Mr. Sweet stated that the parking authority has the funds to pay for this service. Mr. Sweet further stated that the parking plan will pay the city dividends with a continued viable downtown economy and the land use data collected will be invaluable to the Community Development Department and the parking information will also be supplied to the Cox Company for zoning considerations. Mr. Sweet asked for the support and input of the Council into the study's content and the support of the City staff.

✓ Marc Taylor, Chairman of First Night Harrisonburg, presented an update on the activities and programs of the First Night Celebration. Mr. Taylor stated that 3,200 buttons for the event are now on sale at several locations based on the seating capacity of the performance sites. Mr. Taylor further stated that thirty-one performers have been contracted to provide fifty-six performances on New Year's Eve in seventeen different sites located in the immediate downtown area. Mr. Taylor stated that a full detailed program will be available as soon as the program returns from the printer.

✓ Vice-Mayor Neff asked Mr. Taylor how the funding of First Night has progressed. Mr. Taylor stated that First Night has acquired \$6,000.00 from grants from the Virginia Commission of the Arts and several community groups. Mr. Taylor further stated that with the sale of the buttons, First Night should meet its budget.

Mr. Taylor requested Mayor Heath open the First Night festivities and that all Council Members attend the event. Mayor Heath accepted the invitation.

Mr. Taylor further requested the Council for \$500.00 to meet a down-payment on the fireworks as a token of support and as a gesture of visibility and good-will for the event. Mr. Taylor stated that he will be presenting the same request to the County Supervisor's Board at their next meeting. Following discussion, Council Member Weaver offered a motion that the City of Harrisonburg donate \$500.00 for the First Night fireworks. Mayor Heath called for a second to the motion; and there being no second, stated that in the absence of a second to the motion, the motion dies.

✓ Assistant City Manager Roger Baker presented a brief summary of the Comprehensive Services Act for At-Risk Youth and Families explaining the intent of the Act, and the requirements the Act places on local government. Assistant Manager Baker further stated that the Act provides three options to establish the Planning and Management Team. Assistant Manager Baker stated that the recommended course of action is option three which allows for the establishment of a joint team, but each localities funding and fiscal responsibilities would remain separate. Assistant Manager Baker further recommended that Council appoint the mandatory representatives as suggested by Sonja Bible, Social Services Director, with the addition of Lester Seal, Director of Accounting, as Fiscal Agent and Earl Thumma, City Attorney, as legal representative.

Assistant Manager Baker then read a joint resolution between County of Rockingham and City of Harrisonburg to establish the Community Policy and Management Team for Council's consideration of approval:

✓
JOINT RESOLUTION
COUNTY OF ROCKINGHAM
and
CITY OF HARRISONBURG

WHEREAS, maintaining and supporting families is a primary goal of human service programs, and

WHEREAS, it is recognized that there are a significant number of youth who enter residential care because their parents and their communities are not able to provide services which keep them and their families intact, and

WHEREAS, the costs of caring for residentially placed youth is high, over \$110,000,000 for 4993 youth annually, and

WHEREAS, duplication of services and increased costs may occur for many of these youth as they are served by more than one local agency, i.e., Schools, Juvenile Court, Social Services, or Community Services Boards, all with various eligibility policies, and

WHEREAS, residential placement of Youth often only provides for the care of the youth, rather than providing the families with increased capacities to function more effectively, and

WHEREAS, the 1992 Virginia General Assembly recognized the aforementioned issues and passed the Comprehensive Services Act for At-Risk Youth and Their Families, HB 935 and SB 171, Sections 2.1-745 through 2.1-759 of the Code of Virginia, hereafter referred to as the ACT, and

WHEREAS, the Act is designed to provide local based services to youth and their families to prevent removal of the youth, and

WHEREAS, the Act calls for the establishment of community teams and efforts to assure the delivery of services to at-risk youth and their families, and

WHEREAS, more efficient and cost effective services could be rendered by the localities of Harrisonburg City and Rockingham County if they provided services jointly, and

WHEREAS, the service delivery agencies of Harrisonburg and Rockingham County have demonstrated their capacity to provide coordinated community services for the benefit of families through the existing Harrisonburg-Rockingham Family Preservation Project.

THEREFORE, BE IT RESOLVED that as per the 1992 Comprehensive Services Act for At-Risk Youth and Their Families, Harrisonburg City and Rockingham County do hereby jointly establish the Community Policy and Management Team with the powers and duties established by the Act.

As per Section 2.1-750 and 2.1-751 of the Code of Virginia, the Rockingham County Board of Supervisors and the Harrisonburg City Council shall jointly establish the size of the Team and the type of representatives from their localities. The governing bodies of each locality shall appoint the designated representatives from their localities. The Team shall be composed of, at a minimum, the local agency heads or their designees of the community services board, the juvenile court services unit, the department of health, the department of social services for each jurisdiction, and the school division for each jurisdiction. The Team shall also include from

each locality a representative of a private organization or association of providers for children's or family services if such organization is located within the locality, and for each locality a parent representative who is not an employee of any public or private program which serves children and families.

As per Section 2.1-750 of the Code of Virginia, the governing bodies shall jointly designate an official of one member of city or county to act as fiscal agent for the Team. The fiscal agent shall annually audit the total revenues of the Team and its programs. The City and County shall arrange for the provision of legal services to the Team.

Assistant Manager Baker further stated that this resolution will be reviewed by the County at their regular meeting December 16, 1992.

✓ Vice-Mayor Neff offered a motion that the Council adopt the joint resolution between the City of Harrisonburg and the Rockingham County to establish a joint Community Policy and Management Team. The motion was seconded by Council Member Green and approved with an unanimous recorded vote of Council.

✓ Council Member Dingledine offered a motion that the Council appoint the mandatory representatives: Mr. C. Joseph Sharrer, Executive Director Community Services Board, Ms. Brenda A. Spencer, Administrative Supervisor, Juvenile Court Services Unit, Mrs. Doris H. Whitmore, Nursing Supervisor, Department of Health, Mrs. Sonja A. Bible, Director, Department of Social Services, Mr. John ("Jack") P. Cavanugh, Supervisor of Pupil Support Services, Ms. Gail Cunningham, parent representative, Lester Seal as Fiscal Agent, and City Attorney Earl Thumma as legal representative. The motion was seconded by Vice-Mayor Neff and approved with an unanimous vote of Council.

✓ City Manager Stewart presented for Council's approval the updated ICMA Administrative Services Agreement. City Manager Stewart stated that ICMA has made several administrative changes over the years which are now reflected in the updated Agreement. City Manager Stewart further stated that there is no cost to the City for these changes and no additional fees for the employees who wish to participate. Council Member Dingledine offered a motion that Council adopt the update of the ICMA Administrative Services Agreement. The motion was seconded by Council Member Weaver and approved with an unanimous vote of Council.

✓ City Manager Stewart stated that Council Member Weaver had asked at the last meeting whether sidewalks were included in the Peach Grove Avenue construction. City Manager Stewart consulted with City Engineer Dan Rublee, who stated that sidewalks were not included but that the grading was included in the contract. City Manager Stewart presented estimates prepared by City Engineer Dan Rublee for constructing sidewalks only on one side of the entire length of Peach Grove Avenue (\$28,000.00) or constructing a sidewalk from Port Republic Road to the school entrance (\$18,500.00). City Manager Stewart further stated that if Council wants the sidewalks constructed, the actual construction would not take place until budget year 1993-94 and funds could be included in next year's budget.

Dan Rublee, City Engineer, presented maps of the Peach Grove Avenue area indicating where the sidewalks could be placed. Mr. Rublee stated that the estimates did not include sidewalks from the road to the school. Mayor Heath stated sidewalks from the road to the school would be the responsibility of the School Board.

✓ Following further discussion, Council Member Weaver offered a motion that the construction of sidewalks along one side of the entire length of Peach Grove Avenue be included in the Peach Grove Avenue construction contract. Mayor Heath called for a second to the motion; and there being no second, stated that in the absence of a second to the motion, the motion dies. After further discussion, Vice-Mayor Neff offered a motion that the construction

of a sidewalk along one side of Peach Grove Avenue from Port Republic Road to the school entrance with an estimated cost of \$18,500.00 be included in the Peach Grove Avenue construction contract with future plans for extending the sidewalks the entire length of Peach Grove Avenue, and that the funds for this project be included in the 1993-94 budget if possible. The motion was seconded by Council Member Dingledine and approved with an unanimous recorded vote of Council.

At the November 24, 1992 Council meeting, Council tabled action on Amending and re-enacting Section 6-1-22 of the City Code -- Fee for processing applications (for street or alley closing) pending further information on the current process. Assistant City Manager Roger Baker presented a brief review of the current process including the Street or Alley Closing Request Application form. Mr. Earl Thumma, City Attorney, stated that the purpose of this amendment is to require the applicant to pay the cost of publishing the public hearing notice. Following discussion, Council Member Dingledine offered a motion the ordinance be approved for a first reading. The motion was seconded by Council Member Weaver and approved with an unanimous recorded vote of Council.

City Manager Stewart presented for Council's consideration of a second reading an ordinance amending and re-enacting Section 4-1-12, Same-Penalty for failure to make return or failure to exhibit property, of the Harrisonburg City Code. City Manager Stewart noted that this ordinance would re-enact for future years what Council had previously waived for this year only. Vice-Mayor Neff offered a motion that the ordinance be approved for a second and final reading. The motion was seconded by Council Member Weaver and approved with a unanimous recorded vote of Council.

At 9:30 p.m., Council Member Weaver offered a motion for Council to enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to Industrial Development Authority, Planning Commission, Disability Services Board, and Board of Zoning Appeals, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, and discussion and consideration of the use of public property, namely property on Stone Spring Road, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia. The motion was seconded by Council Member Dingledine and approved with a unanimous recorded vote of Council.

At 10:15 p.m. the executive session was closed and the regular session reconvened. City Manager Stewart read the following which was agreed to with an unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public business 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 executive or closed meeting was convened were heard, discussed or considered in the executive session by the City Council.

Mayor Heath asked Council's wishes concerning an appointment to the Planning Commission inasmuch as Ms. Kathy A. Whitten's term, filling an unexpired term, expires on December 31, 1992. Vice-Mayor Neff offered a motion that Ms. Kathy A. Whitten be appointed to a first term (Ms. Whitten is eligible for first term appointment) for four years to expire on December 31, 1996. The motion was seconded by Council Member Weaver and approved with an unanimous vote of Council.

At 10:23 p.m., there being no further business, and on motion adopted, the meeting was adjourned.

Judy M. Gray
ACTING CITY CLERK

C. Robert Heath
MAYOR C. ROBERT HEATH