

## REGULAR MEETING

JANUARY 11, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Council Member Hugh J. Lantz; George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Bucky Berry, a resident of Harrisonburg, requested that City Council consider lowering the business license for small businesses.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several Supplemental Appropriations transferring funds to increase the City's 2004-2005 budget. The motion also included amending Section 10-3-84 of the Zoning Ordinance, repealing Section 6-1-17 and enacting Chapter 6 of Title 10 of the Harrisonburg City Code. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

The next item of business was amending Section 10-3-91, 92, and 10-3-97, 98 of the City's Zoning Ordinance. Planning and Community Development Director Turner said this request will allow buildings taller than 75 feet in height by a special use permit in the B-2, General Business District and M-1, General Industrial District. Currently, the maximum building height is 75 feet in both zoning classifications. In April of 2004, City Council amended the City Code to allow buildings taller than 75 in the B-1, Central Business District. Cargill Turkey Production wants to build an additional feed mill at their property on North Main Street. Amending these sections allows structures taller than 75 feet with the granting of a special use permit. Applications for a special use permit will be reviewed on a case-by-case basis. She said that Planning Commission has recommended approval of the request.

At 7:40 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, December 27, 2004, and January 3, 2005.

## NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 11, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

### **ORDINANCE AMENDMENT – BUILDING HEIGHT IN B-2 AND M-1**

Public hearing to consider a request to amend Sections 10-3-91,92 and 10-3-97,98 of the City's Zoning Ordinance to allow buildings taller than 75 feet in the B-2, General Business District and M-1, General Industrial District with the granting of a special use permit.

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

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

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

Bucky Berry, a resident of Harrisonburg, complained about the dust from the existing feed mill.

Patrick Evick, feed mill manager for Cargill Turkey Production, LLC, said production at the feed mill will not increase, but expanded storage at the site will provide more rail cars and enough storage at the facility to last over a week. There being no others desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the special use permit. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

City Manager Baker presented for Council's consideration a supplemental appropriation increasing the General Capital Projects Fund. He said that the City has borrowed these funds for its share of the new radio system. Approval of this request will increase the 2004-2005 budget by \$5,740,000.

At 7:44 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 3, 2005.

## NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, January 11, 2005 at 7:30 p.m., in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2004-2005 budget in the amount of \$5,740,000. These funds are the proceeds from a loan from SunTrust for the purpose of funding the City's new radio system.

The budget increases will be as noted below:

**Revenues:**

**General Capital Projects Fund:**

Loan \$5,740,000

**Total Revenues** \$5,740,000

**Expenditures:**

**General Capital Projects Fund:**

Two Way Communications System \$5,740,000

**Total Expenditures** \$5,740,000

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

Mayor Rogers called on anyone desiring to speak 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. Council Member Chenault offered a motion to approve increasing the appropriation for the General Capital Fund for a first reading, and that:

\$5,740,000 chge. to: 1310 34112 Loan proceeds

\$5,740,000 approp. to: 1310-910141-48610 Two Way Communications System

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

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

Council Member Chenault offered a motion to recommend Earl A. Budd, Gary D. Buennemeyer, Monica K. Frackelton, Robert L. Hansbrough, and L. Quinn Kaylor to the Circuit Court for appointment to the Board of Equalization. In addition, the motion included recommending one alternate Giles R. Stone to serve if necessary. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

The next item of business was an update on a Train Safety Enhancement Project. Transportation Planner Drew Williams said that the City in partnership with James Madison University and Rockingham County hired a consultant (Ralph Whitehead Associates) to conduct a Feasibility Study for relocating a segment of railroad tracks around the north side of Harrisonburg. He reviewed a preliminary version of the study showing several different possible routes. He said concerns and comments discussed at a November meeting included trains blocking both South Main Street and Maryland Avenue at the same time, possibly cutting off Fire Station No. 1 preventing emergency response to other sections of the City, and access to Rockingham Memorial Hospital. Bicyclists have expressed their concerns and problems experienced with the tracks at Country Club Road. The final version of the study is expected to be released in August. He pointed to the map and reviewed the possible routes and options being considered.

The following discussion by Council Members included: Whether right-of-ways would be affected by abandoned Northern and Southern railroad tracks; reviewing other revenue options to help with the cost; make-up of stakeholders group; and if rail grant funds are available.

Planning and Community Development Director Turner presented an overview of the City's Design and Construction Standards Manual. The City's Design and Construction Standards Manual is a document that establishes standards for the design and construction of public facilities that will be built in connection with either subdivisions or site developments. It deals with facilities that the City will own and maintain after the construction phase of a project is over. She said that many departments of the City have provided input into the document. The original Design and Construction Standards Manual was adopted and went into effect January 1, 1994 and has been revised several times in October 1994, August 1995, January 1996, and May 1997. Keeping the manual up to date is generated by changes in construction methods, construction materials, engineering practices, state requirements, citizen expectations, and development pressures on public facilities. Mrs. Turner recommended setting January 25<sup>th</sup> as a date for a public hearing to receive public input on these proposed changes to the Design and Construction Standards Manual. She said that a brief overview highlighting some of major changes in the manual will be presented at the public hearing.

Council Member Chenault said he would prefer more time to review the manual and suggested holding a public hearing on February 8th. He also suggested having a work session with City staff prior to the public hearing.

Vice-Mayor Eagle said he has received some input from the building community.

Council Member Pace agreed that it was a good idea to have a work session with City staff prior to holding a public hearing. He said that he has reviewed the document. A lot of effort has been made to include specific input and reflect it into the document.

Council agreed to hold a work session with City staff and receive public input on January 25<sup>th</sup> at 5:30 p.m., in Council Chambers.

Council agreed to close Campbell Street to Gay Street on January 15<sup>th</sup> from 1:00 p.m. until 4:00 p.m. for a Parade of Champions. The parade will start at 2:00 p.m. The parade will feature the 2004 NCAA Division I-AA National Football Champion James Madison University Dukes and the Marching Royal Dukes. It will also feature the Division 4 Group AA State Runner-up Harrisonburg High School Blue Streaks and the Harrisonburg High School Marching Band.

City Manager Baker presented a brief overview of Heritage Oaks Golf Course operation. He said the golf course was \$270,000 in debt for the fiscal year. Each year since 2002 there have been increases in rounds played at the golf course. He also reported that food service, cart fees, the golf range and gift certificates have increased. However, sale of season passes have declined. Mr. Baker recommended disbanding the Golf Course Advisory Committee, showing the golf course as a division of the Parks and Recreation Department and securing a golf course expert to provide advice and make recommendations on future operations and management of the golf course. Council Member Chenault offered a motion to approve the City Manager report and recommendation. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Council Member Pace questioned the status of an ordinance pertaining to sounding of locomotive horns or whistles.

City Attorney Thumma said the City has a Charter provision allowing these zones to be established. He will present a proposal at a future meeting.

Council Member Pace asked about the status of the Free Clinic becoming tax exempt.

City Manager Baker said that the Commissioner of Revenue is reviewing the requests and recommendations will probably be presented at a February meeting.

Council Member Pace questioned the status of the parking study undertaken by James Madison University.

Assistant City Manager Hodgen said that it is his understanding a study has been completed, but a report has not been finalized.

Council Member Lantz said that many citizens have expressed concerns about real estate assessments increasing 14% during the past two years. However, according to statistics released by a state government agency, Harrisonburg real estate prices increased more than 20% and other localities increased more than 30%. He pointed out that Harrisonburg still has the second

lowest real estate tax in the state. Real estate values have increased tremendously, but need to keep up with inflation.

At 8:40 p.m., Council Member Pace offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board and Harrisonburg Parking Authority exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

At 9:50 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Chenault offered a motion that Michael Haines, 298 Franklin Street, be appointed to a second term on the Harrisonburg Parking Authority to expire on November 28, 2009. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

At 10:00 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR



REGULAR MEETING

JANUARY 25, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault, and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Council Member Hugh J. Lantz.

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

Bucky Berry, a resident of Harrisonburg, complained about the City hiring a Public Information Officer.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading increasing the General Capital Project fund and amending Section 10-3-91, 92 and 10-3-97, 98 of the City's Zoning Ordinance. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

At 7:37 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, January 15, 2005.

**Public Hearing on Increased E-911 Tax**

**The Harrisonburg City Council will hold a public hearing on Tuesday, January 25, 2005 in the City Council Chamber at 345 South Main Street in the Municipal Building. The purpose of the hearing will be consider the following tax levy:**

**\$3.00 E-911 tax per month per telephone access line**

**Anyone wishing to be heard may comment orally and/or in writing at the hearing.**

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

Mayor Rogers called on anyone desiring to speak for or against the proposed tax increase. Bucky Berry, a resident of Harrisonburg, complained about increasing the E-911 tax for a new radio system.

Council Member Pace clarified that the E-911 tax increase will only apply to telephone land lines and not cell telephones. It was also clarified that once the radio system was paid for and if the tax remained it could only be used toward the E-911 radio system. It cannot be placed into the General Fund. 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 Chenault offered a motion to approve the E-911 tax and setting the rate at \$3.00 per month for a first reading. The motion also included making the tax effective April 1, 2005. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request by Diversified Properties to rezone 3.526 acres located at 685 Pear Street. She said that the property is part of City R-1, Single Family Residential land, which is part of a larger tract located in both Rockingham County and the City of Harrisonburg. She said that Planning Commission has been working with the developer since April 2003 and wanted to wait until Rockingham County approved the rezoning request before presenting it to City Council. On December 15, 2004 the Rockingham County Board of Supervisors approved the rezoning from A2-Agricultural Use to R-3C, General Residential Conditional for the county portion of the property. The conditions for the county portion of land are very similar to the City's R-3 zoning. A subdivision of 40 single-family lots is being proposed with 16 lots being in the City. The developer is asking for the rezoning to R-3 to take advantage of the smaller lot size allowed in the R-3 zoning classification. She reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as Planned Business. She said that Planning Commission has recommended approval of the request.

At 7:50 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 10, and Monday, January 17, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, January 25, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

## **REZONING – DIVERSIFIED PROPERTIES, LLC**

**Public hearing to consider a request by Diversified Properties, LLC to rezone 3.526 acres within the City limits from R-1, Single-Family Residential District to R-3C, Multiple Dwelling Residential District (conditional). The property can be found on tax map 112-C-1 and is located at 685 Pear Street.**

**The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.**

**The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges for the R-1 district is 10,000 sq. ft minimum. While, the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.**

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

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

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

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

Dick Blackwell, representing the owner, said the cul-de-sac will dead end on the property so other connections can be made in the future. There being no others desiring to be heard, the public hearing was declared closed at 7:51 p.m., and regular session reconvened. Council Member Pace offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

Planning and Community Development Director Turner presented a brief review of Planning Commission 2004 Annual Report. She said that the report contained accomplishments during the last year including rezonings, special use permits, preliminary plats, street/alley closings and ordinance/comprehensive plan amendments.

Planning and Community Development Director Turner introduced a comprehensive sign plan for the Target/Simon Valley Mall Shopping Complex. She said the comprehensive sign plan has been selected by this shopping center because Target Corporation's lot will not have public street frontage along University Boulevard and East Market Street. Target will front onto a lot owned by Valley Mall; however, Target would like to have a sign in front along East Market Street, but must comply with a provision in the City Code allowing stores without public street frontage to locate "on-premises" signs on adjoining parcels that have adequate street frontage so long as they are under the same shopping center management. The Comprehensive Sign Plan process does not allow additional signs to be constructed, nor does it allow an increase in total allowable sign area square footage. All of the dimensional sign requirements remain unchanged. The plan calls for two signs to be constructed along East Market Street and one sign along University Boulevard. Also on the site plan is the approximate location of three future signs. She said that Planning Commission has recommended the comprehensive sign plan be adopted.

Council Member Pace questioned whether line of sight would be an issue on Monument Sign (G-4)? Would blind spots affect traffic?

Mrs. Turner said that the signage had been reviewed and would be reviewed again before installation.

Pete Caramanis, an attorney representing Simon, said that the sign was in the median and line of sight should not be an issue.

Council Member Pace suggested that the position of the sign should be given a lot of thought especially because placement of the second sign will be in a difficult place on University Boulevard.

Vice-Mayor Eagle offered a motion to adopt the Comprehensive Sign Plan for the Target/Simon Valley Mall Shopping Complex. The motion was approved by Council Member Pace and approved with a unanimous vote of Council Members present.

The next item of business was a brief overview on the Rockingham/Harrisonburg Alcohol Safety Action Program. Pam Simmons, Director of the Rockingham/Harrisonburg ASAP, said the policy board has five members from the City and five members from the County. She said that ASAP receives referrals from the court system and DMV for alcohol and drug offenders. Probation services are provided to the offenders. An assessment is determined to make sure offenders receive proper treatment. She reviewed the Rockingham/Harrisonburg ASAP report and highlighted a few of 2004 accomplishments. Rockingham/Harrisonburg ASAP is user funded and is operated without the use of tax dollars. She said Rockingham/Harrisonburg ASAP distributed five alcolensors to local law enforcement agencies.

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

**RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY  
BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY**

**WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the "Authority") has decided to purchase certain real property improved by a single family dwelling located at 199 East Johnson Street in the City of Harrisonburg (hereinafter "the Property"); and,**

**WHEREAS, the Authority intends to rent the Property pursuant to its mission of providing safe and sanitary dwellings to persons of low income, as set forth in the Housing Authorities Law, Chapter 1, Title 36 of the Virginia Code; and,**

**WHEREAS, Code of Virginia Section 36-19.2 requires that the Authority obtain the approval of the City of Harrisonburg (the "City") prior to purchasing the Property as it is the current intention of the Authority to use such Property for housing purposes.**

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

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

**2. The City authorizes and approves the purchase of the Property by the Authority and the Authority's utilization of such Property as a housing project or for such other uses as the Authority shall deem appropriate and which is permitted by law.**

**3. This authorization and approval applies only to the Authority's obligation to obtain City approval pursuant to Code of Virginia Section 36-19.2 and does not constitute a waiver of any City ordinance with respect to the Property, including but not limited to compliance with City zoning and building codes.**

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

**READ AND ADOPTED: January 25, 2005**

**CERTIFICATE**

**Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY" taken at a regular meeting of the City Council held on January 25, 2005:**

	AYE	NAY	ABSTAIN	ABSENT
Larry M. Rogers, Mayor	X			
Rodney L. Eagle, Vice Mayor	X			
Charles R. Chenault	X			
Hugh J. Lantz				X
George W. Pace	X			

**Dated: January 25, 2005**

**(SEAL)**

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**Mayor, City of Harrisonburg, Virginia**

**ATTEST:**

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

Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority, said the authority intends to purchase property at 199 Johnson Street. The property will be used for short-term housing. Council Member Pace offered a motion to approve this resolution. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation to adjust the budget for fiscal year 2004-2005. He said that the Harrisonburg Redevelopment and Housing Authority has closed on the financing for the purchase of One Court Square. The authority anticipates that it will need assistance with the payment of the debt service on this building for 18 to 24 months. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$126,812.00 chge. to: 1000-31010 Amount from fund balance

\$126,812.00 approp. to: 1000-810521-45747 HRHA – For 1 Court Square

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

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

Absent – Council Member Lantz

City School Business and Finance Director Jim Triplett presented a request for a supplemental appropriation for the School Board. He said that these funds represent unanticipated receipts from the Federal government that were not known during the budget process. These funds will be used in special education and the ESL program. No additional local dollars are required from the City. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$52,975.00 chge. to: 1111-33301 School Revenue – Federal

\$52,975.00 approp. to: 1111-111114-40610 Instruction

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

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

Absent – Council Member Lantz

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from a grant and will be used to purchase software to aid in computer crime inventory. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$3,328.93 chge. to: 1000-31914 Recovered costs

\$3,328.93 approp. to: 1000-310331-48273 Software

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

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

Mayor Rogers

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation for the Public Works Department. He said that these are reimbursement funds from JMU for participation in curb, gutter, and sidewalk construction and for the removal/replacement of a concrete entrance on Harrison Street. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$46,514.00 chge. to: 1000-31914 Recovered costs

\$46,514.00 approp. to: 1000-410241-48106 Sidewalks

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

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

Absent – Council Member Lantz

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from a Department of Justice for Homeland Security grant and will be used for specific equipment identified in the grant. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$94,012 chge. to: 1000-33534 Domestic Preparedness Equipment Program

\$94,012 approp. to: 1000-350532-48213 DOJ/DEM Competitive Grant (203)

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

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

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation for the Public Works Department. He said that these funds were used to purchase the Cable property located

on Erickson Avenue for the Erickson Avenue extension project. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$50,000.00 chge. to: 1310-31809 Donations

\$50,000.00 approp. to: 1310-910141-48637 Erickson Avenue Extension

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

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

Absent – Council Member Lantz

David Briggman, a Rockingham County resident, said the amount for each supplemental appropriation presented should be stated.

Council Member Pace said that Planning Commissioners asked for public input regarding the Bicycle Plan created in 2000 at the last Planning Commission meeting. A lot of thoughtful and constructive input from citizens on how to improve the plan was presented. Planning Commissioners directed City planning staff to revise and update the Bicycle Plan with input from the citizens and provide the Planning Commission with specific priorities on what should be done first.

Council Member Chenault introduced Officer Danny Cox from the Harrisonburg Police Department and Trooper Gary Pence from the Virginia State Police. Danny Cox, Past President of the local Fraternal Order of Police and a 22-year veteran of the Harrisonburg Police Department, suggested naming a proposed east-west connector road from Erickson Avenue to Stone Spring Road “Manuel Trenary Avenue”. Following further discussion and comments, Council Member Chenault offered a motion to name the new road from Route 42 at its terminus to the eastern terminus at the City limits “Manuel Trenary Parkway”. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

City Manager Baker announced that the Virginia quilt Museum will be celebrating its 10<sup>th</sup> anniversary Saturday, February 5th with a contemporary quilt exhibit from the Grand Duchy of Luxembourg. The Ambassador of Luxembourg will also be in attendance at the exhibit.

At 8:30 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Disability Services Board, Social Services Advisory Board, Harrisonburg Board of Zoning Appeals and Industrial Development Authority, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public

meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

At 9:50 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

Vice-Mayor Eagle offered a motion to adopt the following resolution. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

## RESOLUTION

**WHEREAS, it has become necessary for the City of Harrisonburg, Virginia, acting through the Harrisonburg Electric Commission, to acquire an easement over property owned by HSZ, LC located on Country Club Road in the City of Harrisonburg; and**

**WHEREAS, the public use of the property is as an electric transmission line serving the public and consumers within the area and the property consisting of a 15 foot easement is necessary for the construction of such transmission line; and**

**WHEREAS, the City of Harrisonburg has had the property appraised and the highest appraisal fixes the value of such easement as \$15,486 established by Barry L. Pugh, Appraiser; and**

**WHEREAS, the City of Harrisonburg acting through the Harrisonburg Electric Commission believes the amount of the highest appraisal to be a just compensation and**

hereby offers such sum of money to HSZ, LC in exchange for such easement. A copy of the Pugh appraisal is attached to this resolution; and

WHEREAS, the City caused a title search to be made of the property and a copy of the report and title notes is also attached to this resolution; and

WHEREAS, a description of the easement and plats thereof are likewise attached; and

WHEREAS, the City of Harrisonburg hereby approves the proposed public use and directs the acquisition of this easement as being necessary for public use by condemnation or other means.

NOW, THEREFORE, the City of Harrisonburg hereby gives notice to HSZ, LC that unless settlement is agreed to at the appraised valuation of \$15,486 that it will proceed with a certificate of take to acquire the easement over such property, the certificate to be filed on or after Wednesday, February 2, 2005.

The foregoing is a true copy of a resolution adopted January 25, 2005 by the Council of the City of Harrisonburg, Virginia.

Dated: January 25, 2005.

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Clerk, City of Harrisonburg, Virginia

At 10:00 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

FEBRUARY 8, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Lantz gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Members from the cast of Godspell presented a brief performance of a musical to be held at the Harrisonburg High School Auditorium February 17-20, 2005.

Rose Stauffer, representing HHS StageStreak Boosters, said that the drama team consisting of a cast of 50 students will be performing Godspell at Harrisonburg High School February 17-20. This is also the last musical to be performed at the current Harrisonburg High School. She said that Harrisonburg High School was selected and invited, out of approximately 200 schools in the United States, to be one of 30 high schools to attend the International Arts Festival in Edinburgh, Scotland in August 2005. It is an incredible honor, which is organized by the American High School Theatre Festival. The Harrisonburg High School StageStreak drama team will be performing Godspell in Edinburgh, Scotland. She said that the educational trip is expensive and students have started fundraising events in the community. She encouraged everyone to support the HHS StageStreak Drama Club.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of Supplemental Appropriations for the Police Department, School Board, Public Works Department, Fire Department and recovering funds for purchasing the Cable property. The motion also included setting the E-911 tax at \$3.00 per month per telephone access line and adjusting the budget for fiscal year 2004-2005. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was amending Sections 10-3-113(6) and 10-3-114(a) of the City's Zoning Ordinance. Planning and Community Development Director Turner said this

amendment was brought to Planning during the discussions for the proposed development of Liberty Square townhouse development. She said that the City has allowed attached garages in townhouses, but didn't have any regulations regarding distance from primary buildings, setbacks from property lines, or anything else for having detached garages in townhouse developments. She reviewed the proposed language in the amended ordinance. She said that Planning Commission has recommended approval of the request.

At 7:40 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 24, and January 31, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, February 8, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **ORDINANCE AMENDMENT – DETACHED GARAGES FOR TOWNHOUSES**

**Public hearing to consider a request from Harrisonburg Townhomes, LLC to amend Sections 10-3-113 and 10-3-114 of the City's Zoning Ordinance to allow detached rear yard garages on townhouse lots under certain conditions.**

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

**Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.**

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

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve amending these ordinances. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was a request for a special use permit for the City of Harrisonburg to allow telecommunications equipment on the roof of the Emergency Communications Center. Planning and Community Development Director Turner said the building is located at 101 North Main Street. The Comprehensive Plan designates this area as Public/Semi-Public. She reviewed the surrounding uses in the area. The City has requested two special use permits to allow unenclosed telecommunications equipment to be located at a height above 75 feet on the roof of the Harrison Plaza. The second special use permit permits structures to exceed the 75-foot height limit in the B-1 zoning classification. It would allow this tower to reach the proposed height of 88 feet. The tower is a self-supporting 25-foot metal structure mounted on a 3-foot tall pedestal atop the roof for a total of total height of 28 feet. This elevation is needed to allow the antennas to clear the 6-foot parapet wall and the 14-screening wall that surrounds the building and the 14 foot screening wall that surrounds mechanical equipment of the roof. She reviewed the sketch of the structure. The system will support 911 emergency communication operations and will function as the command center for Harrisonburg and Rockingham County. She said that Planning Commission has recommended approval of the request.

At 7:55 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, January 24, and January 31, 2005.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, February 8, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **SPECIAL USE PERMIT – HARRISON PLAZA: EMERGENCY COMMUNICATIONS CENTER**

**Public hearing to consider a request for a special use permit for the City of Harrisonburg to allow telecommunications equipment on the roof of the Emergency Operations Center {per Section 10-3-85 (2)} and for that equipment to exceed a height of seventy five (75) feet {per Section 10-3-85 (5)}. The building is located at 101 North Main Street and can be found on tax map 34-P-1.**

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

**Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.**

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

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:56 p.m., and the regular

session reconvened. Vice-Mayor Eagle offered a motion to approve this special use permit. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was a presentation by representatives of the Harrisonburg-Rockingham County Free Clinic. Bill O'Brien, a member of the Board of Director, said the Harrisonburg-Rockingham Free Clinic has served the area since 1991. The Free Clinic has outgrown the existing facility. Patient visits have increased by 40 percent and medication disbursements have increased by 70 percent since 1999. The clinic currently serves approximately 900 patients while state and national statistics estimate 7,000 residents in the area are eligible for services. Patients trying to get an appointment with the clinic must wait six to eight weeks. Additional space is needed to better service current clients, to accommodate an increased number of clients, and to expand program services needed to further extend the quality of life to eligible residents. He said that a building project will utilize the existing 4,183 square feet along with a three-story addition to create a total square footage of 12, 722, giving the clinic the needed space to be more effective and efficient in providing health and medical outpatient care. He said since expanding and equipping the facility will cost \$1,683,000 the Board of Directors of the Free Clinic is asking the City and County to pay \$750,000 each toward the project. If the clinic continues to perform a vital role serving individuals who are not getting service the facility needs to expand.

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, presented a brief summary of HDR's downtown revitalization progress and accomplishments during the last quarter. He said that on January 19<sup>th</sup> the Harrisonburg Downtown Historic District was entered into the National Register of Historic Places. This is significant because many people have expressed interest in the downtown area becoming an historic district for approximately ten years. One of the challenges was addressing property owners concerns as it related to the possibility of a local architecture review board. He reviewed the make-up of the Historic District Advisory Committee and requested adding a Council Member to the advisory committee. Council Member Chenault volunteered to serve on the advisory committee.

Eddie Bumbaugh stated that changes have been made in the Harrisonburg Downtown Retail Merchants Association and because of these changes Jamie Marsh has been hired as Promotions and Special Events Manager to assist HDR and the Retail Merchants Association. Jamie Marsh thanked Council for its commitment to downtown and said she has noticed a lot of enthusiasm in Harrisonburg Downtown Renaissance. She said that "Fridays on the Square", which involves concerts and movies alternating every Friday night starting in June and continuing

through August will again be offered this year. Plans have been reviewed with City staff regarding the movies and partial closing of Court Square during time when the Friday evening's movies would be shown. Council Member Chenault offered a motion to approve closing a portion of Court Square during the Friday evening's movies time. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Dr. C.J. Brodrick's and Dr. Mary Handley presented a brief summary on the study of accessibility of downtown Harrisonburg and parking issues. They said their students, which are in JMU's Integrated Science and Technology classes, conducted the semester study. The study involved hundreds of hours by the students and was conducted free of charge to the City and HDR.

Mary Handley said the students took a comprehensive, integrated look at issues and opportunities, including people, businesses, environment, and access that would help make decisions and future plans. Special attention was paid to accessibility related issues, including parking and pedestrian accommodations. She said that 166 surveys were handed out to businesses and 88 businesses responded to the survey. These 88 businesses represent 750 employees. There were a variety of types of businesses and most of the respondent have been downtown for more than 20 years. Most rent their businesses and are satisfied with their location. Many were satisfied with their business volume with the retailers and service providers depending on foot traffic being less satisfied than lawyers and professionals. Most of the businesses use private parking lots or mixed parking arrangements. There didn't seem to be a lot of concern among the businesses about their employees parking; however, there was quite a lot of concern about various parking issues especially as far as drawing business in. Suggestions from retail business included more foot traffic, appearance, landscaping, marketing, and a variety of safety suggestions. In general, the public felt that downtown is important, it's a tourist attraction, and disagreed with the statement that improving downtown will not benefit the rest of Harrisonburg. She said it was surprising there was not overwhelming agreement that there was a parking problem. Downtown user opinions included that only about one-half feel safe, think sidewalks and pedestrian crossings are adequate, and only one-third agreed that downtown was accessible to people of different abilities. Things people like about downtown include restaurants, coffee shops, atmosphere, history, architecture, scenery, museums, galleries, theater, and farmer's market. People would like to see more shops, social events, parks, restoration and landscaping, as well as fewer vacant buildings and traffic issues resolved.

C.J. Brodrick said the transit study identified three routes that serve downtown. The students surveyed riders on Routes one, three, and five on different times of the day or night. She said that 45 riders responded including those using handicapped services. Transit riders comments included using the bus specifically to get downtown, to shop (often for groceries), ride many days of the week, overall satisfaction with service and location, and wanted earlier and later hours. She reviewed the inventory of the parking spaces in the downtown area. The average person is only willing to walk about one to two blocks under ideal conditions. She said that parking count results include 15 minute parking spaces are in high demand, leased spaces highest usage at 50%, Jess' lot is never full, privately owned lots and leased spaces on upper level of decks could relieve Sunday morning congestion. Downtown Harrisonburg is a very significant part of the community. Most people are looking forward to the renaissance and

revitalization. Downtown users and business owners expressed concerns about parking, unattractiveness, and safety. The main attraction of downtown is the excellent restaurants. Perhaps shops should evaluate their hours since most are closed during the evening hours when people are eating dinner downtown. Downtown users did not report having trouble with parking; however, nearly half of the business owners commented about parking in some way. She said that people mentioned a lack of signs directing people to downtown and to parking. Clear signage for parking locations would be helpful. Appearance is a concern for both users and business owners, and the streetscape project may help to alleviate concerns in addressing issues of sidewalks and accessibility. Night-time lighting and loitering solutions would improve safety and parking.

Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, said there will be a presentation at the February 22<sup>nd</sup> Council meeting from three Spotswood High School DECA students regarding a study that includes people who are spending less time in the downtown area. He said that the Downtown Parking Advisory Committee has been meeting for a year and is focusing on current policies and existing resources and the information from these studies will be of value. Parking is a difficult issue not just for Harrisonburg but for every community across the country. He reviewed drawings of banners for the downtown area and said the goal is to display the banners in the spring.

The next item was an updated report on the Neff Avenue proposals. Economic Development Director Shull said February 7<sup>th</sup> was the deadline for receiving competing proposals to the one received from Harrisonburg Downtown Visions LLC. He said that no competing proposals were received. The four major components of the proposal include a civic center, a stadium, a hotel, and a retail complex. The civic center would seat between 7,500 and 10,000; the stadium is proposed to have 3,000 to 5,000 seats; the hotel is proposed to have approximately 120 rooms; and the retail lifestyle center would comprise a minimum of 120,000 square feet. He said that James Madison University is actively engaged in the negotiations with the City. It is a very complex proposal with many components. Many different agreements would need to be worked out if it is decided to move forward with the proposal. The Public Private Educational Act imposes an obligation on the City to keep the financial matters of this proposal confidential until the developers are ready to share the information. It is a proposal; therefore, a lot of things will likely change. It is staff's recommendation that the City continues its research and continue talks with JMU and the developers, trying to be as efficient and quick as possible.

The following questions by Council Members included: When will Council receive the proposal? How long will it take to determine the economic impact? Are any local people involved in the partnership of Harrisonburg Downtown Visions LLC? When will recommendations be made to Council to proceed with the proposal? Will traffic studies be conducted?

Economic Development Director Shull stated that Council Members will receive copies of the proposal by the end of the week. He said an economic analysis will be conducted by a third party. He reiterated that there are no local residents involved in HDV. Traffic studies would be a part of the total analysis.

Council Members agreed to allow staff to continue researching the Harrisonburg Downtown Visions LLC proposal.

City Manager Baker said that the Deer Task Force has met and is recommending that the City participate in the State Urban Archery Season. He said it is necessary to amend the City ordinance to allow the use of bows and arrows during the urban archery season. Amending this ordinance allows the City Manager or his designee to issue permits to hunt deer on City owned property during the Urban Archery Season.

Council Member Lantz reported that the Deer Task Force determined that the Hillandale Park area does have too many deer. He said other areas in the City aren't affected as much. The early archery season will limit hunting only to female deer and will be scheduled two weeks before the regular season opens in Virginia. Following further discussion and comments, Council Member Chenault offered a motion to table consideration of this amendment to the ordinance until the February 22<sup>nd</sup> Council meeting. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

Bucky Berry, a resident of Harrisonburg, said the City needed to get its priorities in order.

Barbara McGee, a resident of Ashby Heights, said she has watched many changes in the neighborhood. She said she enjoys seeing cows and fields rather than this proposed project.

Neil Menefee, a resident of Ashby Heights, said it difficult to speak against something of the type being discussed because of the potential impact it could have from a positive standpoint. He said also his business depended upon a strong economy; however, this commercial development is not appropriate for this site.

Ben Fordney, a resident of the City, expressed his concern regarding the City's reluctance to release details surrounding the proposal, comparing it to another controversial project in the City's history. He said traffic, lights and sound pollution will be major concerns. "It is critically important that there be an open process."

Gary Edlind, a resident of the City, said he was opposed to the project.

James Geary, said if the project is essential to the City, why wasn't a blighted area selected?

Council Member Pace said that Marvin Armstrong has celebrated 30 years with the City.

At 9:25 p.m., Council Member Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Disability Services Board, Social Services Advisory Board, Harrisonburg Board of Zoning Appeals, Industrial Development Authority, and Weed & Seed Steering Committee for 2005-2006 exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion concerning a prospective business where no previous

announcement has been made of the business' interest in locating within the City, exempt from public meeting requirements pursuant to Section 2.2-37aa(A)(5) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

At 10:50 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:52 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

REGULAR MEETING

FEBRUARY 22, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne “Bonnie” Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Pace gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Mayor Rogers read and presented the following resolution to members of the Denton Family.

**A RESOLUTION HONORING  
E. WARREN DENTON, JR.**

**WHEREAS, The Harrisonburg City Council takes public notice of the death of E. Warren Denton, Jr., on November 25, 2004. Mr. Denton served on this Council for eight years from September 1, 1970 to August 31, 1978 as an esteemed member and as Vice-Mayor; and**

**WHEREAS, in those years of service, Mr. Denton was a thoughtful, dedicated, and loyal member of this body at a time when this City was experiencing great change that Mr. Denton encouraged and worked for with tireless encouragement and hard work; and**

**WHEREAS, through his diligence and his positive demeanor, he served as a model for his fellow Council members then as well as to the current members of this body to whom he is well remembered and regarded; and**

**WHEREAS, this Council wishes to honor E. Warren Denton, Jr., and express its sympathies to his family,**

**NOW, THEREFORE, the Council of the City of Harrisonburg, having lost one of its own, resolves that:**

- 1. The Council expresses its sadness over his death and acknowledges his great body work—on and off the Council—and the ever civil and civic manner in which he conducted it, and**
- 2. The Council expresses its deepest sympathies to his family.**

**Resolved this 14<sup>th</sup> day of December, 2004.**

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**Larry M. Rogers, Mayor**

**ATTEST:**

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**Yvonne Ryan, CMC, Clerk**

Hobey Bauhan, a resident of Harrisonburg, presented a letter and requested a show of hands from the audience supporting opposition to a proposed development at the corner of Port Republic Road and Neff Avenue. He said the residents of the Forest Hills neighborhood would like for all of the land proposed for this development to remain R-1, and an alternative site to be identified for the proposed project. However, if any commercial development occurs at the corner of Port Republic Road and Neff Avenue the group asks that no aspect of it be sited within close proximity of Forest Hills. Consideration should be given to the views of the existing, long-term residents and we hope you will ensure that this or any other project not adversely effect our neighborhood and property values.

Bucky Berry, a resident of Harrisonburg, requested more funding for special needs children in the school system.

Ralph Geddes, a resident of Harrisonburg, complained about telephone taxes.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and amending Sections 10-3-113(6) and 10-3-114(a) of the City's Zoning Ordinance. The motion also included referring an alley closing request to the Planning Commission. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request to rezone 15 parcels from B-2, General Business District to B-1, Central Business District. She said the parcel is located between South Main Street, Liberty Street, Bruce Street and Warren Street. The Comprehensive Plan designates this area as public/semi-public and mixed use development. The designation includes both existing and proposed public and semi-public use, lands owned or utilized by the state government, federal government and other governmental organizations. She reviewed the surrounding uses in the area. The B-1, Central Business District classification is reserved for contiguously adjoining properties in the heart of the City's downtown. Conversion to the B-1 district brings with it several benefits to all of the affected properties. She reviewed the uses in the B-1 classification. Greater flexibility in setbacks and parking could facilitate creative uses of these properties, while at the same time bringing all of the structures within this area into zoning conformance. She said that staff recommended the rezoning.

At 7:50 p.m., Mayor Rogers closed the regular session temporarily and called the evening's joint public hearing to order. Planning Commissioner Chairman Weins also called the evening's joint public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 7, and February 14, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council and Planning Commission will hold a joint public hearing on Tuesday, February 22, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Rezoning – B-2 to B-1 for areas around City Municipal Complex***

**Public hearing to consider a request from the City of Harrisonburg to rezone 15 parcels, totaling 8.20 acres, from B-2, General Business District to B-1, Central Business District. The boundaries of this area are Bruce Street on the north, Warren Street to the south, South Main Street to the east and Liberty Street to the west, with one additional lot located at 224 South Main Street also included in this request. The properties can be found on tax maps 25-J-8-14,21-27 and 25-H-1.**

**The Comprehensive Plan designates this area as a combination of Mixed Use Development and Public / Semi-Public. The Mixed Use Development designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. The Public / Semi-Public designation includes both existing and proposed public and semi-public use. They include lands owned or leased by the Commonwealth of Virginia (except for institutions of higher learning), the federal government, the City of Harrisonburg, and other governmental organizations.**

**The Zoning Ordinance states that the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District. The B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central Business District.**

**Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the Planner at 432-7700 at least five days prior to the date of the meeting.**

Mayor Rogers and Chairman Weins called on anyone desiring to speak for or against the request.

Council Member Pace asked about fire protection because the buildings are separate from each other in the designated area. “If the City places another building on the site what will happen regarding fire regulations?”

Planning and Community Development Director Turner said that building can still be set-back from the property line, but if they are any closer than 10 feet from each other than an additional fire separation or fire rating of the building would become part of the new requirement. It would not affect the existing building.

There being no others desiring to be heard, the joint public hearing was declared closed at 7:52 p.m., and the regular joint session reconvened. Vice-Mayor Eagle offered a motion to approve this request as presented. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

Absent – None

Chairman Weins closed the Planning Commission joint public hearing. Mr. Snell then made a motion for approval. Mr. Burden seconded the motion. Chairman Weins asked Senior Planner Markel to conduct a recorded roll call vote.

Vote: Yes – Commissioner Snell  
Commissioner Jones  
Commissioner Burden  
Commissioner Jackie Thomas-Suggs  
Commissioner Pace  
Chairman Wiens

Absent – Commissioner Baugh

Transportation Director Smith explained that this is the annual application for operating funds for the state formula assistance and capital assistance funds. The City applies directly to the Federal Government for funding under the Federal Transit Administration Section 5307. Mr. Smith said the proposed budget is approximately \$2.3 million of which the City should receive approximately \$370,000 in Federal operating assistance and \$560,000 in formula funds from the state. He also said that some of the funds will be used to purchase two para-transit vehicles and two expansion vehicles for the proposed County route, upgrade the equipment maintenance system, and a digital stop announcement system.

At 8:01 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Saturday, February 12, and Saturday, February 19, 2005.

### **NOTICE OF PUBLIC HEARING**

**The City of Harrisonburg is currently preparing the annual grant application for Operating and Capital Funds for FY 05-06. This application is for Federal and State funds under the Federal Transit Administration 49USC Section 5307.**

**A public hearing for this application will be held on Tuesday, February 22, 2005, at the City Council meeting. This meeting will be held in Council Chambers in the Municipal Building at 7:30 p.m. All interested citizens are encouraged to attend.**

**Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Vickie Conley before February 21, 2005 at 540-432-0492; or mail comments to Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, VA 22802.**

Mayor Rogers called on anyone desiring to speak for or against this grant application. There being no one desiring to be heard, the public hearing was declared closed at 8:02 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Pace offered a motion to approve the application as presented. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

Absent – None

Dr. James Perkins, President of Blue Ridge Community College, presented an overview of the progress Blue Ridge Community College is making in serving the needs of the City of Harrisonburg. Board members, Kathy Whitten and Jane Prey, were also present. Since 2000, the growth at the Harrisonburg Center of BRCC has increased 60%. In 2003-2004, Harrisonburg residents accounted for 26% of the students graduating from BRCC. Highlights of the college include record enrollment in credit and in non-credit classes. Enrollment growth has increased at BRCC by 7% from last year. The Carl D. Perkins Act, which is a Federal Act funding programs for technical education at BRCC, ranked first on measures of academic skills and technical skills among all 23 community colleges in Virginia. The Fall-to-Fall Retention ranked fourth in the system among all 23 community colleges and the graduation rate was third in the system. BRCC ranked first in sending students enrolled in transfer degree programs on to further their education after graduation. Dr. Perkins reviewed the college site master plan. He thanked Council for the

City's financial support to the college, which has been an excellent investment in the future of Harrisonburg.

The next item of business was a presentation by Allison Dugan, Executive Director of Harrisonburg-Rockingham Convention & Visitors Bureau. She said that CVB mission is to promote tourism and increase the economic benefit to the City and County. CVB is beginning to host many regional events. The Great American car race is a huge national event and Harrisonburg has been chosen to be one of the 14 host cities in the nation. The CVB is involved in many local, regional, national and statewide programs. The web site is a huge asset to the community and provides a calendar of events on the web site. The web site presence has more than quintupled in the last year. CVB is involved in area project coordination including the Shenandoah Valley Battlefields, Jamestown 2007, Hardesty-Higgins House, and Harrisonburg's Court Days. The CVB marketing programs are benefiting many members in area businesses. She said CVB spends at least one-third of its budget on marketing. This is more than most of its counterparts in the Valley. She reviewed figures on investment costs, investment returns, and taxable taxes in FY 2004.

Council Member Pace requested receiving information regarding how much money CVB will need to successfully achieve upgrading the web site. "Will printed material contain the web site information?"

Ms. Dugan said all of the printed material contained the web site address.

Council Member Pace commented that CVB has had outstanding success in promoting regional events, but attracting travel writers could greatly influence travel decisions. It would be helpful to Council if they had an appropriate number to include in the budget regarding attracting travel writers.

The next item of business was a presentation by James Madison University Student Body President Thomas Culligan. He said that JM-U-bilee "Madison Festival 2005" is an event that will bring the JMU campus and Harrisonburg community together in a day of fun! Campus and community organizations will have the chance to create partnerships in a relaxed, family friendly environment. The slogan is one campus, one community, and all together one. The event will be held on Godwin Field on Saturday, March 19, 2005 in honor of "Madison Week" to celebrate the founding of the school and James Madison birthday. The community is invited to join JMU students for a day of family friendly fun in a festival atmosphere. The goals of this event is to foster relationships between JMU students and community members as well as establish more working relationships between JMU student organizations and community service organizations to build up partnerships.

Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, announced that the Valley Conservation Council presented an award for a downtown project nominated by HDR. The award for the outstanding public/private development project went to the complex housing Court Square Theatre, Calhouns, Workers Compensation Office, Ragtime Fabrics, and Moseley Architects. On Friday, March 25<sup>th</sup> planners from Winchester to Roanoke will be holding a meeting to learn more about what it would mean to have Route 11 designated as a byway. On

March 30<sup>th</sup>, HDR will receive an award from Virginia Main Street for 5,000 hours of volunteer hours for the last six months of the year. On April 9<sup>th</sup>, the Blacks Run/Downtown Clean-up Day will be held, which has been a regular occurrence for a number of years. He said that three of the six Virginia Main Street signs have been installed by the Public Works Department. The Court Days Festival will be held on June 11, 2005. Many events have been planned for the day and it will be the most significant event that HDR has been involved in planning. The event will have re-enactments, craft demonstrators, vendors, music and an evening grand ball. Mr. Bumbaugh pointed out that the male model in the photo announcing the Court Days Festival has a remarkable resemblance to the City Manager. He thanked City Council for its support.

The next item of business was a report by Spotswood High School DECA students (Jessica Chandler, Kelsey Pack, and Rebecca Scott) and their sponsor Julie Cassada. The study conducted for Harrisonburg Downtown Renaissance focused on marketing and interviewing people from sites other than the downtown area.

Jessica Chandler said the students met with Mr. Bumbaugh in order to gain background information about the Harrisonburg Downtown Renaissance program and downtown issues. The students created a one-page survey to gather information that would be beneficial to HDR. The survey was designed to gather data regarding ages, gender, occupation, current residential location, wants and needs for downtown Harrisonburg, and concerns about improvements in the downtown.

Kelsey Pack said the survey found that citizens over the age of 55 frequent downtown the most, while other age groups didn't visit downtown area as much. All age groups agreed that the two weakest aspects of the downtown area were parking and shopping. Although they agreed on what facets of downtown Harrisonburg needed improvement, their opinions of the more positive aspects of the downtown vary. Younger age groups felt that both the public transportation and restaurants were the best downtown characteristics. Older groups felt positively about the cleanliness and improvements already taking place downtown. Downtown users stated that restaurants were an overwhelming favorite with over 80% of survey participants stating the number one reason they visited downtown was to go to a restaurant. The Massanutten Regional Library also seemed to be a popular attraction for all ages. Participants over age 66 visited downtown churches often while younger citizens visited retail stores. Citizens age 16-29 agreed they would like to see the addition of parks and walking paths as well as more fountains and benches and an increase in plants, flowers, and trees. Citizens ranging 30-39 years of age generally felt that the addition of more plants, flowers and trees would benefit Harrisonburg. Residents age 40 and older expressed that parks, walking paths and more greenery were needed. They also suggested that upscale restaurants, fountains, and benches would benefit the downtown area. After reviewing the surveys of all of the age groups, it has become evident that Harrisonburg residents are concerned about the appearance of the downtown area. Citizens would like to see the history of downtown Harrisonburg preserved while the area is given a "face-lift." It also became apparent that citizens of Harrisonburg would like to see the downtown area have more entertainment and nightlife and the addition of a movie theatre. Harrisonburg residents would also like downtown to be improved through the addition of retail stores, and restaurants such as *Olive Garden*, which each age group specifically stated numerous times. Harrisonburg citizens would not only like to see the downtown area become safer through better

lighting, but would also appreciate free parking. Overall, each age group saw the potential the downtown area has and was excited to see upcoming changes.

Rebecca Scott said that after analyzing survey results, observations and comments from our research, students developed the following recommendations for downtown Harrisonburg. Students suggest that businesses downtown increase advertising and results show each age group would like to see a movie theatre downtown or the existing theatre showing current movies. Other recommendations include more efforts to attract certain types of businesses to downtown, such as a chain restaurant (numerous requests for an *Olive Garden*), and retail stores. Other recommendations included downtown businesses staying open later, more upscale specialty stores, and for the history of the downtown area to be preserved while the downtown area experience a “face-lift” through the addition of benches, flowers and the restoration of the outdated buildings. Overall citizens appreciate the history of the area but these small touches would go a long way in improving the appearance of downtown Harrisonburg. She said that the addition of more lighting, as well as better quality lighting in the downtown area and parking decks would cause Harrisonburg citizens to feel safer when visiting downtown.

Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, said that the Spotswood High School DECA students chose this project because of their interest in the downtown area. The students will also be entering this project into a national competition. He said it is very clear from the results of two studies that the public is placing a high priority on downtown revitalization and on streetscape improvements.

The next item was recommendations for 2005-2006 CDBG funding cycle. Assistant City Manager Hodgen presented preliminary recommendations for the funding cycle. He said that \$1,401,970 in requests were submitted for the \$613,398 that is expected to be available for the City. It is a challenge in making the recommendations. A total of 27 “outside” agencies were included in the request. He pointed out that this is only the second year into the second year of the program; however, the City has already received the first reduction in funds. There were cut backs this year in the program at the Federal level. There are limits on several of the funding categories specifically administration and public service. HUD emphasizes urban renewal and housing urban development. A draft of City staff’s funding recommendations were included in Council packets along with cover sheets and project descriptions for the non-City projects, instructions for evaluating the projects and a copy of the scoring worksheet used to rank projects. He said a request for final approval of the funding recommendations will be given at the March 8<sup>th</sup> Council meeting.

The following discussion by Council Members included: What services does RMH – Hand in Hand provide? Does RMH provide any funding for the “Hand in Hand” program? Are applications scored under an established criteria?

Assistant City Manager Hodgen said “Hand in Hand” is a program to help single Mothers make the adjustment to Motherhood during the first year. With very few exceptions all of the applicants are contributing their own money as matches or have other sources of funding. Very few were seeking 100% funding from HUD.

Kim Alexander, Block Grant Coordinator, said that one of HUD requirements for public service programs is that it is either a new program or a quantifiable increase to an existing program. She said the final vote for City Council will be on April 26<sup>th</sup>.

Council Member Pace said, "I recommend that the \$90,000 funding for One Court Square under Economic Development be eliminated. Council has approved \$2 million to purchase the building and renovate it. I suggested reallocating the money to fully fund a playground for children with and without disabilities and also to finish Liberty Park."

The next item of business was a brief report by Drew Williams, Transportation Planner, on a Master Pedestrian Facilities Plan. He said the City has outlined preliminary objectives and a tentative schedule for developing a citywide Master Pedestrian Facilities Plan. The plan hopes to determine new locations and routes where pedestrian facilities are needed in the community, create linkage between sidewalk existing facilities, and look at users groups regarding destinations.

The next item was a brief overview of the City's stormwater discharge system. This program has existed for two years. The Department of Environment Quality requires the permit for localities defined as urbanized areas by the census bureau. The six minimum control measures were reviewed. The City was involved in several educational activities throughout the local school system, including cooperative efforts between federal and local groups. The City continues to promote a household hazardous waste clean up event. The City's erosion and sediment control program is currently sufficient to provide for the desired results of the program. The Department of Public Works is constantly searching out the most current information and developing employee training related to stormwater protection and pollution prevention.

Council Member Pace offered a motion to adopt the report as presented. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council Members.

The next item of business was amending and re-enacting Section 16-6-41 of the Harrisonburg City Code. City Manager Baker said that the Deer Task Force is recommending that the City participate in the State Urban Archery Season and allow bowhunting in selected areas of the City. Following further discussion and comments, Council Member Chenault offered a motion to approve amending this ordinance. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

Absent – None

Economic Development Director Brian Shull presented a request for a supplemental appropriation for the Hardesty-Higgins House. Mr. Shull said that the construction phase of the project is both on time and within budget. The goal is to have the facility ready for Harrisonburg-Rockingham County CVB and Harrisonburg Downtown Renaissance to move into the facility prior to July 1. The facility will house the Valley-Turnpike Museum, Convention and Visitors Center, a gift shop, Mrs. Hardesty's Tea Room (a private venture), a special events room highlighting the history of the house, and administrative offices for the Harrisonburg Downtown Renaissance, Harrisonburg-Rockingham County CVB and a meeting room. The City has been awarded two TEA-21 grants for this project totaling \$595,000. A total of \$92,000 is requested to enable these items to be completed. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$175,000.00 chge. to: 1310-33527 ISTE A Grant  
248,800.00 chge. to: 1310-34210 Transfer from General Fund

\$423,800.00 approp. to: 1310-910141-48692 Hardesty Higgins House

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

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

Absent – None

Council Member Pace requested placing a discussion regarding moving the May elections to November on a future agenda.

Council Member Chenault encouraged everyone to obtain a copy of The Newstreak (Harrisonburg High School newsletter). It is an outstanding publication.

At 9:45 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Disability Services Board, Social Services Advisory Board, Harrisonburg Board of Zoning Appeals, Industrial Development Authority, and Weed & Seed Steering Committee for 2005-2006 exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. Consultation with legal counsel regarding a proposed contract requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant

to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

Absent – None

At 11:15 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Chenault offered a motion that Patti McInerney, 66 South Court Square, be recommended to the Circuit Court for a first term on the Board of Zoning Appeals to expire on March 20, 2010. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Wendie Hassler, 700 West Gay Street, be appointed to a first term on the Blue Ridge Disability Services Board to expire on February 1, 2008. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Wendie Hassler, 700 West Gay Street, be appointed to a first term on the Social Services Advisory Board to expire on July 1, 2008. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Rodney Eagle, 1188 Port Republic Road, be appointed to the Weed & Seed Steering Committee for 2005-2006. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council.

At 11:20 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR



REGULAR MEETING

MARCH 8, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Cub Scout Pack #40 from the Asbury United Methodist Church including Shane Doyle, Kristian Schaeffer, Tyler Horne, Tanner Arbogast, Michael Ecvstein, Andrew Turner, Alan Smith, Orien Churney, Ryan Hurst, Garrett Thompson, Antione Timbers, Nathan Wood, Spencer Showalter, Jacob Bishop, Billy Smith, Quinten Gray, and Payton Hedrick led everyone in the Pledge of Allegiance. Garrett Thompson sang the National Anthem. The group also included pack leaders, Terry Smith, Karl Schaeffer, Sonia Arbogast, Harry Hurst, and Jo Fulk.

Mayor Rogers gave the invocation.

Beth Chenault, President of the Pilot Club of Harrisonburg, said that the Pilot Club of Harrisonburg is participating in this year's Brain Awareness Week by offering safety tips to children visiting the Children's Museum through Pilot International's signature project BrainMinder™ Buddies. In addition, the group is making the community aware of brain safety tips and brain injury and disorders through local radio public service announcements and through materials offered at the public library.

Mayor Rogers read the following proclamation.

**PROCLAMATION  
BRAIN AWARENESS WEEK  
MARCH 14-20, 2005**

**WHEREAS, Each year thousands of Virginians are diagnosed with devastating disorders of the brain, including Alzheimer's disease, schizophrenia, autism and communications disorders, all of which cause considerable pain and suffering; and**

**WHEREAS, we are reaching a new era of discovery based on the rapid progress that is being made in the study of the brain and the powerful new tools that have become available to neuroscientists; and**

**WHEREAS, these technical advances have already greatly benefited people who are incapacitated by spinal cord injuries, depressive disorder, epileptic seizures, Parkinson's disease, Huntington's disease, muscular dystrophy, cystic fibroses and other life threatening disorders; and**

**WHEREAS, new insights from neuroscience research will give us a more concise understanding of how people become addicted to drugs and thereby provide more effective treatments for individuals with chemicals dependencies, thus, impacting significantly on crime as well as the cost of treating those with chemical additions; and**

**WHEREAS, hundreds of scientists at Virginia's premiere universities, private colleges and research institutes are at the forefront of many of the most promising efforts to understand the complexities of the brain, to alleviate the pain and suffering associated with brain disorders and reduce the cost of treating neurological diseases.**

**THEREFORE, In special recognition of the importance of researching the brain and neurological disorders, I do hereby proclaim March 14-20, 2005, as *BRAIN AWARENESS WEEK* in Harrisonburg and encourage all citizens to recognize the dedicated efforts of all our neuroscientists.**

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**Larry M. Rogers, Mayor**

**Attest:**

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**Yvonne Ryan, CMC/MMCA, City Clerk**

City Manager Baker requested tabling Item #5c from the Consent Agenda until a future City Council meeting. He said that further discussion is needed before the City can participate in the State Urban Archery Season.

Council Member Pace offered a motion to approve the consent agenda, including approval of the minutes and second reading of a Supplemental Appropriation for the Hardesty-Higgins House and rezoning a 15-acre parcel. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

Mayor Rogers announced that a request by Alan E. Strawderman & Be Tran will be considered by City Council at a future meeting.

Planning and Community Development Director Turner introduced a request from NAPA Auto Parts who owns the property for the benefit of Cargill Turkey Products LLC for a special use permit. It involves a 5,915 square foot parcel of land located at North Main Street and Kratzer Avenue. She said that NAPA and Cargill are preparing a land swap that would give the NAPA building additional land needed to bring their buildings closer to conforming to City regulations.

In January, City Council amended the B-2 and M-1 zoning classifications to allow by special use permit structures taller than 75 feet in height to be constructed. She reviewed the surrounding uses in the area. Cargill wants to construct a 123-foot tall storage tower near their existing mill. A twenty-five foot tall elevator leg, which is the device that carries the corn to the top of the feed mill, will be placed on the top of the storage tower making the total height of the new tower 143 feet. The four storage towers that are currently on the site can store enough material to operate the mill for three days. The addition of this proposed storage tower would allow the facility to operate for up to a week without rail delivery. She said that Planning Commission has recommended approval of the request.

At 7:59 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 21, and February 28, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, March 8, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **Special Use Permit – 1 Kratzer Avenue, Storage Tower**

**Public hearing to consider a request from Cargill Turkey Products, LLC for a special use permit {per Section 10-3-97 (11)} to allow a 114 foot tall storage tower to be constructed at their feed mill located at 1 Kratzer Avenue and found on tax map 34-B-7-B.**

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

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

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

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

Patrick Evick manager of Cargill said they have enough corn storage for their feed mill to last only three days and the railroad is very inconsistent in bringing their product. Therefore, the proposed tower would allow them to have storage at the facility to last over a week. This will also help to empty rail cars in a timely manner. There being no others desiring to be heard, the public hearing was declared closed at 8:00 p.m., and the regular session reconvened. Council Member Pace offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Abstained - Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request for a special use permit {per Section 10-3-97(3)} to allow business and professional offices on a parcel zoned M-1, General Industrial District. She said that the property is located at 1070 Virginia Avenue the former site of Shenandoah Manufacturing Company. The entire property would be leased by James Madison University for professional offices and warehousing. The majority of the building's space (90,200 square feet) would be used for warehouse and storage. The office sections of the building would occupy approximately 12,750 square feet. She reviewed the surrounding uses in the area. The property exceeds the parking requirements for the separate uses of the building. Fifty parking spaces are available; however, JMU only needs 46 parking spaces. She said that Planning Commission has recommended approval of the request.

At 8:02 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 21, and February 28, 2005.

### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold public hearings on Tuesday, March 8, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **Special Use Permit – 1070 Virginia Avenue**

**Public hearing to consider a request for a special use permit {per Section 10-3-97(3)} to allow business and professional offices on a parcel zoned M-1, General Industrial District. The property is located at 1070 Virginia Avenue and can be found on tax map 40-Y-9.**

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

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

**CITY OF HARRISONBURG  
Roger D. Baker**

## City Manager

Mayor Rogers called on anyone desiring to speak for or against this special use permit.

Gerald Strite said that he was the owner of the property. JMU is leasing the property. He repeated the proposed request and the planned use for the building. He added that this is the highest and best use for this property and keeps it on the tax rolls. There being no others desiring to be heard, the public hearing was declared closed at 8:03 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this special use permit request. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from the Harrisonburg Rescue Squad, Inc. to amend Section 10-3-91 of the Zoning Ordinance. She said that the Harrisonburg Rescue Squad is requesting the following ordinance amendment to allow volunteer emergency service personnel to reside at the facility for up to 24 months. This ordinance amendment is the first step in the Rescue Squad being able to provide housing for up to four members. Currently, the B-2, General Business District does not allow non-transient residential uses. This change to the Zoning Ordinance would permit four active members of the organization to live on premises for no more than 24 cumulative months with the granting of a special use permit. She said Planning Commission has recommended amending the ordinance.

At 8:02 p.m., Mayor Rogers closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, February 21, and February 28, 2005.

### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold public hearings on Tuesday, March 8, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **Ordinance Amendment – Rescue Squad Housing in B-2**

**Public hearing to consider a request from Harrisonburg Rescue Squad, Inc. to amend Section 10-3-91 of the Zoning Ordinance. The amendment would allow long term housing for up to four active members of the volunteer rescue squad in the B-2, General Business District.**

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

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

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

Mayor Rogers called on anyone desiring to speak for or amending this ordinance.

Steven Higgins, president of the Harrisonburg Rescue Squad, reviewed why they applied for the ordinance amendment. He said the station currently has volunteer staff at the station 24 hours a day. Sometimes several calls are received, all at one time, making it difficult to get all of the calls answered. There are several individuals who are capable of answering these calls and staffing an ambulance on their own actually residing at the station. The building has four dorm-style rooms with a connecting bathroom, which could be used for this purpose. Council Member Chenault offered a motion to amend Section 10-3-91 of the Zoning Ordinance for a first reading. There being no others desiring to be heard, the public hearing was declared closed at 8:03 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve amending Section 10-3-91 of the Zoning Ordinance. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

The next item of business was granting tentative approval of the recommendations for the 2005-2006 CDBG funding cycle. Assistant City Manager Hodgen said official approval cannot occur until after the second public meeting. These are the same recommendations presented at the February 22<sup>nd</sup> Council meeting with the exception of removing \$90,000, which was listed in the economic development category. \$60,000 is being transferred to the “Dream Come True Playground” project and \$30,000 to the Liberty Park project. Council Member Chenault offered a motion to approve the tentative recommendation for the CDBG Funding Cycle. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

The next item of business was a discussion regarding moving May elections to November. Council Member Pace said that he has received telephone calls from several citizens requesting that Council consider this change. He said, “I am for the change. It will reduce operating costs. It will strengthen fiscal responsibility for the elected officers. It could increase

participation, which strengthens the concept of representative government. It would reduce operating costs between \$4,000 and \$5,000 per year. Under the current system, Council Members take office inheriting a budget approved by our predecessors. “For potentially two out of the four years we are either denied input into the existing budget, or we have no responsibility for the budget we approve.” Also, moving the elections to November could increase the level of voter participation.

Council Member Chenault said that the proposal has some merit, but would like to have some time to investigate some of the implications from other jurisdictions compatible with Harrisonburg. Council Member Chenault offered a motion to table consideration of this proposal until a future meeting. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Mayor Rogers

No - Council Member Pace

Absent – None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that this funding represents additional Federal food subsidy funds and meal receipts. No additional City dollars are required from City Council for the school division to receive these additional funds. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$183,184.00 chge. to: 1111-33301 School Revenue-Federal  
153,580.00 chge. to: 1111-31691 School Revenue-Other

\$336,764.00 approp. to: 1111-111114-40650 Food Service

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

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from a Federal Special Awards Grant to

purchase night vision equipment. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$9,212 chge. to: 1000-33541 Special Awards Grant

\$9,212 approp. to: 1000-310231-46100 Police supplies

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

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from a Federal DMV grant to pay for overtime for checkpoints. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$2,397.03 chge. to: 1000-33524 DMV Federal grant

\$2,397.03 approp. to: 1000-310231-41020 Salaries/wages overtime

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

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

City Manager Baker presented the following resolution for Council’s consideration.

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF HARRISONBURG, VIRGINIA  
DECLARING ITS INTENTION TO REIMBURSE**

**The City of Harrisonburg, Virginia (the “City”) has made or will make expenditures (the “Expenditures”) in connection with (a) the construction and development**

of certain transportation improvements, including a road, side walks and bike lanes of approximately 3 miles in length on the southern side of the City known as Stone Spring / Erickson Avenue Extension (the "Project").

The City may determine that the funds advanced and to be advanced to pay the Expenditures will be reimbursed to the City from the proceeds of one or more obligations to be issued by or on behalf of the City (the "Indebtedness").

As of the date hereof, there are no funds of the City that are, or are reasonably expected to be, allocated on a long-term basis or reserved to finance that portion of the Project that is to be financed with the Indebtedness.

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

1. The Council hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the City intends to reimburse itself with the proceeds of Indebtedness for Expenditures made on, after or within sixty (60) days prior to the date hereof with respect to the Project. Further, Expenditures made more than sixty (60) days prior to the date hereof may be reimbursed to certain *de minimis* or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.
2. The maximum principal amount of Indebtedness expected to be issued for the Project is \$35,000,000.
3. This resolution shall take effect immediately upon its adoption.

Adopted March 8, 2005.

A Copy Teste:

\_\_\_\_\_  
City Clerk  
City Council of the City of Harrisonburg,  
Virginia

(SEAL)

**CERTIFICATION**

The undersigned City Clerk of the City of Harrisonburg, Virginia hereby certifies (1) that the foregoing constitutes a true, correct and complete copy of a Resolution adopted by the City Council of the City of Harrisonburg, Virginia at a regular meeting duly called and held on March 8, 2005, with the City Council members present and absent and voting on the Resolution as set forth below; (2) that such meeting was duly convened and held in all respects in accordance with law; and (3) that the foregoing Resolution has not been repealed, revoked, rescinded or amended.

<u>NAME</u>	<u>ATTENDANCE</u>		<u>VOTE</u>	
	<u>PRESENT</u>	<u>ABSENT</u>	<u>AYE</u>	<u>NAY</u>
Larry Rogers, Mayor	<u>X</u>		<u>X</u>	
Rodney L. Eagle, Vice Mayor	<u>X</u>		<u>X</u>	
Charles Chenault	<u>X</u>		<u>X</u>	
Hugh J. Lantz	<u>X</u>		<u>X</u>	
George W. Pace	<u>X</u>		<u>X</u>	

WITNESS, my hand and the seal of the City of Harrisonburg, Virginia this 8<sup>th</sup> day of March, 2005.

**CITY OF HARRISONBURG, VIRGINIA**

By \_\_\_\_\_  
**Name: Yvonne Bonnie Ryan**  
**Title: City Clerk**

(SEAL)

City Manager explained that adoption of this resolution will allow the City to reimburse itself for the Stone Spring/Erickson Avenue project expenses incurred prior to the anticipated project bond issue with proceeds from the bonds. Council Member Lantz offered a motion to approve this resolution. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

City Council agreed to meet with the School Board on March 23<sup>rd</sup> in a work session to review the budget.

At 8:40 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

At 10:00 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

cc: City Council  
City Manager  
Assistant City Manager  
Public Library

## REGULAR MEETING

MARCH 22, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; Acting City Clerk Jenny Brockwell, and Chief of Police Donald Harper. Absent: City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA

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

Mayor Rogers recognized by proclamation "Day of Prayer" in Harrisonburg on April 7, 2005.

Vicky Swartz, a resident of Harrisonburg, said that the old high school building was valuable property with a good location in the City. She expressed concern about increased traffic if the property is leased to James Madison University.

Ralph Geddes, a resident of Harrisonburg, questioned has anyone asked the National Guard Armory what they think about leasing the high school to JMU?

Laura Stemper, a resident of Harrisonburg, said that Council owed the public an explanation on how this deal is being handled. She complained about not being placed on the regular agenda. She said over crowding still exists in the schools and more trailers are needed for classrooms; however, it appears you have a done deal without any regard to the citizens.

Dana Crittenden, a resident of Harrisonburg, said that it appears plans were made by City Council in a clandestine manner. She said more information has been published in the Daily News-Record regarding this issue than has been provided by the City.

Bucky Berry, a resident of Harrisonburg, said the City needed to get its priorities in order.

T.J. Wilson, a resident of Harrisonburg, urged Council not to grant any sort of option to JMU or any other entity to purchase this property. He said the City cannot move or go anywhere else like other businesses and may have a need for the property in the future.

Barry Haff, a resident of Harrisonburg, said that City officials have not allowed enough public input into lease negotiations. There is a solution, but it will take more effort from everyone to find it. People from all parties should be involved in this matter.

Dee Huffman, a resident of Harrisonburg, said there is a lot of community opposition to the scrapping of the Comprehensive Plan. "How can we allow our teachers and students to be

crammed into trailers when there is more than enough room right under noses. A vote to declare Harrisonburg High School as surplus property is taking away our best solution.”

Steve Ray, a resident of the Harrisonburg, said the City will be hosing three major events this summer, The Tour of Shenandoah, The Great American Race, and Model T Ford Tour.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and second reading of Supplemental Appropriations for the Police Department and School Board. The motion also included amending and re-enacting Section 10-3-91 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Sanitation Fund. He said that these funds are necessary to adjust budgets to reflect additional funds received from County tipping fees and to reimburse County share of landfill fees.

At 8:15 p.m., Mayor Rogers closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 14, 2005.

**NOTICE OF PUBLIC HEARING  
City Council Chambers  
Tuesday, March 22, 2005  
7:30 p.m.**

**A Public Hearing will be held by the Harrisonburg City Council on Tuesday, March 22, 2005 at 7:30 p.m., in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City’s 2004-2005 budget in the net amount of \$1,113,403.**

**The budget increases will be as noted below:**

<b>Sanitation</b>	
<b>Revenues</b>	
<b>Amount from Fund Balance</b>	<b>\$656,736</b>
<b>Landfill Fees</b>	<b>456,667</b>

**Total revenues** **\$1,113,403**

**Expenditures:**

<b>CISAT</b>	<b>\$ 590,040</b>
<b>Refuse Collection</b>	<b>6,113</b>
<b>Miscellaneous Operating Expenses</b>	<b>3,170</b>
<b>Recycling</b>	<b>3,380</b>
<b>Landfill</b>	<b>510,700</b>

**Total expenditures** **\$1,113,403**

**Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.**

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

Mayor Rogers called on anyone desiring to speak for or against increasing the appropriation to the Sanitation Fund. There being no one desiring to be heard, the public hearing was declared closed at 8:16 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve this appropriation this request for a first reading, and that:

\$656,736.00 chge. to: 2014-31632 Landfill Fees

456,667.00 chge. to: 2014-31010 Amount from Fund Balance

\$15,000.00 approp. to: 2014-912242-44310 C.S. Powered Equipment Fuels

50,000.00 approp. to: 2014-912242-43310 Repairs & Maintenance

350,000.00 approp. to: 2014-912242-45110 Electricity

50,000.00 approp. to: 2014-912242-45130 Water & Sewer

16,000.00 approp. to: 2014-912242-46140 Other Operating Supplies

100,000.00 approp. to: 2014-912242-465180 Chemicals

4,950.00 approp. to: 2014-912242-42110 Worker's Compensation

1,245.00 approp. to: 2014-912242-45340 Property Insurance

1,556.00 approp. to: 2014-912242-45370 Pub. Official Liability Insurance

1,289.00 approp. to: 2014-912242-45380 General Liability Insurance

5,031.00 approp. to: 2014-922041-42110 Workers' Compensation

497.00 approp. to: 2014-922041-45350 Vehicle & Equipment Insurance

449.00 approp. to: 2014-922041-45370 Public Official Liability Insurance

136.00 approp. to: 2014-922041-45380 General Liability Insurance

3,170.00 approp. to: 2014-942042-45380 General Liability Insurance

2,559.00 approp. to: 2014-952042-42110 Worker's Compensation

97.00 approp. to: 2014-952042-45340 Property Insurance

410.00 approp. to: 2014-952042-45370 Pub. Official Liability Insurance

314.00 approp. to: 2014-952042-45380 General Liability Insurance

510,700.00 approp. to: 2014-932042-43325 Tipping Fee-County Landfill

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

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

The next item of business was a public hearing to consider adopting the City's Design and Construction Standards Manual. City Engineer Rublee said three work sessions have been held regarding this manual. At the last work session there were three outstanding issues that needed further revisions. He said these changes have been made and were included in the draft manual.

At 8:20 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 14, 2005.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, March 22, 2005 in the Municipal Building City Council Chamber, 345 South Main Street, to consider updates to the City's Design and Construction Standards Manual.**

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

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

Gayl Brunk, Outreach Director for Valley Associates for Independent Living, said that VAIL's mission is to promote self-direction among people with disabilities and remove barriers to independence in the communities. VAIL provides an array of services to individuals with disabilities and to the community in regards to accessibility concerns. She thanked City Council and staff for supporting wider sidewalks, maintenance of sidewalks, and

the vital role that pedestrian travel plays in community life. She requested that the Design and Construction Standards Manual be adopted with a requirement of 5-foot sidewalks in it.

J.M. Snell, Vice-President of the Builders Association, commended staff for their efforts in reaching a workable compromise on this document. He applauded everyone for insisting on reaching an agreement. There being no others desiring to be heard, the public hearing was declared closed at 8:25 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the Design and Construction Standards Manual subject to any additional exhibits or amendments being approved by staff. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Krieder Machine Shop with representative Jim Weaver for the City to provide water and sewer service. The property is located along Route 42 north of the City limits. She said that the applicant would be responsible for any public utilities extension in Rockingham County. She said that the Department of Public Utilities and Planning Commission have recommended approval of the request. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request from Heritage Estates, LLC with representative Harrisonburg Administrative Services, Inc. She said the property is located at 650 Garbers Church Road. The applicant wants to subdivide one, .51 acre parcel into two lots with a variance to the subdivision ordinance for the rear lot to not front on a public street. She reviewed the surrounding uses in the area. In February of 2004, Planning Commission recommended approval of the Heritage Estates Subdivision, a neighborhood of R-1 single-family home lots on private streets on nearly ten acres of land adjacent to Garbers Church Road and the City owned golf course, Heritage Oaks. City Council approved the preliminary plat with variance for the homes to not front on a public street. This preliminary plat would add one additional building lot to the Heritage Estates development. The applicant has requested to subdivide a 22,202 square foot lot into two parcels. Lot A has a single-family home located on the lot that fronts Garbers Church Road. Lot B would require a variance of the City Code requiring that all lots front on a public street. The new lot's driveway would access a private street within the proposed Heritage Estates subdivision. She said that Planning Commission has recommended approval of the request. Council Member Chenault offered a motion to approve the subdivision with a variance into two lots. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

The next item of business was a report on the Neff Avenue proposal. Economic Development Director Shull said staff has completed its review of an unsolicited proposal for a multi-use development project along Neff Avenue. The proposal involved four major components: a baseball stadium, a civic arena, and a retail center. The magnitude of such a project did require extensive study and consideration. Economic analysis, traffic concerns and neighborhood impact all had to be considered.

The proposal did raise interesting ideas and highlight the value of the Harrisonburg region as a robust and attractive marketplace. In addition, the proposal highlighted the unique opportunity Harrisonburg has to partner with James Madison University on projects that would benefit both the school and the City. While parts of the proposal had definite appeal, staff analysis showed that the project as a whole did not work in the best interest of the City of Harrisonburg.

Staff was tasked with analyzing the level of public involvement and investment requested in the proposal and also weighing the level of risk to be assumed by the City. Davenport & Company, Harrisonburg's financial advisors, participated in the review process. In staff's opinion, the public sector was expected to shoulder too much of the financial risk within the proposed partnership.

Staff also was concerned that the proposal from Harrisonburg-Downtown Visions, LLC did not address all of the Public-Private Educational Act (PPEA) requirements under which it was submitted. The law firm of McGuire Woods participated in the legal review of the proposal.

After careful review, City staff is recommending that Council not accept the proposal from Harrisonburg Downtown Visions, LLC.

It is important to note that PPEA confidentiality requirements still hold in regard to the submitted proposal regardless of the next step in the process. If Council wishes to proceed with the project, the proposal will remain protected until a comprehensive agreement is negotiated. If Council decides not to proceed, the document will remain confidential indefinitely.

Council Member Lantz asked, "If this recommendation is accepted by Council would it preclude anyone else from coming back and making a different proposal? I can see the convention-civic center being appealing and utilized by JMU and I think they could be a big player in the cost of the facility. We need to keep an open mind."

Mr. Shull commented, "We are a retail center for the area, and we will continue to see this type of interest from other developers."

Vice-Mayor Eagle commented that he would like to see civic center re-visited at some time in the future.

Council Member Pace offered a motion to approve staff's recommendation to reject this proposal. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 2005-2006 budget. He said challenges facing our school division remain significant. "I take pride, though, in the quality of our staff and the commitment they demonstrate to educating all of our children. But, I believe strongly the "No Child Left Behind" and SOL requirements can be met only by investing time and resources into remedial programs and small classes." We have excellent schools and our board's goal is to continue this tradition of excellence. The budget is based on an projected average daily membership of 4,200 students in 2005-2006. Currently there are 4,125 students. State revenues are based on figures provided by the Virginia Department of Education. Federal revenues are estimates based on current funding and projects provided by the state. Increases in local funding are needed to fund projects, programs, and personnel needs. Expenditures may never exceed revenues. The number of new positions included in the budget is determined by the board based on administrative recommendations and public input. Additional staffing is needed due to increased enrollment and program requirements, including the need to maintain appropriate sized classes to maximize learning opportunities. The budget includes a projected average 6% increase for teachers and other personnel. During budget development the school board reiterated its commitment to keeping teacher salaries in the top 25% in the state. The maintenance and operations fund includes projected expenditures for next year's projects identified in our five-year maintenance/special projects schedule, as well as ongoing routine maintenance costs. Dr. Ford reviewed the significant budget increases, which included instructional operation at \$34,135,612, administrative/attendance & health services \$2,131,426, bus transportation, \$1,392,939, maintenance and operations, \$3,863,960, food services, \$2,469,622, facilities, \$2,000, debt service transfer, \$382,832, and technology, \$2,410,007. The revenue estimates for the school division to support the expenditures are divided into state, federal, other, local, and un-appropriated. The total budget increase is \$3.8 million. The City has attained full accreditation of all the schools.

Council Member Lantz said that approximately 72% of the total budget is going into instruction, which indicates the importance the City places on children. However, the overall budget at 9.05% is alarming, but the City's increase at 10.25% is really extremely alarming. "I don't know how we can continue to give 10% every year. Is there is anything in the instructional budget that is unusual this year?"

Dr. Ford said there has been a significant increase in remediation services for children and salaries increases. Hopefully in the future we can have a conversation about not just what is needed, but what is affordable. Our school division has been well financed by City Council.

Council Member Lantz requested receiving information regarding whether during the last 10 years the City's portion has increased over the state portion. If the City is picking up a bigger percentage of the cost of the school system, then the state legislators need to be aware they are making certain mandates, but the City is funding these mandates at a higher level.

Dr. Ford said that the funding formula for Massanutten Technical Center has increased by \$500,000. This increase is due to a formula change that was intended to ensure that each school division pay its fair share of the operating cost of MTC. However, the formula needs to be revisited. It is placing an unfair burden on the City because it has a large adult educational population.

Council Member Pace said that budget excludes the debt service for the new high school. "How much it is and should it be in this budget?"

Dr. Ford said he did not have an exact dollar figure. An accounting procedure passed at the state and federal levels a few years ago required that all debt service be taken out of the school budget and placed in the City's budget.

Council Member Pace said, "By my calculations it approaches about \$5 million a year in principal and interest. Assuming the student population is at 4,200, Council is looking at a budget that exceeds \$11,000 a year per student in spending. That ranks Harrisonburg in the top 5% of all school districts in Virginia. It is a big number in comparison to other school systems because our school system has more than 50% of its students in programs for specials education or English as a second language. Why didn't fuel and utilities make the list of significant increases?"

Dr. Ford reviewed information used to project fuel and utility costs.

Council Member Pace expressed concern with the 6% increase for teachers and other personnel. "How many of the total number of employees in the school system are classified as non-teachers? I have a real concern with the 25% benchmark used to set teacher salaries." That benchmark includes schools in northern Virginia, which has salaries in the mid \$50's and low \$60's and the benchmark does not include any consideration for the cost of living. Given the tax base of the City, we cannot keep pushing toward this benchmark. "I encourage the board to consider the option of looking at where we rank in teacher salaries regionally or school districts within a 100-mile radius of Harrisonburg. Using that criterion, Harrisonburg ranks third out of the eight school districts closest to the City, behind Winchester and Charlottesville. We need to take into consideration our location, low tax base, low property taxes, low utilities, and low fuel costs. We have a good competitive package and we can't keep chasing northern Virginia to try and get the 25% percentile. It is a goal we can't achieve. A regional approach would be better and I ask the school board to consider that."

Council Member Lantz also questioned whether non-instructional staff like cafeteria and custodial employees should the receive the average of 6% raise called for in the budget. "I don't think we can afford to keep paying non-instructional employees 6%."

Dr. Ford said many of the non-instructional employees are paid at or below the industry average for the area and deserve regular cost-of-living increases.

The next item of business was a request from Allison Dugan, Executive Director of Harrisonburg-Rockingham Convention & Visitors Bureau. She gave everyone a copy of "Rockingham Discovery Magazine", which is a collaboration of local businesses to provide a promotional magazine for the area. She said that CVB will be hosting three events the Tour of Shenandoah, The Great American Car Race and the 2005 National Model T Ford Tour and needs additional funding to cover increased operational expenses because these events were not planned when the budget was developed. Following further discussion and comments, Vice Mayor Eagle offered a motion to approve this request for \$20,000. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

The next item of business was a request to use City property for the Fundfest Concert Series. The request also included using the parking lot behind Sherwin Williams and closing Warren Street. The concert series will be held on alternating Wednesday evenings beginning May 11th and ending August 17th. Council Member Pace offered a motion to approve the request as presented. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

Council Member Pace announced that Planning Commission held a special meeting March 16<sup>th</sup> to discuss the adult business ordinance. Some revisions to the language were referred to the City Attorney and should be presented to City Council at the second meeting in April. Mr. Pace also requested placing whether the City should continue with on street parking meters on a future agenda for Council's consideration.

Council Member Chenault requested placing a tagging ordinance on a future agenda for Council's consideration.

Council Member Lantz expressed his concern with the City's traffic lights, traffic problems and general traffic flow. He requested a discussion concerning this matter on a future agenda.

City Manager Baker presented the following resolution for Council's consideration.

### **Resolution Designating April as Clean-up/Fix-up Month**

**WHEREAS, the mission statement of the City of Harrisonburg expresses the intent to preserve and enhance the quality of life that is unique to the community; through promoting a partnership among citizens, elected officials and City employees; and**

**WHEREAS, it is also the City's desire to project an image of community pride, friendliness and livability; and**

**WHEREAS, the City Council seeks to encourage all citizens, businesses, schools, universities, civic groups, City employees and others to participate in a mutual effort to further enhance and beautify the City through fixing up and cleaning up public and private properties; and**

**WHEREAS, April 9, 2005, will be the annual Blacks Run Clean-up Day in Harrisonburg; and**

**NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Harrisonburg, Virginia does hereby designate the month of April as "Clean-up/Fix-up Month" in the City of Harrisonburg.**

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**Date**

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**Larry M. Rogers, Mayor**

**Attest:**

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**Yvonne Ryan, CMC, City Clerk**

Vice-Mayor Eagle offered a motion to adopt the resolution. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

At 9:55 p.m., Vice-Mayor Eagle offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Industrial Development Authority, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

At 10:50 p.m., the closed session ended and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Chenault offered motion to allow the Smith house to be moved to the lot between the School Board Administration Offices and the Quilt Museum. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

Council also agreed to allow removal of the Barn from the old Ken Bahn property by the Valley Brethren-Mennonite Heritage Center that is developing the site next to the new high school. The barn is being donated to the group, they are responsible for removing it.

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

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CITY CLERK

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MAYOR

## REGULAR MEETING

APRIL 12, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Vickie Swartz, a resident of Harrisonburg, said that the old high school building was valuable property with good athletic fields including Veterans Memorial Stadium. Both the high school and stadium have significant historical importance to the citizens of Harrisonburg. She questioned the continued push for new school buildings, which can create a large debt for the City.

Ralph Geddes, a resident of Harrisonburg, questioned what problems the City will face in 50 years.

Nancy Crider, a resident of Harrisonburg, said her real estate taxes help to pay for the never-ending school construction. She said, "Unless a fair plan can be implemented which would be a good deal for all parties concerned, I am opposed to leasing the high school building to JMU." She suggested that since JMU plans to demolish the old Anthony Seager building perhaps it could be used for classes for the JMU students.

Donna Davis, a resident of Harrisonburg, said the current high school building was not surplus property as long as students were being educated in trailers. JMU can control its growth by freezing enrollment.

Sharri Kurtz, a resident of Harrisonburg, and director of Roberta Webb Child Care Center said, "We are very disappointed that Roberta Webb Child Care Center has not been given preliminary acceptance for Community Development Block Grant (CDBG) funds for our Summer Program for school age children. We believe that CDBG funds for the Summer Program would strengthen our existing programs." RWCCC serves many low-income families in this community. During 2004, 71% of our children were in the extremely low or very low-income categories according to the Income Guidelines from the U.S. Department of Housing and Urban Development. Our Center uses a sliding fee scale based on family income. Since most of our families pay at the lower end of the scale we do depend heavily on other sources of income. Our goal is to provide a learning environment and continuity of care for low-income families. It is crucial to the well being of our community to provide programs that support working families. "We urge City Council to approve CDBG funds for the Summer Program of RWCCC for the year 2005-06."

Ann Stewart, a member of the Board of Directors for the Roberta Webb Child Care Center, Inc., said preschool education could develop a broad range of experience for children to be competent, eager, and enthusiastic learners ready for school.

Dee Huffman, a resident of Harrisonburg, said there more negative aspects than positive ones about the offer from JMU. There are things in life worth more than money.

Barry Haff, a resident of Harrisonburg, said that problem of leasing the current high school to JMU has too many financial implications on the tax payers of the City to be allowed to be terminated without a proper public disclosure of all the ramifications.

Ann Dellinger, a resident of Harrisonburg, said that she was opposed to leasing the high school to JMU.

Bucky Berry, a resident of Harrisonburg, said the City needed to get its priorities in order.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and second reading of a Supplemental Appropriation for the Sanitation Fund. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Evelyn Hertzler for a special use permit. She said that the applicant has requested a special use permit to allow up to four unrelated individuals to occupy property located at 1401 College Avenue. The property is zoned R-2 Residential District. She reviewed the surrounding uses in the area. She also said that a real estate agent representing the Hertzler's had been informed incorrectly by an administrative support staff person that this house could have four unrelated individuals as a by-right use. After receiving a complaint from a neighbor, zoning staff notified the property owner that they were in violation of the occupancy limit for property in the R-2, Residential District. The Hertzler's questioned how this issue could be resolved. The Zoning Administrator offered a compromise that would allow the current students to stay in the house through the 2004-2005 academic year or apply for a special use permit to allow the unrelated individuals to continue living in the dwelling. The property owner agreed to this proposal, but has requested a permanent special use permit to allow the house to continue to be rented to up to four individuals. Staff recommends the alternate request for the special use permit to allow the students to remain in the unit until June 2006 with conditions that no other person shall be added to the lease if any of the current occupants move out of this location, and the property would then revert back to a family or two unrelated individuals. She said that Planning Commission

recommended approval of the special use permit provided that the lease expires when the current occupants leave the dwelling in June 2006 or if any of the four students leave before June 2006, no other person shall replace that individual.

At 8:16 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 28 and Monday, April 4, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, April 12, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **SPECIAL USE PERMIT – 1401 COLLEGE AVENUE**

**Public hearing to consider a request from Evelyn Hertzler with representative Donald Hertzler for a special use permit {per Section 10-3-40 (7) of the Zoning Ordinance} to allow up to four unrelated individuals to occupy the home at 1401 College Avenue. The property is zoned R-2, Residential District, and can be found on tax map 51-I-10&11.**

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

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

Mayor Rogers called on anyone desiring to speak for or against this special use permit. There being no one desiring to be heard, the public hearing was declared closed at 8:17 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the alternate request for a special use permit to allow up to four unrelated individuals to occupy the property until June 2006 with conditions that no other person be added to the lease and if any of the current occupants move out of this location that the property would then revert back to renting to a family or two unrelated individuals. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Cover Investments to rezone 12.68 acres from M-1, General Industrial District to B-2, General Business District classification. She said that the Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in the area. A major influence on the future of this property is the creation of the Erickson Avenue Extension. Access for this property will be from Main Street and entrances off of Erickson Avenue to serve this property will be prohibited. She said that Planning Commission has recommended approval of the request.

At 8:21 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 28 and Monday, April 4, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, April 12, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **REZONING – 2140 SOUTH MAIN STREET**

**Public hearing to consider a request from Cover Investments, with representative Kathryn Eichin to rezone three parcels currently zoned M-1, General Industrial District to B-2, General Business District. The property is located at 2140 South Main Street and can be found on tax map 6-D-8, 9, & 12.**

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

**The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.**

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

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

Mayor Rogers called on anyone desiring to speak for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 8:22 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the request from Cover Investments to rezone these parcels from M-1, General Industrial District to B-2, General Business District. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Bob & Fran L.C. and JEM Transportation to rezone five parcels totaling 17.98 acres along South Main Street from B-2, General Business District to M-1, General Industrial District. The Comprehensive Plan designates this area as General Industrial. She reviewed the surrounding uses in the area. In August of 2003, City Council approved amendments to the Zoning Ordinance that altered the permitted uses within the B-2, General Business District. Up until that time, the B-2 district allowed over the road tractors and its trailers as a special use permit in the B-2 zoning classification. With these changes to the Zoning Ordinance, the current uses on the subject parcels were made non-conforming within the B-2 zoning district. As non-conforming uses, these businesses cannot expand their operation or improve their existing facilities by more than 50 percent of the assessed value. Truck and Equipment has obtained Transport Repairs' facility and want to move it to 3620 South Main Street. This request will make these businesses in compliance with the new Comprehensive Plan. She said that Planning Commission recommended approval of the request.

At 8:26 p.m., Mayor Rogers closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, March 28 and Monday, April 4, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, April 12, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **REZONING – BOB & FRAN, L.C.**

**Public hearing to consider a request from Bob & Fran L.C. and JEM Transportation, with representative Mark Callahan to rezone five properties totaling 17.98 acres along South Main Street from B-2, General Business District to M-1, General Industrial District. The properties are located at 3610, 3620, 3630, 3640, and 3720 South Main Street and can be found on tax map 108-A-3-7.**

The Comprehensive Plan designates this area as General Industrial. This designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities.

The Zoning Ordinance states that the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District. The M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District.

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

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

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

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

Mark Callahan, attorney with the law firm of Clark & Bradshaw, said that Bob and Fran Plecker owned the business being purchased. Since Bob Plecker passed away in October 2004, Transport Repairs has been sold and the repair facility is being moved to Truck and Equipment on South Main Street. There being no others desiring to be heard, the public hearing was declared closed at 8:27 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the request from Bob & Fran L.C. and JEM Transportation to rezone these parcels from B-2, General Business District to M-1, General Industrial District. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

City Manager Baker presented the proposed 2005-2006 budget. Pursuant to Section 60 of the City's Charter, a balanced budget is presented for the fiscal year ending June 30, 2006. In accordance with Section 15.2-2506 of the Code of Virginia, a public hearing is required to be

held at least seven (7) days prior to the adoption of the budget. It is suggested that the public hearing and first reading of the budget be held on April 12, 2005, and that the final adoption of the budget occur on April 26, 2005.

One of the major jobs of the City Manager and his staff is the preparation of the annual budget. The guiding force in developing the budget has been staff's commitment to the cost efficient delivery of services and the Principles of Continuous Improvement. The proposed budget's primary goal is to provide the citizens of Harrisonburg with unreduced services and the delivery of these services in the most cost-efficient manner practical. The review and adoption of the budget represents one of Council's most important activities.

The City continues to grow and service demands increase. The proposed budget recognizes these increases, while being sensitive to the need to hold expenditure levels to a minimum. In short, this budget is really a maintenance budget in that existing service levels will remain the same. The total budget proposed budget represents a 31.1% decrease in net expenditures from the fiscal year 2005 budget as amended (5.7% increase when compared to the original 2005 budget). The significance with this budget is not what it contains, but rather with what is missing. Some of the items that had to be cut from the budgets submitted by department heads were three new fire fighters; an engineer for the Community Development and Planning Department; funds for the second phase of Port Republic Road, funds for the East Market Street Safety Improvement Project; and funds for the Reservoir Street project, all of which are needs of the departments making the request for funding.

The General Fund budget being presented is balanced with no proposed tax increases; however, about \$1.6 million from the unappropriated fund balance is required to balance the budget. On the expenditure side there are three items that increase the budget: an additional \$1.5 million being transferred to the School Fund for operating purposes; an additional \$1.1 million being transferred to the Sanitation Fund for debt service expenditures; and \$1.5 million in golf course operating and debt service expenditures. These golf course expenditures were previously reflected in the Golf Course Fund, thus do not represent new spending.

There are proposed increases in the Water, Sewer and Sanitation enterprise funds. The Water Fund rate increase of approximately 2.5% is to continue funding the installation of the raw waterline from the Shenandoah River. The Sewer Fund rate increase of approximately 3.6% is necessary to offset increasing operational contributions to the Harrisonburg-Rockingham Regional Sewer Authority. Refuse collection fees in the Sanitation Fund are proposed to increase \$2.00 per month to assist in funding the debt service on the steam plant rebuild.

The budget format is similar to prior years, with detailed explanations by fund and by major function areas in the General Fund. A number of charts and graphs have also been included in order to assist with the explanation of the budget document. Primary emphasis is placed on **EDUCATION, PUBLIC SAFETY, ROADS AND PUBLIC UTILITIES**.

Harrisonburg's population continues to grow with a 5.6% increase. It is the highest increase in population of any City in our region except for Winchester. He mentioned several cities, which have decreased in population. The City continues to have the second lowest real estate rate at 62 cents among all independent cities. It is also proposed that any firefighter volunteer or Rescue Squad volunteer who are City residents receive one free vehicle decal.

Schools represent the largest single expenditure in the City budget. Compared to the amended 2005 budget, the School Fund has increased by approximately 8.3%. The Emergency Communications Center Fund budget includes expenditures for a full-year of operations compared to only half-year in 2005. The Central Stores Fund has increased compared to the current year. This fund accounts for the personal services and miscellaneous expenses related to the operations of the City's central stores. The City has a financial policy to maintain at least 14% of the total General Fund budget in the unappropriated fund balance.

City Manager said that a work session had been held prior to the Council meeting. He reiterated that the City has increased contributions to the schools by \$325,000, which could be a 1% equivalent in salaries. Also, \$40,000 will be used toward bike paths and an additional 1% increase will be provided for City employees for a total of a 5% pay adjustment.

At 8:45 p.m., Mayor Rogers closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, April 5, 2005.

**CITY OF HARRISONBURG, VIRGINIA  
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 2006  
For information and fiscal planning purposes only**

**A public hearing will be held by the Harrisonburg City Council on Tuesday, April 12, 2005 at 7:30 p.m. in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. Interested citizens are encouraged to attend and express their views.**

<u>Revenue-By Funds</u>	<u>Original</u>	<u>2004-05 Amendments</u>	<u>Amended</u>	<u>2005-06 As Proposed</u>
<b>Operating:</b>				
General	63,006,693	749,753	63,756,446	66,062,494
School	41,758,729	808,546	42,567,275	45,995,423
Emerg Comm Center	1,045,659	-	1,045,659	2,011,876
Comm Dev Block Grant	648,000	-	648,000	613,397
Water	6,454,097	2,052,878	8,506,975	6,766,035
Sewer	6,105,568	221,157	6,326,725	6,528,657
Public Transportation	4,446,641	1,764,364	6,211,005	5,047,135
Sanitation	7,870,463	5,322	7,875,785	10,164,791
Parking Authority	246,644	-	246,644	253,991
Golf Course	1,206,533	150,000	1,356,533	-
Central Garage	671,026	-	671,026	689,775
Central Stores	60,434	-	60,434	110,832
<b>Total Operating</b>	<b><u>133,520,487</u></b>	<b><u>5,752,020</u></b>	<b><u>139,272,507</u></b>	<b><u>144,244,406</u></b>

**Capital Projects:**

General Capital Projects	2,961,333	23,246,569	26,207,902	85,000
School Capital Projects	-	11,793,356	11,793,356	-
Water Capital Projects	1,529,086	11,482,404	13,011,490	1,245,357
Sewer Capital Projects	300,000	3,052,149	3,352,149	300,000
Sanitation Capital Projects	1,521,311	5,760,515	7,281,826	897,050
Park Auth Cap Projects	99,244	174,779	274,023	-

<b>Total Capital Proj</b>	<b>6,410,974</b>	<b>55,509,772</b>	<b>61,920,746</b>	<b>2,527,407</b>
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<b>Total</b>	<b>139,931,461</b>	<b>61,261,792</b>	<b>201,193,253</b>	<b>146,771,813</b>
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**Expenditures - By Funds****Operating:**

General	63,006,693	749,753	63,756,446	66,062,494
Schools	41,758,729	808,546	42,567,275	45,995,423
Emerg Comm Center	1,045,659	-	1,045,659	2,011,876
Comm Dev Block Grant	648,000	-	648,000	613,397
Water	6,454,097	2,052,878	8,506,975	6,766,035
Sewer	6,105,568	221,157	6,326,725	6,528,657
Public Transportation	4,446,641	1,764,364	6,211,005	5,047,135
Sanitation	7,870,463	5,322	7,875,785	10,164,791
Parking Authority	246,644	-	246,644	253,991
Golf Course	1,206,533	150,000	1,356,533	-
Central Garage	671,026	-	671,026	689,775
Central Stores	60,434	-	60,434	110,832

<b>Total Operating</b>	<b>133,520,487</b>	<b>5,752,020</b>	<b>139,272,507</b>	<b>144,244,406</b>
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General Capital Proj	2,961,333	23,246,569	26,207,902	85,000
School Capital Projects	-	11,793,356	11,793,356	-
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<b>Total Capital Project</b>	<b>6,410,974</b>	<b>55,509,772</b>	<b>61,920,746</b>	<b>2,527,407</b>
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<b>Total</b>	<b>139,931,461</b>	<b>61,261,792</b>	<b>201,193,253</b>	<b>146,771,813</b>
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Mayor Rogers called on anyone present desiring to speak for or against the proposed 2005-2006 budget.

John Whitfield, Executive Director of Blue Ridge Legal Services, requested that Council increase its contribution to BRLS by approximately \$4,800 bringing the total to \$10,019. Blue Ridge Legal Services, which is a non-profit legal aid service providing free legal assistance for

low-income people. These are low-income people having civil cases with a serious legal problem, which if it isn't addressed can turn that person's life upside down. Last year, BRLS helped 292 Harrisonburg residents with serious legal problems. He reviewed statistics regarding these cases. BRLS has a shortfall in the budget of \$54,000. Unless the shortfall is made up before the end of the fiscal year staff and services will have to be cut to avoid checks bouncing. If every locality in our service area would give us \$1.00 for every low income resident residing in the locality it would generate \$51,000 over and above what is received from the localities.

Elly Swecker, Executive Director of the Harrisonburg-Rockingham Free Clinic, said the free clinic was included in the Community Development Block Grant funding and received funding from the operation budget of the City. However, the Free Clinic is about \$1,500 short of its \$25,000 goal. She requested that Council increase the funding for the Free Clinic from \$8,500 to \$10,000.

Allison Dugan, Executive Director of the Harrisonburg-Rockingham Convention & Visitors Bureau, thanked Council for its support of CVB. The City has been investing in more than just a visitor's center. It has been investing in the future and economic development of tourism. CVB strives to maintain tourism and support hospitality in the area. There being no others desiring to be heard, the public hearing was declared closed at 8:55 p.m., and the regular session reconvened.

Council Member Chenault said, "I support the proposed FY 2005-2006 budget. I want to thank City Manager Baker, Assistant City Manager Hodgen, Department Heads and the entire City staff for putting together a budget that is tight, but efficient. This budget is very easy to understand especially when comparing it to past budgets. The City has the second lowest real estate tax rate in the state. We have a very vibrant economy primarily due to the presence of JMU and community. But, also we have a group of City employees including teachers and support staff that are doing a tremendous job of getting the job done and making a more efficient use of resources than other areas."

Council Member Lantz said Dr. Ford sent a letter to Council Members indicating that the School Board has received updated information concerning pay raises for other school divisions throughout the state of Virginia. The School Board has decided that the City school system could still remain competitive with a 5% salary increase for all employees instead of the original request of 6%. "I commend Dr. Ford and the School Board for making this decision. They are trying to maintain an excellent school system while trying to minimize the burden on the City taxpayers." The City Manager's original budget recommended a 4% salary adjustment for all City employees. Council Member Lantz offered a motion to amend the School Board budget appropriation to reflect an increase of \$325,000 to allow all school employees to receive a 5% salary increase. We should be able to fully fund the School Board with a 5% increase instead of 6%. City Council budget should reflect an increase of 5% for City employees instead of a 4% salary adjustment. This decision will keep Harrisonburg as one of the best school systems in the state and reflects an outstanding communication between the School Board and City Council. The motion also included increasing the budget by \$175,000 for a 5% increase for all City employees.

Council Member Pace said that the Planning Commission asked Community Development to form a Citizen Advisory Board to provide an update on the bicycle plan for the community. The

request also included prioritizing projects and having some money available for the first project. He said, "I attended a recent public meeting regarding the Community Development Block Grant program." There were a number of people commenting about the Roberta Webb Child Center. The City can only contribute 15% out of the total CDBG funds to community service projects. "I want to propose adding \$12,000 in the budget for the Roberta Webb Child Care Center Summer Program. Mr. Pace also said the salary increases and bike paths were discussed during the budget work session. Management also reassured City Council that the City has sufficient reserves of 14%.

Vice-Mayor Eagle offered a motion for a first reading to amend the budget by adding \$4,800 for Blue Ridge Legal Services, \$12,000 Roberta Webb Child Care Center Summer Program, \$1,500 for Free Clinic, \$40,000 for bike paths, \$325,000 for school salaries, and \$175,000 or 1% in additional salary for City employees. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Vice-Mayor Eagle offered a motion to approve a request from the Convention and Visitors Bureau to close Main Street from the World War I memorial to Elizabeth Street, Elizabeth Street between Main and Liberty and Liberty Street from Elizabeth Street to the World War I memorial for the Tour of Shenandoah bicycle race on April 27, 2005. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

The next item of business was a presentation by the Rockingham County Fair Association. Mark Callahan a member of the Fair Association Board requested \$50,000 for capital improvements. He said that approximately two years ago the Fair Association created a master plan. It is a very extensive document noting that the fair needs to update and expand its current fair facility. Renovations have begun on the barns and office. Electrical upgrade is the next step in the master plan. Rockingham County has committed \$50,000 (50%) of the project. Mr. Callahan reviewed the building grounds chart including many events held at the fair, 264,812 visits and 3,219 rooms reserved in hotels/motels in Harrisonburg for these events. Rockingham County only has one small motel and not a lot of opportunity for visitors to spend money in the county. Mr. Callahan said this is a one-time capital improvement request. Following further discussion and comments, City Manager Baker recommended providing the funding out of this year's budget rather than placing this request of \$50,000 in next year's budget. The funding can be taken from the unappropriated fund balance. Staff will have a recommendation at the next Council meeting.

City Manager Baker presented the following resolution for Council's consideration.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, REGARDING THE ADOPTION OF THE  
NATIONAL INCIDENT MANAGEMENT SYSTEM**

**ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE  
CITY OF HARRISONBURG, VIRGINIA, HELD AT 7:30 P.M., ON APRIL 12, 2005:**

**WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State and local governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size of complexity; and**

**WHEREAS, the collective input and guidance from all Federal, State and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and**

**WHEREAS, it is necessary and desirable that all Federal, State and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and**

**WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and**

**WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the City's ability to utilize Federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and**

**WHEREAS, the Incident Command System components of NIMS are already an integral part of various City incident management activities, including current emergency management training programs; and**

**WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;**

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

**That the National Incident Management System (NIMS) is established as the City standard for incident management.**

**Approved: April 12, 2005**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Fire Chief Shifflett said the Federal government now requires formal adoption of the National Incident Management System (NIMS) as the system to be used by local government for managing all types of disaster situations. NIMS is an ingrained system that can function for any disaster including flood, tornado, hurricane, or terrorist event. The purpose of the system is to allow an easy transition from dealing with a disaster that needs only local resources or one that might involve state and Federal resources. Adoption of the NIMS, by resolution, is a requirement for all local governments to remain eligible for Homeland Security funds. Council Member Lantz offered a motion to adopt the resolution recognizing NIMS as the system used to manage disaster and terrorism incidents. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

The next item of business was a presentation on an early defibrillation program. Fire Chief Shifflett said that the Fire Department has been involved in an Automated External Defibrillator program. The defibrillator is a small, lightweight device that evaluates a person's heart rhythm through special pads placed on the chest, and can detect sudden cardiac arrest and defibrillate (shock the heart back into rhythm) in necessary. AEDs are designed for use by lay rescuers or first responders. An AED is simple to use and can save lives even when used by someone who has no formal training on the device. Lieutenant Bill Street gave a brief demonstration of the AED device.

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

A request has been made to remove Agenda Item #15 to adjust the budget for fiscal year 2004-2005 for repairs to the municipal building.

City Manager Baker presented a request to transfer funds received from Homeland Security. These funds will be used to purchase security equipment at the water treatment plant facility. Council Member Pace offered a motion to approve this request, and that:

\$25,800.00 chge. to: 1321-34210 Transfer from General Fund

\$25,800.00 approp. to: 1321-910161048628 WTP Expansion Project

\$25,800.00 chge. to: 1000-350532-48213 Equipment

\$25,800.00 approp. to: 1000-990111-49243 Transfer to Water Capital Projects Fund

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

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He said these funds were provided by the state to purchase rescue equipment. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$42,857 chge. to: 1000-32512 Fire Programs Fund  
\$42,857 approp. to: 1000-320232-48113 Equipment

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

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Fire Chief Larry Shifflett thanked City Council for increasing City employee's salaries to 5% in the budget.

Police Chief Harper presented a request for a supplemental appropriated for the Police Department. These funds will be used to begin a Gang Task Force. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$38,430.00 chge. to: 1000-31010 Amount from Fund Balance  
\$38,100.00 approp. to: 1000-310531-48251 Motor Vehicles & Equipment  
1,330.00 approp. to: 1000-310531-46110 Uniforms  
3,500.00 approp. to: 1000-310531-48272 Hardware  
1,500.00 approp. to: 1000-310531-48211 Machinery & Equipment

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

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Police Chief Harper thanked City Council for increasing City employee's salaries to 5% in the budget.

Police Chief Harper presented a request for a supplemental appropriated for the Police Department. He said that these funds were received from the state asset seizure fund and will be used to purchase training equipment, furniture, weapons for auxiliary officers, and new software. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$20,000.00 chge. to: 1000-31010 Amount from fund balance  
\$ 3,900.00 approp. to: 1000-310131-48211 Machinery and equipment  
1,600.00 approp. to: 1000-310231-48211 Machinery and equipment  
7,000.00 approp. to: 1000-310131-48221 Furniture and fixtures  
1,500.00 approp. to: 1000-310231-46100 Police equipment  
6,000.00 approp. to: 1000-310431-48273 Software

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

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

School Board Chairman Tim Lacey thanked City Council for fully funding the School Board budget.

Vice-Mayor Eagle announced that Harrisonburg is officially a Tree City USA.

Council Member Pace said that he attended the Traffic Safety Committee meeting. Citizens of the City are giving many volunteer hours to serve on various commissions, committees and boards. Mr. Pace thanked all of the citizens who volunteer to serve.

Assistant City Manager Hodgen announced that Harrisonburg has received an Edward Byrne Memorial Justice Assistance Grant (JAG) from the Department of Justice in the amount of \$24,781.00. He provided a program narrative on how the City will utilize the funds.

Council Member Lantz reported that at a recent Deer Task Force meeting it was decided not to hold an Urban Archery Season in the City. He said the Police Department has recommended using its Swat Team to eliminate some of the deer herd.

At 10:00 p.m., Council Member Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees, Social Services Advisory Board, Shenandoah Valley Partnership-Board of Directors, Industrial Development Authority, and Community Services (Chapter 10) Board, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

At 11:30 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 11:31 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR



## REGULAR MEETING

APRIL 26, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Lantz gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Mayor Rogers presented a request from the Harrisonburg School Board to hold a joint meeting with City Council on May 4, 2005 at 6:00 p.m., to discuss possibly leasing the old high school building to JMU. Vice-Mayor Eagle offered a motion to approve this request as presented. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and second reading of Supplemental Appropriations for the Police Department. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

Absent – None

City Manager Baker briefly reviewed the real estate tax rate. He explained that the state requires that if the reassessment results in an increase of 1% in revenues, the City must hold a public hearing if it intends to maintain the same tax rate. The budget for next year is based upon maintaining the current \$.62 per \$100 evaluation for the real estate rate. The Commissioner of Revenue's office conducted a reassessment, which resulted in an overall increase in the City's real estate tax base of about 13.5 percent or approximately \$1.6 million in revenue.

At 7:40 p.m., Mayor Rogers closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, April 19, 2005.

## NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The City of Harrisonburg proposes to increase property tax levies.

1. **Assessment increase:** Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 13.5 percent.
2. **Lower Rate Necessary to Offset Increase Assessment:** The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$.546 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. **Effective Rate Increase:** The City of Harrisonburg proposes to adopt a tax rate of \$.62 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$.074 per \$100, or 11.9 percent. This difference will be known as the "effective tax rate increase."

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

4. **Proposed Total Budget Increase:** Based on the proposed real property tax rate and changes in other revenues, the total budget of the City of Harrisonburg will exceed last year's original gross budget by 4.89 percent.

A public hearing on the increase will be held on April 26, 2005 at 7:30 PM in the Harrisonburg Municipal Building at 345 South Main Street, Harrisonburg, Virginia.

The hearing shall be open to the public. The City Council shall permit persons desiring to be heard an opportunity to present oral testimony within such reasonable time limits as shall be determined by the City Council. The City is required by State law to reassess real estate every two years.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing, shall notify the City Manager at least five (5) days prior to the date of the meeting.

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

Mayor Rogers called on anyone present desiring to speak for or against the real estate tax rate. Vicki Swartz, a resident of Harrisonburg, said that recent real estate reassessment could increase most property values by an average of 13.5 percent; however, her reassessment will increase by approximately 25 percent. "It's so much at one time. I realize taxation is necessary for the City to provide police protection, fire protection, and support the schools." But, to expect the citizens of Harrisonburg to continually endorse debt increase for major capital expenditures such as two

new proposed schools is asking the property owners too much since the old high school building is valuable property.

Donna Davis, a resident of Harrisonburg, said that she felt inspired by Dr. Seuss and read the following: “A tax increase I read today. A tax increase the only way to meet the budget of our town will turn my budget up side down. For some reason it would appear our politicians draw ever near to my resources. I’m afraid difficult choices must be made. When my budget exceeds my means, I cut my spending to great extremes. I cannot tell my boss to pay another dime to my dismay. Why can’t you follow your citizen’s lead and cut your spending to meet your needs. Put the ones on hold awhile for if you do you will make us smile. Higher taxes aren’t the only way for the township budget will to pay. Cut your spending, we will trust. Cut your spending, yes you must. Instead of new schools work with the old. The county did, yes they are so bold. Why can’t you follow your citizen’s lead and cut your spending to meet your needs. Perhaps you could rescind your pay to keep the budget on its way for you keep asking me to give up mine to keep your budget wishes in line. When my budget exceeds my means, I cut my spending to great extremes. Cut your spending, we will trust, cut your spending, yes you must.” There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened.

Vice-Mayor Eagle said that City staff did an excellent job on preparing the budget. Their decisions were frugal taking into consideration the needs and challenges in the City. The City continues to have the second lowest real estate rate at \$.62 among all independent cities. “I am in favor of keeping the tax rate at \$.62 because we need to protect our City employees. It cost money to replace employees and we need to take care of everyone.”

Council Member Chenault said, “The tax rate can be at \$.92 per \$100 or \$.62 per \$100 of assessed value and it doesn’t mean a thing if your aren’t getting anything for the money. When comparing Harrisonburg to any other city from Winchester to Roanoke there isn’t a City anywhere that does a better job with its tax dollars than we do. We probably have the best education system from Winchester to Roanoke, the best Fire Department in the state, one of the best Police Department in the state, and the Public Works Department is far ahead of any other jurisdictions. We made a decision this year to try to keep our City employees and school employees on par with what we think they should be making for the services they render to the City. I think we still have a way to go to accomplish this, but we have taken a big step toward doing it.” The additional 1% increase for City employees is richly deserved and is a sound investment for the City.

Council Member Pace said that the increase is still a tax increase of \$1.6 million dollars. He pointed out that the property tax increase will only fund next year’s annual increase to the school budget in terms of the City’s contribution. All other increases for City functions will have to be funded from local taxes and not property tax. “I believe that property taxes need to be directly lined with school budgets.”

Mayor Rogers said that the departments of the City have excellent management.

Council Member Chenault offered a motion to maintain the current real estate tax rate at \$.62 per \$100 of assessed value. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

Absent – None

**APPROPRIATION ORDINANCE  
OF THE CITY OF HARRISONBURG, VIRGINIA  
For the Fiscal Year Ending June 30, 2006**

**AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 2006. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENTS; AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.**

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

**SECTION I - GENERAL FUND (1000)**

**That the following sums of money be and the same hereby are appropriated for general government purposes herein specified for the fiscal year ending June 30, 2006:**

**Paragraph One - City Council and Clerk (110111)**

For the current expenses and capital outlays of the CITY COUNCIL AND CLERK, a division of the Legislative Department, the sum of one hundred sixty-eight thousand, nine hundred ninety-one dollars (\$168,991) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$98,888
(2)	Other Operating Expenses	65,603
(3)	Capital Outlays	4,500

**Paragraph Two - Office of City Manager (120111)**

For the current expenses and capital outlays of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of three hundred ninety-one thousand, five hundred sixty-six dollars (\$391,566) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$279,003
(2)	Other Operating Expenses	111,063
(3)	Capital Outlays	1,500

Paragraph Three - Office of City Attorney (120411)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of one hundred forty thousand, eight hundred fifty-eight dollars (\$140,858) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$105,156
(2)	Other Operating Expenses	34,702
(3)	Capital Outlays	1,000

Paragraph Four - Department of Human Resources (120511)

For the current expenses of the DEPARTMENT OF HUMAN RESOURCES, a division of the General and Financial Administration, the sum of two hundred one thousand, five hundred seventy-six dollars (\$201,576) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$139,076
(2)	Other Operating Expenses	61,000
(3)	Capital Outlays	1,500

Paragraph Five - Independent Auditor (120811)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of eight thousand dollars (\$8,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 8,000
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Paragraph Six - Commissioner of Revenue (120912)

For the current expenses and capital outlays of the COMMISSIONER OF REVENUE, a division of the General and Financial Administration, the sum of three hundred fifty-seven thousand, three hundred sixty-two dollars (\$357,362) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$245,826
(2)	Other Operating Expenses	108,536
(3)	Capital Outlays	3,000

Paragraph Seven - Board of Real Estate Assessors (121012)

For the current expenses and capital outlays of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of two hundred eleven thousand, four hundred twelve dollars (\$211,412) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$135,061
(2)	Other Operating Expenses	73,851
(3)	Capital Outlays	2,500

Paragraph Eight - Board of Equalization (121112)

For the current expenses of the BOARD OF EQUALIZATION, a division of the General and Financial Administration, the sum of one thousand, one hundred fifty dollars (\$1,150) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$1,150
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Paragraph Nine - City Treasurer (121313)

For the current expenses and capital outlays of the CITY TREASURER, a division of the General and Financial Administration, the sum of four hundred sixty-six thousand, two hundred ninety-nine dollars (\$466,299) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$269,851
(2)	Other Operating Expenses	195,448
(3)	Capital Outlays	1,000

Paragraph Ten - Department of Finance (121511)

For the current expenses and capital outlays of the DEPARTMENT OF FINANCE, a division of the General and Financial Administration, the sum of three hundred forty-three thousand, six hundred sixty-nine dollars (\$343,669) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$223,915
(2)	Other Operating Expenses	118,754
(3)	Capital Outlays	1,000

Paragraph Eleven – Information Technology (122011)

For the current expenses and capital outlays of INFORMATION TECHNOLOGY, a division of the General and Financial Administration, the sum of two hundred ninety thousand, four hundred eighty-eight dollars (\$290,488) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$117,789
(2)	Other Operating Expenses	140,699
(3)	Capital Outlays	32,000

Paragraph Twelve - Purchasing Agent (122211)

For the current expenses of the PURCHASING AGENT, a division of the General and Financial Administration, the sum of one hundred five thousand, six hundred sixty-five dollars (\$105,665) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$79,055
(2)	Other Operating Expenses	26,610

Paragraph Thirteen - Electoral Board and Officials (130114)

For the current expenses and capital outlays of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of one hundred fifty-eight thousand, seventy-seven dollars (\$158,077) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$87,066
(2)	Other Operating Expenses	60,011
(3)	Capital Outlays	11,000

Paragraph Fourteen - Police Administration (310131)

For the current expenses and capital outlays of the POLICE ADMINISTRATION, a division of the Department of Public Safety, the sum of three hundred ninety-eight thousand, four hundred sixty-eight dollars (\$398,468) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$201,746
(2)	Other Operating Expenses	196,222
(3)	Capital Outlays	500

Paragraph Fifteen - Police Operations Division (310231)

For the current expenses and capital outlays of the POLICE OPERATIONS DIVISION, a division of the Department of Public Safety, the sum of three million, four hundred one thousand, twenty-four dollars (\$3,401,024) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$2,356,789
(2)	Other Operating Expenses	1,025,135
(3)	Capital Outlays	19,100

Paragraph Sixteen - Police Criminal Investigation Division (310331)

For the current expenses and capital outlays of the POLICE CRIMINAL INVESTIGATION DIVISION, the sum of seven hundred ninety-five thousand, nine hundred thirty-two dollars (\$795,932) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$546,600
(2)	Other Operating	245,632
(3)	Capital Outlays	3,700

Paragraph Seventeen - Police Support Services (310431)

For the current expenses and capital outlays of the POLICE SUPPORT SERVICES, a division of the Department of Public Safety, the sum of one million, three hundred twenty-seven thousand, four hundred thirty-eight dollars (\$1,327,438) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$673,928
(2)	Other Operating Expenses	466,510
(3)	Capital Outlays	187,000

Paragraph Eighteen – Police Gang Task Force (310531)

For the current expenses and capital outlays of the POLICE GANG TASK FORCE, a division of the Department of Public Safety, the sum of one hundred five thousand, five hundred sixteen dollars (\$105,516) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$74,000
(2)	Other Operating Expenses	31,516

Paragraph Nineteen - Fire Administration (320132)

For the current expenses of the FIRE ADMINISTRATION, a division of the Department of Public Safety, the sum of three hundred fifty-nine thousand, one hundred eighty-seven dollars (\$359,187) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$207,516
(2)	Other Operating Expenses	151,671

Paragraph Twenty - Fire Suppression (320232)

For the current expenses and capital outlays of the FIRE SUPPRESSION, a division of the Department of Public Safety, the sum of four million, two hundred thirty-four thousand, four hundred forty-eight dollars (\$4,234,448) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$2,666,510
(2)	Other Operating Expenses	1,333,668
(3)	Capital Outlays	234,270

Paragraph Twenty-One - Fire Prevention (320332)

For the current expenses of FIRE PREVENTION, a division of the Department of Public Safety, the sum of two hundred seventy-two thousand, four hundred ninety-six dollars (\$272,496) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$178,395
(2)	Other Operating Expenses	94,101

Paragraph Twenty-Two - Fire Training (320432)

For the current expenses and capital outlays of FIRE TRAINING, a division of the Department of Public Safety, the sum of one hundred fifty-two thousand, nine hundred sixty dollars (\$152,960) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$98,199
(2)	Other Operating Expenses	54,761

Paragraph Twenty-Three – Public Safety Building (320632)

For the current expenses of the PUBLIC SAFETY BUILDING, a division of the Department of Public Safety, the sum of two hundred five thousand, five hundred thirty-nine dollars (\$205,539) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$41,340
(2)	Other Operating Expenses	162,199
(3)	Capital Outlays	2,000

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

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

(1)	Other Operating Expenses	\$86,000
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Paragraph Twenty-Five - Building Inspection (340121)

For the current expenses and capital outlays of BUILDING INSPECTION, a division of the Department of Public Safety, the sum of six hundred thirty thousand, one hundred forty-two dollars (\$630,142) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$420,564
(2)	Other Operating Expenses	183,928
(3)	Capital Outlays	25,650

Paragraph Twenty-Six - Animal Control (350131)

For the current expenses of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of one hundred eighteen thousand, five hundred ninety dollars (\$118,590) is appropriated from General Fund to be apportioned as follows:

(1)	Personal Services	\$29,683
(2)	Other Operating Expenses	88,207
(3)	Capital Outlays	700

Paragraph Twenty-Seven - Coroner (350331)

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

(1)	Other Operating Expenses	\$1,000
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Paragraph Twenty-Eight - Emergency Services (350532)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of seventy thousand, eight hundred forty-seven dollars (\$70,847) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$70,847
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Paragraph Twenty-Nine - General Engineering/Administration (410121)

For the current expenses and capital outlays of GENERAL ENGINEERING/ADMINISTRATION, a division of the Department of Public Works, the sum of eight hundred five thousand, one hundred sixty-four dollars (\$805,164) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$522,305
(2)	Other Operating Expenses	254,659
(3)	Capital Outlays	28,200

Paragraph Thirty - Highway and Street Maintenance (410241)

For the current expenses and capital outlays of HIGHWAY AND STREET MAINTENANCE, a division of the Department of Public Works, the sum of three million, three hundred fifty-two thousand, three hundred thirty-one dollars (\$3,352,331) is appropriated from the General Fund to be appointed as follows:

(1)	Personal Services	\$1,229,178
(2)	Other Operating Expenses	1,822,153
(3)	Capital Outlays	301,000

Paragraph Thirty-One - Street Lights (410441)

For the current expenses of STREET LIGHTS, a division of the Department of Public Works, the sum of four hundred thirty-six thousand, five hundred forty-four dollars (\$436,544) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 436,544
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Paragraph Thirty - Two - Snow and Ice Removal (410541)

For the current expenses and capital outlays of SNOW AND ICE REMOVAL, a division of the Department of Public Works, the sum of one hundred ninety-five thousand, three hundred seventy-seven dollars (\$195,377) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$52,535
(2)	Other Operating Expenses	132,842
(3)	Capital Outlays	10,000

Paragraph Thirty-Three - Traffic Engineering (410741)

For the current expenses and capital outlays of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of one million, eighty thousand, nineteen dollars (\$1,080,019) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$327,349
(2)	Other Operating Expenses	456,670
(3)	Capital Outlays	296,000

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

For the current expenses and capital outlays of HIGHWAY/STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of three hundred forty-eight thousand, two hundred five dollars (\$348,205) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$106,833
(2)	Other Operating Expenses	154,372
(3)	Capital Outlays	87,000

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

For the current expenses and capital outlays of STREET AND ROAD CLEANING, a division of Public Works, the sum of two hundred seventy-seven thousand, five hundred sixty-nine dollars (\$277,569) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$138,017
(2)	Other Operating Expenses	139,552

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

For the current expenses of INSECT AND RODENT CONTROL, a division of the Department of the Public Works, the sum of forty-four thousand, nine hundred two dollars (\$44,902) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$16,240
(1)	Other Operating Expenses	\$28,662

Paragraph Thirty-Seven - General Properties (430221)

For the current expenses and capital outlays of GENERAL PROPERTIES, a division of the Department of Public Works, the sum of one hundred seventy-one thousand, three hundred ninety dollars (\$171,390) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$25,435
(2)	Other Operating Expenses	136,955
(3)	Capital Outlays	9,000

Paragraph Thirty-Eight - Local Health Department (510111)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of three hundred twenty-one thousand, one hundred fifty-six dollars (\$321,156) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$321,156
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Paragraph Thirty-Nine - Community Services Board (520511)

For the current expenses of the COMMUNITY SERVICES BOARD, a division of the Health and Welfare Department, the sum of two hundred six thousand, four hundred seventy dollars (\$206,470) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$206,470

Paragraph Forty - Tax Relief for Elderly (530611)

For the current expenses TAX RELIEF FOR ELDERLY, a division of the Health and Welfare Department, the sum of thirty thousand dollars (\$30,000) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$30,000

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

For the current expenses and capital outlays of PARKS AND RECREATION ADMINISTRATION, a division of Parks, Recreation and Cultural, the sum of nine hundred thirteen thousand, ninety-six dollars (\$913,096) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$323,850  
(2) Other Operating Expenses 485,246  
(3) Capital Outlays 104,000

Paragraph Forty-Two - Parks (710271)

For the current expenses and capital outlays of PARKS, a division of Parks, Recreation and Cultural, the sum of six hundred fifty-two thousand, eight hundred ninety-three dollars (\$652,893) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$403,129  
(2) Other Operating Expenses 227,764  
(3) Capital Outlays 22,000

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

For the current expenses and capital outlays of RECREATION CENTERS AND PLAYGROUNDS, a division of Parks, Recreation and Cultural, the sum of four hundred eighty-nine thousand, one hundred two dollars (\$489,102) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$290,084  
(2) Other Operating Expenses 159,018  
(3) Capital Outlays 40,000

Paragraph Forty-Four - National Guard Armory (710571)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of eighty-seven thousand, three hundred seventy-one dollars (\$87,371) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$41,786
(2)	Other Operating Expenses	45,585

Paragraph Forty-Five - Simms Recreation Center (710671)

For the current expenses of the SIMMS RECREATION CENTER, a division of Parks, Recreation and Cultural, the sum of one hundred sixty-eight thousand, five hundred sixty-five dollars (\$168,565) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	168,565
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Paragraph Forty-Six - Westover Pool (710771)

For the current expenses and capital outlays of the WESTOVER POOL, a division of Parks, Recreation and Cultural, the sum of six hundred ninety-six thousand, one hundred thirty-nine dollars (\$696,139) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$182,020
(2)	Other Operating Expenses	143,869
(3)	Capital Outlays	370,250

Paragraph Forty-Seven - Athletics (710871)

For the current expenses and capital outlays of the ATHLETICS, a division of Parks, Recreation and Cultural, the sum of four hundred fourteen thousand, two hundred forty-five dollars (\$414,245) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$216,341
(2)	Other Operating Expenses	172,904
(3)	Capital Outlays	25,000

Paragraph Forty-Eight – Blacks Run Greenway (710971)

For the current expenses and capital outlays of the BLACKS RUN GREENWAY, a division of Parks, Recreation and Culture, the sum of forty-eight thousand, two hundred twenty-eight dollars (\$48,228) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$29,586
(2)	Other Operating Expenses	18,642

Paragraph Forty-Nine – Parks & Recreation Golf Course Grounds Management (730271)

For the current expenses and capital outlays of the PARKS AND RECREATION GOLF COURSE GROUNDS MANAGEMENT, a division of Parks, Recreation and Culture, the sum of five hundred eighty-eight thousand, seven hundred twenty-eight dollars (\$588,728) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$269,494
(2)	Other Operating Expenses	292,734
(3)	Capital Outlays	26,500

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

For the current expenses and capital outlays of the PARKS AND RECREATION GOLF COURSE CLUBHOUSE, a division of Parks, Recreation and Culture, the sum of three hundred forty-five thousand, eight hundred ninety-three dollars (\$345,893) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$141,565
(2)	Other Operating Expenses	183,828
(3)	Capital Outlays	20,500

Paragraph Fifty-One - Planning (810121)

For the current expenses and capital outlays of the PLANNING. A division of the Department of Community Development, the sum of one hundred fifty-four thousand, six hundred forty dollars (\$154,640) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$94,714
(2)	Other Operating Expenses	56,626
(3)	Capital Outlays	3,300

Paragraph Fifty-Two - Zoning Administrator (810221)

For the current expenses of ZONING ADMINISTRATOR, a division of the Department of Community Development, the sum of one hundred fifty-six thousand, five hundred twenty-seven dollars (\$156,527) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$110,701
(2)	Other Operating Expenses	45,426
(3)	Capital Outlay	400

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

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Department of Community Development, the sum of six thousand, five hundred twenty dollars (\$6,520) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$900
(2)	Other Operating Expenses	5,620

Paragraph Fifty-Four - Economic Development (810521)

For the current expenses and capital outlays of ECONOMIC DEVELOPMENT, the sum of nine hundred twenty-two thousand, two hundred eighty-three dollars (\$922,283) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 87,863
(2)	Other Operating Expenses	545,147
(3)	Capital Outlays	289,273

Paragraph Fifty-Five – Downtown Renaissance - (810621)

For the current expenses and capital outlays of DOWNTOWN RENAISSANCE, the sum of fifty-eight thousand, one hundred ninety-nine dollars (\$58,199) is appropriated from the General Fund to be appropriated as follows:

(1)	Personal Services	\$ 46,621
(2)	Other Operating Expenses	11,578

Paragraph Fifty-Six – Non-Departmental-Contributions (910411)

For aiding the activities of independent, civic, charitable, and other organizations, the sum of one million, four hundred forty-one thousand, two hundred six dollars (\$1,441,206) is appropriated from the General Fund to be apportioned as follows:

43850	Central Shenandoah Planning District	\$13,747
45642	Local Chamber of Commerce	3,000
45644	Salvation Army	15,000
45645	Rescue Squad-Gas and Oil	20,000
45647	Shen Val. Soil & Water Conservation Dist.	4,000
45648	Blue Ridge Community College	5,000
45650	Valley Program for Aging Services	25,000
45652	First Step, Inc.	21,000
45653	Non-Departmental CATV	5,000
45654	Convention & Visitors Bureau	198,500
45656	BRCC – Site Improvement	41,484
45659	Blue Ridge Legal Services	10,077
45660	Other Non-departmental	21,000
45662	Free Clinic Inc.	10,000
45663	Community Mediation Center	2,000
45664	Woodbine Cemetery	1,500
45665	Free Clinic, Inc., Capital	250,000
45669	Boys and Girls Club	45,000

44883 First Night	5,000
45885 Arts Council of Valley	40,000
45886 Quilt Museum	2,000
45888 Downtown Renaissance	21,801
45889 Little League Association	6,000
45896 Roberta Webb Child Care Center	12,000
47010 Massanutten Regional Public Library-Operating	358,003
47020 Upper Valley Regional Park Authority	17,250
47030 Juvenile Detention Home	287,844

Paragraph Fifty-Seven - Non-Departmental - Joint Operations (910511)

For the payment of joint expenses, the sum of three million, six hundred seventy-nine thousand, nine hundred thirty-six dollars (\$3,679,936) is appropriated from the General Fund to be apportioned as follows:

47070 Expense of Sheriff, Courts, etc.	\$1,700,000
47071 Expense of Social Service District	1,979,936

Paragraph Fifty-Eight - Non-Departmental Subscriptions/Contribution (910611)

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

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

For the payment of dues to Municipal Organizations. The sum of twenty thousand dollars (\$20,000) is appropriated from the General fund to be apportioned as follows:

45810 Dues and Memberships	\$20,000
----------------------------	----------

Paragraph Sixty - Reserve for Contingencies (940111)

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

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

For the payment of interest and principal on bonds and lease purchases and bank eight million, three hundred eighty-six thousand, three hundred twenty-two dollars (\$8,386,322) is appropriated from the General Fund to be apportioned as follows:

(1)	Principal and Interest	\$8,382,722
(2)	Bank Handling Charges	3,600

Paragraph Sixty-Two - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of twenty-four million, eight hundred forty-eight thousand, six hundred seventy-six dollars (\$24,848,676) is appropriated from the General Fund to be apportioned as follows:

(1)	General Capital Projects Fund	\$ 125,000
(2)	Emergency Community Center Fund	217,920
(3)	School Fund	21,394,640
(4)	Central Garage Fund	93,912
(5)	Central Stores Fund	6,672
(6)	Public Transportation Fund	707,112
(7)	Sanitation Fund	2,300,996
(8)	Parking Authority Fund	2,424

**S U M M A R Y**

**Expenditures and Revenues**

Total General Fund Appropriation for the Fiscal Year Ending June 30, 2006	<u>\$66,620,319</u>
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To be provided for from the following Estimated Revenues which are as follows:

Amount from Fund Balance	\$ 1,625,698
General Property Taxes	20,431,873
Other Local Taxes	29,624,904
Permits, Privilege Fees and Regulatory Licenses	352,050
Fines and Forfeitures	579,200
Revenue from use of Money & Property	356,300
Charges for Services	777,200
Miscellaneous Revenue	4,651,500
Recovered Costs	105,000
State Non-Categorical Aid	3,172,861
State Shared Expenses (Categorical-Aid)	296,050
State Other (Categorical-Aid)	3,162,809
Federal Categorical Aid	103,762
Transfers from other Funds	<u>1,381,112</u>
 Total General Fund Revenue for the Fiscal Year Ending June 30, 2006	 <u>\$66,620,319</u>

## SECTION II - SCHOOL FUND (1111)

**That the following sums of money be and the same hereby are appropriated for school purposes specified for the fiscal year ending June 30, 2006:**

### Paragraph One - Instruction (40610)

For the current expenses of INSTRUCTION, of the department of education, the sum of thirty-three million, seven hundred twenty-three thousand, forty-seven dollars (\$33,723,047) is appropriated from the City School Fund to be apportioned as follows:

- |     |             |              |
|-----|-------------|--------------|
| (1) | Instruction | \$33,723,047 |
|-----|-------------|--------------|

### Paragraph Two - Administration/Attendance & Health Service (40620)

For the current expenses of ADMINISTRATION/ATTENDANCE & HEALTH SERVICE, of the department of education, the sum of two million, one hundred sixteen thousand, eight dollars (\$2,116,008) is appropriated from the City School Fund to be apportioned as follows:

- |     |  |             |
|-----|--|-------------|
| (1) | Administration/Attendance & Health Service | \$2,116,008 |
|-----|--|-------------|

### Paragraph Three - Pupil Transportation Services (40630)

For the current expenses of PUPIL TRANSPORTATION SERVICES, of the department of education, the sum of one million, three hundred ninety-two thousand, nine hundred thirty-nine dollars (\$1,392,939) is appropriated from the City School Fund to be apportioned as follows:

- |     |                              |             |
|-----|------------------------------|-------------|
| (1) | Pupil Transportation Service | \$1,392,939 |
|-----|------------------------------|-------------|

### Paragraph Four - Operations & Maintenance (40640)

For the current expenses of OPERATIONS AND MAINTENANCE, of the department of education, the sum of three million, eight hundred nineteen thousand, six hundred twenty-nine dollars (\$3,819,629) is appropriated from the City School Fund to be apportioned as follows:

- |     |                            |             |
|-----|----------------------------|-------------|
| (1) | Operations and Maintenance | \$3,819,629 |
|-----|----------------------------|-------------|

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

For the current expenses of SCHOOL FOOD SERVICES AND OTHER NON INSTRUCTIONAL OPERATIONS, of the department of education, the sum of two million, four hundred sixty-three thousand, eight hundred fourteen dollars (\$2,463,814) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services & Other Non Instructional Operations	\$2,463,814
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Paragraph Six - Facilities (40660)

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

(1) Facilities	\$2,000
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Paragraph Seven – Transfers (49210)

For sharing the costs of operation in other funds for the benefit of the School Fund, the sum of three hundred eighty-two thousand, eight hundred thirty-two dollars (\$382,832) is appropriated from the School Fund to be apportioned as follows:

(1) Transfer to General Fund	\$ 382,832
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Paragraph Eight - Technology (40680)

For the current expenses of TECHNOLOGY of the Department of Education, the sum of two million, three hundred ninety-five thousand, four hundred ninety-two dollars (\$2,395,492) is appropriated from the City School Fund to be apportioned as follows:

(1) Technology	\$2,395,492
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**S U M M A R Y**

Expenditures and Revenues

Total School Fund Appropriations for Fiscal Year Ending June 30, 2006	<u>\$46,295,761</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Revenue from Other Funds	\$ 2,676,572
Revenue from State School Funds	17,853,297
Revenue from Federal Funds	4,371,252
Transfers Receipts from City's General Fund	<u>21,394,640</u>

Total School Fund Revenue for the Fiscal Year Ending June 30, 2006	<u>\$46,295,761</u>
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**SECTION III – EMERGENCY COMMUNICATION CENTER FUND (1116)**

**That the following sums of money be and the same hereby are appropriated for appropriated for Emergency Communication Center purposes specified for the fiscal year ended June 30, 2006:**

**Paragraph One – Emergency Operations CTR (321132)**

For the current expenses of the EMERGENCY OPERATIONS CTR, a division of the EMERGENCY COMMUNICATION CENTER FUND, the sum of two hundred sixty-eight thousand, five hundred thirty-three dollars (\$268,533) appropriated as follows:

(1) Other Operating Expenses	\$268,533
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**Paragraph Two – E-911 Systems (321232)**

For the current expenses of the E-911 system, a division of the EMERGENCY COMMUNICATION CENTER FUND, the sum of one million, seven hundred forty-seven thousand, nine hundred sixty-five dollars (\$1,747,965) is appropriated from the EMERGENCY COMMUNICATION CENTER FUND to be apportioned as follows:

(1) Personal Services	\$1,017,483
(2) Other Operating Expenses	730,482

**Summary**

**Expenditures and Revenues**

Total Emergency Communication Center Fund Appropriations For the Fiscal Year Ending June 30, 2006	<u>\$2,016,498</u>
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To be provided for from the following estimated revenue, which is as follows:

Other Local Taxes	\$ 783,299
Miscellaneous Revenue	889,219
State Shared Expenses (Categorical Aid)	126,060
Transfers from General Funds	<u>217,920</u>

Total Emergency Communication Center Fund Revenue For the fiscal Year Ending June 30, 2006	<u>\$2,016,498</u>
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**SECTION IV – COMMUNITY DEVELOPMENT BLOCK GRANT FUND (1117)**

**That the following sums of money be and the same hereby are appropriated for Community Development Block Grant purposes herein specified for the fiscal year ending June 30, 2006.**

Paragraph One – Community Development Block Grant (810721)

For the current expenses of the COMMUNITY DEVELOPMENT BLOCK GRANT, a division of COMMUNITY DEVELOPMENT BLOCK GRANT FUND, the sum of six hundred thirteen thousand, three hundred ninety-seven dollars (\$613,397) is appropriated from the Community Development Block Grant to be appropriated as follows:

(1)	Personal Services	\$ 54,400
(2)	Other Operating Expenses	558,497
(3)	Capital Outlay	500

SUMMARY

Expenditures and Revenues

Total Community Development Block Grant Fund Appropriations for the year ending June 30, 2006	<u>\$613,397</u>
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To be provided for from the following estimated revenues, which are as follows:

Federal Non-Categorical Aid	<u>\$613,397</u>
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Total Community Development Block Grant Fund Revenue For the Fiscal Year Ending June 30, 2006	<u>\$613,397</u>
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**SECTION V – GENERAL CAPITAL PROJECTS FUND (1310)**

**That the following sum of money be and the same hereby are appropriated for General Capital Projects purposes herein specified for the fiscal year ended June 30, 2006:**

Paragraph One – Capital Projects (910141)

For the payment of capital expenditures of the General Capital Projects Fund, the sum of one hundred twenty-five thousand dollars (\$125,000)

48639	Bicycle Routing Projects	\$ 40,000
48658	Reservoir Street-Safety Improvement	55,000
48663	New Sidewalk/Trail Plan	30,000

SUMMARY

## **Expenditures and Revenues**

Total General Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 2006	<u>\$125,000</u>
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To be provided from the following estimated revenues, which are as follows:

34210 Transfer from General Fund	<u>\$125,000</u>
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Total General Capital Projects Fund Revenue For the fiscal Year Ending June 30, 2006	<u>\$125,000</u>
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### **SECTION VI - Water Capital Projects Fund (1321)**

**That the following sum of money be and the same hereby are appropriated for Water Capital Projects purposes herein specified for the fiscal year ended June 30, 2006:**

#### **Paragraph One - Capital Projects (910161)**

For the payment of capital expenditures of the Water Capital Projects Fund, the sum of one million, two hundred forty-five thousand, three hundred fifty-seven dollars (\$1,245,357) is appropriated as follows:

48628 WTP Expansion Project	\$150,000
48631 Park View Water Improvement	50,000
48633 Smithland Road	35,357
48634 Water Main Oversize/Extend	30,000
48635 Water Main Upgrades	30,000
48657 Water Storage Tanks	950,000

### **S U M M A R Y**

## **Expenditures and Revenues**

Total Water Capital Projects Fund Appropriations for the Fiscal Year Ended June 30, 2006	<u>\$ 1,245,357</u>
---	---------------------

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

34220 Transfer from Water Fund	<u>\$ 1,245,357</u>
--------------------------------	---------------------

Total Water Capital Projects Fund Revenue for the Fiscal Year Ended June 30, 2006	<u>\$ 1,245,357</u>
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### **SECTION VII - Sewer Capital Projects Fund (1322)**

**That the following sum of money be and the same hereby are appropriated for Sewer Capital Projects purposes herein specified for the fiscal year ended June 30, 2006:**

Paragraph One - Capital Projects (911161)

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of three hundred thousand dollars (\$300,000) is appropriated as follows:

48630 Central Stores Building Project	\$ 50,000
48641 Blacks Run Interceptor	50,000
48645 PHR&A I&I	50,000
48649 Smithland Road	50,000
48650 Sewer Main Oversize/Extension	50,000
48651 Sewer Main Upgrades	50,000

**S U M M A R Y**

**Expenditures and Revenues**

Total Sewer Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 2006	<u>\$300,000</u>
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To be provided from the following estimated revenue which is as follows:

34230 Transfer from Sewer Fund	<u>\$300,000</u>
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Total Sewer Capital Projects Fund Revenue for the Fiscal Year Ended June 30, 2006	<u>\$300,000</u>
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**SECTION VIII - Sanitation Capital Projects Fund (1324)**

**That the following sum of money be and the same hereby are appropriated for Sanitation Capital Projects purposes herein specified for the fiscal year ended June 30, 2006:**

Paragraph One - Capital Projects (910142)

For the payment of capital expenditures of the Sanitation Capital Projects Fund, the sum of eight hundred ninety-seven thousand, fifty dollars (\$897,050) is appropriated as follows:

48681 City Landfill monitoring	\$170,000
48683 Steam Plant for CISAT	150,000
48684 County Landfill Development & Closure	577,050

**S U M M A R Y**

**Expenditure and Revenue**

Total Sanitation Capital Projects Fund Appropriation  
for the Fiscal Year Ended June 30, 2006 \$897,050

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

34270 Transfer from Sanitation Fund \$897,050

Total Sanitation Capital Projects Fund Revenue  
for the Fiscal Year Ended June 30, 2006 \$ 897,050

**SECTION IX- WATER FUND (2011)**

**That the following sums of money be and the same hereby are appropriated for water purposes herein specified for the fiscal year ending June 30, 2006:**

Paragraph One - Administration (312061)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of two hundred seventy thousand, seven hundred forty-eight dollars (\$270,748) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$147,104
(2)	Other Operating Expenses	123,644

Paragraph Two - Pumping, Storage and Monitoring (322061)

For the current expenses of PUMPING, STORAGE AND MONITORING OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of four hundred thirty-two thousand, eighty-two dollars (\$432,082) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$37,552
(2)	Other Operating Expenses	394,530

Paragraph Three - Transmission and Distribution (332061)

For the current expenses of TRANSMISSION AND DISTRIBUTION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of six hundred fifty-four thousand, nine hundred thirty-eight dollars (\$654,938) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$395,424
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(2) Other Operating Expenses 259,514

Paragraph Four - Utility Billing (342061)

For the current expenses of UTILITY BILLING OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of one hundred ninety-nine thousand, seven hundred eleven dollars (\$199,711) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$80,168  
(2) Other Operating Expenses 119,543

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of one million, six hundred sixty-nine thousand, six hundred ninety-two dollars (\$1,669,692) is appropriated from the Water Fund to be apportioned as follows:

(1) Other Operating Expenses \$14,880  
(2) Depreciation 1,383,948  
(3) Taxes, etc. 270,864

Paragraph Six - Water Purification (362061)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of eight hundred sixty-two thousand, four hundred nineteen dollars (\$862,419) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$501,425  
(2) Other Operating Expenses 360,994

Paragraph Seven - Capital Outlay (372061)

For the capital outlays of the WATER DEPARTMENT, a division of the Water Fund, the sum of one hundred eighty-six thousand dollars (\$186,000) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlays \$186,000

Paragraph Eight – Debt Service (382061)

For the payment of interest and principal, etc., on bonds of the Water Department, the sum of six hundred seventy-eight thousand, two hundred seventy-nine dollars (\$678,279) is appropriated from the Water Fund to be apportioned as follows:

(1) Principal and Interest \$678,279

Paragraph Nine – Transfers (392061)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of one million, eight hundred twenty-five thousand, seven hundred thirty-seven dollars (\$1,825,737) is appropriated from the Water Fund to be apportioned as follows:

(1)	General Fund-Share of Accounting, Collecting & Data Processing	\$ 484,716
(2)	Water Capital Projects Fund	1,245,357
(3)	Central Stores Fund	95,664

**SUMMARY**

**Expenditures and Revenues**

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 2006	<u>\$6,779,606</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Fund Balance	\$120,741
Permits, Privilege Fees and Regulatory Licenses	275,000
Revenue from use of Money & Property	100,000
Charges for Services	4,769,917
Recovered Costs	130,000
Transfers for depreciation	<u>1,383,948</u>
Total Water Fund Revenues for the Fiscal Year Ending June 30, 2006	<u>\$6,779,606</u>

**SECTION X - SEWER FUND (2012)**

**That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 2006.**

Paragraph One - Administration (412061)

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of four hundred ninety-five thousand, four hundred eight dollars (\$495,408) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$315,443
(2)	Other Operating Expenses	179,965

Paragraph Two - Treatment and Disposal (422061)

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one million, five hundred ninety-three thousand, seven hundred fourteen dollars (\$1,593,714) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                          |              |
|-----|--------------------------|--------------|
| (1) | Other Operating Expenses | \$ 1,593,714 |
|-----|--------------------------|--------------|

Paragraph Three - Collection and Transmission (432061)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of seven hundred eighty-eight thousand, nine hundred twenty-seven dollars (\$788,927) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$441,375 |
| (2) | Other Operating Expenses | 347,552   |

Paragraph Four - Miscellaneous (442061)

For the current expenses, depreciation and the payment of taxes, the sum of one million, three hundred eleven thousand, three hundred ninety-two dollars (\$1,311,392) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Other Operating Expenses | \$ 6,800  |
| (2) | Depreciation             | 1,080,852 |
| (3) | Taxes, etc.              | 223,740   |

Paragraph Five - Utility Billing (452061)

For the current expenses of UTILITY BILLING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of two hundred eighteen thousand, five hundred seventy-one dollars (\$218,571) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$127,841 |
| (2) | Other Operating Expenses | 90,730    |

Paragraph Six - Pumping & Monitoring (462061)

For the current expenses of PUMPING AND MONITORING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of eighty-two thousand, three hundred seventy-one dollars (\$82,371) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                   |          |
|-----|-------------------|----------|
| (1) | Personal Services | \$36,971 |
| (2) | Other Operating   | 45,400   |

Paragraph Seven - Capital Outlay (472061)

For the capital outlays of the SEWER DEPARTMENT, a division of the Sewer Fund, the sum of two hundred fifty thousand dollars (\$250,000) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Capital Outlays	\$250,000
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Paragraph Eight – Debt Service (482061)

For the payment of the City’s share of interest and principal on HRSA debt, the sum of one million, twenty-one thousand, two hundred ninety-two dollars (\$1,021,292) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc.	\$1,021,292
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Paragraph Nine - Transfers to Other Funds (492061)

For sharing the cost of operation of other funds for the benefit of the Sewer Fund, the sum of seven hundred seventy-seven thousand, four hundred sixty-eight dollars (\$777,468) is appropriated from the Sewer Fund to be apportioned as follows:

(1) General Fund - Share of Accounting, Collecting, & Data Processing Costs	\$468,564
(2) Sewer Capital Projects Fund	300,000
(3) Central Stores Fund	8,904

**S U M M A R Y**

**Expenditures and Revenues**

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 2006	<u>\$6,539,143</u>
To be provided for from the following Estimated Revenues, which are as follows:	
Fund Balance	\$ 102,344
Permits, Privilege Fees and Regulatory Licenses	176,000
Revenue from use of Money & Property	75,000
Charges for Services	5,063,947
Recovered Costs	41,000
Transfers for depreciation	<u>1,080,852</u>
Total Sewer Fund Revenues for the Fiscal Year Ending June 30, 2006	<u>\$6,539,143</u>

## SECTION XI - PUBLIC TRANSPORTATION FUND (2013)

**That the following sum of money be and the same hereby are appropriated for Public Transportation purposes herein specified for the fiscal year ending June 30, 2006:**

### Paragraph One - Transit Buses (812081)

For the current expenses and depreciation of the TRANSIT BUSES, a division of the Public Transportation Fund, the sum of two million, three hundred fifty-seven thousand, ninety-one dollars (\$2,357,091) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$1,159,012
(2)	Other Operating Expenses	1,123,079
(3)	Depreciation	75,000

### Paragraph Two - School Buses (822081)

For the current expenses and depreciation of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of one million, six hundred nine thousand, seven hundred seventy-five dollars (\$1,609,775) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$827,885
(2)	Other Operating Expenses	721,890
(3)	Depreciation	60,000

### Paragraph Three - Field Trips & Charters (832081)

For the current expenses of FIELD TRIPS AND CHARTERS, a division of the Public Transportation Fund, the sum of one hundred fifty-two thousand, thirty-two dollars (\$152,032) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$107,305
(2)	Other Operating Expenses	44,727

### Paragraph Four - Miscellaneous (842081)

For the current expenses and depreciation of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of fifty-seven thousand, five hundred seventy-five dollars (\$57,575) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$3,669
(2)	Other Operating Expenses	3,902
(3)	Depreciation	50,004

Paragraph Five – County Transit Service (852081)

For current expenses of COUNTY TRANSIT SERVICE, a division of the Public Transportation Fund, the sum of one hundred seventy-eight thousand, four hundred sixty-seven dollars (\$178,467) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$76,431
(2)	Other Operating Expenses	102,036

Paragraph Six - Capital Outlay (872081)

For the capital outlays of the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of seven hundred seventeen thousand, seven hundred forty-eight dollars, (\$717,748) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Capital Outlays	\$ 717,748
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**SUMMARY**

Expenditures and Revenues

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 2006	<u>\$5,072,688</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Fund Balance	\$ 87,130
Use of Money and Property	63,600
Charges for Services	2,534,700
Miscellaneous Revenue	2,000
State Categorical Aid	686,802
Federal Categorical Aid	806,340
Transfers from General Fund and depreciation	<u>892,116</u>

Total Public Transportation Fund Revenues for the Fiscal Year ending June 30, 2006	<u>\$5,072,688</u>
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**SECTION XII - SANITATION FUND (2014)**

**That the following sums of money be and the same hereby are appropriated for Sanitation purposes herein specified for the fiscal year ending June 30, 2006:**

Paragraph One - CISAT Facility (912242)

For the current expenses of the CISAT FACILITY, a division of the Sanitation Fund, the sum of three million, seven hundred eleven thousand, thirty-four dollars (\$3,711,034) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$1,208,939
(2)	Other Operating Expenses	2,502,095

Paragraph Two - Refuse Collection (922041)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of six hundred forty-two thousand, one hundred sixty-six dollars (\$642,166) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$369,922
(2)	Other Operating Expenses	272,244

Paragraph Three - Landfill (932042)

For the current expenses of the LANDFILL, a division of the Sanitation Fund, the sum of nine hundred fifty thousand, six hundred nine dollars (\$950,609) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$ 50,233
(2)	Other Operating Expenses	900,376

Paragraph Four - Miscellaneous (942042)

For depreciation, bonds issue cost and the payment of taxes of MISCELLANEOUS, a division of the Sanitation Fund, the sum of four hundred seventy-six thousand, one hundred ninety-seven dollars (\$476,197) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 4,145
(2)	Depreciation	424,714
(3)	Bond Issue cost	20,793
(4)	Land and steam agreement	26,545

Paragraph Five - Recycling (952042)

For the current expenses of the RECYCLING, a division of the Sanitation Fund, the sum of eight hundred seventy-one thousand, four hundred twenty-two dollars (\$871,422) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$363,350
(2)	Other Operating Expenses	508,072

Paragraph Six - Capital Outlay (972043)

For the capital outlays of the SANITATION DEPARTMENT, a division of the Sanitation Fund, the sum of two hundred five thousand dollars (\$205,000) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Capital Outlays	\$205,000
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Paragraph Seven - Debt Service (982042)

For the payment of interest and principal, etc., on bonds of the Sanitation Fund, the sum of two million, four hundred thirty-four thousand, nine hundred nineteen dollars (\$2,434,919) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Principal and Interest	\$2,434,919
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Paragraph Eight - Transfers (990242)

For transfers to Capital Projects of the Sanitation Fund. The sum of eight hundred ninety-seven thousand, fifty dollars (\$897,050) is appropriated from the Sanitation Fund to be apportioned as follows.

(1) Transfers to Sanitation Capital Projects Fund	\$897,050
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**S U M M A R Y**

**Expenditures and Revenues**

Total Sanitation Fund appropriations for the Fiscal Year Ending June 30, 2006	<u>\$10,188,397</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Amount from Fund Balance	\$241,786
License permits & priv. fee	300
Revenue from use of Money & Property	100,000
Charges for Services	6,042,472
Miscellaneous Revenues	75,000
Recovered Costs	955,791
Transfers from General Fund, depreciation, etc.	<u>2,773,048</u>

Total Sanitation Fund Revenues for the Fiscal Year Ending June 30, 2006	<u>\$10,188,397</u>
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**SECTION XIII - PARKING AUTHORITY FUND (2015)**

**That the following sums of money be and the same hereby are appropriated for Parking Authority purposes herein specified for the fiscal year ending June 30, 2006:**

Paragraph One - Parking Authority (410641)

For the current expenses and capital outlays and transfers of the PARKING AUTHORITY, a division of the Parking Authority Fund, the sum of two hundred fifty-five thousand, two hundred eighty dollars (\$255,280) is appropriated from the Parking Authority Fund to be apportioned as follows:

(1)	Personal Services	\$109,229
(2)	Other Operating Expenses	101,051
(3)	Transfers	45,000

**S U M M A R Y**

**Expenditures and Revenues**

Total Parking Authority Fund Appropriations for the Fiscal Year Ending June 30, 2006	<u>\$255,280</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Amount from Fund Balance	\$ 56,496
Fines and Forfeiture	60,000
Revenue from use of money and property	6,000
Charges for Services	130,360
Transfers from General Fund	<u>2,424</u>

Total Parking Authority Fund Revenues for the Fiscal Year Ending June 30, 2006	<u>\$255,280</u>
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**SECTION XIV - CENTRAL GARAGE FUND (2111)**

**That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 2006:**

Paragraph One - Operating (612141)

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of six hundred eighty-two thousand, five hundred eighteen dollars (\$682,518) is appropriated from the Central Garage Fund to be apportioned as follows:

(1)	Personal Services	\$469,195
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(2) Other Operating Expenses 213,323

Paragraph Two - Capital Outlay (672141)

For the capital outlays of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of twelve thousand, eight hundred dollars (\$12,800) is appropriated from the Central Garage Fund to be apportioned as follows:

(1) Capital Outlays \$12,800

**S U M M A R Y**

**Expenditures and Revenues**

Total Central Garage Fund Appropriations  
for the Fiscal Year Ending June 30, 2006 \$695,318

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

Use of Money and Property \$ 1,500  
Charges for Services 599,906  
Transfer 93,912

Total Central Garage Fund Revenue  
for the Fiscal Year Ending June 30, 2006 \$695,318

**SECTION XV - CENTRAL STORES OPERATING FUND (2112)**

**That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 2006:**

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of one hundred eleven thousand, two hundred forty dollars (\$111,240) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services \$ 33,066  
(2) Other Operating Expenses 28,174  
(3) Capital Outlay 50,000

**S U M M A R Y**

**Expenditures and Revenues**

Total Central Stores Fund Appropriations

for the Fiscal Year Ending June 30, 2006 \$111,240

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

Transfers from other Funds \$111,240

Total Central Stores Fund Revenue  
for the Fiscal Year Ending June 30, 2006 \$111,240

**TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XV**  
**IN THIS ORDINANCE**  
**FOR THE FISCAL YEAR ENDING June 30, 2006**  
**RECAPITULATION**

Section I	General Fund	\$66,620,319
Section II	School Fund	46,295,761
Section III	Emergency Communication Center Fund	2,016,498
Section IV	Community Development Block Grant Fund	613,397
Section V	General Capital Projects Fund	125,000
Section VI	Water Capital Projects Fund	1,245,357
Section VII	Sewer Capital Projects Fund	300,000
Section VIII	Sanitation Capital Projects Fund	897,050
Section IX	Water Fund	6,779,606
Section X	Sewer Fund	6,539,143
Section XI	Public Transportation Fund	5,072,688
Section XII	Sanitation Fund	10,188,397
Section XIII	Parking Authority Fund	255,280
Section XIV	Central Garage Fund	695,318
Section XV	Central Stores Fund	<u>111,240</u>
TOTAL APPROPRIATIONS		<u>147,755,054</u>

**SECTION XVI**

All of the monies appropriated as shown by the contained items in Sections I through XV are appropriated upon the terms, conditions and provisions herein before set forth in connection with said items and those set forth in this section and in accordance with the provisions of the official code of the City of Harrisonburg, Virginia, Edition 1979, now in effect or hereafter adopted or amended, relating hereto.

That the rate of taxation of Real Estate and Manufactured Homes as defined in Section §36-85.3, Code of Virginia, 1950, as amended, be fixed at Sixty-two cents (\$0.62), and that the rate of taxation on Tangible Personal Property and Machinery and Tools, as defined by Chapter 35 of §58.1 of the Code of Virginia, 1950, as amended, be fixed at Two Dollars and No Cents (\$2.00) on each one hundred dollars (\$100) assessed valuation for the year 2006; real estate taxes to be collectible one half on or before December 5, 2005 and one half on or before June 5, 2006. It is

expressly provided that the provisions of this Ordinance shall not apply to household goods and personal effects as enumerated in §58.1-3504 of said Code, if such goods and effects be owned and used by an individual or by a family or household incident to maintaining an abode, which goods and effects are hereby declared wholly exempt from taxation.

That the rate of fee or service charge imposed on Real Estate Property exempt from regular taxation shall be twenty percent (20%) of the real estate tax rate levied by the City Council in the above paragraph, which applies to the real estate for which the City furnished police and fire protection and for the collection and disposal of refuse, and where such real estate are exempt from taxation under Sections 58.1-3606 through 58.1-3608 of the Code of Virginia. Pursuant to Section 58.1-3400 through 58.1-3407 Code of Virginia, as amended, rate of service charge shall be Twelve Cents (\$0.12) per annum per \$100.00 of assessed valuation, payable one half on or before December 5, 2005 and one half on or before June 5, 2006. 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 in the documents entitled "Positions Classification Listing Effective March 1, 2005", and "Salary Schedule as of July 1, 2005", and adopted by the City Council for the fiscal year beginning July 1, 2005, and ending June 30, 2006, both dates inclusive, be, and they are hereby authorized and fixed as the maximum compensation to be allowed officers and employees for the services rendered, unless otherwise directed by the City Manager and that the City Manager is authorized to make such re-arrangements of salaries in the several departments within and between funds herein named as may best meet the needs and interest of the City and to transfer parts of salaries from one department to another when extra work is transferred from one department to another. The City Manager is also authorized to transfer funds from reserve for contingencies to other expenditure line items and funds, as he may deem necessary. Furthermore, any positions not specifically listed in the Budget document may not be filled without prior written approval of the City Manager.

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, 2005.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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CITY CLERK

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MAYOR

Council Member Pace offered a motion to adopt the FY 2005-2006 budget for a second reading. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz

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

Absent – None

Planning and Community Development Director Turner introduced a request by four applicants to provide City water to four properties near Hinton in Rockingham County. Three of the uses are in nature agricultural, specifically, a slaughterhouse, and two poultry operations. One schoolhouse is also included. She said that the Department of Public Utilities and Planning Commission have recommended approval of the request. Council Member Pace offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

The next agenda item was a request by Harrisonburg City Public Schools for a comprehensive sign package for the new high school located at 1001 Garbers Church Road. School Superintendent Ford said that recently a sign package was presented to City Council, which included a large sign that was planned for the slope in front of the high school building. However, the cost to erect this sign far exceeds what is in the school budget for a sign. The School Board has decided after meeting with a local sign company representative and the architect to move the sign to an island of grass in front of the parking lot. The size of the sign will also be changed. Additionally, we now believe that the school message board would be more effective if moved to the north entrance of the parking lot so that it could be read more easily by drivers and passengers in vehicles stopped at the traffic light. Council Member Chenault offered a motion to approve the sign package request. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

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

### **CLEAN COMMUNTE DAY**

**WHEREAS, improved air quality will positively impact the health and quality of life for all citizens of the City of Harrisonburg; and**

**WHEREAS, educating commuters, employees and employers about transportation choices and air quality is a critical step towards improving the City of Harrisonburg and Virginia's air quality; and**

**WHEREAS, designating a specific day for clean commuting will give commuters the opportunity to try alternative commuting methods that will help improve air quality; and**

**WHEREAS, Clean Commute Day will provide a forum for commuters to learn about new and different ways of commuting; and**

**WHEREAS, Clean Commute Day will encourage all types of clean commuting such as walking, biking, carpooling, vanpooling, telecommuting, driving an alternative-fuel vehicle or taking the bus;**

**NOW, THEREFORE, the City of Harrisonburg does hereby recognize May 6, 2005, as CLEAN COMMUTE DAY and calls this observance to the attention of all our citizens.**

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**Larry M. Rogers, Mayor**

**Attest:**

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**Yvonne Ryan, City Clerk**

City Manager Baker said that James Madison University and many local governments are recognizing May 6, 2005 as "Clean Commute Day". This recognition is intended to educate citizens about the effect that transportation choices have on air quality and other alternatives. Vice-Mayor Eagle offered a motion to adopt the resolution. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

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

**A RESOLUTION REAFFIRMING HARRISONBURG'S COMMITMENT TO  
THE PRESERVATION OF ITS HERITAGE ASSETS**

**WHEREAS, the City of Harrisonburg has worked diligently to preserve the history and culture of Harrisonburg and has strongly supported Harrisonburg Downtown Renaissance in engaging Harrisonburg's citizenry in downtown revitalization through numerous activities, and**

**WHEREAS, Harrisonburg Downtown Renaissance has successfully gained Main Street, Virginia and National Historic Register designations, and**

**WHEREAS, the City of Harrisonburg has led the restoration of the Hardesty-Higgins House, and is also leading the preservation efforts of the Smith House, and**

**WHEREAS, Harrisonburg Downtown Renaissance is recreating the Court Days Festival to highlight Harrisonburg's historic and cultural heritage, and**

**WHEREAS, the City of Harrisonburg and Harrisonburg Downtown Renaissance led streetscape planning and improvement efforts,**

**NOW, THEREFORE BE IT RESOLVED this day, April 26, 2005, that the City Council of Harrisonburg, Virginia reaffirms its commitment to preserving the history and culture of the City.**

**Adopted this 26<sup>th</sup> day of April, 2005**

**BY: \_\_\_\_\_**  
**Larry M. Rogers, Mayor**

**ATTEST: \_\_\_\_\_**  
**Yvonne Ryan, City Clerk**

Assistant Economic Development Director Jim Barnes said that the City of Harrisonburg, Harrisonburg Downtown Renaissance and Harrisonburg Downtown Technology Zone have been working together to preserve the history and culture of Harrisonburg. These groups have looked into a variety of options to provide funding to help accomplish goals in revitalizing the downtown area. "Preserve America" is a program created by the White House and First Lady Laura Bush on how to preserve the heritage of communities throughout the United States. This resolution will accompany the City's application to become designated as a "Preserve American Community". It provides an opportunity for the City to seek federal funding through grants if funding becomes available. Following further discussion and other comments, Council Member Pace offered a motion to adopt the resolution. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

The next item of business was enacting Section 7-2-21 of the Harrisonburg City Code. City Attorney Thumma said that the Water Department has received numerous requests for plats containing private streets, which currently developers have to draw the plat with all of the easements. It would be easier if the City has access onto the property by the most direct route having minimum impact and restoring the land to its original condition, which existed prior to the work being preformed. Mr. Thumma stated that this amendment would be discussed during the review process of platting a subdivision. Vice-Mayor Eagle offered a motion to approve enacting this ordinance. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

Absent – None

Dee Huffman, a resident of Harrisonburg, questioned if the media would be involved at the joint meeting between City Council and the School Board.

Mayor Rogers noted that all meetings are open to the public.

Council Member Chenault said that at a prior Council meeting, Council Member Pace had requested having a discussion regarding moving May elections to November. However, he had requested some time to investigate some of the implications from other jurisdictions

compatible with Harrisonburg. He requested that a proposal to move the May elections to November be referred to the City Attorney and that a report of the City Attorney's summary be presented at a future Council meeting. He also said that Police Officer Albertson should be congratulated for his professionalism in handling a citizen's complaint regarding improper use of parking passes in a neighborhood.

Council Member Pace requested that three items be placed on a future agenda of City Council. He requested receiving a recommendation from the Commissioner of Revenue regarding real estate tax relief for the elderly or permanently disabled citizens in the City. He suggested placing this item on the May 10<sup>th</sup> agenda. He requested looking at the threshold level for BPOL tax on small businesses and whether it could be reduced. He also requested having a discussion on the pros and cons on whether we should go to annual property assessment instead of biennial property assessment to align property tax with annual school budget increases.

City Manager Baker reviewed Phase II of the Port Republic Road Project.

At 8:20 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees, Social Services Advisory Board, Shenandoah Valley Partnership-Board of Directors, Industrial Development Authority, and Community Services (Chapter 10) Board, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

At 9:55 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Chenault offered a motion that Brian J. Moore, 360 East Elizabeth Street, be appointed to a first term on the Community Services (Chapter 10) Board to expire on July 1, 2008. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Brian Shull be appointed to another term on the Shenandoah Valley Partnership-Board of Directors to expire on June 30, 2007. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Chuck Farthing, 1015 Blaze Court, be appointed to a term on the Industrial Development Authority to expire on April 24, 2009. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Phyllis Wong, 447 Northfield Court, be appointed to another term on the Social Services Advisory Board, to expire on July 1, 2009. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

At 10:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

MAY 10, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Pace gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and second reading of a Supplemental Appropriation for the Harrisonburg-Rockingham County Convention and Visitors Bureau and a school budget transfer. The motion also included amending and re-enacting Section 7-2-21 of the Harrisonburg City Code. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

City Manager Baker presented an appropriation of funds to capital projects. He said that these funds increases the appropriations to several capital project funds for interest and reimbursements that have been received.

At 7:38 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, May 2, 2005.

### **NOTICE OF PUBLIC HEARING**

**City Council Chambers**

**Tuesday, May 10, 2005**

**7:30 p.m.**

**A Public Hearing will be held by the Harrisonburg City Council on Tuesday, May 10, 2005 at 7:30 p.m., in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2004-2005 budget in the gross amount of**

**\$3,794,051.06.** These funds are in the proceeds from interest earned on bond funds, reimbursements from various sources and funds from the General Fund unappropriated fund balance.

The budget changes will be as noted below:

**Revenue, etc:**

**General Fund:**

Amount from fund balance	\$1,358,000.00
<b>Total General Fund</b>	<b>1,358,000.00</b>

**General Capital Projects Fund:**

Amount from fund balance	46,660.51
Interest earned	51,744.20
Reimb. from Rockingham Co.-Radio System	33,205.39
Reimb. from Rockingham Co.-ECC	1,036,138.58
Two way radio system	20,006.96
Transfer from General Fund	<u>1,000,000.00</u>
<b>Total General Capital Projects Fund</b>	<b><u>2,187,755.64</u></b>

**Water Capital Projects Fund:**

Amount from fund balance	12,370.74
Interest earned	52,122.43
Shenandoah Dam removal funds	85,000.00
Transfer from General Capital Projects Fund	<u>76,119.00</u>
<b>Total Water Capital Projects Fund</b>	<b><u>225,612.17</u></b>

**Sanitation Capital Projects Fund:**

Amount from fund balance	5,052.24
Interest earned	<u>17,631.01</u>
<b>Total Sanitation Capital Projects Fund</b>	<b><u>22,683.25</u></b>

<b>Grand Total</b>	<b><u>\$ 3,794,051.06</u></b>
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**Expenditures:**

**General Fund**

Expenditures of Sheriff, Courts, etc.	358,000.00
Transfer to General Capital Projects fund	<u>1,000,000.00</u>
<b>Total General Fund</b>	<b><u>1,358,000.00</u></b>

**General Capital Projects Fund:**

Public Safety Building	100,000.00
Stone Spring Road Improvement	250,000.00
Erickson Avenue Extension	750,000.00
Simms Building Renovation	43,616.04
Municipal Building repair and renovation	968,020.60
Transfer to Water Capital Projects Fund	<u>76,119.00</u>
<b>Total General Capital Projects Fund</b>	<b>2,187,755.64</b>

**Water Capital Projects Fund:**

Central Stores Building project	76,119.00
Eastern Source Development	85,000.00
Water Storage Tanks	<u>64,493.17</u>

<b>Total Water Capital Projects Fund</b>	<b>225,612.17</b>
<b>Sanitation Capital Projects Fund:</b>	
<b>Rebuild Steam Plant</b>	<b><u>22,683.25</u></b>
<b>Total Sanitation Capital Projects Fund</b>	<b><u>22,683.25</u></b>
<b>Grand total</b>	<b><u>\$3,794,051.06</u></b>

**Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.**

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

Mayor Rogers called on anyone desiring to speak for or against increasing the City's 2004-2005 budget. There being no one desiring to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened. Council Member Pace requested clarification regarding the expense allocated for the Municipal Building repair and renovation. "If the entire amount is not spent on the building will it revert back to the General Fund?" City Manager Baker said any money left over from allocated funds will revert back to the General Fund. Council Member Pace offered a motion to approve this appropriation for a first reading, and that:

- \$1,358,000.00 chge. to: 1000-31010 Amount from fund balance
- 46,660.51 chge. to: 1310-31010 Amount from fund Balance
- 51,744.20 chge. to: 1310-31513 Interest earnings
- 33,205.39 chge. to: 1310-31919 Reimb. from Rockingham Co-Radio System
- 1,036,138.58 chge. to: 1310-31920 Reimb. from Rockingham Co-ECC
- 1,000,000.00 chge. to: 1310-34210 Transfer from General Fund
- 20,006.96 chge. to: 1310-310141-48610 Two Way Radio System
- 12,370.74 chge. to: 1321-31010 Amount from fund balance
- 52,122.43 chge. to: 1321-31513 Interest earnings
- 85,000.00 chge. to: 1321-31826 Shenandoah Dam removal funds
- 76,119.00 chge. to: 1321-34291 Transfer from General Cap Project Fund
- 5,052.24 chge. to: 1324-31010 Amount from fund balance
- 17,631.01 chge. to: 1324-31513 Interest earnings
  
- \$ 358,000.00 approp. to: 1000-910511-47070 Expenditure of Sheriff & Courts, etc.
- 1,000,000.00 approp. to: 1000-990111-49216 Transfer to capital projects fund
- 100,000.00 approp. to: 1310-910141-48606 Public Safety Building
- 250,000.00 approp. to: 1310-910141-48636 Stone Spring Road improvement
- 750,000.00 approp. to: 1310-910141-48637 Erickson Avenue Extension
- 43,616.04 approp. to: 1310-910141-48691 Simms Building Renovation
- 968,020.60 approp. to: 1310-910141-48698 Municipal Building repair and renovation
- 76,119.00 approp. to: 1310-910141-49216 Transfer to Water Capital Projects Fund
- 76,119.00 approp. to: 1321-910161-48630 Central stores building project
- 85,000.00 approp. to: 1321-910161-48654 Eastern Source Development
- 64,493.17 approp. to: 1321-910161-48657 Water storage tanks

22,683.25 approp. to: 1324-910142-48686 Rebuild steam plant

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

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request by Aaron, Melinda, Steve and Twila Yoder to close a portion of the City alley between 3rd Street and 4th Street. She said that the alley is located between two single-family houses located on 3<sup>rd</sup> Street. Portions of this block were reserved for alleys; however, none of the right-of-way within this block is presently maintained by the City or used for through traffic. They are considered “paper alleys”. The alley is an undeveloped grass area, which is being used as a side yard between the two houses. The applicants plan to purchase the alley and add into their lot area. A storm drain is located in the right-of-way, but lies just beyond the proposed closure. The Public Works Department would still have access to this drain from Virginia Avenue, Lee Avenue, or 4<sup>th</sup> Street for future maintenance. Mrs. Turner reviewed the surrounding uses in the area. She said that Planning Commission has recommended approval of the request.

At 7:41 p.m., Mayor Rogers closed the regular session temporarily and called the evening’s second public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 25, and Monday, May 2, 2005.

**NOTICE OF INTENTION TO CLOSE  
ALLEY BETWEEN 3<sup>rd</sup> AND 4<sup>th</sup> STREET  
IN THE CITY OF HARRISONBURG  
City Council Chambers  
Tuesday, May 10, 2005  
7:30 p.m.**

**The Harrisonburg City Council will hold a public hearing on Tuesday, May 10, 2005 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Aaron L. Yoder and Melinda Yoder and Michael and Marcia Zook to close an alley between 3<sup>rd</sup> Street and 4<sup>th</sup> Street.**

**A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the portion of the street to be vacated and closed are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.**

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

**Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.**

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

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:42 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve closing a portion of an alley between 3<sup>rd</sup> Street and 4<sup>th</sup> Street. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request from R.S. Monger and Sons for a special use permit. She said that the applicant has requested a special use permit to allow up to four unrelated individuals to occupy the dwelling located at 264 Old South High Street. The property is currently zoned R-2, Residential District, which allows two unrelated individuals or family to occupy a dwelling in the R-2 district by right. The Comprehensive Plan designates this area as Neighborhood Residential. She reviewed the surrounding uses in the area. The lot on which the house is located contains 11,591 square feet. There is sufficient space in the side yard to locate the required four off-street parking spaces. Old South High Street is a neighborhood with many large homes on small lots. The vast majority of these homes are rental properties. A staff survey of this street found only 6 of the 35 homes on this street were owner occupied. She said that staff has recommended approval with the following conditions. 1) Four off-street parking spaces shall be constructed as required by the Zoning Ordinance. 2) The property shall be inspected on an annual basis by appropriate City staff to ensure compliance with zoning and building requirements. This inspection is to take place when the dwelling is fully occupied (while school is in session). 3) The Zoning Administrator may revoke this special use permit if the inspection does not take place every 12 months. 4) The Zoning Administrator shall review all complaints against this property, and if warranted, bring violations to the attention of the Planning Commission for further action. The applicants have indicated that they are considering donating use of this property to a church group to allow people who are returning from mission trips to live at the house and may occasionally have a few meetings at the dwelling. She said that Planning Commission has recommended approval of the request.

At 7:49 p.m., Mayor Rogers closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 25, and Monday, May 2, 2005.

## NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, May 10, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

### SPECIAL USE PERMIT – 264 OLD SOUTH HIGH STREET

Public hearing to consider a request from R.S. Monger and Sons, with representative Jim Monger for a special use permit {per section 10-3-40 (7)} of the Zoning Ordinance to allow up to four unrelated individuals to occupy the house located at 264 Old South High Street. The property is zoned R-2, Residential District and can be found on tax map 25-H-17.

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

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

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

Jim Monger said he and his brother were able to buy the house and have been cleaning up the property. He said the family would keep ownership of the property, but would also like to donate the house to the Mennonite Missions Advisory Council to be used for missionary students. There being no others desiring to be heard, the public hearing was declared closed at 7:51 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve the special use permit. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Terry and Dianne Fertitta to rezone 1530 Country Club Road from B-2C, General Business District Conditional to M-1C, General Industrial District Conditional. The Comprehensive Plan designates this area as commercial. This site currently contains a car accessory and detailing business; however, under the current B-2 Conditional Zoning this use is not allowed for outside repair of vehicles. The applicant wants to rezone this property to allow the use to continue. She reviewed the surrounding uses in the area. In 2000, this property was one of several properties

that were rezoned from M-1, General Industrial District to B-2C, General Business District Conditional to allow for an anticipated large-scale commercial development. However, that use did not materialize, but the property has been used for a variety of small uses. The nearby HSZ, LC property was included in the 2000 rezoning request from M-1 to B-2C; however, in 2003 they rezoned their property, removing the proffered use restrictions, to permit all B-2 uses. This applicant has requested to rezone this parcel to allow for a used car lot and a car accessory and detailing business that would require outside storage for the vehicles. Mrs. Turner reviewed the proffers submitted by the applicant. The City's Master Transportation Plan shows that Country Club Road will be improved at some point in the future. When the widening of Country Club Road takes place many businesses fronting the street will be impacted dramatically. Although this rezoning proposal to M-1C does not correlate with the Comprehensive Plan's Commercial land use designation, the proposed use of a small car sales and service facility is more characteristic of a B-2 zoning classification than of a more intense industrial use. She also said that everything on this site being repaired will have to be screened from view from adjacent properties with different zoning classifications and general public view. She said that Planning Commission recommended approval of the request.

At 7:59 p.m., Mayor Rogers closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 25, and Monday, May 2, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, May 10, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **REZONING – 1530 COUNTRY CLUB ROAD**

**Public hearing to consider a request from Terry and Dianne Fertitta to rezone .33 acres from B-2C, General Business District Conditional to M-1C, General Industrial District Conditional. The property is located at 1530 Country Club Road and can be found on tax map 13-C-2.**

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

**The Zoning Ordinance states that the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District. The M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District.**

**All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the**

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

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

Mayor Rogers called on anyone desiring to speak for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 8:00 p.m., and the regular session reconvened. Council Member Pace offered a motion to approve the rezoning request. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Wetsel Seed Company, with representative Barry Kelley to rezone 56 West Gay Street from M-1, General Industrial District to B-1, Central Business District. She said that the building is currently owned by the Wetsel Seed Company and is used for storage and distribution activities. The three-story brick structure was originally constructed in 1908 and served as the City Produce Exchange. She reviewed the surrounding uses in the area. She said that the Comprehensive Plan designates this area as General Industrial. This property represents the northwest boundary of the City's new historic district. One of the basic principles of the B-1, Central Business District is that on-site parking is not required. The applicant/developer would like to renovate the building and convert the space into one and two bedroom apartments on the second and third floors. The 10,000 square feet on the first floor will be designed for professional offices. She said that staff feels it is important the developer provide as much on-site parking as the property will allow. The applicant indicated that it is their intention to provide on-site parking and are making arrangements with several adjoining property owners to allow for additional vehicular parking within close walking distance. Current plans suggest thirty spaces are achievable. This rezoning would allow the property to be in conformance and be rehabilitated for the intended use. She said that Planning Commission has recommended approval of the request.

At 8:03 p.m., Mayor Rogers closed the regular session temporarily and called the evening's fifth public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 25, and Monday, May 2, 2005.

## NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, May 10, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

### REZONING – 56 WEST GAY STREET

Public hearing to consider a request from Wetsel Seed Company, with representative Barry Kelley to rezone one, .657 acre lot from M-1, General Industrial District to B-1, Central Business District. The property is located at 56 West Gay Street and can be found on tax map 34-D-9.

The Comprehensive Plan designates this area as General Industrial. This designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities.

The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central Business District.

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

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

Mayor Rogers called on anyone desiring to speak for or against this rezoning request. Barry Kelley, a resident of Harrisonburg, said he is one of the principals renovating the property. This building has historical significance in a historical district. There being no others desiring to be heard, the public hearing was declared closed at 8:05 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Margaret W. Sheridan to rezone 518 East Market Street from R-2, Residential District to R-3C, Multiple Dwelling Residential. The applicant has requested a 16,624 sq. ft. lot from R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The applicant currently lives in the large 2-story frame house and if approved the applicant would relocate her real estate office to this location. She said that the Comprehensive Plan designates this area as professional. She reviewed the surrounding uses in the area. The uses proffered by the applicant include any uses permitted by right in the R-1 and R-2 residential district, the unit may be occupied by a family or not more than 2 unrelated individuals, professional office uses or adult daycare use, accessory buildings and uses clearly incidental to the above and uses permitted by special use permit. If rezoned, this property would require a commercial entrance, which typically would be 30 foot wide. However, the City Engineer would allow the applicant to construct a 24-foot wide commercial entrance with reduced curb radiuses. The City's Zoning Ordinance requires this property to supply six parking spaces. The applicant's submitted drawing shows this requirement could be met. Since 1993 there have been six similar rezonings along this portion of the East Market Street corridor. She said that Planning Commission recommended approval of the request.

At 8:12 p.m., Mayor Rogers closed the regular session temporarily and called the evening's sixth public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 25, and Monday, May 2, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, May 10, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **REZONING – 518 EAST MARKET STREET**

**Public hearing to consider a request from Margaret W. Sheridan to rezone one, 16,624 square foot lot from R-2, Residential District to R-3C, Multiple Dwelling Residential. The property is located at 518 East Market Street and can be found on tax map 27-B-2.**

**The Comprehensive Plan designates this area as Professional. These areas are designated for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District.**

**The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit. The R-3, Multiple Dwelling Residential District is intended for medium to high-density residential development and other uses intended to respect the residential character, which**

are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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

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

Mayor Rogers called on anyone desiring to speak for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 8:13, p.m., and the regular session reconvened. Council Member Pace offered a motion to approve this request. Council Member Lantz offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

Mayor Rogers announced said that a scheduled public hearing to consider a rezoning request by Martin Eby to rezone 6.08 acres on South Main Street has been requested by Mr. Eby to be tabled.

Planning and Community Development Director Turner presented for Council's consideration amending the City Code to include issues relating to the operation of adult businesses. She said that Planning Commission has been working with the City Attorney and City staff on developing an ordinance dealing with adult businesses. The City Attorney has prepared two portions of the ordinance. The proposed amendments would define adult businesses, establish a permitting process and operational regulations for such uses, make adult businesses a special use within the B-2, General Business District, and create a 1,000 foot buffer between new adult businesses and sensitive land use such as parks, schools, public libraries, churches, and residential areas. Current businesses located outside these areas would be allowed to remain and operate as non-conforming uses. She said that Planning Commission has recommended approving these amendments to the City Code.

At 8:16 p.m., Mayor Rogers closed the regular session temporarily and called the evening's seventh public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 25, and Monday, May 2, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, May 10, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **ORDINANCE AMENDMENTS – ADULT BUSINESS REGULATIONS**

**There will be a public hearing to consider amending the City Code to include issues relating to the operation of adult businesses. The proposed amendments would define adult businesses, establish a permitting process and operational regulations for such uses, make adult businesses a special use within the B-2, General Business District, and create a 1,000 foot buffer between new adult businesses and sensitive land uses such as parks, schools, churches, and residential areas.**

**Copies of the draft ordinances and maps showing the proposed 1,000 foot boundaries are available for review at the Department of Planning and Community Development, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.**

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

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

Mayor Rogers called on anyone present desiring to speak for or against these amendments. John Anderson, a resident of Harrisonburg, said that he represented Valley Family Forum, which is a network of 1,500 families that strengthen time-honored values making the Valley a special place. They work through the public policy process to build faith, family, and freedom and are closely associated with the Family Foundation of Virginia. He reviewed some of the goals of the Comprehensive Plan. The presence of these shops violates nearly every goal in the Comprehensive Plan. He then quoted the Comprehensive Plan's vision statement and goals and asked where sexually oriented businesses, porn shops, and pornography fits into this plan. He said they do not fit at all. It tears away at the foundation of families and our society. Pornography leaves a trail of infidelity, broken marriages, exploited women, abused and molested children, prostitution, disease and sometimes death. Studies have shown that porn shops lead to lower property values, increased crime, undesirable criminal elements that come from outside the area, and it presents a negative image for persons and businesses considering our City. They should never be permitted to operate as now within 1,000 feet of churches, public

libraries, residential areas, childcare centers, and a new children's museum. In closing he quoted Police Chief Colonel Harper with his permission, "Where ever I have worked and sexually oriented businesses came into the community, crime rose, drug activity, and violence increased. The criminal element followed that type of business and there was a negative impact on families and property values." He also said that Marcia Garst, the Commonwealth's Attorney, supports City ordinances that regulate adult businesses as well as the public display and sale of obscene material that is accessible and within sight for children. The Valley Family Forum strongly provides support to the new City ordinances that would regulate adult and sexually oriented businesses.

Howard Schulman representing Think Pink, Inc. said Mr. Julias is a small businessman and a lifelong resident of Harrisonburg. Recently Think Pink, Inc. became the proprietor of the Hole in the Wall and Pamela's Secrets. Mr. Julias's business is exclusively retail sales, has no on site entertainment, no live dancing, or video viewing booths. All purchases are taken off premises. No merchandise is visible from outside the stores. The business is built on discreetness and customers represent an entire cross section of the community. The first amendment allows people to express and communicate matters that aren't popular or which other people claim to have a majority vocal voice. These people have to tolerate our established system under the first amendment. This ordinance endangers the free speech right of others. "What did Mr. Julias's establishment do to warrant the owners licensing restrictions that are being placed upon him as a retail merchant? What did Mr. Julias's customers who frequent his establishments with no police incidents do to warrant their surveillance?" The Planning Commission's report divides the ordinances into two areas. One is the land use restrictions and regulations and the other referred to as operational restrictions. We are taking issue with licensing and surveillance restrictions. Quite clearly they are an invitation for trouble for the City and he urged Council to focus on the tried, true and tested means of regulating land use as opposed to the licensing restrictions particularly when applied to retail establishments and merchants. Mr. Schulman presented a 13-page letter setting forth in detail constitutional concerns expressed by his clients. There are certain areas within the letter, which maps out specific concerns. Certain portions of the licensing provisions as well as the surveillance restrictions are clearly unconstitutional. That invites litigation that can be potentially costly to the City. He reviewed attorneys' fees to the prevailing plaintiff in cases involving constitutional issues in federal court. The message of a previous speaker tonight is censorship using the zoning laws, using the operational restrictions, and licensing regulations to silence the message. The bottom line is that the City should consider not only the constitutional rights of its citizens, but also the pocketbooks of its taxpayers.

Jonathan Katz introduced exhibit, "A" which contains approximately 1,800 pages. We ask that this exhibit be kept with the minutes of the Council meeting. Scientific studies show there aren't more negative secondary effects from an adult oriented business than a non-oriented business. He said that he represented Harrisonburg Adult News (HAN), which is owned by Empire Machine Co., Inc. HAN has been in the community for many years. It is a retail business that includes the sale of erotic magazines, DVD's and video viewing booths. Because a DVD or video viewing box does not sufficiently tell the quality or content of the material, this enables consumers to pre-view such material to decide for themselves whether the product is worth the price charged. These businesses don't have problems other than personal opinion as to what they are doing. He asked Council to strongly consider having an amortization clause in the legislation

of at least 18 months to allow businesses to come into compliance with the law. The draft legislation is asking for my client to change the size of his video viewing booths. He said, "We don't want to go into litigation, but we are prepared to do that." He requested delaying any action on this legislation. Virginia is the cradle of the first amendment. The Supreme Court has confirmed that adult entertainment is speech.

Scott Rogers, a resident of the City, presented a summary of a variety of studies that have been done over the past decade as secondary effects of sexually oriented businesses. The studies refer to two secondary effects crime and property values. He said that the First Amendment does not require a City, before enacting such an ordinance, to conduct new studies or produce evidence independent of that already generated by other cities, so long as whatever the City relies upon is reasonably believed to be relevant to the problem that the City addresses.

George Ellis a member of the Valley Family Forum asked City Council to help establish a plateau from which the City can start climbing back. He described in his opinion how social deterioration is occurring. "I don't like the threat of the expense of litigation thrown in my face."

Dean Welty, a resident of Rockingham County, said this matter began almost two years ago when the Commonwealth Attorney charged and prosecuted 26 men for illegal sexual behavior at the Adult News Book Store. He said the courts do not look kindly on prevention, but have looked favorably if the record is clear on regulating the activities partially to the secondary effects. "Would it strengthen the ordinance to include a preamble resolution that sets forth the specific reasons for enacting this ordinance?"

Council Member Chenault, "I had planned to discuss this later, but of all the suggestions that I have seen or heard, a preamble resolution is the best because this ordinance has been through the City process for approximately two years." There has been ample statistical analysis and studies primary from other jurisdictions to support a legislative record that would support the enactment of this ordinance. However, it is important to establish through a preamble resolution or a part of an ordinance a summary that is consistent with some of the case law on these types of ordinances to establish a legislative record for it.

Dean Welty asked whether or not it would be possible to expand the list of protected uses? Are we conformable with the list that has been identified so far? Would it be possible to provide for a greater separation of the protected areas from sexually oriented businesses? Should the permit application be higher? Should substantial or significant portion of its stock-in-trade be more defined? Does the ordinance specify a time period within which non-conforming businesses are required to comply with time and manner of operations? Is there any consideration given to terminating all zoning exceptions when the businesses are sold or transferred?

Donald Ford, a resident of Harrisonburg, said earlier this year I was placed in a very difficult position in which personal beliefs and established federal law came into conflict. Instead of ignoring or violating the law, I choose to oblige by the law. I also resolved personally at that time to support in the future political candidates who will have the power and will to change laws in ways that not only are consistent with my beliefs, but which I believe are more representative of the values of our community. In our republic that is how we get laws changed.

Tonight I didn't plan to comment on the operation of adult businesses or any amendments that Council is considering to the City Code. But, as I sit in the audience I do feel compelled to speak to you as a City resident and not in any official capacity. I would say to you that I don't believe anyone here is interested in violating the first amendment or violating any other laws. But, I do think that it is important for you to exercise any authority which you legitimately have to regulate adult businesses within our City in a way that will minimize the detrimental impact such businesses will have on a community such as ours.

Janice Spitzer, a resident of Rockingham County, said that she has seen and worked with people visiting sexually oriented businesses. Although I am retired as a nurse, I have worked in sexually transmitted disease clinics and in 1956 it was very rare to see sexually transmitted disease patients. However, because of secondary effect it is very common now to see many patients. She encouraged Council to strengthen the regulations.

There being no others desiring to be heard, the public hearing was declared closed at 9:00 p.m., and the regular session reconvened.

City Attorney Thumma suggested tabling the first reading of these ordinances until the next meeting to allow time to work with Council Member Chenault and City staff to prepare a preamble resolution to go with the ordinances.

Council Member Chenault said that a preamble resolution should be included as part of the ordinances enacted because these are peculiar ordinances, which are somewhat new and rare in Virginia. The case law suggests there needs to be a finding by the legislative body that these regulated activities have a relationship to the conduct that is being addressed. It is important to establish this in the record. If we don't do this we might not be enacting a valid ordinance. Council Member Chenault offered a motion to table amending the City Code to include issues relating to the operation of adult businesses until the next meeting. The motion was seconded by Vice-Mayor Eagle, and approved with unanimous vote of Council.

Council Member Pace said, "My view is that pornography in our society for many individuals is addictive. In my opinion it is essentially a weapon in our society. I am supporting the restriction in the licensing portion of the ordinance. There is judicial appeal if a permit or license is revoked allowing the business owner to have another venue. In my opinion, the customer has already decided they don't care what the community thinks about whether they enter or exit these businesses. Why should they be concerned about being on a videotape? Businesses, which have been grandfathered into this, should have the necessary time to implement the required changes in a way that is reasonable so that they are not forced out of business because they had an unreasonable time frame. He also asked the City Attorney to review this particular issue with regards to what has happened in other Cities in Virginia.

The next item of business was amending City Code Section 11-7-11 (e) to expand downtown banner display area. Planning and Community Development Director Turner said that this section of the City Code was adopted in June, 2004 to permit banners to be installed in the downtown area, the area anticipated for banner installation was smaller than the area that has been recommended by Frazier Associates, a design firm working with the City in cooperation

with the Virginia Main Street Program. This amendment recommends enlarging that area bounded by Cantrell Avenue to the south, Kratzer Avenue to the north, Mason Street to the east and High Street to the west. Following further discussion and comments, Council Member Pace offered a motion to approve amending City Code Section 11-7-11 (e) for a first reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

School Superintendent Donald Ford presented for Council's consideration model procedures for Massanutten Technical Center. He said that these model procedures are effective only for MTC. These model procedures had to be adopted in five areas by the MTC Board, Harrisonburg School Board, Harrisonburg City Council, Rockingham County School Board, and the Rockingham County Board of Supervisors. All of the approvals are necessary in order for MTC to participate in any proposals received under the Public-Private Education Facilities Infrastructure Act of 2002. Council Member Chenault offered a motion to approve the model procedures for Massanutten Technical Center. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

The next item of business was approval of Annual Action Plan for 2005-2006 CDBG Program. Block Grant Coordinator Kim Alexander said that staff has completed the Annual Action Plan, required by HUD, as part of the City's participation in the CDBG Entitlement Community program. Two required public hearings have been held and the 30-day public comment period has ended. The plan and funding recommendations will be submitted to HUD for their final approval. Council Member Chenault offered a motion to approve the Annual Action Plan for 2005-2006 Community Block Grant Program. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Mayor Rogers

Absent – None

City Manager Baker read the following resolution.

**BUSINESS APPRECIATION WEEK 2005  
CITY OF HARRISONBURG**

**WHEREAS, the City of Harrisonburg is fortunate to have a thriving base of business and industry to support the local economy; and**

**WHEREAS, these businesses provide essential employment opportunities for the citizens of Harrisonburg; and**

**WHEREAS, Harrisonburg’s businesses provide local revenues from which the entire local citizenry benefit; and**

**WHEREAS, these businesses also make significant contributions in our community to promote educational opportunities for our children and promote a variety of activities which increase the quality of life in the Shenandoah Valley; and**

**WHEREAS, we truly appreciate these businesses and wish to take this opportunity to recognize their contributions to our City;**

**NOW, THEREFORE, we, the Harrisonburg City Council, hereby recognize our existing businesses, and by virtue of this proclamation give notice to our citizens that we are partnering with the Harrisonburg business community in “Planting Opportunity and Harvesting Success.”**

**AND FURTHER PROCLAIMS that the week of May 15-21, 2005 shall be BUSINESS APPRECIATION WEEK in the City of Harrisonburg and the Commonwealth of Virginia.**

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**Larry M. Rogers, Mayor**

**Attest:**

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**Yvonne Ryan, CMC, City Clerk**

Council Member Lantz offered a motion to support the Business Appreciation Week 2005 resolution. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

City Manager Baker presented the following resolution for Council’s consideration.

**Resolution in support of “A Dream Come True”  
By Harrisonburg City Council  
City of Harrisonburg for the  
Department of Parks & Recreation**

**WHEREAS, the Department of Conservation and Recreation (DCR), provides funds to assist political subdivisions of the Commonwealth of Virginia in acquiring and developing open space and park lands; and**

**WHEREAS, there are urgent needs within the City of Harrisonburg to develop park land; and**

**WHEREAS, this area is deemed of high acquisition and development priority by the City of Harrisonburg and shall be referred to as “A Dream Come True”.**

**WHEREAS, in order to attain funding assistance from DCR, it is necessary that the City of Harrisonburg guarantee that a proportionate share of the cost thereof is available; and**

**WHEREAS, the proportionate project share \$190,000 is funded by the City of Harrisonburg. (City \$68,000, CDBG \$122,000)**

**NOW, THEREFORE, BE IT RESOLVED BY THE City of Harrisonburg that Assistant Director of Parks & Recreation, David S. Wigginton is hereby authorized to cause such information or materials as may be necessary to be provided to the Department of Conservation and Recreation (DCR) and to enter into such agreements as may be necessary to permit the formulation, approval and funding of “A Dream Come True” project.**

**AND BE IT FURTHER RESOLVED, the City of Harrisonburg gives its assurance that the funds needed as the proportionate share of the cost of the approved program will be provided up to \$190,000. (City \$68,000, CDBG \$122,000)**

**AND BE IT FURTHER RESOLVED, that the City of Harrisonburg gives its assurance that the General Provisions of the Land and Water Conservation Fund Act (L&WCF) and the Virginia Outdoors Fund Fiscal Procedures will be compiled with in the administration of this project.**

**AND BE IT FURTHER RESOLVED, that the City of Harrisonburg will operate and maintain the public recreation facility in good condition and will provide permanent project acknowledgement signs of the participating funding agencies and that this signage will clearly state that the said facility is a “public” recreational facility.**

**AND BE IT FURTHER RESOLVED, that the City of Harrisonburg shall dedicate the metes and bounds of “A Dream Come True” properties, in perpetuity, for public**

outdoors recreational purposes in accordance with the Land and Water Conservation Fund Act.

**AND BE IT FURTHER RESOLVED**, that the City of Harrisonburg gives its assurance that all other applicable federal and state regulations governing such expenditure of funds will be compiled with in the administration, development, and subsequent operation of “A Dream Come True”.

**AND BE IT FURTHER RESOLVED**, that the Department of Conservation and Recreation is respectfully requested to assist in approval and funding of “A Dream Come True” project in order to enhance the standard of public recreational enjoyment for all our citizenry.

May 10, 2005

Voting on the motion was as follows:

**AYES:** Council Member Charles Chenault  
Vice-Mayor Rodney Eagle  
Council Member George Pace  
Council Member Hugh Lantz  
Mayor Larry Rogers

**NAYES:** None

**ATTESTED BY AND NOTARIZED:**

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Yvonne Ryan, CMC, City Clerk

Parks and Recreation Assistant Director David Wigginton said this grant application to the Department of Conservation and Recreation requires a City Council resolution in support of this project, “A Dream Come True” playground. Council Member Pace offered a motion to approve the resolution. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

The next item of business was a resolution recognizing and rewarding employees of the Commissioner of the Revenue office and Treasurer office for attaining the Master Deputy Designation. Commissioner of the Revenue said that Treasurer’s of Virginia and Commissioner of the Revenue’s of Virginia have career development plans, which have been approved and funded by the General Assembly. As part of the program the Compensation Board has been given funding to reward Master Deputies a 9.3% salary increase should they attain the designation of Master Deputy. She requested that this money be passed on to the employees. The 9.3% increase would be applied to the state approved salary for the Treasurer and Commissioner Deputy positions. Since the Constitutional Officers are paid on the local pay plan the deputies do not receive the salary at the state level, but actually receive more than the approved salaries at the state level. She said that the Treasurer’s and Commissioner of

Revenue's office have two employees that are not state funded. They are full time employees and are deputized and eligible to participate in the Career Development Program; however, they do not have a funded position through the Compensation Board. We are asking that all eligible deputies and qualified Master Deputies be rewarded a salary supplement. Employees of the Commissioner of the Revenue and Treasurer of the City should receive a 2% salary supplement for each Master Deputy. This is a mechanism that allows the City to receive money from the state, which will be directed toward the employees who have qualified for those monies as Certified Master Deputy. Council Member Pace offered a motion to approve this resolution. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

The next item of business was amending Section 4-2-23 (4) and Section 4-2-25 of the Harrisonburg City Code. Commissioner of Revenue Hosaflook suggested several possible changes to the City Code regarding Tax Relief for the Elderly and Permanently Disabled for real estate taxes. These changes involve actual increases to the income and net worth eligibility limits in order for more people to gain access to tax relief for real estate.

Council Member Pace said Mrs. Hosaflook had provided for Council's review background material and a proposed recommendation on tax relief for the elderly and permanently disabled. There should be some relief for the elderly low-income citizens in the community. The proposals reflect an update from 1991. This documents will also help with some relief for many family bringing elderly family members into their homes to help with their care.

Commissioner of Revenue Hosaflook said that for all people living in the home her department must account for the income, which must fall below the income limit that is allowable. She said there are two exclusions including up to \$10,000 for relatives income or exclude all income of a relative that has moved into the house to care for the person. She reviewed procedures that will be used for qualifying. City Attorney Thumma will prepare an ordinance for the May 24<sup>th</sup> meeting.

Council Member Pace said that a War World II plaque honoring members of the community who died in service is displayed in a very nice encased brick structure in front of Memorial Park. An article had appeared in the Daily News-Record indicating that the plaque wasn't in an appropriate place. He said, "I believe it is in an appropriate place."

Police Chief Harper invited everyone to participate in the many events being held to observe National Police Week May 15-21, 2005.

Council Member Lantz expressed his concern with the City's traffic lights, traffic problems and general traffic flow. He requested having a presentation at the next Council meeting.

At 9:55 p.m., Council Member Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees and Industrial Development Authority,

exempt from public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Mayor Rogers

Absent – None

At 10:40 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

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

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CITY CLERK

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MAYOR

## REGULAR MEETING

MAY 24, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; Acting City Clerk Jenny Brockwell, and Police Captain Malcolm Wilfong. Absent: City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Mayor Rogers asked for a moment of silence in prayer for Lance Cpl. Jourdan Grez, a young Marine from Harrisonburg, who was killed in Iraq.

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

Mayor Rogers announced that, Item #5c on the consent agenda, considering a request to close a portion of the City alley between 3<sup>rd</sup> and 4<sup>th</sup> Street was being removed and would be considered at the next Council meeting.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and second reading of an appropriation of funds to capital projects and amending Section 11-7-11 (e) of the Harrisonburg City Code. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

City Manager Baker presented a request for supplemental Appropriations for the golf course, purchase of real estate, VPSA bonds earned interest, public safety building, and Fire and Police Departments. He said these funds will be used for expenses and purchasing approximately 33.918 acres of land located at the intersection of Port Republic Road and Neff Avenue.

At 7:35 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, May 16, 2005.

**NOTICE OF PUBLIC HEARING**  
**City Council Chambers**

Tuesday, May 24, 2005  
7:30 p.m.

A Public Hearing will be held by the Harrisonburg City Council on Tuesday, May 24, 2005 at 7:30 p.m., in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2004-2005 budget in the gross amount of \$5,080,117.38. The funds to fund these budget adjustments will come from various fund balances and various revenues.

The budget changes will be as noted below:

**Revenue, etc:**

**General Fund:**

Amount from fund balance	4,806,506.00
Donations	10,039.90
Office of Emergency Services	11,597.52
Recovered costs	16,500.75
Sale of used equipment	<u>7,500.00</u>
<b>Total General Fund</b>	<b><u>4,852,144.17</u></b>

**School Capital Projects Fund:**

Amount from fund balance	44,174.08
Investment earnings	<u>103,799.13</u>
<b>Total School Capital Projects Fund</b>	<b>147,973.21</b>

**Golf Course Fund:**

Amount from fund balance	28,000.00
Transferred from the General Fund	475,000.00
Reduction of revenue estimates	<u>(423,000.00)</u>
<b>Total Golf Course Fund</b>	<b><u>80,000.00</u></b>

**Grand Total** **5,080,117.38**

**Expenditures:**

**General Fund:**

Police supplies	1,200.00
Public Safety Building expenses	56,506.00
Fire Suppression	44,438.17
Land	4,275,000.00
Transfer to Golf Course Fund	475,000.00
<b>Total General Fund</b>	<b><u>4,852,144.17</u></b>

**School Capital Projects Fund:**

New High School Construction	<u>147,973.21</u>
<b>Total School Capital Projects Fund</b>	<b><u>147,973.21</u></b>

**Golf Course Fund:**

Improvements	<u>80,000.00</u>
<b>Total Golf Course Fund</b>	<b><u>80,000.00</u></b>

**Grand Total**

**5,080,117.38**

**Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.**

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

Mayor Rogers called on anyone desiring to speak for or against these supplemental appropriations. There being no one desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this appropriation for a first reading, and that:

\$56,506 chge. to: 1000-31010 Amount from fund balance

\$14,000 approp. to: 1000-320632-41010 Salaries

1,071 approp. to: 1000-320632-42010 FICA

1,435 approp. to: 1000-320632-42020 VRS

24,000 approp. to: 1000-320632-45110 Electricity

16,000 approp. to: 1000-320632-45119 Natural Gas

\$103,799.13 chge. to: 1113-31513 Investment Earnings

44,174.08 chge. to: 1113-31010 Fund Balance

\$147,973.21 approp. to: 1113-910114048693 New H S Construction & Other Cap. Proj.

\$12,000 chge. to: 2016-31010 Amount from fund balance (unreserved)

16,000 chge. to: 2016-31010 Amount from fund balance (First Tee)

475,000 chge. to: 2016-34210 Transfer from General Fund

(122,000.00) chge. to: 2016-31711 18 Hole Weekday Rounds

(102,000.00) chge. to: 2016-31713 18 Hole Weekend/Holiday Rounds

(6,000.00) chge. to: 2016-31714 9 Hole Weekend/Holiday Rounds

(10,000.00) chge. to: 2016-31716 Twilight Rounds

(16,000.00) chge. to: 2016-31718 First Tee Rounds

(68,000.00) chge. to: 2016-31719 Membership/Annual Rounds

(10,000.00) chge. to: 2016-31722 Driving Range Fee

(45,000.00) chge. to: 2016-31723 18 Hole Cart Fee

(44,000.00) chge. to: 2016-31818 Donations-The First Tee

\$80,000 approp. to: 2016-720771-48284 Improvements

\$475,000 chge. to: 1000-31010 Amount from Fund Balance

\$475,000 approp. to: 1000-990111-49285 Transfer to Golf Course Fund

\$4,275,000 chge. to: 1000-31010 Amount from Fund Balance

\$4,275,000 approp. to: 1000-430221-48282 Land

\$1,200 chge. to: 1000-31809 Donations

\$1,200 approp. to: 1000-310231-46100 Police Supplies

\$11,597.52 chge. to: 1000-33502 Office of Emergency Services

8,839.90 chge. to: 1000-31809 Donations

16,500.75 chge. to: 1000-31914 Recovered Costs

7,500.00 chge. to: 1000-31907 Sale of used equipment

\$44,438.17 approp. to: 1000-320232-41010 Salaries

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

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request by Alan E. Strawderman & Be Tran to rezone three parcels at 301 Port Republic Road. This request is to rezone three parcels from R-1, Single Family Residential District to B-2C, General Business District Conditional. The Comprehensive Plan designates this area as Low-Density Residential. She reviewed the surrounding uses in the area. The three parcels have been the subject of five previous rezoning attempts between 1969 and 1997. The previous rezoning attempt in 1997 wanted to convert the property from R-1 zoning to B-2C to allow for a gas station, convenience store and car wash. Staff recommended not to approve the request because of the intense nature of the uses. This, like all previous attempts, was not approved by City Council. The case was appealed to the Circuit Court of Rockingham County, which upheld the City's decision. City staff has held several meetings with the developers and their representative to highlight and discuss the major issues related to the development of this site. In response to staff concerns the developers have submitted proffers to provide additional restrictions to ensure a controlled development on this site. They are proposing to use the property for a 10,000 square foot commercial retail center. To avoid unnecessary congestion, the developers have proffered only one entrance onto the site, which will be located off Hillside Avenue. With no direct connection to Port Republic Road, all patrons of this proposed complex would need to enter the property from Hillside Avenue by way of the signalized intersection on Port Republic Road. To further avoid traffic congestions, the developer would widen Hillside Avenue to allow for a dedicated

right turn lane for traffic entering Port Republic Road along with a combined straight and left turn lane. A five-foot wide sidewalk on the east side of Hillside Avenue will be constructed the entire length of the west property line. This sidewalk will primarily serve the student population that currently walks down Hillside Avenue to get from the satellite parking lot for James Madison University to the Port Republic Road crosswalk. The proffers limit the uses on the property to mercantile establishments, personal service, restaurants and other stores customary to shopping centers. The applicant has retained the right to use the property for government, business and professional offices and financial institutions and pet shops. However, no sale of vehicle fuel will be provided. The proffers also only permit the sale of alcohol between the hours of 8:00 a.m. and 11:00 p.m. and prohibit drive-through convenience food uses. The developers have stated the design of the building will be similar to the photo they submitted with their rezoning request. It is estimated that 53 parking spaces will be provided to meet the City's requirement of one parking space for every 250 square feet of gross flood area. All lighting on the property will be directed downward towards the property to minimize light escape onto neighboring parcels or to distract drivers along Port Republic Road. Staff feels that this request is an appropriate use for this site because the R-1 use will probably not occur on the site. However, she said at the Planning Commission meeting a lot of speakers who live in the surrounding single family neighborhood had concerns about the compatibility of the use with their neighborhood and additional traffic congestion. She said that Planning Commission recommended not to approve the rezoning request by a vote of four to one.

At 7:55 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, May 9, and Monday, May 16, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on Tuesday, May 24, 2005 at 7:30 p.m., in the Municipal Building, City Council, 345 South Main Street, to consider the following:**

#### **Rezoning – 301 Port Republic Road**

**Public hearing to consider a request from Alan E. Strawderman & Be Tran, with representative Dick Blackwell, to rezone three parcels, totaling 1.05 acres from R-1, Single Family Residential District to B-2C, General Business District Conditional. The properties are located at 301 Port Republic Road and can be found on tax map 11-R-1,2,12.**

**The Comprehensive Plan designates this area as a mixture of Low-Density Residential and Public / Semi-Public. The Low-Density Residential designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low-density sections are found mainly in well-established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership. The Public / Semi-Public designation includes both existing and proposed public and semi-public use. They include lands owned or leased by the Commonwealth of Virginia (except for institutions of higher learning), the federal**

government, the City of Harrisonburg, and other governmental organizations. Examples of uses included in this category are public schools, libraries, City Hall and City administrative and support facilities.

The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges for the R-1 district is 10,000 sq. ft minimum. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

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

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

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

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

Dr. Bruce Clemens, a resident of the City, said that this intersection is very busy and has frequent accidents. The majority of JMU's freshmen dormitories are located close to this intersection. He then said this development would create easy access for the freshmen to purchase alcohol because they could walk across the street to this retail center. He also said that Black's Run flows near the property and this development would add to the runoff to Black's Run.

Todd Rhea, an attorney with the law firm of Clark and Bradshaw, said the applicants Mr. Strawderman and Mr. Tran are seeking to rezone the property to a retail commercial establishment. The purpose is to serve the James Madison community and surrounding neighborhoods. He reviewed the amended proffers and noted that this center will not be designed to attract I-81 traffic. Development of this parcel will not have an impact on the Purcell Park surrounding neighborhood. He said with no direct connection to Port Republic Road, all patrons of this proposed complex would need to enter the property from Hillside Avenue by way of the signalized intersection on Port Republic Road. Property owners have a right to use land on a reasonable basis. The Circuit Court of Rockingham County has spoken to the issue and they have ruled that this parcel is not appropriately zoned. He said the proffers would minimize the impact to the surrounding properties.

Henry Clark, an attorney with the law firm of Clark and Bradshaw, said concerns expressed at the Planning Commission meeting included traffic, quality of neighborhood life, and future of I-81. He said since the first rezoning request JMU's main entrance has been moved from Main Street to Port Republic Road, WVPT have been enlarged, JMU has added an Eastern campus, there more housing developments along Port Republic Road, and JMU created a 500-car lot, which has affected traffic and safety. They built the parking lot without upgrading the street or

providing an area for students to walk from the parking lot to the main campus. JMU has done nothing about the safety issue. He said, "Change is here and change is coming. This proposal is insignificant as to the past and future changes of traffic patterns in this particular area." The City is proposing to improve safety at this intersection and improve the traffic flow. This project has tremendous buffering between it and other residential areas. At this point, VDOT is unsure of its plans and are unaware of which side of I-81 will need improvements. The opposition from JMU is hard to justify. JMU is not bound by zoning laws and may use its facilities for whatever use they desire. Traffic is not a problem and the quality of life is not affected.

Lee Shifflett, Chief of Police for James Madison University, said he has witnessed tremendous growth in and around the JMU campus. The increase in pedestrian traffic caused by the addition of a mini mall alone will create traffic movement and safety issues. He said, "My fear is that if this property is rezoned it will start a domino effect for the properties to the West. How will Council turn down the next rezoning request? Where will it stop?" Having alcohol available until 11:00 p.m. will only draw more pedestrians into a busy intersection, which already has issues with line of sight and prevailing speeds. He encouraged Council to uphold the Planning Commission's decision.

Margaret Wightman, a resident of the City, said she was concerned about vehicle traffic in the neighborhood. She said even though the City has posted signs saying "No Through Traffic" it doesn't stop some people. She requested that Council vote against this rezoning.

Dietrich Maune, a resident of the City, said that he was against the rezoning. It is important to understand with 50 additional parking spaces that does limit the amount of automobiles traffic coming in, but the primary audience will be 3,800 students who currently live on the campus who do not have access to automobiles. This project will give the students an opportunity for eating, dining and alcohol. A 30 second cross walk cycle every time the light changes will affect the traffic flow East to West as well as the traffic going on and coming off of I-81.

Bill Wightman, a resident of the City, said he was opposed to the rezoning stating that it would be poor City planning and that it would greatly effect the quality of life and aesthetic appreciation of their local landscape. Members of City Council should recognize the request to rezone this parcel for commercial development as a step in the wrong direction. Not only for the Purcell Park area and the families that live there, but also the City of Harrisonburg as a whole. Ensuring that these important locations in our City remain as fluid and safe as possible is likely one of the most important issue that Council members face in a climate of continued growth and expansion. He requested that Council vote against this rezoning request.

Jane Wiggins, a resident of the City, said residents of the Purcell Park neighborhood keep their lawns and flower beds in good shape and houses in good repair. Sidewalks are shoveled in the winter and everyone looks out for each other. After the students return in the fall, large groups travel through the neighborhood leaving trash along the street. They are noisy, often drunk, park their cars in our neighborhood, slamming their doors and make a lot of noise late at night. She is concerned about the impact that would be created by one more place that attracts students through their neighborhood. She asked that City Council consider commercial free zones.

Henry Clark reminded everyone that most freshmen aren't old enough to buy beer.

Lucy Weston, a resident of the City, said her neighborhood is similar to the Purcell Park area. They have to deal with JMU traffic, City traffic and heavy student foot traffic. "What is best for the neighborhood? What is a good use for the land? What is good development?" These owners will not live in the neighborhood. This is a major intersection and what perception are we giving to people?

Jeff Landis, a resident of the City, said the proposed rezoning from R-1 to B-2C would be detrimental to the interests of the greater community and would create significant problems in the areas of traffic congestion, safety, neighborhood integrity, aesthetic appeal and long-term development. This rezoning request will have a contagion effect and set a precedent. He also was concerned about the possibility of the domino effect on adjacent properties being rezoned if this property is rezoned. He presented petitions containing 185 signatures opposing this request. Michael Deaton, a resident of the City, said he didn't fear change, but it is clear according to the diagram that other businesses will be brought into the residential area. We don't need a new business to serve the community, but instead need a safer intersection.

There being no others desiring to be heard, the public hearing was declared closed at 9:30 p.m., and the regular session reconvened.

Vice-Mayor Eagle said that he has lived off of Port Republic Road for many years and lives close to student housing. "I don't believe that property values will decline, but will go up over the entire City." The City has spent money to enhance pedestrian crossing signals at signalized intersections. These signals count down 30 seconds and the students continue to cross the street after the 30 seconds has expired. JMU has had several opportunities to purchase this lot. "I supported changing the lot's zoning years ago and I have heard nothing tonight that has changed my mind."

Council Member Pace asked Public Works Director Jim Baker to come to the podium to comment on comments made by JMU Police Chief Lee Shifflett in regards to the safety of the crossing.

Jim Baker, Director of Public Works, said that the proposed proffers on Hillside Avenue would improve the stacking ability to allow a right turn movement coupled with a separate straight through and left lane allowing the City to move a little more traffic out when the signal changes. The sight distance coming down the hill and around the curve will continue to be a problem. The development will not add to the problem. The improvements being made on Hillside Avenue by adding sidewalks and an additional lane to stack more traffic to move vehicles out into Port Republic Road when the light turns green should help. He said that he recommended approval of the project based on the proffers he reviewed for the street improvements.

Charles Chenault said he had a lot of appreciation for the developer, respect and appreciation for the residents of the neighborhood and their feelings about the project. However, before anything can be considered the greatest concern is a public safety issue. "Based on that consideration, I must oppose this request. This intersection is a portion of a series of the worst intersections in the City." However the traffic is channeled there will be more traffic and more pedestrians put into this mix at the intersection. This development will spill over onto the undeveloped land on the West side of Hillside Avenue. "I am concerned that approving this rezoning will set a precedent for requiring the approval of any requested rezoning on the West side of Hillside Avenue."

Council Member Lantz said he appreciated all of the people appearing before Council whether they were against or for the project. "What is the best use of the property? I don't think it can be

used for a single-family home.” This property is an island. The lot is isolated. James Madison University’s parking lot provides a protective buffer for the neighborhood. “I can’t see a domino effect jumping over to the Purcell Park neighborhood.” The developers have made a strong compromise by addressing the traffic issue and adding sidewalks.

Council Member Pace said that he voted against this rezoning at the Planning Commission meeting because if this land is improved and I-81 is condemned the taxpayer will be paying more dollars. Mr. Clark’s argument that we might all be gone before this happens is a weak argument. Another reason is the increase of pedestrian traffic some of which will enjoy alcoholic beverages in the future. This pedestrian traffic will not yield to the traffic signals. There is a real big issue relative to an exit to the two lots on the West side of Hillside Avenue especially once the improvements are made to the street if this request is approved because it will give entry to those lots from the improved Hillside Avenue.

Vice-Mayor Eagle offered a motion to approve rezoning the three parcels. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Vice-Mayor Eagle  
Council Member Lantz  
Mayor Rogers

No - Council Member Pace  
Council Member Chenault

Absent: None

The next item of business was a report by Ted Cole of Davenport and Company, the City’s financial advisor. Mr. Cole said his firm wanted to provide the City Staff and Council with an initial perspective on the affordability of the identified capital improvement projects. We wanted to measure the impact of funding these projects according to a number of key financial ratios and work toward establishing a Comprehensive Plan of finance for all identified capital improvement projects. He reviewed the current financial standing, which is supported by taxes. He said self-supporting debt and debt associated with the water system were removed. In fiscal year 2006, the City will have approximately \$10 million in debt outstanding to pay and approximately \$115 million in tax supported debt outstanding as the City stands today. Currently, the system is well positioned financially with strong debt service coverage and fund balance levels. He reviewed the pay off ratio stating that the City should retire about half of its debt in the next 10 years. He then reviewed the proposed projects including the associated financing for the projects. These projects include E-911 radio system, Stone Spring Road, Neff Avenue land purchase, and two new schools (middle and elementary). As time goes forward and these projects come a little closer into view this analysis will be refined to minimize the cash flow with structuring the debt. A few key assumptions related to revenues to help pay for the debt service include receiving \$7,500,000 from James Madison University through leasing the old high school, a guaranteed revenue contractual arrangement with James Madison University to offset steam plant debt, and the City utilizing up to 30% of the \$2,000,000 million received

annually in urban road monies on the Stone Spring borrowing. Mr. Cole said that his firm will continue to revise key assumptions, amend analysis, continue meeting with staff, discussing capital needs and financing approaches/timetable.

Mr. Cole then provided City Council with a historic and projected perspective on the fiscal outlook for the City's water system. He reviewed a framework related to establishing key financial targets for the system. The water system is treated as a business. He reviewed a series of graphics regarding the City's current financial standing. Currently, the City water system is self-supporting. Our goal is to preserve the self-supporting nature of the system and to strengthen its financial position. He said that his firm will assess various funding approaches for identified capital projects and measure the impacts on the system's financial position. The system is well positioned financially with strong debt service coverage and fund balance levels. The assumed 6-cent per year rate increase provides ample cash flow for debt service coverage and allows the fund balance to grow to level equal to or better than 100% of system revenues by the end of the decade. Two key measurements of the system's financial strength are debt service coverage and fund balance levels. By establishing targets for these ratios, we are insuring the self-supporting nature of the system and protecting the City's General Fund from having to support the water system. Adequate coverage and fund balance levels will provide the system with operating flexibility to adjust to unexpected capital expenditures. Mr. Cole provided a brief overview of the capital improvement projects. The next step includes establishing consensus on formal or informal policies for this system in terms of its financials and a timetable for the primary project, which is the eastern raw line, needs to be developed.

Council Member Lantz commented that when a lot of material and complex information is being presented to City Council, it would be extremely helpful if Council had the information included in the agenda packet. Receiving the material at the meeting doesn't give Council members an opportunity to review the information before the meeting.

Mayor Rogers presented the following resolution for Council's consideration.

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF HARRISONBURG, VIRGINIA  
DECLARING ITS INTENTION TO REIMBURSE  
THE COST OF CERTAIN EXPENDITURES**

**The City of Harrisonburg, Virginia (the "City") has made or will make expenditures (the "Expenditures") in connection with certain land purchases, namely the purchase of a parcel consisting of 33.918 acres, more or less, known as the Clatterbuck property and the purchase of a parcel consisting of 16.5 acres, more or less, known as the Kaslow-Leigh property (collectively the "Land Purchases").**

**The City may determine that the funds advanced and to be advanced to pay the Expenditures will be reimbursed to the City from the proceeds of one or more obligations to be issued by or on behalf of the City (the "Indebtedness").**

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

1. The Council hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the City intends to reimburse itself with the proceeds of Indebtedness for Expenditures made on, after or within sixty (60) days prior to the date hereof with respect to the Land Purchases. Further, Expenditures made more than sixty (60) days prior to the date hereof may be reimbursed as to certain *de minimis* or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.
2. The maximum principal amount of Indebtedness expected to be issued for the Land Purchases is \$4,500,000.
3. This resolution shall take effect immediately upon its adoption.

Adopted: May 24, 2005

A Copy Teste:

\_\_\_\_\_  
 City Clerk  
 City Council of the City of Harrisonburg, VA

(SEAL)

**CERTIFICATION**

The undersigned City Clerk of the City of Harrisonburg, Virginia hereby certifies (1) that the foregoing constitutes a true, correct and complete copy of a Resolution adopted by the City Council of the City of Harrisonburg, Virginia at a regular meeting duly called and held on May 24, 2005, with the City Council members present and absent and voting on the Resolution as set forth below; (2) that such meeting was duly convened and held in all respects in accordance with law; and (3) that the foregoing Resolution has not been repealed, revoked, rescinded or amended.

<u>NAME</u>	<u>ATTENDANCE</u>		<u>VOTE</u>	
	<u>PRESENT</u>	<u>ABSENT</u>	<u>AYE</u>	<u>NAY</u>
Larry M. Rogers, Mayor	<u>X</u>	_____	<u>X</u>	_____
Rodney L. Eagle, Vice-Mayor	<u>X</u>	_____	<u>X</u>	_____
Charles Chenault	<u>X</u>	_____	<u>X</u>	_____
Hugh J. Lantz	<u>X</u>	_____	<u>X</u>	_____
George W. Pace	<u>X</u>	_____	<u>X</u>	_____

WITNESS, my hand and the seal of the City of Harrisonburg, Virginia this 24<sup>th</sup> day of May, 2005.

CITY OF HARRISONBURG, VIRGINIA

By \_\_\_\_\_  
Name: Yvonne Ryan  
Title: City Clerk

(SEAL)

City Manager Baker explained that adopting this resolution will allow the City to reimburse the general fund from the bond proceeds for the Neff Avenue property. Vice-Mayor Eagle offered a motion to adopt the resolution. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

Mayor Rogers presented the following resolution for Council's consideration.

**RESOLUTION**  
**SUPPORTING a CONTINUUM OF CARE GRANT by HUD to**  
**THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY**

**WHEREAS, the Harrisonburg Rockingham Housing Continuum of Care Alliance was established as a sub-committee of the Healthy Community Council in the spring of 2003 (the "Alliance"). The Alliance is comprised of a variety of human service agencies and individuals who serve Harrisonburg and Rockingham County, Virginia and have a common goal of addressing housing. Its mission was to analyze and promote system change to improve and address the full continuum of housing needs and issues in the local area; and,**

**WHEREAS, the Alliance has completed a needs assessment that specifically identifies housing needs for individuals with disabilities, elderly and persons in abusive situations; and,**

**WHEREAS, the Alliance has requested that the Harrisonburg Redevelopment and Housing Authority (the "Authority") apply to the Federal Offices of the Housing and Urban Development for a Continuum of Care grant. The grant will allow the Alliance to focus on the following:**

- a) Develop and administer a collaborative process to prevent homelessness;**
- b) Improve self-sufficiency skills with appropriate housing and supportive services; and**

- c) **Address individual housing needs within the service area's housing continuum.**

**WHEREAS, the Authority now desires to obtain the support of the City of Harrisonburg (the "City") for the grant.**

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

- 1. The City approves the foregoing recitals, which are incorporated in, and deemed a part of this Resolution as if fully set forth herein.**
- 2. The City supports the Authority's application to the Federal Offices of the Housing and Urban Development for a Continuum of Care grant.**

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

**READ AND ADOPTED: May 24, 2005**

**CERTIFICATE**

**Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION SUPPORTING a CONTUNUUM OF CARE GRANT by HUD to THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY" taken at a regular meeting of the City Council held on May 24, 2005:**

	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Larry M. Rogers, Mayor</b>	<b>X</b>			
<b>Rodney Eagle, Vice-Mayor</b>	<b>X</b>			
<b>Hugh J. Lantz</b>	<b>X</b>			
<b>Charles R. Chenault</b>	<b>X</b>			
<b>George Pace</b>	<b>X</b>			

**Dated: May \_\_\_\_, 2005**

**(SEAL)**

\_\_\_\_\_  
**Mayor, City of Harrisonburg, Virginia**

**ATTEST: \_\_\_\_\_**  
**Clerk, City Council of the City of**  
**Harrisonburg, Virginia**

Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority, presented a resolution requesting support of a grant application to the Housing Urban Development for a Contunuum of Care Grant. Currently the grant is funded through the

Community Resource Center, part of the Healthy Community Council. Many local charities and churches are involved in the effort. The focus of this grant is to develop and administer a collaborative process to prevent homelessness, to improve self-sufficiency skills with appropriate housing and support services, and individual housing needs. Council Member Chenault offered a motion to adopt this resolution. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

The next item of business was an overview of traffic signals and traffic management. Public Works Director Jim Baker said that growth and impact in our community is also true in traffic management. The Public Works Department is aware of moving traffic throughout the City. Traffic signals can be part of the problem, but not the entire problem. He referred to the Pleasant Hill Road and South Main Street intersection, which was revamped during the last several months, as an example. Most of the City's intersection problems are a capacity problem because there isn't enough room for adequate left or right turn lanes. It is not a traffic signal problem. It is a capacity problem not allowing an area to store vehicles and movement of vehicles. New roadway or alternate transportation will help to improve the problem. He said we must continue to seek solutions to common problems, speeding through neighborhoods, coordination and synchronization of traffic signals, a rigorous maintenance program, and expanding programs to provide proactive solutions to community needs.

The next item of business was a request to implement increased fines for speeding zone on residential streets on portions of South Dogwood/Maryland Avenue. Transportation Planner Drew Williams said citizens from Maryland Avenue requested a speed study conducted in their neighborhood. He said that the General Assembly passed a bill in 2004 permitting localities to impose additional fines for speeding on residential streets, as long as the City or locality had adopted a policy to do so. The City developed a policy in July 2004 in accordance with the guidelines of the legislation. Council asked City Attorney Thumma to prepare a resolution for adoption at the June 14<sup>th</sup> Council meeting.

Mayor Rogers presented the following resolution for Council's consideration.

#### **RESOLUTION OF INTENT TO JOIN THE URBAN CONSTRUCTION INITIATIVE**

**WHEREAS, The Section 33.1-23.3(D) of the Code of Virginia permits cities and towns to take responsibility for their construction program;**

**WHEREAS, the Virginia Department of Transportation has established policy and procedures to administer the urban construction program;**

**WHEREAS, it is desirable that City Council formally express the City of  
Harrisonburg's intent to become a participant in the Urban Construction Initiative;**

**NOW THEREFORE BE IT RESOLVED, that the City Council of**

**Harrisonburg, Virginia requests the Virginia Department of Transportation to  
accept this**

**Council Resolution as indicative of their support and intent for the City of  
Harrisonburg to Participate in the Urban Construction Initiative.**

**Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2005**

**City of Harrisonburg, Virginia**

**By: \_\_\_\_\_  
Mayor, City of Harrisonburg**

**Attest: \_\_\_\_\_  
Clerk of Council**

Council Member Chenault offered a motion to approve the resolution to join the Urban Construction Initiative. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

Mayor Rogers presented the following resolution for Council's consideration.

## **RESOLUTION**

### **REVENUE SHARING PROGRAM**

**WHEREAS, the Council of the CITY OF HARRISONBURG desires to submit an  
application for an allocation of funds up to \$1,000,000 through the Virginia Department of  
Transportation Fiscal Year 2005-2006 Revenue Sharing Program; and**

**WHEREAS, \$1,000,000 of these funds are requested to fund the Stone Spring Road-  
Erickson Avenue Project # U000115128 between State Route 42 and United States Route  
11; and**

**NOW, THEREFORE BE IT RESOLVED THAT: the Council of the CITY OF  
HARRISONBURG hereby support this application for an allocation of \$1,000,000 through  
the Virginia Department of Transportation Revenue Sharing Program.**

**Adopted this \_\_\_\_\_ day of \_\_\_\_\_ in the year 20\_\_\_\_.**

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**Mayor**

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**Attest**

Transportation Planner Drew Williams said that a pilot program through VDOT will allow cities to match funding up to a million dollars for projects that can be achievable in the near future. The City is applying for a one million dollar match for the first phase of the Stone Spring Road/Erickson Avenue connector project. This program has historically been made available to counties, but this is the first time the program has been expanded to cities. Vice-Mayor Eagle offered a motion to adopt this resolution as presented. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

Mayor Rogers presented the following resolution for Council's consideration.

**DESIGNATION OF APPLICANTS AGENT  
RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF HARRISONBURG**

**THAT Roger D. Baker, City Manager**

**Is hereby authorized to execute for and in behalf of**

**The City of Harrisonburg, a public entity established under the laws of the State of Virginia, that this application and to file it in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the OJP, National Domestic Preparedness Office Grant Programs(s), administered by the Commonwealth of Virginia.**

**That, The City of Harrisonburg a public entity established under the laws of the Commonwealth of Virginia, hereby authorizes its agent to provide to the Commonwealth and to the Office of Justice Programs (OJP) for all matters pertaining to such Federal Financial assistance any and all information pertaining to these Grants as may be requested.**

**Passed and approved this 24<sup>th</sup> day of May, 2005**

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**Roger D. Baker, City Manager**

**CERTIFICATION**

**I, Yvonne Ryan, CMC, duly appointed and City Clerk of the City of Harrisonburg, do hereby certify that the above is a true and correct copy of a Resolution passed and approved by the City Council of the City of Harrisonburg.**

**Resolution passed and approved by the City Council of the City of Harrisonburg**

**On the 24<sup>th</sup> Day of May, 2005**

**Date: May 24, 2005**

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**Official Position**

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**Yvonne Ryan, CMC**

City Manager Baker said the state requires adopting this resolution to receive the 2005 Homeland Security funds. Council Member Lantz offered a motion to adopt the resolution. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

The next item of business was adopting a resolution regulating Adult Businesses and enacting Article C of Chapter 3 of Title 12, enacting additional definitions to Section 10-3-24, 10-3-91(12) and 10-3-91.1 of the Harrisonburg City Code. City Attorney Thumma said that he had prepared a proposed resolution and ordinances defining adult businesses, establishing a permitting process and operational regulations for such uses.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG  
VIRGINIA, RELATING TO THE ADOPTION AND APPROVAL OF  
ORDINANCES REGULATING ADULT BUSINESS  
THROUGH THE USE OF LICENSING AND ZONING**

**WHEREAS, the City of Harrisonburg, through its staff, planning commission and city council has been studying and considering ordinances to regulate adult businesses within the city limits for a period of approximately two (2) years; and**

**WHEREAS, the City Council held a public hearing on May 10, 2005, to hear citizen input on the adoption of the adult ordinances; and**

**WHEREAS, the City Council has considered Studies of Secondary Effects of Sexually Oriented Businesses, which are set forth in two (2) books filed with the Clerk of the City Council and are marked Adult Ordinance Exhibit 1; an**

**WHEREAS, since January, 2001, city police records show numerous calls, complaints and charges relating to the existing adult businesses; and**

**WHEREAS, the city staff and city planning commission are recommending adoption of the licensing and zoning ordinances to regulate adult businesses; and**

**WHEREAS, based on the studies presented, the recommendations of the city staff and planning commission and the testimony heard at the public hearing, the City Council desires to protect the health, safety and welfare of its citizens, and preserve the safety and value of surrounding neighborhoods and public spaces;**

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

**That the ordinances regulating adult businesses through the use of licensing and zoning be adopted and approved as presented after two readings as set forth in the City Code.**

**Approved: May 24, 2005**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Council Member Chenault offered for a first reading a motion to amend Section 12-3-40 (c) as follows: For a corporation, partnership, limited liability company or other legal entity, “applicant” shall include the principal, entity manager, operating member of the entity and any managers of the business; however, the name and address of each officer, director or partner shall also be provided.

Vice-Mayor Eagle read Section 12-3-48(f) of the proposed ordinance, which states that the owner or operator shall install, operate and maintain a security camera and video tape system designed by a security specialist, which shall continuously monitor all exterior entrances and parking areas of the establishment. Such cameras shall provide clear imagery of the establishment’s patrons and their vehicles. Tapes or any other recording devices recording activities in the areas under the surveillance shall be preserved for a period of 12 months. “I object to that section because it is different than what is required by other businesses in the City.

It is an invasion of privacy.” A lot of businesses in the City have security cameras, but the business should decide whether to install the cameras, not a City ordinance.

Council Member Pace said that it is important this Council reach consensus by listening and taking into consideration to what is being said by the other Council Members. It should be passed by City Council together. “I have reviewed (f) in Section 12-3-48 and want to point out that (e) in the same section asks the proprietor to use mirrors and/or video systems to provide continuous monitoring of all areas of the establishment. That language should be sufficient.”

Council Member Lantz agreed that (f) in Section 12-3-48 should be eliminated.

Council Member Chenault offered a motion to approve the City’s series of Adult Entertainment ordinances as specified in the agenda with the two proposed amendments for a first reading. The motion also included approving the resolution.

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

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

Mayor Rogers presented a request to consider waiving refuse collection fees for the Salvation Army. The Rockingham County Board of Supervisors has granted a similar waiver at the landfill. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

The next item of business was amending Section 4-2-23 and 4-2-25 of the Harrisonburg City Code. Commissioner of the Revenue June Hosaflook said that these changes would enhance tax relief for the Elderly or Permanently Disabled for real estate taxes. The maximum income for households applying for tax relief would increase to \$25,000 in gross income, increase net worth to \$75,000, increase owner’s relative exclusion to \$5,000, change maximum relief from \$400 to \$500, and change percentages of exemption based on income. Council

Member Chenault offered a motion to approve amending City Code Section 4-2-23 and 4-2-25 for a first reading. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Absent – None

At 11:30 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

REGULAR MEETING

JUNE 14, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Council Member Hugh J. Lantz

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

Mayor Rogers read and presented the following resolution to members of the John Byrd family.

**A RESOLUTION HONORING  
JOHN H. BYRD, JR.**

**WHEREAS, John H. Byrd, Jr. was actively involved in the civic affairs of the Harrisonburg community over the past four decades; and**

**WHEREAS, John H. Byrd, Jr. was appointed to Planning Commission in November of 1965 and elected to office of Vice-Chairman of that body in January of 1969; and**

**WHEREAS, John H. Byrd, Jr. was hired as Building Official of the City of Harrisonburg in 1970, later becoming the Director of Community Development; and**

**WHEREAS, John H. Byrd, Jr. worked for the City until his retirement in 1994; and**

**WHEREAS, John H. Byrd, Jr. served on Harrisonburg City Council from July 1, 1996 to June 30, 2000; and**

**WHEREAS, John H. Byrd, Jr., through his diligence and positive demeanor, served as a model for Planning Commissioners, City staff and Council members both past and present; and**

**WHEREAS, John H. Byrd, Jr. is well remembered and regarded by this City Council; and**

**WHEREAS, this Council wishes to honor John H. Byrd, Jr., and express its sympathies to his family;**

**NOW, THEREFORE, the Council of the City of Harrisonburg, having lost one of its own resolves that:**

**The Council expresses its sadness over his death and acknowledges his great body of work as a Commissioner, City Staff member, Council Member and Citizen and the ever civil and civic manner in which he conducted it, and expresses its deepest sympathies to his family.**

**Resolved this 14<sup>th</sup> day of June, 2005.**

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**Mayor**

**ATTEST:**

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Clerk

Council Member Pace requested that, Item #5c on the consent agenda, be removed and considered as a separate item.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and second reading of an appropriation of funds for the golf course, purchase of real estate, VPSA bond interest, public safety building, Fire and Police Departments and amending Section 4-2-123 & 4-2-25 of the Harrisonburg City Code. The motion also included a rezoning request by Rockingham Fine Arts Association, Virginia Silo Company, Gary Green, Dr. Gregory Johnson, Diversified Properties, Cover Investments, Bob & Fran L.C. & JEM Transportation Terry and Dianne Fertitta, Wetsel Seed Company, and Margaret W. Sheridan. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

Council Member Pace said after consulting with City Attorney Thumma he was requesting that Section 12-3-41(d) of the Harrisonburg City Code be amended to read as follows: **The applicant shall not be issued a permit if the city's investigation or the information furnished in compliance with this Article shows that the applicant ha been convicted of a sex-related crime, has been denied a permit or has had a permit revoked under any statute or ordinance similar in substance to the provisions of this Article.** The key inserted words are sex-related crime. Council Member Pace offered a motion to approve a resolution regulating Adult Businesses and enacting Article C of Chapter 3 of Title 12, enacting additional definitions to Section 10-3-24, 10-3-91(12) and 10-3-91.1. with amending Section 12-3-41(d) of the Harrisonburg City Code for a second reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Chenault

Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request from Ashby LLC (John Sease) for a special use permit to allow zero side yard setbacks at 560 & 590 Neff Avenue. This request was first brought before City Council in May 2000. The special use permit clause within the Zoning Ordinance contains a provision that if the project is not started within 12 months then the special use permit is null and void. The applicant is requesting a special use permit, which allows a reduction in the required side yard setback to zero feet along the lot line of an adjoining lot. The request would connect the current office building located at 560 Neff Avenue to a new office complex at 590 Neff Avenue. An enclosed breezeway would connect the two buildings. This property is zoned B-2 and surrounded by multi-family and commercial classifications. Planning Commission has stated a condition on their approval that the zero side yard setback be limited to the construction of a breezeway. She said that Planning Commission has recommended approval of the request.

At 7:45 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 31, and Monday, June 6, 2005.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, June 14, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

##### **SPECIAL USE PERMIT – 560 NEFF AVENUE**

**Public hearing to consider a request from Ashby LLC, with representative John Sease for a special use permit {per Section 10-3-91(9)} to allow zero property line setbacks for buildings located at 560 and 590 Neff Avenue. These properties can be found on tax map 84-J-2 & 6.**

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

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

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

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request from Dennis and Janice Fitzgerald to modify their existing special use permit to expand their bed and breakfast operation. The property is located at 491 Garbers Church Road. In November 1998 the applicants requested several ordinance amendments that would allow bed and breakfast facilities to operate in the City's residential zoning classification. In December 1998, City Council approved the request allowing seven guest rooms in the main house and one in an outbuilding. She reviewed the surrounding uses in the area. The applicants are now requesting a modification to their existing special use permit. They are proposing to construct two additional cottages for guest occupancy adjacent to the existing cottage. The property has sufficient area for additional parking. Planning Commission recommended that the new buildings be located no closer than 25 feet from any property line. She said that Planning Commission has recommended approval of the request.

At 7:50 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 31, and Monday, June 6, 2005.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, June 14, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

##### **SPECIAL USE PERMIT – 491 GARBERS CHURCH ROAD**

**Public hearing to consider a request from Dennis and Janice Fitzgerald to modify their existing special use permit {per Section 10-3-34(7)} allowing them to expand their bed and breakfast operation. This property is located at 491 Garbers Church Road and can be found on tax map 122-B-1.**

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

**All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the**

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

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

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:51 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the modification and special use permit request as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request from the Harrisonburg Rescue Squad for a special use permit to allow four members to live on premises at 1700 Reservoir Street. The Harrisonburg Rescue Squad property is zoned B-2, General Business District and is surrounded by B-2 classification with the exception of JMU athletic facilities, which has a M-1 zoning classification. In March, City Council granted an ordinance amendment to allow operational facilities of volunteer rescue squad to provide non-transient housing for up to four active members of the organization to reside at the facility for no more than 24 cumulative months. She said that Planning Commission has recommended approval with the following conditions: 1) Appropriate City staff shall inspect the property annually to ensure compliance with zoning and building requirements. This inspection is to take place during full occupancy. 2) At the time of inspection, a list of residents shall be supplied with a record of their time of occupancy at the facility. 3) City staff may revoke this special use permit if the inspection does not take place every 12 months. 4) City staff shall review all complaints against this property, and if warranted, bring violations to the attention of the Planning Commission for further action.

At 7:59 p.m., Mayor Rogers closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 31, and Monday, June 6, 2005.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, June 14, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

**SPECIAL USE PERMIT – 1700 RESERVOIR STREET**

**Public hearing to consider a request from the Harrisonburg Rescue Squad with representative Steve Higgins for a special use permit {per Section 10-3-85(6)} to allow four active members of the organization to live at the rescue squad facility. The property is located at 1700 Reservoir Street and can be found on tax map 84-A-5.**

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

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

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

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

Steve Higgins, president of the Harrisonburg Rescue Squad, thanked City Council for considering the request. There being no others desiring to be heard, the public hearing was declared closed at 8:00 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this special use permit with the conditions as presented. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request from Gary L. Beatty for a special use permit to allow an educational/institutional use at 131 West Grace Street. The subject parcel, known as the Whitesel building, is a two-story brick structure. It is currently zoned M-1, General Industrial District. She reviewed the surrounding uses in the area. The applicant has purchased property to the west and plans to remove the car wash portion of the building to use the area for parking. This renovation will require 47 parking spaces. This is a very good use of an historical building in the City. She said that staff recommended approval with the following conditions: 1) The special use permit shall remain valid for only the period of time that James Madison University occupies the site. Should JMU terminate the lease, the permit shall be null and void. 2) No less than 47 parking spaces shall be provided on, and immediately adjacent to this site. 3) The property owner shall install appropriate lighting for the safety and convenience of the occupants of this facility. Site lighting must be directed down and towards the property to minimize light trespass and glare. 4) Signs shall be placed at the

entrance to all parking areas stating that the parking lots and building are located within the flood zone. She said that Planning Commission also recommended approval of the request.

At 8:01 p.m., Mayor Rogers closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 31, and Monday, June 6, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, June 14, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **SPECIAL USE PERMIT – 131 WEST GRACE STREET**

**Public hearing to consider a request from Gary L. Beatty for a special use permit {per Section 10-3-97(9)} to allow an education/institutional use on property zoned M-1, General Industrial District. This property is located at 131 West Grace Street and can be found on tax map 24-S-10.**

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

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

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

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

Ray Nicely, Director of Planning with Valley Engineering, said parking presented the greatest issue, but a solution has been reached by acquiring the adjacent property. There being no others desiring to be heard, the public hearing was declared closed at 8:02 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve this special use permit with the conditions as presented. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

Planning and Community Development Director Turner introduced a request from John E. Zigler to rezone property located at 1385 Port Republic Road from R-1, Single Family Residential District to R-3C, Multiple Residential District Conditional. The Comprehensive Plan designates this area as Low-Density Mixed Residential. These large undeveloped areas located at the edge of the City are planned for residential development containing a mixture of large and small-lot single-family detached dwelling and attractive green spaces. She reviewed the surrounding uses in the area. She said that the applicant has requested rezoning a large tract of land that straddles the city/county jurisdictional lines along Port Republic Road. The total acreage of the development is 41.67 acres, with 16.51 acres located in the City and 25.16 acres in Rockingham County. However, Rockingham County has tabled a similar rezoning request by the same proposed developer because of water provision concerns. The mixed-use nature of this development will incorporate professional offices along Port Republic Road. The residential portion of the development will be located directly behind the professional offices, with duplex units being immediately adjacent to the office and single-family homes to the rear. The R-3 zoning classification allows a variety of uses. The applicant has offered the following proffers: 1) The distribution and density of single family shall be approximately 20-25 lots, duplex shall be approximately 12 to 16 lots and professional office space shall be 3.5-4 acres, as shown on the Plan (subject to minor variations) . There would be no apartments or townhouses included in the plan. 2) The landowners/developer will donate a strip of real estate up to 20 feet in width parallel with and adjoining the property line of Port Republic Road within the City limits for the proposed highway improvements. 3) Appropriate landscape plantings as a buffer of approximately 15-30 feet to separate the professional office space from the residential lots will be designed and installed. The buffer shall be maintained by the owner of each professional office lot adjoining the buffer. 4) An “island” shown on the plan will be designed and installed in the entrance road near the break between the professional office space and the residential lots for the purpose of “traffic calming” and creating a visual separation between the two areas. 5) The single-family lots will be subject to a restrictive covenant that limits occupancy to not more than two unrelated individuals or families. Additionally, all single-family lots and duplex lots will be subject to a restrictive covenant that the lots be used for the residential use only. 6) The City expects to expand Port Republic Road within two to five years. Owners and developer understand that they are responsible for curb, guttering, sidewalks and deceleration lane. However, should development commerce before the City expands Port Republic Road the City may request the developer to delay installation of the required curb, guttering, sidewalks and deceleration lane until the road expansion is completed. She said that at the Planning Commission public hearing several speakers spoke in opposition to the construction of this development. However, after discussing this request Planning Commission recommended approval by a vote of six to one.

Council Member Pace said, “I attended Rockingham County Planning Commission meeting and learned there is sufficient water available to the residential area except when an emergency occurs. If an emergency occurs the Fire Department will have to tap into the water supply and water in the residential area will go into a low-pressure mode. Would this problem exist with this property?”

Mrs. Turner said the Public Utilities Department reviewed the request and did not express any concern with the development.

At 8:15 p.m., Mayor Rogers closed the regular session temporarily and called the evening's fifth public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 31, and Monday, June 6, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, June 14, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **REZONING – 1385 PORT REPUBLIC ROAD**

**Public hearing to consider a request from John E. Zigler to rezone 16.512 acres from R-1 Residential District to R-3C, Multiple Residential District Conditional. The property is located at 1385 Port Republic Road and can be found on tax map 88-F-12.**

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

**The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges for the R-1 district is 10,000 sq. ft. minimum. The R-3, Multiple Dwelling Residential District is intended for medium to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.**

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

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

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

Mayor Rogers called on anyone desiring to speak for or against this rezoning request. Barbara McKee, a resident of the City, said she was concerned about a domino effect. If this land is rezoned then other land along Port Republic Road Neff Avenue will probably also be rezoned. The Comprehensive Plan calls for this area to be R-1 and it should not be changed.

Burns Earle representing the applicant said that the developer has taken special care in submitting these proffers to take into consideration future development. There being no others desiring to be heard, the public hearing was declared closed at 8:17 p.m., and the regular session reconvened.

Council Member Chenault said that staff and Planning Commission have undertaken an extensive analysis of this proposal. “I appreciate the developer efforts to try to bring a development that they believe will fit in this area as best as possible. I am not willing to concede that this property is not developable as R-1 land. The entire triangle from Stone Spring Road to Neff Avenue to Port Road in the City is R-1 and A-2 in Rockingham County. I don’t see the justification for changing this particular parcel from that zoning classification. I agree that there could be somewhat of a domino affect if this proposal moves forward.” We have over 500 approved non R-1 units in the City under construction or eligible for construction.

Vice-Mayor Eagle said that he liked the plan especially having the professional offices in the front buffered by the green space and duplexes. The staff and developers have put a lot of effort into this project. It is a good workable plan.

Mayor Rogers asked Mrs. Turner how is the overall project effected since Rockingham County tabled the request? Mrs. Turner said the city/county line runs at the rear of a lot of the proposed lots. This plan does not have to be submitted in this exact way. There could be some slight adjustment to lot lines and road alignment.

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

Vote: Yes - Council Member Pace  
Vice-Mayor Eagle

No - Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

The motion failed.

The next item of business was a request to issue General Obligation Bonds in the amount of \$7,250,000 for land acquisition, emergency radio communications and road construction. Ted Cole of Davenport and Company said bids were solicited for the bonds and six responses were received. He said the low bidder was Sun Trust Bank with a fixed interest rate of 3.55% for 20 years. Mr. Cole recommended that City Council move forward with the bid from Sun Trust Bank.

At 8:36 p.m., Mayor Rogers closed the regular session temporarily and called the evening's sixth public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 31, and Monday, June 6, 2005.

**NOTICE OF PUBLIC HEARING ON PROPOSED  
ISSUANCE OF BONDS BY THE CITY OF HARRISONBURG, VIRGINIA**

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia (the "Council") will hold a public hearing on the proposed issuance by the City of Harrisonburg, Virginia (the "City"), without a referendum, of the City's general obligation bonds in a principal amount not to exceed \$7,250,000 (the "Bonds") to finance certain public capital improvement projects. The Bonds may be issued from time to time and in one or more series.

The proceeds of the Bonds will be used to finance (i) the acquisition of a parcel of land consisting of approximately 33.918 acres, known as the Clatterbuck property and the acquisition of a parcel of land consisting of approximately 16.5 acres, known as the Kaslow-Leigh property, (ii) a portion of the costs of the construction of the Stone Spring Road/Erickson Avenue Extension, (iii) the acquisition of equipment for the City's emergency 911 radio communications system and certain costs related thereto, (iv) the costs of issuing the Bonds and (v) capitalized interest on the Bonds during the period of acquiring and developing the public capital improvements projects described above and for up to one year thereafter.

The public hearing, which may be continued or adjourned, will be held at 7:30 p.m. on Tuesday, June 14, 2005, before the Council at a regularly scheduled meeting in the Council Chambers on the first floor of the Municipal Building at 345 South Main Street in Harrisonburg, Virginia 22801. Any person interested in the issuance of the Bonds and the purposes for which the Bonds are being issued may appear at the hearing and present his or her views.

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

Mayor Rogers called on anyone desiring to speak for or against issuing these bonds. There being no one desiring to be heard, the public hearing was declared closed at 8:37 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the resolution authorizing the issuance and sale of general obligation bonds as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Recused – Council Member Pace

Absent – Council Member Lantz

The next item of business was a request for exemption from local taxation for several City businesses. Commissioner of the Revenue June Hosaflook presented an overview of several 501(c)(3) organizations applying for real estate and business personal property tax exemption. The Constitution of Virginia allows for specific local tax exemption. Prior to January 1, 2003, the General Assembly passed bills exempting an organization from local taxation. City Council passed a local ordinance addressing real and personal property exemption in Section 4-2-17 of the Harrisonburg City Code. Non-profit organizations must file a tax-exempt application, which is reviewed in the Commissioner of Revenue office. After the revenue impact is determined, a public hearing is held with City Council determining whether an organization's tax-exemption is awarded or denied. Current applications include Gemeinschaft Home, HOPE Community Builders Inc., Harrisonburg Gift & Thrift Shop, Inc., Harrisonburg/Rockingham Free Clinic, and the Community Association for Rural Transportation (CART). The Gemeinschaft Home provides a substance abuse treatment program and is applying for exemption from real estate tax in the amount of \$1,523. HOPE Community Builders builds housing for low-income residents and is applying for exemption from real estate tax in the amount of \$2,582. The Harrisonburg Gift & Thrift Shop, Inc., sell new and donated goods and is applying for exemption from real estate tax in the amount of \$4,486. The Harrisonburg/Rockingham Free Clinic provides free health care to low income and uninsured residents of Harrisonburg and Rockingham County and is applying for real estate tax exemption in the amount of \$1,575. Community Association for Rural Transportation (CART) providing public and specialized transportation is applying for personal property tax exemption in the amount of \$996.

Council Member Pace questioned whether prior to changing the state law did any or all of these organizations apply for relief through the state?

June Hosaflook said none of these organizations have applied to the state prior to changing the law.

City Attorney Thumma clarified that in the past before the state law was changed these organizations had to appear before City Council requesting the change. After Council had made a determination a resolution was enacted requesting that the General Assembly enact legislation to exempt the organizations.

Council Member Pace said, "It makes sense to me to offer tax relief to those organizations that are meeting social needs in the community as opposed to those organizations that are a special cause."

Mrs. Hosaflook recommended approving local taxation exemption for the Harrisonburg/Rockingham Free Clinic, Geimeinshaft Home, CART (for vehicles) and HOPE Community Builders. She did not recommend approving Harrisonburg Gift & Thrift Shop for local taxation exemption. The total tax dollars is approximately \$10,000.

At 8:50 p.m., Mayor Rogers closed the regular session temporarily and called the evening's seventh public hearing to order. The following notice appeared in the Daily News-Record on Wednesday, June 8, 2005.

**CITY OF HARRISONBURG  
NOTICE OF PUBLIC HEARING**

Please take notice that on June 14, 2005 at 7:30 P.M. in the City Council Chamber, 345 South Main Street, Harrisonburg, Virginia, the Harrisonburg City Council will conduct a public hearing, pursuant to Section 4-2-17 of the Harrisonburg City Code, as amended, concerning a request by the following non-profit corporations, for exemption from local taxation.

**REAL ESTATE TAX -**

**Gemeinschaft Home, a Virginia corporation - Two Parcels of Real Estate  
Tax Map ID No. - 48-A-12, Assessed value - \$128,300.00 and Taxes paid  
for Tax Year 2004-2005 - \$795.46.**

**Tax Map ID No.-48-D-19A, Assessed value - \$117,400.00 and Taxes  
paid for Tax Year 2004-2005 - \$727.88.**

**Harrisonburg Gift & Thrift Shop, Inc., a Virginia corporation - Three  
Parcels of Real Estate Tax Map ID No. - 47-M-2, Assessed value - \$155,700.00 and  
Taxes paid for Tax Year 2004-2005 - \$965.34.**

**Tax Map ID No. - 47-M-3, Assessed value - \$755,600.00 and Taxes paid for  
Tax Year 2004-2005 - \$4,684.72.**

**Tax Map ID No. - 47-M-4, Assessed value - \$107,600.00 and Taxes paid for  
Tax Year 2004-2005 - \$667.12.**

**Hope Community Builders, Inc., a Virginia corporation - Four Parcels of Real  
Estate**

**Tax Map ID No. - 32-Q-1, Assessed value - \$33,400.00 and Taxes paid for  
Tax Year 2004-2005 - \$207.08.**

**Tax Map ID No. - 32-Q-2, Assessed value - \$55,900.00 and Taxes paid for  
Tax Year 2004-2005 - \$346.58.**

**Tax Map ID No. - 32-Q-11, Assessed value - \$102,300.00 and Taxes paid for  
Tax Year 2004-2005 - \$634.26.**

**Tax Map ID No. - 32-Q-7, Assessed value - \$81,500.00 and Taxes paid for  
Tax Year 2004-2005 - \$505.30.**

**Harrisonburg\Rockingham Free Clinic, Inc., a Virginia corporation - One Parcel of  
Real Estate**

**Tax Map ID No. - 26-B-10, Assessed value - \$237,900.00 and Taxes paid for  
Tax Year 2004-2005 - \$1,474.98.**

**PERSONAL PROPERTY TAX -**

**CART, a Virginia corporation - Personal property consisting of vehicles  
Assessed value - \$49,800.00 and Taxes paid for Tax Year 2004 - \$996.00.**

**The Community Foundation of Harrisonburg and Rockingham County, a Virginia  
corporation - Personal property  
Assessed value - \$2,800.00 and Taxes paid for Tax Year 2004- \$56.00.**

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

**Roger D. Baker,  
City Manager**

Mayor Rogers called on anyone desiring to speak for or against these tax exemptions. Wallace Hatcher, said that Gift & Thrift Shop has both retail and warehouse space. Remodeling a former tire factory was a major safety improvement for the area. The thrift part of the business receives donated items and resells the items at very reasonable prices. It provides a shopping place for persons who can't or choose not to pay market prices for their merchandise. Our profits are forwarded to Mennonite Central Committee, a non-profit worldwide relief agency. Another benefit is reducing the volume of materials taken to the landfill. Book Savers receives and processes magazines, which benefits the community by allowing children and adults to purchase good reading material at reasonable prices. The gift part of the business purchases craft items from under privileged countries, which are sold at the gift store. The sales generate sales tax revenue for the City. There being no others desiring to be heard, the public hearing was declared closed at 8:55 p.m.

Following further discussion and comments, Vice-Mayor Eagle offered a motion to approve these businesses for exemption from local taxation. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

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

**RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF HARRISONBURG, VIRGINIA APPROVING THE ISSUANCE  
OF MULTIFAMILY HOUSING REVENUE BONDS TO FINANCE THE  
TWIN HICKORY APARTMENTS PROJECT**

WHEREAS, pursuant to the Virginia Housing Authorities Law, Chapter 1, Title 36, Code of Virginia of 1950, as amended, (the “Act”) the Harrisonburg Redevelopment and Housing Authority (the “Authority”) has approved the issuance of its Multifamily Housing Revenue Bonds (Twin Hickory Apartments Project) Series 2005C (the “Bonds”), the proceeds of which are to be used to make a loan to Twin Hickory Senior Associates, LP, a Virginia limited partnership (the “Borrower”), to finance the acquisition, construction and equipping of a 110-unit apartment development (the “Project”) to be located on an approximately six-acre parcel of land on Hickory Park Drive approximately 0.3 miles south of the intersection of Nuckols Road and Twin Hickory Road in Henrico County, Virginia (the “County”) and to be occupied in part (at least 40%) by persons of low or moderate income in order for the Project to qualify as a “qualified residential rental project” within the meaning of Section 142(d) of the Code (hereinafter defined); and

WHEREAS, the Borrower has requested that the Authority issue its bonds in an amount not to exceed \$8,500,000 and make a loan of the proceeds thereof to the Borrower for the purpose of financing the Project; and

WHEREAS, with respect to such proposed plan of financing, the Authority has caused a notice of public hearing to be published in a newspaper of general circulation in the City of Harrisonburg, Virginia (the “City”) and has, on May 25, 2005 held a public hearing, all in accordance with the provisions of §147(f)(2) of the Internal Revenue Code of 1986, as amended, and the regulations, rulings and proclamations promulgated or proposed thereunder (collectively, the “Code”) and other applicable laws of the Commonwealth of Virginia (the “Commonwealth”); and

WHEREAS, the Authority has recommended that the City Council of the City (the “City Council”) approve the issuance of the Bonds to comply with Section 147(f)(2) of the Code and Section 36-19.2 of the Act; and

WHEREAS, copies of the Authority’s May 25, 2005 Resolutions recommending such approval by the City Council and approving the issuance of the Bonds, subject to terms agreed upon, a record of the public hearing and a “fiscal impact statement” with respect to the Project have been filed with the City Council; and

WHEREAS, the Bonds shall not constitute a debt or a pledge of the faith and credit of the Commonwealth, or any political subdivision thereof, including but not limited to, the City, the Authority or the County, but shall be paid solely from the revenues of the Project.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA: 1.**The City Council approves the issuance of the Bonds by the Authority for the benefit of the Borrower to the extent required by Section 147(f)(2) of

the Code and Section 36-19.2 of the Act to permit the Authority to assist in the financing of the Project.

2. The approval of the issuance of the Bonds, as required by Section 147(f)(2) of the Code and Section 36-19.2 of the Act does not constitute an endorsement of the Bonds or the creditworthiness of the Borrower, but, as required by Section 36-29 of the Act, the Bonds (and such Bonds shall so state on their face) shall not be debt of the City, the County, the Commonwealth or any political subdivision thereof (other than the Authority) and neither the City, the County nor the Commonwealth or any political subdivision thereof (other than the Authority) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the Authority specifically pledged thereto. The Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

3. The City Manager, the Mayor and the Vice-Mayor are each authorized to take such other actions and to execute such documents as are necessary to achieve the purposes set forth in this Resolution.

4. This Resolution shall take effect immediately upon its adoption

**READ AND ADOPTED: June 14, 2005**

**CERTIFICATE**

A record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon the reading of a resolution titled “RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS TO FINANCE THE TWIN HICKORY APARTMENTS PROJECT” taken at a regular meeting of the City Council held on June 14, 2005:

	AYE	NAY	ABSTAIN	ABSENT
Larry M. Rogers, Mayor	X			
Rodney L. Eagle, Vice Mayor	X			
Charles R. Chenault	X			
Hugh J. Lantz				X
George W. Pace	X			

**Dated: June 14, 2005**

By: \_\_\_\_\_  
**Mayor or Vice Mayor,  
 City of Harrisonburg, Virginia**

(SEAL)  
 ATTEST: \_\_\_\_\_

Clerk, City Council of the City of  
Harrisonburg, Virginia

**CERTIFICATE**

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the “City Council”) hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on June 14, 2005, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Harrisonburg, Virginia this 14 day of June, 2005.

Clerk, City Council of the City of Harrisonburg, Virginia

Harrisonburg Redevelopment and Housing Authority Director Michael Wong explained that this financing would be through the Redevelopment and Housing Authority authorizing the sale of revenue bonds for a project in Henrico County. The bonds will not be a debt or obligation of the City. Council Member Chenault offered a motion to approve this resolution. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

City Manager Baker presented the following resolution for Council’s consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF CITY OF HARRISONBURG,  
VIRGINIA APPROVING THE ISSUANCE OF A REVENUE BOND TO BE ISSUED BY  
THE  
INDUSTRIAL DEVELOPMENT AUTHORITY OF TOWN OF BROADWAY,  
VIRGINIA, FOR THE BENEFIT OF PLEASANT VIEW, INC.**

WHEREAS, the Industrial Development Authority of Town of Broadway, Virginia (the “Authority”) has considered the financing request of Pleasant View, Inc. (the “Corporation”) for the issuance of the Authority’s revenue bond in the aggregate principal amount of \$250,000 (the “Bond”) to assist the Corporation in financing the remaining portion of the total costs to: (i) acquire, construct and equip an approximately 16,000 square foot new facility to be located at 151 Commerce Drive, City of Harrisonburg, Virginia 22802, to assist the Corporation to carry out its charitable mission in the

community more effectively and efficiently for the provision of programs at such facility for persons who have disabilities, including the Harrisonburg Adult Developmental Day Program, the Community Connections Program, and the Supported Employment Program, and, further, for the provision of new administrative offices for the Corporation in connection with its general operations, and (ii) pay issuance costs associated with such financing (collectively, the “Project”);

WHEREAS the Authority issues its bonds on behalf of the Town of Broadway, Virginia (the “Town”);

WHEREAS the City Council of the City of Harrisonburg, Virginia (the “City Council”) constitutes the highest elected governmental unit of the City;

WHEREAS the Authority duly held a public hearing on July 6, 2004, on the issuance of up to \$1,750,000 revenue bonds by the Authority, upon due notice of publication therefore, and, further, provided to the City Council copies of the Fiscal Impact Statement, the Certificate of Publication of Public Notice, and a Summary of Statements in connection therewith;

WHEREAS, previously, the Authority issued its \$1,500,000 Industrial Development Authority of Town of Broadway, Virginia Revenue Bond (Pleasant View, Inc.), Series 2004 (“Bank-Qualified”);

WHEREAS, a copy of the authorizing resolution duly adopted by the Authority on June 7, 2005, in connection with the issuance of the \$250,000 Industrial Development Authority of Town of Broadway, Virginia Revenue Bond (Pleasant View, Inc.), Series 2005 (“Bank-Qualified) to be issued by the Authority for the benefit of the Corporation in June, 2005, to complete the Project has now been filed with the City Council, all as required by law (the “Authority Resolution”); and

WHEREAS, the Authority has recommended to the City Council in its Authority Resolution to approve the Project and the Bond, as required by Section 15.2-4905 of the Code of Virginia, 1950, as amended.

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

1. The City Council concurs with the Authority Resolution and approves the Project and the issuance of the Bond by the Authority for the benefit of the Corporation to complete the Project, all as more particularly described in the Authority Resolution.

2. The approval of the issuance of the Bond does not constitute an endorsement to prospective purchasers of the Bond or the creditworthiness of the Project or the Corporation.

3. The Bond shall provide that it shall not be deemed to constitute a debt or pledge of the faith and credit or taxing power of the Commonwealth of Virginia, or any

political subdivision thereof, including the Authority, the Town, and the City, and neither the Authority nor any other political subdivision shall be obligated to pay the principal of, premium, if any, or interest on the Bond or other costs incident thereto, except from the revenues and monies pledged therefor, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, or any political subdivision thereof, including the Authority, the Town and the City, shall be pledged for the payment of principal or premium, if any, or interest on the Bond or other costs incident thereto.

This Resolution will take effect immediately upon its adoption.

Adopted: June 14, 2005

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Mayor, City of Harrisonburg, Virginia

**CERTIFICATE**

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia, hereby certifies that the foregoing constitutes a true and correct copy of a Resolution duly adopted by the City Council at its regular meeting duly held and called on June 14, 2005. A record of the roll-call vote by the City Council is as follows:

NAME	AYE	NAY	ABSTAIN	ABSENT
Larry M. Rogers, Mayor	X			
Rodney L. Eagle, Vice-Mayor	X			
Hugh J. Lantz				X
George W. Pace	X			
Charles R. Chenault	X			

Date: June 14, 2005

[SEAL]

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City Clerk, City of Harrisonburg, Virginia

City Attorney Thumma said that Pleasant View was a tax-exempt organization and has the opportunity to take advantage of low interest financing. The offices are located in Broadway, which allows them to go to their IDA to ask for the bank-qualified eligibility. The Town of Broadway has approved these bonds and held a public hearing. Because the facility will be located in Harrisonburg, approval by Harrisonburg City Council is required by Virginia law, and will have no impact on the City “bank-qualified” eligibility.

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

Vote: Yes - Council Member Pace  
 Council Member Chenault

Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Lantz

The next item of business was distribution of Dog and Cat Sterilization Funds received from the Department of Motor Vehicles. Council Member Chenault offered a motion to distribute the funds (\$838.03) between the SPCA and Cats Cradle. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

The next item of business was a brief overview of the Denton Park. Matt Roberston, chairman of the Harrisonburg Landscape Committee for Denton Park said a landscape committee was formed in 2002 to address landscape issues throughout the City. He said that ground should be broken during the summer this year for the Denton Park and the project should be completed in 30-60 days. He reviewed the location of the park on Main Street, conceptual diagram and updated funds being raised for the park.

The next item of business was a request from the City Treasurer to advertise delinquent real estate taxes for 2002/2003 and 2003/2004. The ads will be advertised in the Daily News-Record. Council Member Chenault offered a motion to approve this request. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council Members present.

The next item of business was a request from the City Treasurer to charge off uncollectible personal property taxes for the year 1999 and real estate taxes for the year 1984. Mrs. Becky Neal said the 1984 real estate taxes being written off is \$193.68 and the 1999 personal property taxes' amount is \$91,467.92. Council Member Pace offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council Members present.

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, RELATING TO THE ADOPTION AND APPROVAL OF  
CRITERIA FOR THE INSTALLATION OF SIGNS DISPLAYING  
THE MAXIMUM SPEED LIMIT AND PENALTY FOR VIOLATIONS  
PURSUANT TO SECTION 46.2-878.2 OF THE CODE OF VIRGINIA**

**WHEREAS, the City of Harrisonburg, through its staff has developed criteria for the imposition of increased fines for speeding on residential streets in the city; and**

**WHEREAS, Section 46.2-878.2 of the Code of Virginia, 1950, as amended, requires the local governing body having jurisdiction over the streets to develop and adopt criteria for the installation of signs, displaying the maximum speed limit and the increased penalty for violations in those areas; and**

**WHEREAS, the City Council wishes to adopt the criteria for an increased penalty for speeding violations in problem areas of the City;**

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

**That the criteria as set forth on Exhibit A, which is attached hereto and made a part of this resolution, be approved and adopted by the City Council, for the imposition of increased penalties for exceeding the maximum speed limits in those areas of the City displaying appropriately placed signs.**

**Approved: June 14, 2005**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, DESIGNATING CERTAIN PORTIONS OF SOUTH DOGWOOD DRIVE  
AND MARYLAND AVENUE IN THE CITY OF HARRISONBURG  
FOR THE INSTALLATION OF SIGNS DISPLAYING  
THE MAXIMUM SPEED LIMIT AND PENALTY FOR VIOLATIONS  
PURSUANT TO SECTION 46.2-878.2 OF THE CODE OF VIRGINIA**

**WHEREAS, citizens of the Maryland Avenue neighborhood requested a speed study for Maryland Avenue and Dogwood Drive in the City of Harrisonburg; and**

**WHEREAS, said speed study was conducted and it was determined that certain portions of Maryland Avenue and Dogwood Drive meet the City's criteria for an increased penalty for speeding violations; and**

**WHEREAS, the City Council wishes to designate those areas for an increase penalty for speeding violations and direct the Public Works department to erect the appropriate signs on those portions of Maryland Avenue and Dogwood Drive;**

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

**That Maryland Avenue from Dogwood Drive to South High Street and South Dogwood Drive from West Market Street to Maryland Avenue meet the criteria as adopted by the City Council for the imposition of increased penalties for exceeding the maximum speed limits in those areas of the City displaying appropriately placed signs, and those portions of Maryland Avenue and South Dogwood Drive, as described above, are hereby designated, pursuant to Section 46.2-878.2 of the Code of Virginia, 1950, as amended, for the increased penalty for speeding violations and the Public Works Department shall erect the appropriate signs showing said designated areas.**

**Approved: June 14, 2005**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Council Member Pace offered a motion to approve the resolution increasing the fine for speeding on certain portions of South Dogwood and Maryland Avenue. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

The next item of business was a request for a street closing for Valley 4<sup>th</sup>. Robin Iten Porter, Executive Director of the Arts Council, said that a parade and musical performance as part of the Valley 4<sup>th</sup> event will be held on Monday, July 4<sup>th</sup>. The request is also for the additional street closing in the Court Square area for the evening performances and finale. The area to be closed for the parade, which will begin at 5:00 p.m., will be from Campbell Street to the county administration building. Closing will take place no later than 3:00 p.m. to accommodate the 5:00 p.m. parade. Council Member Pace offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

The next item of business was a request from the Harrisonburg/Rockingham Convention & Visitors Bureau. City Manager Baker said the CVB is hosting the Great American Car Race on June 25<sup>th</sup> and is requesting to close streets from Gratten Street to Elizabeth Street, but leave Bruce Street and Water Street open allowing people to use the parking decks. Council Member Chenault offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

Parks and Recreation Assistant Director David Wigginton presented a request to transfer funds for the Parks and Recreation Department for “A Dream Come True” playground equipment. He said that these funds will be used for the project. Council Member Chenault offered a motion to approve transferring these funds, and that:

\$48,600.00 chge. to: 1310-34210 Transfer from General Fund

\$48,600.00 approp. to: 1310-910141-48699 Playground Equipment

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

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

Absent – Council Member Lantz

Parks and Recreation Assistant Director David Wigginton presented a request for a supplemental appropriation for the Parks and Recreation Department. He said that these funds will be use for playground equipment for the “A Dream Come True” playground. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$40,369.36 chge. to: 1000-31010 Amount from fund balance  
309.80 chge. to: 1000-31809 Donations

\$40,679.16 approp. to: 1000-990111-49216 Transfer to Capital Projects

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

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

Absent – Council Member Lantz

City Manager Baker presented a request to make adjustments to the Emergency Communication Center budget and General Fund budget. This transfer of budgeted funds will cover shortfalls in the General Fund’s police and fire departmental budgets, since expenditures have continued from those departments rather than a consolidated ECC. Council Member Pace offered a motion to approve transferring these funds, and that:

\$165,989.00 chge. to: 1000-31207 E-911 Tax

46,329.00 chge. to: 1000-31221 E-911 Tax-Wireless Phones  
256,078.00 chge. to: 1000-31805 EOC Payments from Rockingham County  
302,604.00 chge. to: 1000-990111-48218 Transfer from ECC Fund

\$771,000.00 approp. to: 1000 Various Accounts

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

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

Absent – Council Member Lantz

City Treasurer Neal presented a request for a supplemental appropriation for the Treasurer’s office. She explained that due to the addition of a full time “part-time” person to cover during the vacancy of a full time employee due to illness a shortage resulted in payroll. Also, an encoder necessary for submitting qualified deposits to the bank had to be replaced immediately. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$7,200.00 chge. to: 1000-31010 Amount from fund balance

\$7,200.00 approp. to: 121313-410303 PT Salary/wages

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

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

Absent – Council Member Lantz

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He said these are recovered funds spent for various projects during the year. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$7,700.19 chge. to: 1000-31914 Recovered costs

\$7,700.19 approp. to: 1000-320232-46140 Other Operating Supplies

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

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

Absent – Council Member Lantz

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He said these are recovered funds through a FEMA grant for fire prevention supplies. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$23,463.00 chge. to: 1000-33536 FEMA Assistance to Firefighters Grant  
8,854.00 chge. to: 1000-33536 FEMA Assistance to Firefighters Grant

\$32,317.00 approp. to: 1000-320232-48203 Fire Programs Fund

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

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

Absent – Council Member Lantz

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He said these are recovered Homeland Security funds. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$142,671.58 chge. to: 1000-33534 Homeland Security Funds  
2,000.00 chge. to: 1000-33534 Homeland Security Funds

\$142,671.58 approp. to: 1000-350532-48213 DOG/DEM 10 Equipment  
2,000.00 approp. to: 1000-350532-48213 DOG/DEM 11 Equipment

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

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

Mayor Rogers

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation to adjust the budget for fiscal year 2004-2005. He said that the Juvenile Crime Control fund will receive a Juvenile Accountability Grant through the Department of criminal justice. This grant requires a local match of \$1,147 of which the City needs to fund one-half and the court needs to fund the other half. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$573.50 chge. to: 1000-31010 Amount from fund balance

\$573.50 approp. to: 1000-990111-4930 Transfer to Juvenile Crime Control Fund

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

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

Absent – Council Member Lantz

City Manager Baker presented a request for a supplemental appropriation to adjust to fund anticipated budget deficits at the year-end. He said these funds will be used for a deficit in the City's Attorney's budget and expenses of the Social Services District. Also, there are debt payments on the Edge Loan and Radio equipment that was not included in the original budget. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$90,405.00 chge. to: 1000-31010 Amount from fund balance

\$20,000.00 approp. to: 1000-120411-43152 Other legal services

2,660.00 approp. to: 1000-910511-47071 Expenses of social services district

245.00 approp. to: 1000-910711-45810 Dues and memberships

65,000.00 approp. to: 1000-980142-49500 Lease/purchase radio equipment

2,500.00 approp. to: 1000-980142-49501 HRHA note (Edge Loan)

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

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

Absent – Council Member Lantz

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from a DMV grant for overtime. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$839.32 chge. to: 1000-33524 Federal DMV grant

\$839.32 approp. to: 1000-310231-41020 Salaries/wages overtime

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

Vote: Yes - Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers  
Absent – Council Member Lantz

Council Member Chenault offered a motion to provide an additional \$5,000 for the Valley 4<sup>th</sup> fireworks display and that:

\$5,000.00 chge. to: 1000-31010 Amount from fund balance

\$5,000.00 approp. to: 1000-91041-45885 Arts Council of the Valley

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

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

Absent – Council Member Lantz

Council Member Chenault requested that City Manager Baker consult with the Community Development Department regarding a house on West Market Street that has approximately 15 cars sitting in the yard.

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. He explained that each year Council is asked to amend this ordinance to adopt the state motor vehicle laws. Council Member Chenault offered a motion to approve this ordinance for a first reading. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

At 9:50 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees, Harrisonburg Parking Authority, and Industrial Development Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition or real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

At 10:39 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Chenault offered a motion that Jimmy E. Garber, 406 West Avenue, be appointed to an unexpired term on the Industrial Development Authority, to expire on April 24, 2008. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council Members present.

At 10:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

## REGULAR MEETING

JUNE 28, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: City Attorney Earl Q. Thumma, Jr.

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

Leonard Van Wyk, a resident of the City, announced that a bicycle ride in downtown Harrisonburg will occur on Saturday, July 30 at 4:00 p.m. This will be a family-friendly ride primarily for the participants of the Shenandoah Valley Bicycle Festival (SVBF) and their families.

Council Member Chenault requested that, Item #5n on the consent agenda, be removed and considered as a separate item.

Council Member Pace requested that, Item #5m on the consent agenda, be removed and considered as a separate item because he had voted against the request by Alan E. Strawderman & Be Tran to rezone three parcels at 301 Port Republic Road for a first reading. After further discussion and comments, Council Member Pace withdrew his request regarding Item #5.

Council Member Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Treasurer's office, Fire Department, Police Department, Parks and Recreation Department, Dog and Cat Sterilization Funds, Arts Council, adjust the budget for fiscal year 2004-2005, and increase the budget to fund anticipated budget deficits at the year end. The motion also included the second reading of an additional \$5,000 in funds for the Arts Council Valley 4th, a rezoning request by Alan E. Strawderman & Be Tran and amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Mayor Rogers

Absent – None

Council Member Chenault said at the June 14<sup>th</sup> City Council meeting several City businesses were approved for exemption from local taxation. He suggested that the exemptions should be approved for a period of one year because Council needs to develop some criteria for applicants to comply with in order to be granted an exemption. “We have absolutely no criteria at all to evaluate these requests, and we need to take some time in the coming months to do that.” We adopted the 2005-2006 budget and then granted exemptions from local taxation totaling \$20,000. “It seems to me that this is not prudent financial planning.” He suggested that Council develop an application process with a deadline to apply for tax exemption.

Council Member Chenault offered a motion to approve five businesses (Geimeinschaft Home, Harrisonburg Gift & Thrift Shop, Hope Community Builders, Harrisonburg/Rockingham County Free Clinic) for exemption of real estate tax and CART for personal property tax exemption for one year. The motion also included immediately beginning a process of formulating and evaluating a tax exemption ordinance. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Abstained - Council Member Lantz

Absent – None

Council Member Chenault suggested that a committee consisting of Finance Director Lester Seal, Commissioner of Revenue June Hosaflook, and Treasurer Becky Neal review state laws regarding tax exemption, research other localities’ ordinances, and determine whether potential local charities are eligible for this exemption and present a report to City Council in the near future.

Assistant Economic Developer Director Jim Barnes presented for Council’s consideration an application for a proposed Enterprise Zone located in downtown Harrisonburg. He said during the last month the Department of Economic Development has been working on an application to the Commonwealth of Virginia for an Enterprise Zone. At present, there are six available slots for Enterprise Zones that the Commonwealth can grant. This is due to the expiration of the 20-year maximum life of six existing zones within Virginia communities. The Enterprise Zone will provide the City of Harrisonburg another opportunity to help generate private investment within the downtown area. It is a goal of the Department of Economic Development to create a variety of opportunities that entice, attract, and encourage local developers to invest in Harrisonburg and rehabilitate deteriorated buildings, vacant lots, and vacant factories. This opportunity will also attract outside investors to invest in our city. The Enterprise Zone fits very well with the goals the City has established for revitalizing the downtown area. The key is new investment. It is an opportunity that fits very well within our philosophy. The Enterprise Zone creates and stimulates economic growth. An enterprise zone is a distinct geographical area that is granted by the Governor for a period of 10 years with the

option of two five-year renewals. It is also required that the City have a zone administrator. Dr. Barnes recommended that the City Manager or his designee have that responsibility.

Virginia's new Enterprise Zone program has two grant incentives, which replaces the tax credits offered previously. These grants are for job creation and real property investment. A job creation grant is based on the total amount of salaries being paid, which is extremely important for small businesses. The second grant is a real property investment grant, which is an important incentive for local property owners who have been reluctant to rehabilitate their properties. He reviewed the zone area, which starts at the corner of Franklin Street and Mason Street and goes north to Gay Street, then turning left toward the point where Liberty Street and North Main come together; continue south on Liberty Street and then connecting back to Franklin Street. This Enterprise Zone proposal complements existing initiatives to rehabilitate vacant property. There is also a provision that allows the City to submit a request to expand the zone annually. There are a variety of incentives; however he noted there will be a 50% reduction on property taxes for machinery and equipment for year one and 25% reduction in year two after certification. The three year BPOL exemption, an exemption from water and sewer connection fees, and the partial exemption for renovation and rehabilitation ordinance remains the same. He said that a Technology Assistance incentive has been added to assess technology needs and provide technology assistance to companies locating in the zone. A Business Assistance incentive has been added to conduct a variety of seminars and workshops to help property owners improve their productivity. We are a prime location to take advantage of dislocated defense contractors as a result of BRAC (base realignment by the federal government). The final incentive is customized training and education through James Madison University and Blue Ridge Community College.

At 8:06 p.m., Mayor Rogers closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 13, and Monday, June 20, 2005.

**Harrisonburg Enterprise Zone Application Public Hearing  
City Council Meeting  
June 28, 2005**

**The Harrisonburg City Council will hold a public hearing on Tuesday, June 28, 2005 at 7:30 p.m., in the Municipal Building, City Council, 345 South Main Street, to consider the following:**

**Virginia Enterprise Zone**

**The Virginia Enterprise Zone program was established by the General Assembly in 1982 through passage of the Virginia Enterprise Zone Act (§59.1-270 through §59.1-284 of the Code of Virginia). The purpose of the program is to stimulate business and industrial growth in such areas, which would result in neighborhood, commercial and economic revitalization of such areas of the Commonwealth by means of regulatory flexibility and grants. An enterprise zone is a distinct geographical area of a county, city or town that is designated by the Governor for a period of 10 years with two five-year-renewals. The**

Virginia Department of Housing and Community Development (DHCD), Office of Community Revitalization and Development administers the program guided by the Virginia Enterprise Zone Program Regulations. The regulations specify criteria and procedures for enterprise zone administration, designation and amendment, and defining the qualification criteria for participating businesses. Each designated enterprise zone has a Local Zone Administrator who is responsible for overseeing the local program and assisting businesses in obtaining state and local incentives. Fifty-seven zones are currently designated.

### New Program Incentives

The new program has two grant incentives; the new Enterprise Zone Program does not offer tax credits. These grants are for job creation and real property investment. Qualification will be based on a calendar year for both incentives. To find out how the new program compares to the existing program.

The JOB CREATION GRANTS are similar to the existing job grant incentive and are based on permanent full time job creation. Under the new program, the amount of the grant will be based on the wages paid for those positions rather than on zone residency.

The REAL PROPERTY INVESTMENT GRANT is identical in many ways to the existing Real Property Improvement Tax Credit, except that the incentive is offered as grant rather than a refundable tax credit. Some important differences are that there is no longer an occupancy requirement for the entity seeking the grant and the maximum grant award is based on the level of investment.

In addition, those businesses with real property investments placed in service during calendar year 2004, that were not able to submit a tax credit request under the existing program due to the timing of their tax year, may apply for a real property investment grant in 2006.

The new Enterprise Zone Grant Program becomes effective July 1, 2005 and will be available beginning with calendar year 2005. We anticipate that submittal deadlines will be similar to those used under the existing program. Thus, qualification requests for job creation and/or real property investment that occurred in calendar year 2005 will be accepted and processed in 2006.

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

CITY OF HARRISONBURG  
Roger D. Baker  
City Manager

Mayor Rogers called on anyone desiring to speak for or against this proposed Enterprise Zone. There being no one desiring to be heard, the public hearing was declared closed at 8:07 p.m., and the regular session reconvened. Council Member Pace offered a motion to approve the following resolution as presented.

### **Enterprise Zone Resolution**

**WHEREAS, the City of Harrisonburg is committed to revitalization and attracting new development and business to the City;**

**WHEREAS, the City of Harrisonburg has supported key revitalization efforts, such as Harrisonburg Downtown renaissance, Virginia Main Street, Preserve America, National and Virginia Historic designations, the Arts and Cultural District, the Harrisonburg Technology Park, and the Harrisonburg Downtown Technology Zone;**

**WHEREAS, the City of Harrisonburg seeks to provide creative incentives and funding vehicles to attract and make developers and financial institutions feel safe about investing in revitalization projects;**

**WHEREAS, the goals of the Enterprise Zone provide a greater opportunity for participation in revitalizing the central downtown business district, and support for the economic vitality of the City; and**

**WHEREAS, this initiative is compatible with our City's interests and goals related to revitalization; and**

**WHEREAS, designation as an Enterprise Zone will improve our community's ability to protect and promote its downtown revitalization; now therefore be it**

**RESOLVED, that the City Council of the City of Harrisonburg will apply for the designation of Harrisonburg as a Enterprise Zone; and be it further**

**RESOLVED, that City Council of the City of Harrisonburg will protect and celebrate our assets for economic development and community revitalization, and encourage public-private partnerships and private development.**

**Dated: June 28, 2005**

\_\_\_\_\_  
**Mayor**

**Attest:**

\_\_\_\_\_  
**Clerk of City Council**

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

Vote: Yes – Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Mayor Rogers

Absent – None

Council Member Pace offered a motion to approve the criteria for the type of incentives available with the caveat that if there are more requests for funds than there are funds available that the prioritization of who receives those funds would come to the City Council. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request for a preliminary subdivision plat approval of Heritage Estates Section 3. This request is for a variance to the subdivision requirement that all lots front on a public street. These lots would be included in the previously platted Heritage Estates development. The Comprehensive Plan designates this area as Low-Density Mixed Residential. She reviewed the surrounding uses in the area. The original subdivision consists of 32 single-family home lots on private streets. The applicant is requesting to preliminarily plat nine additional lots to the Heritage Estates subdivision. A tenth lot is also planned; however, this lot could contain amenities such as a swimming pool, a pool house, tennis courts and/or garden areas. There are two ways in and out of the new section of the development and there are two access points onto Garbers Church Road. She said that Planning Commission recommended approval of the request. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Mayor Rogers

Absent – None

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance provided an update on the progress and accomplishments of HDR. He said that the City's last Streetscape Plan Comprehensive Plan was implemented 30 years ago. An Advisory Committee was established and Frazier and Associates was hired for the development of a Revitalization and Streetscape Plan. A streetscape covers a number of issues including banners, sidewalks, directional signage, kiosk, street furniture, lighting, plant life, gateways, economic development, and parking. It is hoped to implement at least one portion of the plan before the Virginia 2007 observation. He reviewed the characteristics of the unique downtown area. Frazier and Associates have suggested a number of improvements including brick sidewalks, benches, trash containers, planters, crosswalks promoting pedestrian traffic, switching parking spaces around Court Square, and providing a staging area for community events in the Court Square area. There will also be four gateways into the downtown area to encourage pedestrian use.

Council Member Pace commented that he was delighted with the suggestion to eliminate on-street parking meters.

Mr. Bumbaugh said extremely positive feedback has been received on the downtown banners. The Baltimore Company who made the banners has chosen Harrisonburg's banners to have on display across the country. The Economic Development Committee presented small business owners with the opportunity to apply for a grant to improve the facade of their building or improve their storefront. The Downtown Advisory Committee has been meeting for a year and has many recommendations. The Court Days Festival was held June 11<sup>th</sup> and plans are to hold the event again next year, but one week earlier because of area high school graduation. Attendance has increased at "Friday on the Square" events. Mr. Bumbaugh recognized the Police Department, Fire Department, Public Works Department, Parks and Recreation Department, and Community Development for assisting and helping with the many activities being held downtown. A successful fundraising event was held at Dave's Taverna on May 14<sup>th</sup>. He also said Harrisonburg will be hosting the quarterly workshop for "Virginia Main Street" September 28<sup>th</sup> and 29<sup>th</sup>.

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

**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY OF ITS SCHOOL FINANCING BONDS (1997 RESOLUTION) REFUNDING SERIES 2003 D, A PORTION OF THE PROCEEDS OF WHICH REFUNDED THE CITY OF HARRISONBURG GENERAL OBLIGATION SCHOOL BONDS, SERIES 1992B AND REFUNDING SERIES 1994A; AND AUTHORIZING ANY OTHER ACTIONS NECESSARY TO ACHIEVE THE OBJECTIVES CONTEMPLATED HEREBY**

**WHEREAS, the Virginia Public School Authority (the "Authority") pursuant to (i) a bond resolution adopted on August 13, 1987, as amended and supplemented (the "1987 Resolution"); (ii) a bond resolution adopted on June 26, 1991, as amended, restated and supplemented (the "1991 Resolution"); and (iii) a bond resolution adopted on October 23,**

**1997, as amended, restated and supplemented (the “1997 Resolution”) issued bonds (respectively, the “1987 Resolution Bonds”, the “1991 Resolution Bonds” and the “1997 Resolution Bonds”) for the purpose of purchasing general obligation school bonds of certain cities and counties within the Commonwealth of Virginia;**

**WHEREAS, the Authority used a portion of the proceeds of certain 1987 Resolution Bonds to purchase certain duly authorized and issued general obligation school bonds of the City of Harrisonburg, Virginia (the “City”) designated the City of Harrisonburg General Obligation School Bonds, Series 1987 and 1992 Series A (“Prior Local School Bonds”);**

**WHEREAS, the Authority has issued under the 1987 Resolution several series of 1987 Resolution Bonds designated as “School Financing Bonds (1987 Resolution) 1991 Refunding Series C (the “Series 1991 C Bonds”), “School Financing Bonds (1987 Resolution) 1992 Series B” (the “Series 1992 B Bonds”) and “School Financing Bonds (1987 Resolution) 1993 Refunding Series B” (the “Series 1993 B Bonds”);**

**WHEREAS, the Authority refunded certain 1987 Resolution Bonds with a portion of the proceeds of its Series 1991 C Bonds and Series 1993 B Bonds and, in connection therewith, the City exchanged its Prior Local School Bonds with a duly authorized and issued general obligation school bond designated the City of Harrisonburg General Obligation School Bond, Refunding Series 1994 A (the “1994 A Local School Bond”);**

**WHEREAS, the Authority used a portion of the proceeds of the Series 1992 B Bonds to purchase certain duly authorized and issued general obligation school bonds of the City designated the City of Harrisonburg General Obligation School Bonds, Series 1992B (together with the 1994 A Local School Bond, the “Local School Bonds”);**

**WHEREAS, the Authority refunded its Series 1991 C Bonds, Series 1992 B Bonds and Series 1993 B Bonds (“Refunded Bonds”) with a portion of the proceeds of its Virginia Public School Authority School Financing Bonds (1997 Resolution) Refunding Series 2003 D (the “Refunding Bonds”) issued pursuant to the 1997 Resolution;**

**WHEREAS, the Authority in refunding the Refunded Bonds has pledged the Local School Bonds for the benefit of the holders of bonds issued under its 1997 Resolution;**

**WHEREAS, the Authority is required to assist the underwriters (the “Underwriters”) of the Refunding Bonds with their duty to comply with Securities and Exchange Commission (“SEC”) Rule 15c2-12 (the “Rule”);**

**WHEREAS, the Authority has requested the City to execute a Continuing Disclosure Agreement in order for the Authority to assist the Underwriters in complying with the Rule, and;**

**WHEREAS, the City Council of the City of Harrisonburg, Virginia considers it to be advisable for the City to fulfill the request of the Authority to execute a Continuing Disclosure Agreement;**

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

**1. Continuing Disclosure Agreement.**

The Mayor, the City Manager and such officer or officers as they may designate are hereby authorized to enter into a Continuing Disclosure Agreement in the form attached as Appendix A hereto, containing such covenants as may be necessary in order for compliance with the provisions of the Rule, and any other documents the Authority deems necessary to comply with the SEC rules and any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

**2. Use of Proceeds Certificate.**

The Mayor, the City Manager and such officer or officers as they may designate are hereby authorized to enter into a Use of Proceeds Certificate in the form attached as Appendix B hereto, containing such covenants as may be necessary in order for compliance with any Internal Revenue Service rules and regulations regarding maintaining the tax-exempt status of the bonds.

**3. Further Actions.**

The members of the City 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 execution and delivery of the Continuing Disclosure Agreement and maintaining the tax-exempt status of the bonds, and any such action previously taken is hereby ratified and confirmed.

**4. Effective Date.**

This resolution shall take effect immediately.

\* \* \* \*

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the City Council held on June 28, 2005 and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was duly held and complied with all requirements of law.

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

City Manager Baker said adopting this resolution allows the process to proceed with refunding bonds issued for the City. Passage of this resolution is necessary in order for the City to receive this refund. The funds must be used for school capital projects. Council Member

Lantz offered a motion to approve this resolution. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Mayor Rogers

Absent – None

The next item was a request to designate the “Success by Six Coalition” of the Shenandoah Valley as the local council addressing early childhood development issues. Besty Hay, Executive Director of the United Way, explained that the group is applying for 2005 Early Learning Opportunities Act (ELOA) discretionary grant funds. She said through the success of an ELOA 2002 grant a Reading Road Show better know as “Gus the Bus” was established. The Reading Road Show has taken literacy experiences “on the road” to reach young children throughout Harrisonburg and Rockingham County and touches approximately 1,000 children every week as “Gus the Bus” makes its rounds. She also said this plan is expanding into Page County by adding a second bus and an ESL consultant to the Reading Road Show. She requested that City Council designate the United Way Success by Six Regional Early Coalition as the eligible council to apply for this funding. Council Member Pace offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Mayor Rogers

Absent – None

City Manager Baker presented an application for a fireworks display at the Arts Council Valley 4<sup>th</sup> celebration. He explained that Dominion Fireworks has completed the appropriate application and they have met all Fire Department requirements. Council Member Chenault offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

City Manager Baker presented an application for a fireworks display at Spotswood Country Club on July 4, 2005. He explained that American Fireworks Company has completed the appropriate application and they have met all Fire Department requirements. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

The next item of business was a request by the Harrisonburg Rescue Squad. City Manager Baker said the Rescue Squad has requested that the City forgive the remaining balance of a loan in the amount of \$151,916.25. This loan was made to the Rescue Squad when it purchased the land and constructed a building. The City has an agreement with the Rescue Squad stating that the Rescue Squad will retain title to the land and the City will retain title to the building.

Steve Higgins representing the Rescue Squad said the squad has been experiencing increased calls every year for the past five years. Rapid replacement of vehicles and expanding the fleet of ambulances and response vehicles has increased the budget. He reviewed an average daily shift of response calls requiring manpower and vehicles.

Council Member Chenault offered a motion to approve forgiving the remaining portion of the Rescue Squad loan with a condition that the land or building couldn't be used as collateral for any other loan. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Mayor Rogers

Absent – None

The next item of business was considering bids for the Port Republic Road Phase II improvements. Public Works Director Baker said bids had been received for the Port Republic Road Phase II improvements from Devon Lane to Neff Avenue/Peach Grove Avenue intersection. Improvements to the road include widening to four lanes with a center turn lane, curb and gutter storm drain improvements, sidewalks and bike lanes. The project will start immediately and hopefully be completed by August 1, 2006. He said the City only received one official bid in the amount of \$1,960,036 dollars; however, the engineer's estimate was \$1,749,437 dollars. Trying to re-bid or looking at changes in the bid will only cause delay and additional cost. He recommended approving the contract with Plecker Construction Company who was also the successful contractor for the first phase and did a really good job for the City. Council Member Pace offered a motion to approve the bid with Plecker Construction Company and move forward with Phase II of Port Republic Road. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Mayor Rogers

Absent – None

Public Works Director Baker presented a request to transfer funds for the Public Works Department. He said these funds are being reallocated from the current budget funds into capital projects for Port Republic Road improvements. Council Member Pace offered a motion to approve transferring these funds, and that:

\$28,391.00 chge. to: 1000-410241-42050 Hospital Insurance  
31,700.00 chge. to: 1000-410241-43010 Misc. Contracted Services  
6,756.00 chge. to: 1000-410241-43320 Service Contracts  
275,294.00 chge. to: 1000-410241-43374 Maint. & Rep.-Allowable  
59,093.00 chge. to: 1000-410241-43375 Maint. & Rep.-Non-Allowable  
158,867.00 chge. to: 1000-410241-48106 Sidewalks  
23,000.00 chge. to: 1000-420641-43010 Misc. Contracted Services

\$583,101.00 approp. to: 1310-34210 Transfer from General Fund

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

Vote: Yes – Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Mayor Rogers

Absent – None

City Manager Baker presented a certified receipt of 2005 primary government election results provided by the Electoral Board.

Governor

George B. Fitch	41
Jerry W. Kilgore	326

Lieutenant Governor

Leslie L. Byrne	75
J.C. “Chap” Petersen	87
Phillip P. Puckett	18
Viola Osborne Baskerville	36
Sean T. Connaughton	92
William T. “Bill” Bolling	258

Attorney General

Robert F. "Bob" McDonnell  
Stephen E. Baril

266  
83

Council Member Pace offered a motion to accept the election results and asked the City Clerk to enter the names into the official minutes. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

City Manager Baker said Rockingham County has requested that the Liaison Committee meet to discuss a request by the sheriff for additional deputies and a water contract.

City Manager Baker said that Rockingham County has requested using several rooms in the office building on Chicago Avenue. Rockingham County will be operating CART to serve citizens of the county and need office space.

Council Member Pace reported that Planning Commission has finished drafting the language on the revisions to the Residential Ordinances and have been forwarded to the City Attorney for his review. Planning Commission will hold a public hearing in August and then the ordinances will be forwarded to City Council.

City Manager Baker passed out information regarding graffiti removal. He said per the request of Council Member Chenault, we have researched other localities' ordinances with regard to the removal of graffiti from public and private property. Upon review of the material and direction, we will request the City Attorney to draft an appropriate ordinance.

At 9:10 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. Discussion and consideration of prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees and Harrisonburg Parking Authority, evaluation of City Manager and City Clerk, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Mayor Rogers

Absent – None

At 10:30 p.m., the closed session ended and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as

amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

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

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CITY CLERK

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MAYOR

## REGULAR MEETING

JULY 12, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne “Bonnie” Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Lantz gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Council Member Chenault offered a motion to approve the minutes on the consent agenda and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request to amend the zoning ordinance that has been submitted on behalf of City of Harrisonburg at the request of the Emergency Communication Center (ECC). In working with a consultant on plans for the new citywide public safety radio system there have been two sites identified for freestanding communication towers. These sites are at the Stone Spring Elementary School and City owned property on Tower Street. The R-1 and R-2 zoning classifications, like all zoning classifications, permit “public uses” by right; however, the height requirement for these public uses is still restricted to the requirements of each individual zoning classification. She reviewed the maximum allowable height in the City’s zoning classifications. The proposed amendment has been written to permit the following as a use permitted by right in all zoning classifications. “Communication facilities necessary for public safety purposes, including towers up to 200 feet in height, which may include rental of space to private communication service providers.” She said that the Fire Chief, ECC Director and the City Manager have reviewed the proposed amendment and find it to meet the City’s needs. Facilities of this type typically contain the tower structure itself, enclosed equipment boxes for each service provider and security fencing. The proposed amendment has been written to permit the following as a use permitted by right in all zoning classifications. “Communication facilities necessary for public safety purposes, including towers up to 200 feet in height, which may include rental of space to private communication service providers.” This will allow the City to partner with a private

communication provider in order to construct the tower and perhaps share the cost. It will also allow co-location with private communication providers. She said that Planning Commission recommended approval of the request as a special use permit in each zoning classification.

At 7:43 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 27, and Tuesday, July 5, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, July 12, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **Ordinance Amendment – Communication Facilities in all Zoning Districts**

**Public hearing to consider a request from the City of Harrisonburg to allow communication facilities necessary for public safety purposes, including towers up to 200 feet in height, which may include rental of space to private communication service providers as a by right use in all zoning districts. (Note: Planning Commission has recommended that this use require a special use permit)**

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

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

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

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:44 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the ordinance amendment as presented with the inclusion of the special use permit requirement. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Steve Gerome to rezone one lot at 1168 South High Street from R-2, Residential District to B-2C, General Business District Conditional. This rezoning involves property that is approximately 12,637 square foot in area. The Comprehensive Plan designates this area for future commercial use. She said that in 1989, a similar request was made of City Council to rezone this area to a business classification; however, at that time High Street had not been widened to its current width of five lanes. Planning Commission voted to not recommend the request to City Council based on not having enough details for the proposed use as well as the belief that the rezoning would have been “spot zoning”. She then reviewed the surrounding uses in the area. The applicant has made this request because they want to use the property for a day spa and personal service establishment. The applicant has proffered to limit the possible uses of the property to those enumerated in certain sections of the City’s Zoning Ordinance. She reviewed the proffers. Because of the proximity of this lot to the highly traveled South High Street corridor, along with the request’s agreement with the land use guide of the Comprehensive Plan, staff supports this rezoning request with proffers and a favorable recommendation to City Council. If rezoned, this property will need site improvements including additional parking and a 30-foot entrance, installed according to the City’s Design and Construction Standard Manual. City water and sewer currently serve the property. She said that Planning Commission recommended approval of the request.

At 7:46 p.m., Mayor Rogers closed the regular session temporarily and called the evening’s second public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 27, and Tuesday, July 5, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, July 12, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### **Rezoning – 1168 South High Street**

**Public hearing to consider a request from Steven Gerome to rezone one, 12,637 square foot lot from R-2, Residential District to B-2, General Business District. The property is located at 1168 South High Street and can be found on tax map 20-A-4.**

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

**The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft./unit. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.**

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

Mayor Rogers called on anyone desiring to speak for or against this rezoning request. Steve Gerome, a resident of the City, said that he supported the rezoning request. There being no others desiring to be heard, the public hearing was declared closed at 7:48 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the rezoning request as presented. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Merlin Schlabach to rezone two lots at 969 Virginia Avenue from M-1, General Industrial District to R-2, Residential District. She said that the Comprehensive Plan designates this area as Neighborhood Residential. She reviewed the surrounding uses in the area. The applicant has proposed the rezoning to construct a duplex, one unit on each lot. In 2001, Planning Commission recommended approving a rezoning request on the opposite side of the undeveloped 6<sup>th</sup> Street right-of-way. Staff believes this proposal would lead to a better utilization of these lots that border Virginia Avenue and the R-1, Residential District than the current M-1 zoning. The lots would be accessed from Virginia Avenue and would tie into the existing entrance on the lot. The Zoning Ordinance requires the two duplexes to provide a total of four parking spaces. The applicant has indicated that more parking spaces will be installed because there is no on street parking permitted on Virginia Avenue. She said that Planning Commission recommended approval of the request.

At 7:55 p.m., Mayor Rogers closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 27, and Tuesday, July 5, 2005.

**NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, July 12, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

## **Rezoning – 969 Virginia Avenue**

**Public hearing to consider a request from Merlin Schlabach to rezone two lots, totaling 15,000 square feet, from M-1, General Industrial District to R-2, Residential District. The property is located at 969 Virginia Avenue and can be found on tax map 39-L-7&8.**

**The Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots.**

**The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit.**

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

Mayor Rogers called on anyone desiring to speak for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 7:56 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve the rezoning request as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Court Square Properties, L.L.C. for a special use permit to install unenclosed telecommunications equipment on the roof of the structure at 2 South Main Street. The property is zoned B-1 or Central Business Classification. She said that the Comprehensive Plan designates this property as public/semi-public because of its previous use by Rockingham County. She reviewed the surrounding uses in the area. Ntelos, Rockingham County and Shentel currently have antennas and equipment on the rooftop of this building. Verizon is now requesting permission to install nine antennas and telecommunication equipment storage units on the roof of the building. Three of these antennas are proposed to be mounted on the outside walls of the elevator structure on the roof, three are to be mounted to a proposed equipment platform and the last three are proposed to

be sled mounted. A 3' 7" parapet wall surrounds the rooftop. The height of the six tallest antenna covered by this application is proposed to extend 9' above the parapet wall. The remaining three would extend approximately 5' above the parapet wall. The taller antennas will exceed the height of all but one of the existing antennas on this building. The applicant has indicated that their equipment will not be disruptive to the existing service providers. She said that Planning Commission has recommended approval with the following conditions: 1) If the telecommunications equipment ceases to be used for more than 12 months, all equipment permitted under this special use will be removed from the building. 2) Only the equipment as shown on the submitted drawings shall be approved under the issuance of this special use permit. Any equipment not shown on this drawing will constitute a violation of the special use permit and make the permit null and void, causing all equipment of the company to be removed from the building's rooftop. 3) Placement of advertising of any kind is prohibited on the antennas and equipment. 4) Antenna mounted to the sides of the elevator structure shall be painted to blend in with the structure. The freestanding antenna is to be a neutral color. 5) City staff shall review the special use permit annually, on the date of permit issuance, for compliance to the above conditions. If any of the above conditions are found to be in neglect, a certified letter will be sent to the property owner, at which time the provider will need to bring the equipment into compliance. She said that Planning Commission has recommended approval with conditions.

At 8:05 p.m., Mayor Rogers closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 27, and Tuesday, July 5, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, July 12, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

**Special Use Permit – 2 South Main Street (Verizon Wireless)**

**Public hearing consider a request from Court Square Properties, L.L.C., with representative Verizon Wireless for a special use permit {per Section 10-3-85(2)} to install telecommunications equipment on the roof of the structure located at 2 South Main Street. The property can be found on tax map 34-Y-10.**

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

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

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

Mayor Rogers called on anyone desiring to speak for or against this special use permit.

Greg Tulley representing Verizon Wireless said all the facilities are specifically engineered to go on this particular rooftop. He reviewed regulations of the FCC regarding spectrum and grounding mechanisms. There being no others desiring to be heard, the public hearing was declared closed at 8:06 p.m., and the regular session reconvened. Vice-Mayor Eagle offered a motion to approve this special use permit with conditions as presented. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from W. Paul Thompson to rezone five parcels from R-2, Residential District to R-3C, Multiple Dwelling Residential Conditional at 1046 Moore Street. She said that the Comprehensive Plan designates this area as Medium-Density Mixed Residential. This site contains a non-conforming automobile repair and salvage operation. She reviewed the surrounding uses in the area. The applicant is requesting to rezone five properties consisting of 6.58 acres. The proposed development would consist of 77 townhouses on individual lots located in an area with a mixture of residential uses. Landscape buffering has been proffered to provide protection to adjoining property owners, especially along Moore Street. The developer would also be responsible for street improvements along this property's Moore Street frontage. This includes street widening, curb, gutter, utility strip and sidewalks. Landscaped islands will be installed at both entrances to the development to add visual appeal and calm vehicular traffic. An area approximately 7 by 175 feet in the center of this development will be reserved for recreational activities and playground equipment. At the time of preliminary platting of this property, the developer would need to apply for a variance to allow for the townhouse lots to front on a private street. The developer would also create a homeowner's association to oversee the maintenance and routine services of the development. There would be no City services such as trash collection, and snow removal provided within this development. Public school bus pickup would need to be arranged through the City's Department of Transportation. A six-foot fence will also be constructed behind the units directly facing Northfield Court. Another proffer states that every other unit constructed will have a brick front façade. The applicant has proffered that the occupancy would be families or no more than two unrelated people. She said that Planning Commission has recommended approval.

At 8:20 p.m., Mayor Rogers closed the regular session temporarily and called the evening's fifth public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 27, and Tuesday, July 5, 2005.

## NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, July 12, 2005 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

### **Rezoning – W.P. Thompson Townhomes**

Public hearing to consider a request from W. Paul Thompson, with representative Dick Blackwell to rezone five parcels totaling 6.58 acres from R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The properties are located at 1046 Moore Street and can be found on tax map 42-D-3A, 4, 5, 13, 14.

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

The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft./unit. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft./unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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

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

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

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

Todd Rhea, an attorney with the law firm of Clark and Bradshaw, representing the applicant said that a lot of collaborative effort has gone into this proposal and that it is designed to minimize the impacts to the surrounding neighborhood through buffering and detailed proffers. He said they worked very hard to be pro-active with planning staff and representatives of the surrounding

communities to fully develop appropriate proffer controls for the request. The applicant has submitted an application containing 14 proffers, which were developed, to keep in mind the quality and character of the neighborhood. He discussed four characteristics about this parcel that make this rezoning appropriate. First, this is an infill-zoning request. The current zoning is out of character with 85% of the surrounding properties. Second, the request has been heavily proffered to provide detail and control for the City. The developer has utilized the input of surrounding neighbors to designate types and locations of plantings for buffers. They have also proffered an upgraded townhouse unit. Third, they have placed the street over an existing 16-inch water main. Finally, the use currently on the property is a non-conforming use and rezoning this property would create a win-win situation by consolidating the current use to an appropriately zoned area. Mr. Thompson is committed to building a quality community that will be a great place to live and an asset to Harrisonburg.

Sara Koontz, a resident of the City, presented a petition containing 19 names to City Council. “I have had the good fortune of living on a quiet one block dead-end street for eighteen years. My street is less quiet since the Park Crest complex was built. My street contains mostly single-family homes. I am very concerned about this property being rezoned to R-3 especially we were told at the rezoning hearing that the number of units is at the high end of what R-3 allows.”

Michael Fulcher, a resident of the City, said that he was concerned about the density of proposed development. He expressed his concern about the number of parking spaces.

Tim Sudley, superintendent of Beacon Hills Towns, said he was concerned with the right-of-way coming into Emerson Lane. Beacon Hills has a playground and he requested that a fence be installed around the playground.

Todd Rhea, said concerns of the Beacon Hills residents have been discussed. This request was not considered in the proffers because it would be an off-site improvement. However, he said they would work with the developers to make the intersection safe. There being no others desiring to be heard, the public hearing was declared closed at 8:40 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Chenault offered a motion to approve this rezoning request as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Mayor Rogers

Absent – None

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

### **LOCAL REAL PROPERTY TAXING AUTHORITY**

**WHEREAS, in 1926, then Governor Byrd exchanged the Commonwealth’s right to impose a real estate tax for local government’s agreement to give up the right to impose an income tax; and**

**WHEREAS, the real estate is the primary source of local income, at an average of 48% of all local revenues collected statewide; and**

**WHEREAS, as the principal source of income for local government, localities rely heavily on this source of income to meet federal and state mandates for services, especially education and public safety; and**

**WHEREAS, two of the candidates in the 2005 election for Governor of the Commonwealth (former Attorney General Jerry Kilgore and Lt. Governor Tim Kaine) have stated as a high priority for their respective campaigns the imposition of an assessment or other limitations on the residential component of the real estate tax, which would severely restrict localities and would constitute a breach of trust from the agreement reached in 1926; and**

**WHEREAS, the proposal from either candidate would weaken budget discipline, since support for services would not necessarily be linked to the responsibility to pay for them, and could potentially force a greater dependence on taxation of the business sector to support local services, thereby harming economic development in the Commonwealth; and**

**WHEREAS, in 1997, in the campaign for Governor, then candidate James Gilmore used as the cornerstone for his campaign, the repeal of the personal property tax on non-business use motor vehicles, which is credited with his winning the office; and**

**WHEREAS, the cost to the citizens was greatly underestimated, which has since led the General Assembly to place a cap on the state's commitment to make its payments to localities under this plan;**

**NOW, THEREFORE BE IT RESOLVED that the Harrisonburg City Council calls upon these two gubernatorial candidates, and upon all candidates for state and federal office, to refrain from establishing local tax policy at the state or federal level, due to the potential negative impact such action may have on the ability of local government to deliver local services; and**

**FURTHER, should a candidate or legislator desire to impact tax policy as it relates to the real estate or other local tax, that the candidate or legislator use as the tool to address such policy tax credits or deductions to state or federal income taxes in lieu of enacting limitations on local taxing authority; and**

**FURTHER, that it is imperative for local government to retain sole control over the decisions which determine equity of local taxation policy, if governing bodies are to effectively address local service needs.**

\_\_\_\_\_  
**Date**  
Attest:

\_\_\_\_\_  
**Larry M. Rogers, Mayor**

\_\_\_\_\_

**Yvonne Ryan, CMC, City Clerk**

Council Member Pace offered a motion to adopt the resolution and asked that a copy be sent to Jerry Kilgore and Tim Kaine. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from state asset seizure money and will be used to purchase furniture for new Major's office and other administrative offices. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$4,000 chge. to: 1000-31010 Amount from fund balance

\$4,000 approp. to: 1000-310131-48121 Furniture and Fixtures

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

Vote: Yes - Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Mayor Rogers

Absent – None

Council Member Chenault said that during a radio talk show a resident from Chestnut Drive called and requested that a speed study be conducted in their neighborhood. City Manager Baker will ask Transportation Planner Drew Williams to conduct a speed study for the Chestnut Drive residents.

Council Member Pace said that he liked the graffiti ordinance prepared by City Attorney Thumma. He encouraged Council to read it and perhaps adopt it at the July 26<sup>th</sup> meeting.

At 8:55 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees and Harrisonburg Parking Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(a)(1) of the Code of Virginia. Discussion concerning the expansion of an existing business where no previous announcement has been made of the business' interest in expanding within the city, exempt from public meeting requirement pursuant to Section 2.2-3711(a)(5) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(a)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Chenault  
Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Mayor Rogers

Absent – None

At 10:30 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

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

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CITY CLERK

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MAYOR

REGULAR MEETING

JULY 26, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Police Major Malcolm Wilfong. Absent: Chief of Police Donald Harper.

Council Member Pace gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department and an ordinance closing a one hundred forty-five foot section of a ten-foot wide alley on 3<sup>rd</sup> street. The motion also included rezoning requests by the City of Harrisonburg, Steve Gerome, Merlin Schlabach, and W. Paul Thomson. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent - None

Harrisonburg-Rockingham Emergency Communications Center Captain Jim Junkins presented a request for a special use permit for a public safety radio communication tower. The Tower Street site is located on the southwest corner of the property near the existing public safety radio towers. The site compound includes one 199' self-supporting tower and up to six radio shelter buildings. The compound will be bounded with an 8-10 tall security fence with visibility screening. The site includes several safety features that include tower fall zones provisions, radio frequency radiation reduction and lightning/surge protection. The safety features are especially designed for towers in residential areas. Visual impact issues are addressed in the site design by the selection of tower type and compound landscaping. The combination of public safety radio coverage needed to protect citizens, site provisions and visual impact minimization afford viable radio sites in a residential neighborhood. He said that the City's consultant performed an exhaustive study noting that a radio tower needed to be placed in the northern section of the City. The Tower Street site provides coverage to the north and northeastern sections of Harrisonburg with in-building penetration to residential, commercial and industrial structures. The proximity of the Tower Street site to the East Market Street business area is a key to successful in-building coverage for that thriving area. With towers located in residential areas, life safety of citizens in their proximity is of primary concern. The design and

placement of 199' towers on the properties are designed to maximize safety, including well-defined and secured fall zone boundaries, radio-frequency radiation limits and physical site security. The proposed tower has no guide wires and is designed to collapse within approximately 30% or 60 feet of the tower height. The manufacturer M/A-Com has reported they have never had a tower of this type collapse. The radio frequency radiation is always a concern to citizens when towers are located in neighborhoods. Mr. Junkins said that we believe these concerns have been addressed by the placement of the antennas on the tower. We don't start using the tower until 75 feet, which is well above the height of any structures in the area. The height of tower is below the Federal Communications Commission limit for any type of radiation or lighted aerial identification. No lights will be installed on the tower. A carefully planned tower can and does co-exist in residential neighborhoods with minimal or no harm to life and property.

At 7:55 p.m., Mayor Rogers closed the regular session temporarily and called the evening's joint public hearing to order. Planning Commission Chairman Weins also called the evening's joint public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 11, and July 18, 2005.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council and Planning Commission will hold joint public hearings on Tuesday, July 26, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Special Use Permit – 670 Vine Street***

**Public hearing to consider a request from the City of Harrisonburg, for a special use permit {per Section 10-3-40 (9)} to allow communication facilities necessary for public safety purposes, including towers up to 200 feet in height, which may include rental of space to private communication service providers. The property is located at 670 Vine Street and can be found on tax map 32-D-1.**

**Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the Planner at 432-7700 at least five days prior to the date of the meeting.**

Chairman Weins said that when the proposal was presented to the Planning Commissioners they were asked to review a proposal of two towers, which was essential for the systems. This proposal is only for a special use permit for Tower Street project. "I am uncomfortable approving one tower without approving the other tower knowing that in the near future we will have to approve another tower to make this system work."

Captain Junkins said that the application was for two towers; however, the City continues to be in negotiations with the School Board for the Stone Spring site. He reiterated that the plans have not changed to have a site in the Stone Spring area.

City Manager Baker clarified that a request was made at the last school board meeting; however, they did not want to act upon it that night.

Mayor Rogers and Chairman Weins called on anyone desiring to speak for or against the request. The public hearing was declared closed at 8:03 p.m., and the regular joint session reconvened. Following further discussion and comments, Planning Commissioner Chair David Weins requested that Planning Commission adjourn to another room for a caucus on this issue and return with a recommendation for City Council. Planning Commissioner Snell offered a motion that Planning Commission adjourn to another room to discuss the issues. Planning Commissioner Jones seconded the motion

Council Member Chenault offered a motion to approve the special use permit as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent - None

A public hearing to consider a request from the City of Harrisonburg to allow a communication facility at 1575 Peach Grove Avenue was withdrawn.

City Manager Baker presented for Council's consideration amending the Fiscal Year 2005-2006 budget. He explained that at June 30, 2005 there were outstanding encumbrances for purchase orders, which were issued prior to June 30, 2005.

At 8:03 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 18, 2005.

#### **NOTICE OF PUBLIC HEARING**

**City Council Chambers**

**Tuesday, July 26, 2005**

**7:30 p.m.**

**A Public Hearing will be held by the Harrisonburg City Council on Tuesday, July 26, 2005 at 7:30 p.m., in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2005-2006 budget in the amount of \$5,900,263.04. This amount represents outstanding encumbrance at June 30, 2005.**

The budget changes will be as noted below:

**Revenue:**

<b>General Fund:</b>	
Amount from fund balance	5,554,420.07
<b>Community Development Block Grant Fund:</b>	
Amount from fund balance	118,644.78
<b>Water Fund:</b>	
Amount from fund balance	15,653.34
<b>Sewer Fund:</b>	
Amount from fund balance	98,544.49
<b>Public Transportation Fund:</b>	
Amount from fund balance	101,971.53
<b>Sanitation Fund:</b>	
Amount from fund balance	<u>11,028.83</u>
<b>Total Revenues</b>	<b><u>5,900,263.04</u></b>

**Expenditures:**

<b>General Fund</b>	5,554,420.07
<b>Community Development Block Grant Fund</b>	118,644.78
<b>Water Fund</b>	15,653.34
<b>Sewer Fund</b>	98,544.49
<b>Public Transportation Fund</b>	101,973.53
<b>Sanitation Fund</b>	<u>11,028.83</u>
<b>Total expenditures</b>	<b><u>5,900,263.04</u></b>

**Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.**

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

Mayor Rogers called on anyone desiring to speak for or against these supplemental appropriations. There being no one desiring to be heard, the public hearing was declared closed at 8:05 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this appropriation for a first reading, and that:

- 5,554,420.07 chge. to: 1000-31010 Amount from fund balance
- 118,644.78 chge. to: 1117-31010 Amount from fund balance
- 15,653.34 chge. to: 2011-31010 Amount from fund balance
- 98,544.49 chge. to: 2012-31010 Amount from fund balance
- 101,971.53 chge. to: 2013-31010 Amount from fund balance

11,028.83 chge. to: 2014-31010 Amount from fund balance

16,850.00 approp. to: 1000-121012-48273 Software  
9,770.54 approp. to: 1000-122011-48273 Software  
1,000.00 approp. to: 1000-122211-46010 Office supplies  
1,176.94 approp. to: 1000-122211-48121 Furniture and fixtures  
5,489.35 approp. to: 1000-130114-48111 Machinery and equipment  
30,443.05 approp. to: 1000-320232-46111 Turn Out Gear  
3,077.00 approp. to: 1000-350532-48213 Equipment  
5,370.00 approp. to: 1000-410121-48191 Engineering/Mapping  
2,066.00 approp. to: 1000-430221-43320 Service contracts  
11,627.50 approp. to: 1000-430221-48181 Building and grounds  
4,275,000.00 approp. to: 1000-430221-48282 Land  
35,370.00 approp. to: 1000-810121-43100 Professional services  
70,050.00 approp. to: 1000-410241-48294 WIP – Annexed area  
102,754.27 approp. to: 1000-410241-43100 Professional services  
432,896.19 approp. to: 1000-410241-43374 Maintenance and repair-allowable  
290.75 approp. to: 1000-710171-46131 Ed/rec supplies-playgrounds  
1,250.00 approp. to: 1000-710171-46132 Ed/rec supplies-athletics  
31.95 approp. to: 1000-710971-42120 Clothing allowance  
25,278.00 approp. to: 1000-710171-48184 Improvements  
19,235.60 approp. to: 1000-710171-48284 Improvements  
64,400.00 approp. to: 1000-710271-48181 Buildings and grounds  
114,009.74 approp. to: 1000-710271-48184 Improvements  
115,679.33 approp. to: 1000-710471-48184 Improvements  
163,660.00 approp. to: 1000-710771-48184 Improvements  
11,430.24 approp. to: 1000-710871-48184 Improvements  
15,931.72 approp. to: 1000-710871-48284 Improvements  
12,830.00 approp. to: 1000-732071-48284 Improvements  
7,451.00 approp. to: 1000-810521-43100 Professional services  
118,644.78 approp. to: 1117-810721-45676 CDBG projects and programs  
3,160.00 approp. to: 2011-322061-45530 Training and travel  
3,160.00 approp. to: 2011-332061-45530 Training and travel  
428.00 approp. to: 2011-372061-48181 Buildings and grounds  
3,481.64 approp. to: 2011-372061-48188 Main & repair-pump/scada  
5,423.70 approp. to: 2011-372061-48271 Building and grounds  
5,534.19 approp. to: 2012-452061-43382 Water loss mgt-meter testing  
5,448.00 approp. to: 2012-462061-46071 Main & repair-pump-scada  
87,562.30 approp. to: 2012-472061-48181 Building and grounds  
7,835.53 approp. to: 2013-872081-48181 Building and grounds  
94,136.00 approp. to: 2013-872081-48253 Transit buses  
11,028.83 approp. to: 2014-912242-43320 Service contracts

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

Vote: Yes - Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

Council Member Pace offered a motion to approve FY 2006 State Performance Contract for the Harrisonburg-Rockingham Community Services Board. The motion was seconded by Council Member Cheault and approved with a unanimous vote of Council.

Miriam Dickler, Public Information Officer, presented an overview on her activities during the last six months and plans for the future. She said that the mission of the City of Harrisonburg's Public Information Office is to deliver timely and accurate information to the public, elected and appointed officials, City departments and the media, as well as to encourage open communication between those same parties. The purpose of the office is in no way to serve as the only source of information for the public or press. The City of Harrisonburg has a very basic philosophy toward communication. The City of Harrisonburg strives to communicate and respond to the media and public in an accurate, honest, timely and open manner. "All information that we can, we will share. We will answer questions that we have the answers to. We will find the answers to the questions if we do not have the answers and the only time that we will not give out that information is when we are legally unable to. We take FOIA very seriously." The City will address all concerns and queries to the best of the City's abilities. The City does not assume that information is widespread knowledge. The focus of the main objectives include improving the communication of information both within and outside of the government system, addressing increasing cultural and linguistic diversity, improving access to information via digital and printed media. She reviewed the internal and external goals. The City's web team is in the process of finalizing some changes that will hopefully make the website more user friendly for both web editors in the City and users, citizens, and visitors to get the information they want. A Citizen Academy is a multi-week program for residents in the City to learn about the functions and services of City government from people who are in City government. The Public Information Officer strongly supports every City department. While a PIO is a generalist, knowing about many things as a function of the job, the office recognizes that the best resources for citizen information are the people who are specialists. While the Public Information Officer can serve as the spokesperson for the City when necessary, it is preferable that the people most qualified to speak on a subject do speak on that subject. The Public Information Office will take over the publication and distribution of the employee newsletter from Human Resources. As the newsletters focus becomes slightly more news and information oriented, it is hoped that employees will start to see it as a conduit of information. The bulletin boards on the first floor of the Municipal Building have a similar function. One of the boards now features a different City of Harrisonburg department every month. The Information Technology staff has been working on developing a citywide intranet. The improved website will help with the communication gap closure. The Public Information Office strives to have a presence at all events held in the City of Harrisonburg including ribbon cuttings, ground breakings, receptions, and provide support for public meetings. She said that excellence

media coverage was provided for the Smith House move. In September, the City will sponsor a Youth Art Contest. The contest will be open to kids ages 5-18 with three age groups. It will open to any child who lives in the City or attends a City school. The grand prize winning art will be chosen as the City's youth logo and used on the website. She briefly reviewed the communication audit both internal and external. The reception and openness of City Staff, elected and appointed officials and the citizens of Harrisonburg to the new position has been overwhelmingly positive. While there are challenges ahead, the willingness of everyone involved to welcome new ideas, methods and strategies has been extraordinary. She said that Fairfield Language Technology has been generous and donated a number of Spanish language programs. This is a pilot program trying to increase the number of City employees who are multi-lingual.

The next item of business was a request by the Dayton American Legion Post 27 to hold a Veteran's Day Parade on Friday, November 11, 2005. City Manager Baker said the proper application forms have been submitted including the Certificate of Insurance. Council Member Lantz offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

City Attorney Thumma presented for Council's consideration an ordinance re-enacting Section 16-6-41 of the Harrisonburg City Code. He said this ordinance is being amended to bring it into compliance with Section 15.2-1113 of the Code of Virginia. This is the enabling statute, which has been amended, and that amendment needs to be included within our ordinance. Council Member Lantz offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance enacting Article E, Chapter 4 of Title 16 of the Harrisonburg City Code. He said that the purpose of this article is to provide penalties for willful and malicious damage to or the defacement of public or private facilities. Council Member Chenault offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

City Manager Baker presented a request to transfer in the General Capital Projects Funds. These funds are being transferred from the Municipal Building Renovation and Repairs account to the Public Safety account. Council Member Pace offered a motion to approve this request, and that:

\$125,368.00 chge. to: 1310-910141-48698 Municipal Building repairs & renovation

\$125,368.00 approp. to: 1310-910141-48606 Public Safety Building

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

Vote: Yes - Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

City Manager Baker announced that Rockingham County is raising its tipping fees effective September 1, 2005. The City will need to adjust its fees as well. This request will be presented at the August 9<sup>th</sup> meeting.

City Manager Baker reminded everyone of “National Night Out”, which will be held on August 2nd.

Council Member Pace proposed that the City’s Public Information Officer work with veterans groups to establish a wall of honor at the Hardesty-Higgins House for all Harrisonburg residents who died in military service.

At 8:45 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees and Harrisonburg Parking Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion concerning a prospective business where no previous announcement has been made of the business’ interest in locating within the City, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Vice-Mayor Eagle  
Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

At 10:30 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Chenault offered a motion that Denise Dawson, 1160 Decca Drive, be appointed to a first term on the Blue Ridge Community College Board of Trustees to expire on June 30, 2009. The motion was seconded by Council Member Pace and approved with a four to one vote with Vice-Mayor Eagle abstaining.

At 10:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

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REGULAR MEETING

AUGUST 9, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Police Major Malcolm Wilfong. Absent: Chief of Police Donald Harper.

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

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of re-appropriation of several encumbrances that were outstanding at June 30, 2005. The motion also included amending and re-enacting Section 16-6-41 and enacting Article E, Chapter 4 of Title 16 of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner presented a request for a special use permit to allow unenclosed communication equipment. The equipment would be located on the roof of the Harrisonburg Public Safety Building and mounted to the existing tower structure. The City of Harrisonburg with representative VA Cellular LLC is requesting two special use permits to allow unenclosed telecommunications equipment to be located at a height above 75 feet on the roof of the Harrison Plaza building. The Comprehensive Plan designates this area as Public/Semi-Public. She reviewed the surrounding uses in the area. In order to construct enclosed telecommunications equipment a special use permit is required in the B-1 district because this building is 66 feet tall. VA Cellular is a private company, which provides service to Cellular One customers and is in no way associated with the Emergency Communication Center (ECC). This request would add an additional four antennas mounted to the existing structure. Each of these antennas would increase coverage and improve in-building service downtown. The fourth antenna would be a 2-foot dish and would communicate the individual cellular calls to the landline network. The request also includes an outdoor equipment cabinet to support the facilities. She said that staff recommended approval providing conditions were met. In general staff was supportive of using existing buildings instead of trying to find stand-alone sites and also using the structure the City already has on the roof. Staff recommended approval provided that if the telecommunications equipment ceases to be used for more than 12 months, all the

equipment permitted under the use permit will be removed. Only the equipment as shown on the submitted drawings shall be approved under the issuance of this special use permit. Placement of advertising of any kind is prohibited on the antennas and equipment. The antennas are to be a neutral color that blends in with their surroundings. City staff will review the special use permit annually for compliance to the above conditions. If any of the above conditions are found to be in neglect, a certified letter will be sent to the property owner, at which time the provider will need to bring the equipment into compliance. If the equipment is not brought into compliance within 10 days, the special use permit will be held null and void and all equipment approved under issuance of this permit shall be removed from the rooftop. She said that Planning Commission recommended approval of the request as a special use permit by a vote of three to two.

At 7:45 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, July 26, and Tuesday, August 2, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, August 9, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Special Use Permit – 101 North Main Street***

**Public hearing to consider a request from the City of Harrisonburg, with representative VA Cellular, LLC, for a special use permit {per Section 10-3-85 (2), (5)} to allow unenclosed communications equipment in excess of 75 feet in height from ground elevation. The equipment would be located on the roof of the Harrisonburg Public Safety Building and mounted to the existing tower structure. The property is located at 101 North Main Street and can be found on tax map 34-P-1.**

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

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

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

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

Jim Hogle, Director of Network Operations for Cellular One, said installing the equipment on top of the building would enhance the in-building coverage in the downtown area. There being

no others desiring to be heard, the public hearing was declared closed at 7:47 p.m., and the regular session reconvened.

Council Member Pace asked what form of compensation will the City receive for this equipment?

City Manager Baker said that Cellular One has tentatively agreed to pay the City \$1,000 per month for placing the antennas on the tower.

Council Member Chenault asked if the ECC was satisfied with the technical aspects of this request?

ECC Captain Jim Junkins reassured City Council that the consultants who designed the entire public safety radio system, analyzed the proposal by VA Cellular and reported no potential interference. Weight loads and security have also been considered.

Council Member Lantz questioned the procedure to allow another competitor of Cellular One to install communication equipment.

ECC Captain Jim Junkins said the siting of another system would be considered on a case-by-case basis.

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

Vote: Yes - Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request by Judy Crawford to amend Section 10-3-46 of the Zoning Ordinance. She said this request will amend the R-3, Multiple Dwelling Residential District text. Currently our zoning text does not allow personal service establishments in the R-3 zone. It does allow by right items such as business and professional offices. Ms. Crawford owns property at 380 East Market Street and has recently acquired the property at 374 East Market Street. Staff agrees with the applicant that there are select locations zoned R-3 throughout the City, especially where properties front along major thoroughfares, that would benefit from this provision. The special use permit option would allow the City to impose conditions on the specific operation of each facility without having to rezone the property to B-1 or B-2. Staff also feels that the operation of a personal service establishment operates more similar to a professional, medical or dental office than a

retail or commercial use. She said that Planning Commission recommended approval of the request.

At 7:55 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, July 26, and Tuesday, August 2, 2005.

### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold public hearings on Tuesday, August 9, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

**Ordinance Amendment – Personal Service Establishments in the R-3**

**Public hearing to consider the following change to allow personal service establishments to operate as a special use in the R-3, Multiple Dwelling Residential District:**

**Subsection (4) be added as follows:**

**(4) Personal service establishments, including, but not limited to barber shops, day spas, beauty parlors, and tanning salons. Parking requirements based on retail use designation.**

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

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

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

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:56 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the request. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Dennis Belcher and Joseph Good to rezone 1.518 acres located at the corner of Suter and Jefferson Streets from M-1, General Industrial District to R-2C, Residential District Conditional. She said that the Comprehensive Plan designates this area as Mixed Use Development. This designation combines residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. She then reviewed the surrounding uses in the area. The current residential lot configuration was in place before the City annexed this land in 1964. Since annexation, this property has been zoned for industrial uses. The applicants own the majority of this block, which is bounded by North Liberty Street, Charles Street, Jefferson Street and the undeveloped Suter Street. They want to sell the lots to a developer who would like to build single-family homes in this area. The R-2 District has a minimum square footage requirement of 7,000 square feet. Development of these lots would require the construction of Suter Street to City standards, with a temporary cul-de-sac at the terminus of the developed lots, as well as improvements to Jefferson Street. Both streets would require curb, gutter, a two-foot grass utility strip and five-foot sidewalks. The conflicting zoning that exists in this neighborhood makes this rezoning request complicated. The Comprehensive Plan suggests that this area would be best utilized as a development with a mixture of uses. Planning Commission believes there is an opportunity in this area for the continuation of affordable single-family homes. Planning Commission also reviewed whether the undeveloped Suter Street was the very best buffer or the only one to promote between the industrial and residential uses in this area because the rear yards of this block could also serve as a buffer. The applicant has offered to leave one lot in its natural vegetative state until such time further development might take place in the area. The lot would also have a deed restriction and the applicant will deliver a deed to the City Attorney concerning this matter. She said that Planning Commission recommended approval of the request to rezone this property to R-2 Conditional.

At 8:08 p.m., Mayor Rogers closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, July 26, and Tuesday, August 2, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, August 9, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Rezoning – Suter / Jefferson Street***

**Public hearing to consider a request from Dennis Belcher and Joseph Good to rezone 1.518 acres from M-1 General Industrial District to R-2C, Residential District Conditional. The properties are located at the corner of Suter Street and Jefferson Street and can be found on tax maps 40-A-22-29.**

**The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed-use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-**

work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area. The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit.

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

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

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

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

Dennis Belcher said he and his stepbrother Joseph Good owned the property. He said a deed of restriction and an escrow letter had been delivered to City Attorney Thumma. There being no others desiring to be heard, the public hearing was declared closed at 8:10 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the rezoning request as presented. The motion was seconded Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request to amend Section 10-3-25(19) and (28) of the Zoning Ordinance to provide parking requirements for veterinarians and animal kennel/groomers. She said that these changes would provide clarification for uses pertaining to veterinarian and animal services. It would require veterinarian offices to have one space for each employee and every vehicle operated by the business. The proposed amendment will also classify veterinarian offices with business or professional offices for required parking calculations. She said that Planning Commission recommended approval of the request.

At 8:12 p.m., Mayor Rogers closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, July 26, and Tuesday, August 2, 2005.

### NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on Tuesday, August 9, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

*Ordinance Amendment - Off-street parking regulations, Sec. 10-3-25.*

Public hearing to consider the following changes to the off-street parking regulations:

Amend subsection:

(19) Business or professional offices, veterinarian, medical, or dental clinics, banks and similar establishments: A minimum of three (3) spaces or one space for each three hundred (300) square feet of gross floor area or fraction thereof, whichever is greater. Refer to subsection (3) above.

Add subsection:

(28) Animal kennel / groomer: one space for every employee on the maximum shift, plus one space for each vehicle operated by the business, plus one space for every 500 square feet of internal gross floor area.

The remainder of Section 10-3-25 is reaffirmed and reenacted in its entirety, except as hereby modified.

CITY OF HARRISONBURG  
Roger D. Baker  
City Manager

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 8:13 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the request. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

City Manager Baker presented for Council's consideration an amendment to the Fiscal Year 2005-2006 budget. He said that these supplemental appropriations include the School Board, Police Department, radio system, Port Republic Road improvements, Public Safety Building, Simms Building renovation and repairs, Eastern Water source development and water storage tanks.

At 8:14 p.m., Mayor Rogers closed the regular session temporarily and called the evening's fifth public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 1, 2005.

**NOTICE OF PUBLIC HEARING  
City Council Chambers  
Tuesday, August 9, 2005  
7:30 p.m.**

**A Public Hearing will be held by the Harrisonburg City Council on Tuesday, August 9, 2005 at 7:30 p.m., in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2005-2006 budget in the amount of \$2,425,014.28. This amount represents funds on hand in some of the Capital Projects Funds at the end of the fiscal year and some Police Department funds.**

**The budget increases will be as noted below:**

**Revenue:**

**General Fund:**

Amount from fund balance	66,305.38
Recoveries and rebates	<u>947.39</u>
Total General Fund	<u>67,252.77</u>

**School Fund:**

Amount from fund balance	<u>96,000.00</u>
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**General Capital Projects Fund:**

Amount from fund balance	2,114,356.37
Transferred from General Fund	52,922.48
Total General Cap Project Fund	<u>2,167,278.85</u>

**Water Capital Projects Fund:**

Amount from fund balance	<u>94,482.66</u>
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Total revenues	<u><u>2,425,014.28</u></u>
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**Expenditures:**

**General Fund:**

Police-Operations Division	6,641.18
Police-Support Services	6,741.72
Police-Criminal Investigation Div.	947.39

Transfer to General Capital Projects Fund	<u>52,922.48</u>
Total General Fund	<u>67,252.77</u>
School Fund:	
Operation and maintenance	<u>96,000.00</u>
General Capital Projects Fund:	
Two Way Radio System	1,927,356.72
Port Republic Road Improvements	52,922.48
Public Safety Building	182,631.89
Simms Building Renovation and Repairs	4,367.76
Total General Cap Project Fund	<u>2,167,278.85</u>
Water Capital Projects Fund:	
Eastern Water Source Development	74,000.00
Water Storage Tanks	<u>20,482.66</u>
Total Water Capital Project Fund	<u>94,482.66</u>
 Total expenditures	 <u><u>2,425,014.28</u></u>

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

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

Mayor Rogers called on anyone desiring to speak for or against these supplemental appropriations. There being no one desiring to be heard, the public hearing was declared closed at 8:15 p.m., and the regular session reconvened. Council Member Pace offered a motion to approve these appropriations for a first reading, and that:

96,000.00 chge. to: 1111-31010 Schools' Unappr. Fund Balance  
96,000.00 approp. to: 1111-11111-40640 Operation and Maintenance

6,641.18 chge. to: 1000-3100 Amount from fund balance  
6,641.18 approp. to: 1000-310231-48211 Machinery & equipment (new)

947.39 chge. to: 1000-31901 Recoveries/rebates  
947.39 approp. to: 1000-310331-46140 Other operating supplies

52,922.48 chge. to: 1000-31010 Amount from Fund Balance  
52,922.48 chge. to: 1310-34210 Transfer from General Fund

52,922.48 approp. to: 1000-990111-49216 Transfer to General Capital Projects  
52,922.48 approp. to: 1310-910141-48617 Port Republic Road Street Improvements

2,114,356.37 chge. to: 1310-31010 Amount from fund balance  
94,482.66 chge. to: 1321-31010 Amount from fund balance

1,927,356.72 approp. to: 1310-910141-4810 Two Way Radio System  
182,631.89 approp. to: 1310-910141-48606 Public Safety Building  
4,367.76 approp. to: 1310-910141-48691 Simms Building renovation  
74,000.00 approp. to: 1321-910161-48654 Eastern Water Source Development  
20,482.66 approp. to: 1321-910161-48657 Water Storage Tank

1,200.00 chge. to: 1000-31010 Amount from Fund Balance  
1,200.00 approp. to: 1000-3140431-42120 Clothing allowance

5,541.72 chge. to: 1000-31010 Amount from fund balance  
5,541.72 approp. to: 1000-3104731-48111 Machinery & equipment (replace)

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

Vote: Yes - Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was a request from the Retail Merchants Association. Hunter Woodard, President of the Retail Merchants Association, requested closing South Main Street from Bruce Street to Elizabeth Street and East and West Market Street from Franklin to North Liberty on August 27, 2005 for the annual Antique Car Cruise-In from 7:00 a.m. to 3:00 p.m. The Retail Merchants Association are also requesting that the West and South sides of Court Square be closed on September 24, 2005 from 2:00 p.m. to 8:00 p.m. for an event to welcome back students from the local colleges and universities. Council Member Pace offered a motion to approve this request. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

The next item of business was a request to authorize the Harrisonburg-Rockingham Community Services Board to receive funding from the Department of Mental Health, Mental Retardation and Substance Abuse Services. The City of Harrisonburg has served as fiscal agent for CSB since 1976. The Code of Virginia now permits CSB to act as its own fiscal agent. Council Member Pace offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

The next item of business was a request to increase tipping fees by \$3.00. City Manager Baker said that Rockingham County is raising its tipping fees effective September 1, 2005. The City will need to adjust its fees as well. Council Member Pace offered a motion to approve increasing the tipping fees by \$3.00 effective September 1, 2005. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was a request to reduce the City's 2005-2006 budget. City Manager Baker said that on May 10, 2005 and May 24, 2005, Council authorized the transfer of \$1,000,000 from the General Fund to the General Capital Projects Fund. Subsequently, the City closed on a bond issue that included funds for which the intended use was to reimburse the General Fund for the \$1,000,000. Council Member Lantz offered a motion to approve this request to reduce the City's budget. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was a request by the Fraternal Order of Police in Augusta County for a police helicopter. Ed Bright, President of the local Fraternal Order of Police, said the association has taken the task of identifying topics that would enhance the law enforcement community and make the community a better place to live. Even though major crime has decreased slightly in the past years, gang violence and drug trafficking has increased. Robinson Helicopter Company has developed a very fast, lightweight agile, economical, and affordable helicopter for police use. Mr. Bright invited Council Members to attend an annual picnic on September 16, 2005 to see the Robinson R44 Raven police helicopter, which will be on display. He said handouts on the breakdown of cost will be available for review. He also said that a helicopter could benefit the law enforcement community and enhance the patrol force.

Tanis Rontopoulos, a resident of the City, briefly reviewed a report by Marsha Garst who recently testified before the House of Representatives Judiciary Committee regarding gangs, guns, vandalism, illegal aliens, firearm violations, assaults and other crimes.

At 8:47 p.m., Council Member Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Upper Valley Regional Park Authority Board of Directors, Harrisonburg Parking Authority and a City department, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating within the City, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(5) of the Code of

Virginia. Consultation with the City Attorney regarding specific legal matters requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, and discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes – Council Member Lantz  
Council Member Pace  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

At 11:35 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Chenault offered a motion that City Manager Roger Baker be appointed to another term on the Upper Valley Regional Park Authority Board of Directors to expire on September 30, 2009. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

At 11:40 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

cc: City Council  
City Manager  
Assistant City Manager  
Public Library

## REGULAR MEETING

AUGUST 23, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne “Bonnie” Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Mayor Larry Rogers.

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

Bucky Berry, a resident of Harrisonburg, said his son enjoyed the Boys and Girls Club summer program. He also asked Council to recognize ARC Director Dan Suggs who died earlier this month for his many accomplishments to Harrisonburg and Rockingham County.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for various departments. The motion also included amending Section 10-3-46, 10-3-25(19) and (28) of the Harrisonburg City Code. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

Harrisonburg-Rockingham Emergency Communication Center Operations Manager Deidra Sencindiver presented a request for a special use permit for a public safety radio communication tower to be located on the School Board property at 1575 Peach Grove Avenue in Harrisonburg. The proposed site is for a 199’ self-supporting public safety radio tower that will be located in a vacant area in the northwest corner of the property. This site provides residential and commercial in-building coverage to the Port Republic Road area, JMU and the Southern downtown area. She showed slides depicting the area where other structures are located in relation to the proposed radio site. Having growth potential for future co-locators enables the City to utilize this tower for several different things and not have to have additional towers built in the general residential area in the future. The site includes several safety features that include tower fall zone provisions, radio frequency radiation and lightning/surge protection. The safety features are especially designed for towers in resident areas. A carefully planned tower can and does co-exist in residential neighborhoods with minimal or no harm to life and property.

At 7:45 p.m., Vice-Mayor Eagle closed the regular session temporarily and called the evening's joint public hearing to order. Planning Commission Chairman Weins also called the evening's joint public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, August 9, and Tuesday, August 16, 2005.

### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council and Planning Commission will hold a joint public hearing on Tuesday, August 23, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

*Special Use Permit – 1575 Peach Grove Avenue*

**Public hearing to consider a request from the City of Harrisonburg, for a special use permit {per Section 10-3-34 (8)} to allow communication facilities necessary for public safety purposes, including a tower up to 200 feet in height, which may include rental of space to private communication service providers. The property is located at 1575 Peach Grove Avenue and can be found on tax map 91-A-2.**

**Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the Planner at 432-7700 at least five days prior to the date of the meeting.**

Vice-Mayor Eagle and Chairman Weins called on anyone desiring to speak for or against the request. There being no one desiring to be heard, the joint public hearing was declared closed at 7:50 p.m., and the regular joint session reconvened. Planning Commissioner Jones offered a motion to approve this proposal as presented. The motion was seconded by Planning Commissioner Snell and approved with a unanimous vote of Planning Commission. Council Member Lantz offered a motion to approve this request as presented. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

The next item of business was a request to change a street name. Jerry Scripture developer for the project “Liberty Square” requested that Nightingale Lane be changed to Founders Way. He said that this residential development would be a large community and feature names of the country's founding fathers. Founders Way would better fit in with the theme and the name will be used for the entire street.

At 7:55 p.m., Vice-Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, August 16, 2005.

### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold a public hearing on Tuesday, August 23, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

*Street Name Change – Nightingale Lane to Founders Way*

**Public hearing to consider a request from Liberty Land Company to rename “Nightingale Lane” to “Founders Way”.**

**All persons interested will have an opportunity to express their views at this public hearing. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Clerk at 432-7701 at least five days prior to the date of the meeting.**

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

Gary Crowder manager of an apartment building on Nightingale Lane said the tenants were not in favor of changing the name. There being no others desiring to be heard, the public hearing was declared closed at 8:00 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Pace offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

No - Council Member Lantz

Absent – Mayor Rogers

The next item of business was selecting voting delegates for the Virginia Municipal League Conference scheduled for October 23-25, 2005. Council Member Chenault offered a motion naming Mayor Larry Rogers as the voting delegate and City Manager Baker as the alternate voting delegate. Assistant City Manager Kurt Hodgen was selected as a staff assistant to represent the City at the conference. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council Members present.

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

**RESOLUTION OF CITY OF HARRISONBURG, VIRGINIA  
EXTENDING EXISTENCE OF HARRISONBURG-ROCKINGHAM  
REGIONAL SEWER AUTHORITY**

WHEREAS, the City of Harrisonburg, Virginia is one of five members of the Harrisonburg-Rockingham Regional Sewer Authority; (the “Authority”) and,

WHEREAS, the Articles of Incorporation of the Authority dated July 2, 1970 were signed by the City on July 15, 1970 and were issued by the State Corporation Commission of Virginia on the same date; and

WHEREAS, Virginia law (§ 15.2-5114, Code of Virginia, 1950, as amended) provides that an Authority may exist only for a term of 50 years, provided that its existence may be extended for further periods as provided by resolutions of the members of the authority, provided further that the term may not be extended for more than 50 years from the date of the new resolution; and,

WHEREAS, the City of Harrisonburg deems it prudent to extend the existence of the Authority for an additional period of 50 years; and

NOW, THEREFORE, BE IT RESOLVED, that the existence of the Harrisonburg-Rockingham Regional Sewer Authority be extended for a period of 50 years. Similar resolutions must be adopted by the other four members of the Authority and this Resolution shall become effective on the date on which the last of such members act, which shall be the date for commencement of the 50 year period.

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**Rodney Eagle, Vice-Mayor**

Attest:

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**Yvonne Ryan, CMC, City Clerk**

City Manager Baker explained that the Sewer Authority is planning to extend the life of the Harrisonburg-Rockingham Regional Sewer Authority in order to meet new state regulations. In order to finance the expansion, it may be necessary to issue bonds that would go beyond the fifteen years remaining under the current Articles of Incorporation. The sewer authority will exist for the 50-year period to assure bond buyers. Council Member Pace offered a motion to adopt this resolution. The motion was seconded by Council Member Chenault and approved, with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

Council Member Lantz offered a motion to appoint James Baker, Director of Public Works, to SHENAIR. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council Members present.

The next item of business was a request to approve a petty cash advance for the Emergency Communication Center. City Manager Baker said that the petty cash money will be used by the Center to make small purchases, etc. Council Member Lantz offered a motion to approve the cash advance in the amount of \$200.00. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council Members present.

Assistant City Manager Hodgen presented a request for a supplemental appropriation for the Community Development Block Grant Fund. He said when a grant from the Federal Government was prepared a dollar was not included in the original budget. This request will correct the dollar error. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1.00 chge. to: 1117-33201 Community Development Block Grant

\$1.00 approp. to: 1117-810721-45676 CDBG Projects and Programs

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

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

Absent – Mayor Rogers

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

\$22,800.00 chge. to: 1000-31010 Amount from fund balance

\$22,800.00 approp. to: 1000-310231-46100 Police supplies

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

Vote: Yes - Council Member Pace  
Council Member Chenault

Council Member Lantz  
Vice-Mayor Eagle

Absent – Mayor Rogers

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received through a reimbursement grant from DMV and will be used to purchase one in-car video camera. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$6,324.51 chge. to: 1000-33524 DMV Federal grant

\$ 829.51 approp. to: 1000-310231-41020 Salaries/wages OT

5,495.00 approp. to: 1000-310231-48211 Machinery/equipment

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

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

Absent – Mayor Rogers

Council Member Chenault congratulated the School Board and the City on the opening of the new high school. It is an impressive structure and the grand opening was very informative. He also said there have been some alarming instances of bomb threats in Rockingham County and Harrisonburg. “I understand the Police Department is exploring the possibility of attaining a bomb-sniffing dog. If there is anything Council can do to expedite the acquisition of that asset we should do it.”

Police Chief Harper said that the Police Department has purchased a vehicle and designated an existing officer to work with a bomb-sniffing dog. However, the dog needs to be purchased and trained. The cost could be \$10,000.

Council Member Pace commented that waiting for donations will only delay purchasing a bomb-sniffing dog.

Police Chief Harper will present a report at the next Council meeting regarding the current funding available to purchase a bomb-sniffing dog.

Council Member Pace said City representation at Dan Suggs memorial service was amazing. He suggested recognizing Mr. Suggs service to the City. He also said that he attended the dedication of the new high school and since he wasn't on City Council and didn't have any

input into the decision, he thanked Mayor Rogers and Council Members Lantz, Frank, Fitzgerald and Peterson for their vision for the City.

At 8:25 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Consultation with the City Attorney regarding specific legal matters requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

At 9:35 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 9:36 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

cc: City Council  
City Manager  
Assistant City Manager  
Public Library

REGULAR MEETING

SEPTEMBER 13, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne “Bonnie” Ryan, CMC/MMCA, and Chief of Police Donald Harper.

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

Bucky Berry, a resident of Harrisonburg, expressed his appreciation to the Police and Sheriff Departments for assisting hurricane victims in the South.

Vice-Mayor Eagle offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Police Department and Community Development Block Grant Fund. The motion also included a rezoning request by Dennis Belcher and Joseph Good, and referring an alley-closing request by Borris R. Caballero, Nora C. Caballero and Craig Hertzler to the Planning Commission. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was recognizing Harrisonburg’s Deputy Commissioner of Revenue Ruth P. Craig. Commissioner of the Revenue June W. Hosaflook said it was a pleasure to recognize a City employee who has achieved a level of professionalism esteemed by her peers. Ms. Craig began her career in the Harrisonburg Commissioner’s office nearly 20 years ago. Over the years, she has worked in all areas of local taxation; however, in recent years, she has concentrated her efforts in the areas of Virginia income taxes, assessment of business personal property, and managing the collection of local excise taxes. She also excels in customer service. The Master Deputy Commissioner of the Revenue level of achievement is based on experience and education in the field of tax assessment. Changes occur every year in local and state taxation and having an educated employee is vital to providing excellent service for both the City and its customers. The Commissioners Career Development Program was developed by the Commissioners of the Revenue of Virginia to promote professionalism and excellence in the field of tax assessment. A committee of Commissioners and the Weldon Cooper Center for

Public Service at the University of Virginia administers the program and the Virginia General Assembly recognizes it. Ms. Craig has achieved the level of Master Deputy by dedicating herself to the program and excelling in it. Mrs. Hosaflook said that tax administration requires special study, knowledge and skills. She said that Deputy Commissioner Craig is an asset to residents of Harrisonburg and her commitment to provide the highest level of tax assistance is demonstrated by the professional way she does her job. Mrs. Hosaflook then presented a Master Deputy Commissioner of Revenue framed certificate to Ms. Craig.

Planning and Community Development Director Turner presented a request by Nelson Hess to rezone a parcel located at 147 West Water Street. She said that this request is for a 6,700 square foot lot currently containing a non-conforming dwelling unit zoned M-1 General Industrial classification. The Comprehensive Plan designates this area as Mixed Use Development area intended for both existing and proposed new mixed uses. She reviewed the surrounding uses in the area. The applicant has requested to rezone the property to a R-3 zoning conditional classification. The applicant has proffered that the property will only be used for the following: 1) All uses permitted in the R-1, Single-Family Residential District. 2) Professional and medical offices as allowed within the R-3 Zoning Ordinance. These proffers substantially limit the potential uses of this property and remove any concern for this site being used as a rental property for four unrelated individuals. She said if the rezoning is approved it would still not be in complete conformance because of the City's setback regulations. This property is accessed from a driveway off of West Water Street, which the applicant has stated encroaches the adjacent property at 139 West Water Street. It is suggested that the applicant create a shared access agreement between 147 West Water Street and 139 West Water Street if they anticipate sharing potential parking facilities at the rear of these buildings. The Public Utilities Department has also stated that changing the use of the property from single family residential to an office use would require evaluation of water, sewer services, and fire flow availability. This may result in needed upgrades. This rezoning request brings the property into closer conformance with the existing zoning and the Comprehensive Plan designation. She said that Planning Commission recommended approval of the request.

At 7:47 p.m., Mayor Rogers closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 29, and Tuesday, September 6, 2005.

### **Notice Of Public Hearing**

**The Harrisonburg City Council will hold a public hearing on Tuesday, September 13, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### ***Rezoning – 147 West Water Street***

**Public hearing to consider a request from Nelson Hess, with representative Steven Hess to rezone one, 6,700 sq. ft. +/- lot from M-1, General Industrial District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 147 West Water Street and can be found on tax map 25-C-9.**

**The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area.**

**The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.**

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

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

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

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:48 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve this rezoning request. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was a report by Ted Cole of Davenport and Company, the City’s financial advisor. Mr. Cole presented an overview of a proposed new school project,

which is estimated to cost \$35 million. There are three funding options including General Obligation (GO), Virginia Public School Authority (VPSA), and Virginia Municipal League/Virginia Association of Counties (VML/VACo). The General Obligation bond allows the City to issue debt. If the City participates in either the VPSA or VML/VACo program it will be pledging general obligation credit. The best of the three options would be for the City to offer a general obligation bond. The General Obligation bond allows the City to maintain complete control and flexibility over when the debt is issued. There may be limitations on how some of the other options are structured. If the City considers issuing General Obligation bonds it would have an opportunity to include in the financing process non-school related projects. A General Obligation bond could save the City approximately one-half million dollars in debt service savings. He proposed working through the City Manager's office to get a better appreciation for the timetable and cost estimate of the project.

Council Member Pace asked, "Are there any restricted covenants on general obligation bonds that are significantly different from the other two alternatives?"

Mr. Cole responded that if the City uses the general obligation bonds then it would be responsible for the debt service. He said it depends on whether the City wants to issue general obligation bonds or participate in a bond pool.

Council Member Lantz asked, "If we have to wait six months before issuing the bonds would the general obligations bonds still be cheaper?"

City Manager Baker said the City now has a better AA rating when compared to previous years.

Mr. Cole reiterated as this project proceeds the City of Harrisonburg won't have any problem securing the needed funds because of its strong bond rating.

Planning and Community Development Director Turner introduced a request from James Shenk for a preliminary subdivision of 35 lots with variances. This request by Mr. Shenk would reconfigure three lots on College Avenue and the undeveloped area of Smith Avenue. The entire area is zoned R-2 Residential District, which permits single-family homes and duplexes. The Comprehensive Plan designates this area as Neighborhood Residential. She reviewed the surrounding uses in the area. The plan calls for the creation of 16 single-family lots, including the existing home occupied by the applicant, along with 16 duplex lots fronting along Smith Avenue. Three additional lots would be created from a reconfiguration of existing structures along College Avenue. Six large lots, including the applicant's home would require a variance to the City Zoning Ordinance. Because of the topography, and the inability to create a public street to these parcels, the developer has designed them to front on Smith Avenue with pipe stem lot configurations. A variance will be needed to the City's Design and Construction Standards Manual because it is estimated that a combined total of 293 vehicle trips per day will be generated on this long portion of Smith Avenue. It is also in excess of the 800 feet maximum length for a cul-de-sac. When the developer originally submitted the plan it contained a permanent cul-de-sac configuration for the property, which had more duplex units. There was a lot of concern from adjacent property owners on Graystone Street and College Avenue about the

amount of traffic that could possibly be generated. The developer then reduced the number of proposed duplex units. The access easement would allow pedestrian traffic without having to cross people's property lines. A gate with a chain would prevent vehicles from driving onto the access easement. She said that Planning Commission recommended approval of the request with the condition that the lots would not be further subdivided in the future.

Following further discussion and comments, Council Member Lantz offered a motion to approve this request for a preliminary subdivision. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Gary Bodkin to preliminarily plat 10 townhouses with a variance. The site, which is approximately .77 acres currently zoned R-3, Multiple Dwelling Residential is located on Reservoir Street. She reviewed the surrounding uses in the area. The applicant is requesting to preliminarily plat 10 townhouse lots, which is a use permitted by right in the R-3 zoning classification. These lots would not front on a public street, but on a private parking lot. Currently Reservoir Street has 50 feet of right-of-way. The Public Works Department estimates that an additional 10 feet will be needed to make the necessary improvements; 5 feet of right-of-way would be needed from each side of the street. In addition, the entrance to this development should be designed to ensure there are no line-of-sight issues with traffic entering the City on Reservoir Street. She said that Planning Commission recommended approval of the request. Council Member Chenault offered a motion to approve the variance request. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Mayor Rogers announced that a request by Butch Girdley to consider a preliminary plat of 142 single home lots with variances has been requested by Mr. Dick Blackwell to be withdrawn.

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance provided an

update on the progress and accomplishments of HDR. He thanked City Council and staff for its dedication and support for the restoration of the Hardesty-Higgins House. He said HDR and Harrisonburg Tourism and Visitors Services are developing a downtown-walking brochure, which should be available at the end of September. HDR is hosting the Virginia Main Street Conference September 28-29 in Harrisonburg. Recently focus groups with Main Street Consultants met to determine what is unique about Harrisonburg. Harrisonburg has a series of springs on which the City was founded. The consultants have recommended using “Springing to Life” as a slogan. It has also been recommended finding an easier way for travelers to find downtown attractions, and parking, and to have a uniform signage system, which should be incorporated into the Streetscape Plan. Several businesses in the downtown area conducted a zip code counting. It was discovered that 60% of downtown shoppers have a Harrisonburg zip code. Slightly more than 15% have a Rockingham County zip code, which means almost 25% come from other counties, states, and countries. On Wednesday, October 26<sup>th</sup> a group of officials from Harrisonburg will travel to Lynchburg to tour the community, learn about its revitalization efforts and community services. A reception has been scheduled at Calhoun Restaurant on October 17<sup>th</sup> from 5:00-7:00 p.m., to report accomplishments, give awards and have a kick-off membership campaign. He also said the summer films and concerts held on Court Square this year were very successful. A block party will be held on September 24<sup>th</sup> from 3:00-10:00 p.m., to welcome back students from area colleges. There are new signs, lighting, awning, and improved landscape throughout the downtown area due to a Harrisonburg Downtown Renaissance grant program. The Downtown Parking Advisory Committee continues to meet discussing ideas and recommendations. He reviewed the status of the Blacks Run Bridge.

Todd Hedinger representing friends of Blacks Run Greenway said the bridge at the Market Square area was not originally on the master plan. However, when the bridge was condemned and removed the community wanted a replacement bridge. He then reviewed a proposal and asked City Council to authorize the City to sign an agreement for an easement with Main Street Bar and Grill for the purpose of putting a walkway from the bridge through to the parking lot in front the bicycle shop.

Council Member Chenault offered a motion to sign an easement from the Main Street Bar and Grill to the City for the purpose of putting the walkway from the bridge through to the parking lot in front of the bicycle shop. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was a report on the Railroad Enhancement Feasibility Study. Public Works Director Baker said the City of Harrisonburg, in partnership with Rockingham County and James Madison University, has completed a year-long feasibility study concerning

the feasibility of relocating a section of the Chesapeake & Western Railway around the City. This is a regional plan serving a community transportation base of over 100,000 people.

Todd Weatherman representing Ralph Whitehead Associates presented a feasibility study evaluating re-locating 3.1 miles of Northern Southern Railroad out of the James Madison University's campus and through downtown Harrisonburg. The feasibility study contains three primary alternates that were considered for the proposed realignment, a southern route, a northern route, and a middle route. Decisions on selecting the routes were based on land use, impacts, topography, and engineering restraints. The northern route has been selected by the railroad relocation committee as the primary planning process route. He said with their existing conditions the conflicts and hazards have a lot of safety issues with a number of grade crossings. Two or three trains a day create a lot of impatience with people waiting and long lines. On the JMU campus up to 5,000 students and professors are impacted when a train is passing through the campus during class change. Emergency response is also impacted when trains passes through the area. He said that there is a lot push to relocate the line to the north of the City in Rockingham County. There are jurisdictional waters and wetlands that must be considered in the planning process. It is also important in the beginning of the planning process to determine if and where historical and/or archaeological resources may exist within the project area. There are eight protected endangered species in Rockingham County and Harrisonburg that will have to be further evaluated in the environmental stage. Environmentally hazardous materials and underground storage tanks will also have to be considered in the planning process. Consideration will have to be made regarding noise level and impacts to the relocation of the railroad track. It has also been noted that an evaluation must be conducted regarding the potential for disproportionately high and adverse human health or environmental effects that projects may have on minority populations and low-income populations. The southern alternate would cost approximately \$71 million, the middle alternate \$92 million, and the northern alternate would cost approximately \$75 million. The cost is very high because of the topography, grading, draining, and tremendous cuts in the fields. A project of this magnitude will require a significant amount of funding. Though no one source is likely to provide all of the funding, a combination of funding avenues may be available during different stages of the project. The project will likely require cooperation and assistance of a Congressional earmark. As such, efforts to work closely with the U.S. Congressional Delegation are of utmost importance. Additional funding opportunities may be available through the Federal Railroad Administration and/or the Federal Highway Administration through Rail Relocation Grants. The Norfolk Southern Railway has not made any commitment to participate in project funding at this phase of the project. However, they will continue to be a participating party throughout the planning phase of the project. The next step is coming up with the funding for additional phases, which includes planning, environmental documents, preliminary engineering, design and construction.

The following discussion by Council Members included: Has there been any reaction from JMU or Rockingham County Board of Supervisors? Is Congressman Goodlatte supportive of this project? What would become of the present right-of-way? If Norfolk and Southern Railroad decides not to participate in an agreement to spend \$75 million dollars to move three miles of railroad, JMU and the City will need Southern Railroad's deeded interest for future use. Of the \$75 million dollars at least \$70 million dollars plus will have to come from the Federal

Government. Has Congressman Goodlatte seen the number? It is a staggering amount of money. If the City approaches the Federal Government on only one priority it should be repairing roads in the area first.

Public Works Director Baker said that JMU has reviewed the preliminary draft of the project and are interested in moving forward with the project. A report will be presented to Rockingham County Wednesday, September 14<sup>th</sup>. The preliminary indications are that the northern route would be considered because it will have the least impact in the area. Congressman Goodlatte is supportive of the project.

The next item of business was a discussion on changing the BPOL fees. Commissioner of the Revenue June Hosaflook said that the City charges small businesses grossing \$50,000 or less \$50.00. There is an interest in reducing or eliminating the fee up to a different threshold. She suggested considering a tier of up to a certain amount allowing people that have an irregular business or a serious hobby to not pay a fee at all. She said it could cost approximately \$35,000 to lower the fee from \$50.00 to \$25.00 and \$4,000 by eliminating people under the \$4,000 gross receipts amount. BPOL is an excellent source of revenue and is growing rapidly. For example, by June 30<sup>th</sup> this year the gross receipts in the City and the taxes produced through BPOL have already surpassed all of 2004 numbers. The City has collected \$5.4 million dollars in BPOL tax. Following further discussion and comments, Council Member Lantz offered a motion to tax gross receipts from \$0.00 to \$10,000.00 no fee; from \$10,001.00 to \$25,000.00, fee at \$25.00; and \$25,001.00 to \$50,000.00 fee at \$50.00 for a first reading. This change will be effective January 1, 2006. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was a discussion on general reassessment of real estate. Commissioner of the Revenue June Hosaflook said the City has a bi-annual or every other year of real estate reassessment. She said that a number of cities in Virginia with an in-house assessment staff reassess annually. If the City would go to annual real estate reassessment there would also be a permanent Board of Equalization. Receiving a new assessment notice, which is 14% to 20% higher than the last assessed value, is a hardship on a lot of homeowners. Property owners would not have to wait two years to see the value reflected in the assessment. She said her office could accomplish an annual reassessment with additional staff of two people and one-time equipment purchases, which could cost be \$80,000 during the first year. She reviewed the costs associated with hiring two full-time positions compared to hiring part-time positions during reassessment.

Council Member Pace said that changing to a reassessment every year will help keep property taxes in line and budget planning for the City and property owners. “We heard the shock people had at 13.5 percent.” Annual assessment has essentially two elements of embedded tax increase in it. The citizen will be paying money to the City a year earlier losing the opportunity to earn interest on it and the City gains an opportunity to earn interest on it. Also, the citizen could start having a compound effect rather than a simple interest rate. However, “I am in favor of annual assessment because during the last four years the City’s general property taxes have not been enough to pay the City’s contribution to the operating expenses of the school budget.

Council Member Lantz said, “I don’t know if I agree that it is an embedded tax increase, it’s taxes that people owe, but the City is just collecting it sooner.”

Following further discussion and comments, Council agreed to hear public comments at the September 27<sup>th</sup> Council meeting.

Public Utilities Director Collins presented a request to charge off delinquent utility bills incurred through December 2004. He said two accounts will have the amount transferred to their new account. None of the other accounts listed currently have service with the City of Harrisonburg; these accounts are currently being pursued by a professional collection service. Council Member Pace offered a motion to write off the list of delinquent accounts. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Economic Development Director Shull presented a request to transfer funds to establish Harrisonburg Tourism and Visitors Services Division. He said on August 16<sup>th</sup> the Harrisonburg Tourism and Visitors Services Division was established and located in the Hardesty-Higgins House. Also, this division was placed under the Economic Development Department. There is a balance of \$148,875 remaining in the in the 2005-2006 budget line item for the H-R Convention and Visitors Bureau. Vice-Mayor Eagle offered a motion to approve this transfer request, and that:

\$148,875.00 chge. to: 1000-910411-45654 Convention & Visitors Bureau

\$48,500.00 approp. to: 1000-810821-41010 Salaries & Wages

312.00 approp. to: 1000-810821-41015 Employer Benefit Match

38,500.00 approp. to: 1000-810821-41030 PT Salaries & Wages

6,656.00 approp. to: 1000-810821-42010 FICA

7,397.00 approp. to: 1000-810821-42020 Retirement-VRS  
10,460.00 approp. to: 1000-810821-42050 Hospital Insurance  
65.00 approp. to: 1000-810821-42160 Flex Spending Plan Cost  
5,000.00 approp. to: 1000-810821-43100 Professional Services  
9,285.00 approp. to: 1000-810821-43600 Advertising  
5,000.00 approp. to: 1000-810821-43601 Printing Services  
200.00 approp. to: 1000-810821-44300 Central Stores  
4,000.00 approp. to: 1000-810821-45210 Postage  
3,000.00 approp. to: 1000-810821-45230 Telecommunications  
2,500.00 approp. to: 1000-810821-45530 Training & Travel  
3,500.00 approp. to: 1000-810821-45810 Dues & Memberships  
3,000.00 approp. to: 1000-810821-46010 Office Supplies  
500.00 approp. to: 1000-810821-46120 Books & Subscriptions  
1,000.00 approp. to: 1000-810821-46140 Other Operating Supplies

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

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was a request to approve a petty cash advance in the amount of \$300.00 for the Harrisonburg Tourism and Visitor Services. Council Member Lantz offered a motion to approve the cash advance. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Public Utilities Director Collins presented for Council's consideration ordinances amending Section 7-1-16, 7-4-1(5), and 7-4-1(6) of the Harrisonburg City Code. He said these changes should make deposits more customers friendly and charge a \$10.00 fee if a customer misses an appointment to set up an account. Council Member Pace offered a motion to approve this ordinance for a first reading. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

City Attorney Thumma presented for Council’s consideration amending and re-enacting Section 2-3-3(a) (2) of the Harrisonburg City Code. He said this ordinance changes procedures concerning the development of the agenda for Council meetings, which states that all agenda items must be submitted to the City Clerk no later than 5:00 p.m., of the Tuesday before regular Council meetings. Council Member Chenault offered a motion to approve this ordinance for a first reading. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funding represents unanticipated receipts from the Federal Government that were not known during the budget process. These funds will be used for Title I reading program, special education technology, and purchasing calculators for mathematics. No additional City dollars are required from City Council for the school division to receive these additional funds. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$116,471.00 chge. to: 1111-33301 School Revenue – Federal

\$116,471.00 approp. to: 1111-111114-40610 Instruction

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

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

City Manager Baker presented a request from Rockingham County Public Schools. He explained that the schools have requested permission to hold a special event “Celebrating Character Counts” on Court Square on Tuesday, September 27<sup>th</sup> from 5:30 until 8:00 p.m. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

City Manager Baker announced that the City will purchase a bomb-sniffing dog using budgeted funds for the Police Department. The total cost of the dog will be \$13,629.00.

At 10:10 p.m., Vice-Mayor Eagle offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

At 11:00 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 11:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

cc: City Council  
City Manager  
Assistant City Manager  
Public Library



REGULAR MEETING

SEPTEMBER 27, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz and George W. Pace; City Clerk Yvonne “Bonnie” Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Mayor Larry Rogers, and Assistant City Manager Kurt Hodgen.

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

Vice-Mayor Eagle announced that Mayor Rogers would be joining the Council meeting later in the evening because he is participating in a satellite broadcast hookup by WHSV-TV3 with officials and residents of Long Beach, Mississippi, which was devastated by Hurricane Katrina.

Bucky Berry, a resident of Harrisonburg, expressed his appreciation to the Weed and Seed Program.

Council Member Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the School Board and a rezoning request by Nelson Hess. The motion also included amending Section 7-1-16 (5) (6) (7) and amending and re-enacting Section 12-1-10 and 2-3-3 of the Harrisonburg City Code, a right-of-way request by Dan Newberry and Graddison, LLC and referring an alley-closing request by Russell and Debbie Armentrout to the Planning Commission. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

City School Business and Finance Director Jim Triplett presented a request for a supplemental appropriation for the School Board. He said that these funds were received from the 2003D Refund Bond for the 1992B and 1993B bond issues. These funds will help purchase land for the new elementary/middle school complex. No additional local dollars are required from the City.

At 7:39 p.m., Vice-Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Wednesday, September 21, 2005.

**NOTICE OF PUBLIC HEARING**  
**City Council Chambers**  
**Tuesday, September 27, 2005**  
**7:30 p.m.**

**A Public Hearing will be held by the Harrisonburg City Council on Tuesday, September 27, 2005 at 7:30 p.m., in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's 2005-2006 budget in the amount of \$636,955.93. The funds to fund this budget adjustments will come from interest received and proceeds from a refunded bond issue.**

**The budget changes will be as noted below:**

**Revenue, etc:**

**School Capital Projects Fund:**

**Investment earnings 1,011.17**

**Debt issue proceeds 635,944.76**

**Total School Capital Projects Fund 636,955.93**

**Expenditures:**

**School Capital Projects Fund:**

**Elementary/Middle School Complex 636,955.93**

**Total School Capital Projects Fund 636,955.93**

**Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.**

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

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

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

Absent – Mayor Rogers

City School Business and Finance Director Jim Triplett presented a request to transfer funds for the School Board. These funds will be transferred from the new high school expenditure account to the new Elementary/Middle School Complex account. Council Member Chenault offered a motion to transfer these funds as presented and that:

\$371,244.07 chge. to: 1311-910114-48693 New High School Construction

\$371,244.07 approp. to: 1311-910114-48700 Elementary/Middle School Complex

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

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

Absent – Mayor Rogers

A scheduled public hearing to consider a resolution authorizing the issuance, sale and award of bonds to the Virginia Public School Authority has been withdrawn.

The next item of business was receiving public comment on general reassessment of real estate.

Vicki Swartz, a resident of the City, said as a citizen she expected to pay taxes; however, she does expect to receive services from the tax money. “I expect Council to be good stewards of our taxpayer dollars. Why did the City purchase land on Port Republic Road at approximately twice the appraised value? What does the City intend to do with the land?” She thanked Council Member Pace for his comments regarding spending \$70 million to move three miles of railroad tracks. The reassessment from a two-year to one-year process will make a difference. Please appropriately handle the taxpayer dollars.

Bucky Berry, a citizen of the City, expressed his concern that many elderly citizens living on a fixed income could not afford annual assessment.

Vice-Mayor Eagle said many good and bad points were discussed at the last Council meeting. It will make the property values more in line with the fair market value.

Council Member Chenault said an annual assessment more accurately reflects the actual value of property at any given time as opposed to every two years. The assessment affects the amount of tax collected, but the variable in the entire equation is the rate. He said an article, which appeared in the Daily News-Record incorrectly placed the idea of annual assessment on the

Commissioner of Revenue. Commissioner of the Revenue June Hosaflook was only implementing City Council's request for information regarding annual assessment.

Council Member Pace said the tax rate has been at 62 cents for over a decade. "We have been very fortunate that the City's general property tax has been enough to pay the City's contribution to the operating expenses of the school budget. That changed during the last several years. "I do not support increasing the tax rate, but going to an annual reassessment, which does have some embedded taxes, should allow the City to come close to paying for the operating expenses of the school budget."

Council Member Lantz said the tax increase should be very small because it is only one year of a compound effect. Annual assessment should give the elderly a better opportunity to review their budget.

Council Member Pace offered a motion to modify the tax reassessment from a bi-annual basis to an annual basis effective 2007. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Mayor Rogers

The next item of business was a presentation by the Weed and Seed Program. Dr. Ramona Rogers, Program Coordinator for the Harrisonburg Weed and Seed Program said the Weed and Seed Program is a strategy program developed by the Department of Justice. Weed and Seed is not a grant program. Weed and Seed collaborates with both City and County, law enforcement agencies, community-based initiatives, and the residents of the community. The Weed and Seed strategy is an innovative and comprehensive multi-agency approach to law enforcement, crime prevention, the battle against gangs, community renovation and parent education. Through our strategy we aim to prevent, help control, reduce violent crimes, drug abuse, and gang activity in neighborhoods throughout the City and County. The Weed and Seed Program has a two-prong approach including cooperation between law enforcement agencies and the Commonwealth Attorney's office working together in the weeding out of criminals who make the choice to participate in violent crimes, drug abuse, drug activities, and any gang activity. The second prong includes seeding in the community by strengthening neighborhoods by law enforcement, developing community policing, and using prevention/intervention/treatment. She said that Weed and Seed collaborates with the Department of Social Services, Health Department, Big Brothers/Big Sisters and Boys/Girls Club. Weed and Seed helps to establish, promote, and foster a partnership between the Harrisonburg and Rockingham County citizens, law enforcement and safety. Weed and Seed is a network of organizations working together to help empower residents to take back their communities and neighborhoods. Crime knows no boundaries, street names, neighborhoods,

City lines or County lines. The Weed and Seed staff is completing the application process for a second site.

The next item of business was a presentation of regional economic development initiatives by Shenandoah Valley Partnership. Robin Sullenberger, Executive Director of Shenandoah Valley Partnership, explained that SVP is a public/private partnership with the bulk of the funding being provided by ten jurisdictions. He said that the MSA designation has increased commercial interest in the area. The partnership is keeping its commitment to agriculture by recognizing the heritage of the area. He reviewed expansions that have occurred in food processing and auto industries in the area. Most of the expansions are very high capital investments because technology is changing. The strength of the economy in the Valley has always been diversity. Support will continue for manufacturing and he praised the technology zone in the downtown area. Many beltway companies are looking for expansion opportunities in the Valley because of the quality of the workforce and the great strides made in technology. The Valley's biggest asset is the productivity of the workforce.

At 8:15 p.m., Mayor Rogers joined the City Council meeting. Vice-Mayor Eagle turned the chair over to Mayor Rogers.

The next item of business was a presentation from the Tourism & Visitor Services Division regarding Tour of Shenandoah 2006 bicycle race. Economic Development Director Shull said that Harrisonburg Tourism and Visitor Services has been established as a new division, all of the Hardesty Higgins House activities are being well received by tourists and local citizens. Jenny Brockwell, Marketing and Tourism Coordinator for the City of Harrisonburg, said a regional bicycle race came through Harrisonburg earlier this spring. The Tour of Shenandoah is a regional cycling competition and it is similar in format to the Tour de France. This organization seeks to raise funds for the Juvenile Diabetes Research Foundation. The City hosted this event in April and it generated an estimated \$49,000 in tax revenue. Next year it is hoped that the revenue will increase to \$84,000. The Tour of Shenandoah brings almost 200 bicyclists and many enthusiasts to our area. This event will bring a lot of media attention to the area including national media coverage, which helps to highlight Harrisonburg as a destination for cyclists from across the country. The 2006 Tour of Shenandoah is scheduled to take place April 25<sup>th</sup> starting around 5:00 p.m. and ending around 7:30 p.m. She noted that April 25<sup>th</sup> is a City Council night and reassured Council that the streets would be open by the time the meeting starts. More details will be available and reported later and she asked for Council's support of the 2006 Tour of Shenandoah. Council Members voiced their enthusiasm for this race.

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Downtown Renaissance, reviewed recommendations from the Downtown Parking Advisory Committee. This committee has been studying the parking situation regarding parking policies, resources and future needs. Numerous groups have expressed interest in downtown revitalization and parking issues. Parking situations change constantly. Recommendations include placing clear, attractive signs to the downtown area, informing public of parking policies, increase safety, and improving lightning and appearance in the downtown area. He said the Downtown Parking Advisory Committee

recommends using loading zones for parking at night, removing meters from on-street parking spaces, surface lots and decks with the exception of retaining meters for 10 hours spaces, changing 15 minute parking spaces to 30 minute spaces, allowing 15 minute grace period, informational kiosks, graduated fines system, and enforcement with a computer system.

Vice-Mayor Eagle suggested that all parking meters be removed to encourage people to visit the downtown area.

Council Member Pace endorsed the direction that the Downtown Parking Advisory Committee is taking. He said if the police and bike patrols increased in the downtown area particularly from dusk to midnight they should be writing tickets and enforcing the rules. He encouraged placing signs in particular blocks notifying the public of two hour free parking unless otherwise noted. Meters should either be 9 or 12 hours if we are charging 25 cents for three hours. There is no need to have a electronic payment option. "I support the computer system enforcement."

Council Member Chenault commented that people on the committee developed this parking plan with a strong interest in the downtown area.

The next item of business was a review of a pedestrian/bicycle access plan on Garber's Church Road. City Engineer Dan Rublee presented an overview of the Garber's Church Road area. He said City staff has met several times over the last several years to discuss needed pedestrian and bicycle improvements along Garber's Church Road with the particular goal of access to the new high school. Plans include a pedestrian/bicycle path from Hillandale Park to Garber's Church Road mostly avoiding the golf course and a pedestrian/bicycle path from Market Street to Parklawn Drive avoiding the Heritage Forest area. He reviewed the project costs including right of way easements.

Following further discussion and comments, Council Member Lantz offered a motion to table taking any action on the pedestrian/bicycle access plan on Garber's Church Road until the Bicycle Plan Update is presented at the October 11, 2005 City Council meeting. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

The next item of business was a brief overview of the Denton Pocket Park. Matt Robinson, chairman of the Denton Park Committee said the Denton Pocket Park Committee was formed in 2002 to review site selection process to locate some opportunities for parks in the downtown area. A park design was located across from the existing library. A conceptual design was completed and fund raising events have been held during the last several years. Enough funds have been raised for the park and construction will begin very soon. He asked Council to waive the utility connection fee for water and sewer for the park. Vice-Mayor Eagle offered a motion to waive the fee for the utility connection. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Mayor Rogers

Absent - None

Parks and Recreation Director Foerster presented a request from the Parks and Recreation Department, Rockingham County Parks and Recreation Department and the Downtown Merchants Association to hold the annual Christmas parade. He explained that these groups are sponsoring the annual Christmas parade to be held on Friday, December 2<sup>nd</sup> at 7:00 p.m. The parade will begin at the corner of Cantrell Avenue and Main Street and continue north to Main Street to the corner of Main Street and Gay Street. Streets should be closed at 6:00 p.m. and reopened at 8:30 p.m. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

At 8:45 p.m., Vice-Mayor Eagle recused himself from the Council meeting and left the room.

Planning and Community Development Director Turner introduced a request from Butch Girdley to preliminarily plat 142 single-family homes on 56 acres zoned R-1, Single Family Residential District. This request will require a variance to the Design and Construction Standards Manual. The property is located at 1060 Willow Springs Road and can be found on tax map 100-A1,3,4 and 100-B-3. She reviewed the surrounding uses in the area. She said that the developer has tabled this request several times during the last year. Rockingham County has been in negotiations with the developer to purchase 13.13 acres of land to provide some buffer use for the landfill. The City would pay a prorated cost of the land acquisition since the City is a joint owner of the landfill site. Although zoned for residential purposes, the nature of this area gives staff concerns with the establishment of a residential development close to the landfill. Staff is concerned about the noise, dust and odors from the nearby industrial uses, as well as the addition of a significant amount of residential traffic to the industrial traffic currently using Pleasant Valley Road. These concerns; however, must necessarily be overridden by the fact that this property is zoned for single-family use. The reason this request is being presented to City Council is because of the variance request. The plat shows a proposed layout for 142 single-family homes. A development of this magnitude will generate approximately 1,420 vehicle trips per day. This number exceeds the maximum of 100 trips per hour that the City allows without providing a Traffic Impact Analysis. This study would need to be furnished in conjunction with the site plan approval process. The most difficult concern to resolve is access to the site. A cul-de-sac serving residential areas is allowed to be 800 feet in length with 20 dwelling units. The proposed subdivision, while not a traditional cul-de-sac, exceeds the maximum requirements. The closed through street to the proposed subdivision is Pleasant Valley Road; therefore, staff considers the entire development to be one large cul-de-sac. Staff does not feel potential street extensions are very likely to be developed because it is not known if land in the county will be rezoned in the future. There has been some discussion occurring between the developer of the property about an emergency access route, not a public road, but an emergency route traveling along the landfill property and exiting back out at the Pleasant Valley and Greendale Road area. The developer has included provisions for an emergency access through the Banta property in the direction of Cecil Wampler Road in Rockingham County. She said that the developer has reconfigured the layout of the area as originally proposed to Planning Commission in August

2005. Planning Commission reviewed the two emergency accesses and a guaranteed easement being provided prior to the final plat being approved, and after additional discussion, recommended approval to City Council by a vote of three to one.

Following further discussion and comments, Council Member Pace offered a motion to approve the variances as presented and accept the recommendation from Planning Commission. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Mayor Rogers

Recused – Vice-Mayor Eagle

At 9:15 p.m., Vice-Mayor Eagle returned to the Council meeting.

City Attorney Thumma presented for Council’s consideration amending and re-enacting Section 4-2-75(b) of the Harrisonburg City Code. He explained that this ordinance is necessary in order that the City *Code of Ordinances* conforms to State *Code* § 58.1-3238. Council Member Chenault offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

At 9:55 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Pace  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

At 10:45 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:46 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

cc: City Council  
City Manager  
Assistant City Manager  
Public Library

REGULAR MEETING

OCTOBER 11, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; and Hugh J. Lantz; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Council Member George W. Pace.

Council Member Lantz gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Miriam Dickler, Public Information Officer, announced that the grand prize winner of the City's Youth Art Contest is Lauren Flynn from Harrisonburg High School. Her design will become the City's official youth logo and be used on the City's youth website.

Bucky Berry, a resident of Harrisonburg, said the City should discontinue issuing decals for vehicles.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the School Board and amending Section 4-2-75(b) of the Harrisonburg City Code. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

Phoebe Kilby, president of Sympoetica, introduced the creation of two new residential zoning districts. She said R-6, Low Density Mixed Residential Planned Community and R-7, Medium, Density Mixed Residential Planned Community would add changes to the text of the Zoning Ordinance. No changes to the Zoning Map are proposed nor are there any plans to rezone landowner's properties. Both districts were proposed in the Comprehensive Plan. These are optional zoning districts for interested landowners who would like to develop planned communities with a mix of residential uses with support uses. The proposed changes would also allow the applicant to propose a creative master plan under flexible standards. The design objectives include: 1) A mix of residential lot sizes and configurations to provide a variety of housing opportunities, yet create a cohesive neighborhood that enhances social interaction. 2) Housing is clustered to preserve valuable environmental resources and provide usable recreational open space. 3) The open space system is as carefully designed as the housing area so as to provide usable parks, connected green spaces, and village greens and civic spaces visible

from roadways. 4) Vehicular, pedestrian and bicycle transportation is facilitated through a connected system of roads, sidewalks and/or trails so as to provide many choices with regard to mode and route. 5) Traffic calming techniques may be used to reduce vehicle speed and increase pedestrian and bicycle safety. 6) Principal buildings address the street, presenting front facades on the publicly visible side of the building. 7) The visual impact of vehicular off-street parking and garages on public streetscape views is minimized through innovative site planning and building design. 8) Neighborhood support uses, such as neighborhood commercial areas, daycare facilities, community centers, churches and schools, are designed so as to be visually compatible with the residential character of the neighborhood and accessible by all transportation modes. These regulations do not set minimum lot sizes, setbacks, or yards. She said in the R-6 zoning district, the maximum density is six dwelling units per days per acre and only single family detached housing would be allowed. Fifteen percent of the land must be reserved for green space or open space and up to five percent of the land can be used for retail or professional use. The R-7 zoning district would allow a maximum density of 12 dwelling units per acre and allows single family detached and attached housing as well as multi-family units. Fifteen percent of the land must be reserved for green space or open space and up to 10 percent of the land area could be used for retail or professional uses.

At 7:45 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 26, and Monday, October 3, 2005.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, October 11, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

**Ordinance Amendment – R-6, Low Density Mixed Residential Planned Community & R-7, Medium Density Mixed Residential Planned Community**

**Public hearing to consider the addition of two new residential zoning districts. The two districts would allow developers greater flexibility for the construction of both single family detached and single family attached homes along with certain governmental, educational, religious, recreational, and support uses. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Both districts would allow the clustering of dwelling units. Communities would be developed and redeveloped in accordance with a master development plan adopted at the time of rezoning. Lot sizes and setbacks would be developed with this master development plan, not mandated by ordinance.**

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

Mayor Rogers called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the two new residential zoning classifications as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

The next item of business was a review of the revised Bicycle Plan. City Planner Keith Markel said the City's first bicycle plan was created in 1994 and updated in 1999. The Bicycle Plan Review Committee recommended trying to provide the safest environment possible for all City streets with posted speed limits of 35 miles per hour or greater and accommodate bicyclists with separate bicycle trail facilities. Moving bicycle facilities off of the road should make construction less expensive because it will not have to be built to street standard. The Bicycle Review Committee discusses improving current bicycle infrastructure, developing destination routes, a bicycle by-way concept, helping inexperienced bicyclists, and educating motorists and bicyclists. The list of improvements needed to the existing bike plan infrastructure is substantial. After evaluating the plan, the Bicycle Plan Review Committee has selected the most significant improvements needed to accomplish the overall goals of the Bicycle Plan. The committee developed a list of priority improvements list, which are realistically achievable during the next five years. The group has expressed an interest to continue meeting every two to four months. He said that Planning Commission recommended approval of the bike plan.

Mayor Rogers questioned whether the committee had reviewed a potential new school complex being built in the Eastern section of the City.

Mr. Markel replied that this plan was developed before the committee was aware of a proposed new school, but will take any new plans into consideration.

Council Member Chenault said that City staff had presented a design proposal at the last Council meeting. The plan includes a pedestrian/bicycle path from Hillandale Park to Garber's Church Road mostly avoiding the golf course and a pedestrian/bicycle path from Market Street to Parklawn Drive avoiding the Heritage Forest area.

At 8:01 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 26, and Monday, October 3, 2005.

### **NOTICE OF PUBLIC HEARING**

The Harrisonburg City Council will hold public hearings on Tuesday, October 11, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

**Bicycle Plan Update**

Public hearing to consider adoption of the revised bicycle plan. This plan includes proposed bike routes, and a prioritized list of infrastructure improvements.

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

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

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

Mayor Rogers called on anyone desiring to speak for or against the revised bicycle plan. Ben Wyse asked more than 100 bicycling enthusiasts attending the meeting to stand and said that it is important to consider this bike proposal and move forward with it. David Ehrenpreis, a resident of the City, said, "I am absolutely amazed for a number of reasons, but the main reason is because finally there is planning. Planning about the future and a bicycle plan, which has been carefully thought out. Harrisonburg needs this plan. "The plan is a plan and that's great, but there must be a follow-through." Alexandria Brown, a student at Harrisonburg High School, said the plan is incredibly important and will be beneficial to all of the students. Given the opportunity a lot of HHS students would be happy to bike to school every day. Connector trails across Garber's Church Road would decrease the traffic and help a lot with the situation. There being no others desiring to be heard, the public hearing was declared closed at 8:10 p.m., and the regular session reconvened.

Council Member Chenault said Harrisonburg's future is in alternative transportation and bicycling will be a primary method. This bicycle plan does so much for the community from a recreational point, getting to work, and tourism standpoint. Council Member Chenault offered a motion to approve the bicycle plan as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent -- Council Member Pace

Planning and Community Development Director Turner introduced a request by Mick-or-Mack for a special use permit. She said this request will allow a church to occupy a portion of the structure located at 1586 South Main Street. The property can be found on tax map 10-C-6A & 9A. The applicant is requesting a special use permit for Aletheia Church to operate in an M-1, General Industrial District. The Comprehensive Plan designates this area as commercial. She reviewed the surrounding uses in the area. The church would utilize 7,500 square feet of building space, which is the main floor of the facility. Aletheia expects a congregation of approximately 300 people. The City Code requires church uses to supply two parking spaces for every 10 portable seats in the assembly use for largest capacity. Fifty parking spaces would be needed for a congregation of 250 members. The applicant must show that all required spaces are provided and clearly delineated on the site before a change of use permit would be issued. Providing sufficient parking is critical to prevent vehicles from overflowing onto surrounding properties such as Purcell Park. There was some concern expressed at the Planning Commission meeting about the level of lighting. Currently, there are two outdoor floodlights and five Harrisonburg Electric Commission light poles near the property. Planning Commission discussed the applicant providing lighting in relation to a standard that HUD has for a parking lot. She said that Planning Commission recommended approval of the request provided the additional lighting standard is met.

At 8:20 p.m., Mayor Rogers closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 26, and Monday, October 3, 2005.

### **NOTICE OF PUBLIC HEARING**

The Harrisonburg City Council will hold public hearings on Tuesday, October 11, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

#### **Special Use Permit – 1586 South Main Street (Aletheia Church)**

**Public hearing to consider a request from Mick-or-Mack LC, with representative David Driver for a special use permit {per Section 10-3-97(9) of the Zoning Ordinance} to allow a church to occupy a portion of the structure located at 1586 South Main Street. The property can be found on tax map 10-C-6A & 9A.**

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

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

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

Mayor Rogers called on anyone desiring to speak for or against this special use permit. Bucky Berry, a resident of the City, asked Council to approve the special use permit. Brandon Kiracofe speaking on behalf of Aletheia Church said they are excited about this location because they can reach out to more college students in the area. The church group plans on meeting twice on Sundays along with music practices through the week. There being no others desiring to be heard, the public hearing was declared closed at 8:25 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve the special use permit as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

Planning and Community Development Director Turner introduced a request by Roger and Patricia Simmons to rezone 2.55 acres currently zoned R-1, Single Family Residential District and B-2, General Business District to B-2C, General Business District Conditional. The parcel is located at 1161 West Market Street and can be found on tax map 37-A-9. She said that the Comprehensive Plan designates this area as Commercial. This lot was split zoned during the time of annexation, which was not an uncommon practice since there were many lots within the City that were split zoned. The applicant is requesting this rezoning to make this entire parcel commercial. If the rezoning is approved the applicant intends to construct two commercial buildings, which may contain five tenant spaces. This property was created without street frontage in November 2004, when the applicant created the subject parcel and the lot that is now occupied by Spotless Car Wash. She reviewed the surrounding uses in the area. The applicant has proffered out some of the intense uses allowed in the B-2, General Business District, leaving only some general business type uses permitted by right. Because of the close proximity of Thomas Harrison Middle School there would be no alcohol sales or adult bookstores on the premises. They have also proffered an evergreen landscaped tree buffer around the property line near the proposed building at the southwest corner of the lot. She said that Planning Commission recommended approval of the request.

At 8:30 p.m., Mayor Rogers closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 26, and Monday, October 3, 2005.

### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold public hearings on Tuesday, October 11, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

**Rezoning – 1161 West Market Street**

Public hearing to consider a request from Roger and Patricia Simmons, with representative Blackwell Engineering to rezone 2.55 acres currently zoned R-1, Single Family Residential District and B-2, General Business District to B-2C, General Business District Conditional. The property is located at 1161 West Market Street and can be found on tax map 37-A-9.

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

The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges for the R-1 district is 10,000 sq. ft minimum. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

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

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

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

Mayor Rogers called on anyone desiring to speak for or against this rezoning request. Dick Blackwell representing the applicant said the detention pond that is located on the subject parcel is currently serving the carwash. The detention pond is an appropriate buffer. Lisa Hawkins an attorney with the law firm of Keeler Obenshain said she was representing Dr. Kale and his wife Susan owners of the adjoining undeveloped property. Harrisonburg Oasis has a series of walking trails that exist through the property creating a trail linking Thomas Harrison Middle School to Westover Park. The Cale's have a number of concerns about the rezoning and have been trying to contact this property owner. There is concern about the compatibility of some of the remaining allowed uses including hours of facilities operation, permitted outside storage, lighting, signage and height of buildings. Tattoo parlors or smoking facility are also not prohibited. There is a lot of opportunity to do more to make the zoning better and more compatible with a neighbor. Since this site plan isn't proffered the applicant could do something completely different. There being no others desiring to be heard, the public hearing was declared closed at 8:35 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Chenault offered a motion to table this rezoning request for thirty days allowing sufficient time for the owners of Harrisonburg Oasis to meet with Roger and

Patricia Simmons. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

Planning and Community Development Director Turner introduced a request from Keith May and Eric Adamson to rezone 16.30+/- acres from R-1, Single Family Residential District to R-2C, Residential District Conditional. The property is located at the intersection of Greendale and Ramblewood Roads and can be found on tax map 97-A-9 and 97-B-5-6. She explained that the Comprehensive Plan designates this area as Low-Density Mixed Residential. These large undeveloped areas located at the edge of the City are planned for residential development containing a mix of large and small-lot single-family detached dwellings and attractive green spaces. She reviewed the surrounding uses in the area. Although not proffered, a previous plan showed the current R-1, Single-Family Residential zoning on the property would allow the construction of approximately 41 single-family detached dwellings units in the City. The proffered plan calls for the creation of 48 single-family home lots in the City's portion of the development. The applicant is requesting the rezoning to R-2, but has proffered limiting uses to single-family residential only, but using the lot sizes allowed in R-2. The applicant's second proffer outlines street improvements to both Greendale and Ramblewood Roads. The intersection would be improved with a dedicated right turn lane from Ramblewood to Greendale and a dedicated left turn lane from Greendale to Ramblewood. The last proffer is there will be no more than 48 lots in the City of Harrisonburg. At the Planning Commission meeting several residents spoke about water drainage, and extra traffic in the area. City staff has met with some of the property owners on numerous occasions discussing their problems. These problems would have to be resolved through civil remedies and not City action. She said that Planning Commission recommended approval of the request.

At 8:30 p.m., Mayor Rogers closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 26, and Monday, October 3, 2005.

**NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on Tuesday, October 11, 2005, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

**Rezoning – Greendale Subdivision**

**Public hearing to consider a request from Keith May and Eric Adamson, with representative Blackwell Engineering to rezone 16.30+/- acres from R-1, Single Family Residential District to R-2, Residential District. The property is located at the intersection of Greendale and Ramblewood Roads and can be found on tax map 97-A-9 and 97-B-5-6. The Comprehensive Plan designates this area as Low-Density Mixed Residential. These large undeveloped areas located at the edge of the city are planned for residential development containing a mix of large and small-lot single-family detached dwellings and attractive green spaces.**

The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges for the R-1 district is 10,000 sq. ft minimum. The R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit.

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

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

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

Vice-Mayor Eagle questioned who maintained the detention pond?

Mrs. Turner said in most of the subdivisions in the City it is the responsibly of the property owner. If the property owners do not maintain it in a way that it facilitates the drainage in the area then it is a matter between property owners. The City is not involved. The City is involved with reviewing the initial design and reviewing the installation, but the actual maintenance is left up to the private property owner.

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

Dick Blackwell representing Blackwell Engineering said there are some problems with stormwater during a heavy rain. Discussions have been held with the Public Works Department regarding the water issue.

Jim Baker, Public Works Department Director, said he has been contacted by the engineering firm and they are willing to pipe the storm drainage along the existing four or five lots on Greendale Road. "I haven't seen an engineering design or cost estimate, but I believe it is realistic to put a storm drain system along Greendale Road in front of those homes and capture some of the run off that is currently going into the stream."

Jerry McLeod, a resident of the City, said he did not oppose the subdivision, but he hoped something could be resolved on the property regarding the run-off water.

Jeff Cornwell, a resident of the City, said his land joined the detention pond and no one has spoken with him regarding the water runoff. Each new subdivision that was created in this area created more water runoff. He said it seems like we are putting the cart before the horse for a lot of situations in the City and this is a prime example. There being no others desiring to be heard, the public hearing was declared closed at 9:10 p.m., and the regular session reconvened. Mayor Rogers requested that Dick Blackwell meet with the residents who have expressed concern, write a letter, and resolve the issue. Following further discussion and comments, Vice-Mayor Eagle

offered a motion to approve this rezoning request. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

The next item of business was a presentation by the Harrisonburg Jamestown 2007 Committee. Glenda Rooney representing the Harrisonburg-Rockingham County Community program for Jamestown 2007 said an application has been submitted to become part of the community program. The group has been meeting since January 2004. The group is dependent upon the community for monetary support. She presented a proposal to have a CD ROM driving tour of Harrisonburg-Rockingham County utilizing Route 11, Route 42 and Fadely Road. She requested that the City provide \$7,000 for the CD ROM driving tour. Vice-Mayor Eagle offered a motion to approve the request, and that:

\$7,000.00 chge. to: 1000-940111-49310 Reserve for contingencies  
\$7,000.00 approp. to: 1000-910411-45898 Jamestown 2007 Committee

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

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

Mayor Rogers presented the following resolution for Council's consideration.

## **RESOLUTION**

### **Adoption of the Central Shenandoah Valley All Hazards Mitigation Plan**

**WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance, and**

**WHEREAS, the Central Shenandoah Mitigation and Planning Workgroup representing 20 localities of the Central Shenandoah Planning District was convened in**

order to study the Region's risks from and vulnerability to natural hazards, and to make recommendations on mitigating the effects of such hazards on the Region; and

WHEREAS, THE Mitigation and Planning Workgroup was provided staff support by the Central Shenandoah Planning District Commission; and

WHEREAS, the efforts of the Mitigation and Planning Workgroup, the staff of the Central Shenandoah Planning District Commission and Virginia Tech's Center for Geospatial Technology as well as members of the public, private and nonprivate sectors, have resulted in the development of a Natural Hazards Mitigation Plan for the Region.

NOW THEREFORE, BE IT RESOLVED by the Harrisonburg City Council that the Central Shenandoah Valley All Hazards Mitigation Plan dated September 2005 is hereby approved and adopted by the City of Harrisonburg.

Adopted by the Harrisonburg City Council this 11<sup>th</sup> day of October, 2005.

APPROVED

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Larry M. Rogers, Mayor

ATTEST:

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Yvonne Ryan, CMC, City Clerk

City Manager Baker said this resolution will adopt The Regional All Hazards Mitigation Plan. The Disaster Mitigation Act of 2000 (DMA2K) requires that local governments adopt the plan, which is a requirement of the Federal Emergency Management Agency (FEMA). Vice-Mayor Eagle offered a motion to adopt this resolution. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

Mayor Rogers presented the following resolution for Council's consideration.

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF HARRISONBURG, VIRGINIA  
DECLARING ITS INTENTION TO REIMBURSE  
THE COST OF CERTAIN EXPENDITURES**

The City of Harrisonburg, Virginia (the "City") has made or will make expenditures (the "Expenditures") in connection with the acquisition, construction and

equipping of a new elementary school and middle school located in the City, including related road and water and sewer improvements (the "Project").

The City may determine that the funds advanced and to be advanced to pay the Expenditures will be reimbursed to the City from the proceeds of one or more obligations to be issued by or on behalf of the City (the "Indebtedness").

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

1. The Council hereby adopts this declaration of official intent under Treasury Regulations Section 1.150-2 and declares that the City intends to reimburse itself with the proceeds of Indebtedness for Expenditures made on, after or within sixty (60) days prior to the date hereof with respect to the Project. Further, Expenditures made more than sixty (60) days prior to the date hereof may be reimbursed as to certain *de minimis* or preliminary expenditures described in Treasury Regulations Section 1.150-2(f) and as to other expenditures permitted under applicable Treasury Regulations.

2. The maximum principal amount of Indebtedness expected to be issued for the Project is \$35,500,000.

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

Adopted: October 11, 2005

A Copy Teste:

\_\_\_\_\_  
 City Clerk  
 City Council of the City of Harrisonburg,  
 Virginia

(SEAL)

CERTIFICATION

The undersigned City Clerk of the City of Harrisonburg, Virginia hereby certifies (1) that the foregoing constitutes a true, correct and complete copy of a Resolution adopted by the City Council of the City of Harrisonburg, Virginia at a regular meeting duly called and held on October 11, 2005, with the City Council members present and absent and voting on the Resolution as set forth below; (2) that such meeting was duly convened and held in all respects in accordance with law; and (3) that the foregoing Resolution has not been repealed, revoked, rescinded or amended.

<u>NAME</u>	<u>ATTENDANCE</u>		<u>VOTE</u>	
	<u>PRESENT</u>	<u>ABSENT</u>	<u>AYE</u>	<u>NAY</u>
Larry M. Rogers, Mayor	<u>X</u>	_____	<u>X</u>	_____
Rodney L. Eagle, Vice Mayor	<u>X</u>	_____	<u>X</u>	_____

Charles Chenault  
Hugh J. Lantz  
George W. Pace

<u>  X  </u>	<u>      </u>	<u>  X  </u>	<u>      </u>
<u>  X  </u>	<u>      </u>	<u>  X  </u>	<u>      </u>
<u>      </u>	<u>  X  </u>	<u>      </u>	<u>      </u>

WITNESS, my hand and the seal of the City of Harrisonburg, Virginia this 11th day of October, 2005.

CITY OF HARRISONBURG, VIRGINIA

By \_\_\_\_\_  
Name: Yvonne Bonnie Ryan  
Title: City Clerk

City Manager Baker said adopting this resolution will allow the City to reimburse itself from any bond proceeds should we decide to do so. Council Member Lantz offered a motion to adopt this resolution. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
          Council Member Chenault  
          Vice-Mayor Eagle  
          Mayor Rogers

Absent – Council Member Pace

The next item of business was consideration of proposed changes to Chapter 2 Solid Waste Collection and Disposal. Public Works Director Baker said these proposed changes are in general a comprehensive change of the City’s solid waste ordinance. Over the years there have been many issues including reserving space in the landfill and controlling the type of material going to the Resource Recovery Facility. He said stronger language has been added to the ordinance addressing construction debris and vegetative disposal of grass clippings. Following further discussion and comments, Council Member Lantz offered a motion to adopt this ordinance for a first reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
          Council Member Chenault  
          Vice-Mayor Eagle  
          Mayor Rogers

Absent – Council Member Pace

City Manager Baker presented for Council’s consideration amending and re-enacting Section 3-4-1 of the Harrisonburg City Code. He said amending this ordinance involves the creation of a separate department for Information Technology and realigns other departments. Council Member Lantz offered a motion to adopt this ordinance for a first reading. The motion

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

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

City Manager Baker presented a request for a supplemental appropriation for the Public Works Department. He said that these funds are needed for the purchase of the Dove property at 1207 Port Republic Road. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$210,000 chge. to: 1000-31010 Amount from Fund Balance  
\$210,000 chge. to: 1310-34210 Transfer from General Fund

\$210,000 approp. to: 1000-990111-49216 Transfer to Capital Projects  
\$210,000 approp. to: 1310-910141-48617 Port Republic Road Street Improvements

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

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from the Irma Wilfong estate, fire programs and recovered costs. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$56,366.14 chge. to: 1000-31809 Donations  
140,373.04 chge. to: 1000-32512 Fire Programs Fund  
21,267.00 chge. to: 1000-31914 Recovered Costs

\$16,119.86 approp. to: 1000-350532-48213 Equipment  
18,108.60 approp. to: 1000-350532-46160 Haz Mat Supplies  
137,561.58 approp. to: 1000-320232-48203 Fire Programs  
1,000.00 approp. to: 1000-350532-46155 Two-For-Life  
56,366.14 approp. to: 1000-320232-48111 Equipment

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

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

At 9:30 p.m., Council Member Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Consultation with legal counsel regarding a proposed contract requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

At 10:45 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:46 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

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REGULAR MEETING

OCTOBER 25, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; and Hugh J. Lantz; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: Council Member George W. Pace.

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

Mayor Rogers read and presented the following resolution to Mrs. Jackie Thomas Suggs.

**A RESOLUTION HONORING THE LATE DAN SUGGS, JR**

**WHEREAS, Dan Suggs, Jr. served with distinction, dedication and devotion as Executive Director of the ARC of Harrisonburg and Rockingham; and**

**WHEREAS, Dan Suggs, Jr. was a tireless advocate for the clients of the ARC and the Harrisonburg and Rockingham County communities; and**

**WHEREAS, Dan Suggs, Jr. played a leadership role in the rehabilitation and renovation of the Lucy Simms Center for Continuing Education; and**

**WHEREAS, on Wednesday, August 3, 2005, Dan Suggs, Jr. passed away;**

**NOW, THEREFORE BE IT RESOLVED that the City Council of Harrisonburg, Virginia hereby expresses its most sincere condolences to the family of Dan Suggs, Jr. and celebrates and honors his life, accomplishments and service to his community; and**

**BE IT FURTHER RESOLVED that a copy of this Resolution be presented to the family of Dan Suggs, Jr., and recorded in the minutes of the Harrisonburg City Council.**

Adopted this 25<sup>th</sup> day of October, 2005

BY: \_\_\_\_\_

Larry M. Rogers, Mayor

ATTEST:

\_\_\_\_\_  
Yvonne Ryan, CMC, City Clerk

Bucky Berry, a resident of Harrisonburg, said the City should exempt organizations and groups from paying a fee to use the Simms Building.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Public Works and Fire Department and amending and re-enacting Section 3-4-1 and changes to Chapter 2 Solid Waste Collection and Disposal of the Harrisonburg City Code. The motion also included creating two new residential zoning districts and a rezoning request from Keith May and Eric Adamson. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

Kim Alexander, Community Development Block Grant Coordinator, presented an overview on the progress of last year's Community Development Block Grant Program. She reviewed a summary status of each of the projects. She said that funding was originally granted to the Community Association for Rural Transportation (CART); however, this subrecipient dissolved before the end of the program year. Approximately \$9,000 will be re-appropriated to another project. The Harrisonburg Children's Museum has requested that its project be terminated and applied toward an Economic Development project to install an elevator at the new Harrisonburg Children's Museum location. Since the Gay/Mason Street lights and Harrison Street sidewalks projects came in under budget, the remaining funds will be set aside and used for another project. She reviewed a list of projects that are underway for various reasons. These projects have had extension of their contracts until December 31, 2005. There is approximately \$4,000 left in the City Administration funds, but it has been spent. The Boys and Girls Club has not spent any of their money and have until December 31, 2005 to spend the funds. A delay was caused because of a change in the leadership of the organization. The Housing Authority in conjunction with the Community Resource Center through James Madison University has a \$6,000 grant. This project is on hold because they are waiting for a grant award of a larger amount. Approximately \$40,000 has been received from HUD and they have until December 31, 2005 to use the \$6,000. She said approximately \$116,000 is remaining in the fund and until December 31, 2005 it won't be known whether the money will be spent. The Consolidated Plan and Action Plan amendment will have to be completed after December 31, 2005.

At 7:46 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record Saturday, October 15, 2005.

**Notice of Public Hearing & Comment Period  
Community Development Block Grant Program (CDBG)**

## Consolidated Annual Performance Evaluation Report (CAPER)

The City of Harrisonburg is seeking public comments for the required CAPER - a document required by the U.S. Department of Housing & Urban Development (HUD) for the evaluation and review of CDBG programs in fiscal year 04-05.

All comments must be received no later than October 31, 2005, at 9:00 A.M. Comments may be submitted to Kimberly Alexander, CDBG Coordinator, at 345 South Main Street, Harrisonburg, Virginia 22801, [CDBG@ci.harrisonburg.va.us](mailto:CDBG@ci.harrisonburg.va.us), or (540) 432-8923.

Comments may also be submitted during the CDBG / CAPER Public Hearing portion of the regular City Council meeting on October 25, 2005, at 7:30 P.M. in the City Council Chambers, Harrisonburg Municipal Building.

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

A summary of the CAPER is as follows:

In 2004, the City was awarded \$648,000 in CDBG entitlement funds.

To date, the following is a summary report of Obligated, Expended, and Remaining Funds:

	<u>Obligated</u>	<u>Expended</u>	<u>Remaining</u>
Housing and Property Improvements	\$185,000.00	\$172,223.13	\$12,776.87
Community & Public Facilities	\$176,950.00	\$175,141.15	\$1,808.85
Administration	\$129,600.00	\$125,811.26	\$3,788.74
Public Services	\$ 91,200.00	\$ 58,669.11	\$32,530.89
Economic Development	<u>\$ 65,250.00</u>	<u>\$ 0.00</u>	<u>\$65,250.00</u>
Total	\$648,000.00	\$531,844.65	\$116,155.35

Mayor Rogers called on anyone desiring to speak for or against the CAPER.

Bucky Berry, a resident of Harrisonburg, thanked Kim Alexander for the sidewalk on East Washington Street.

Michael Wong, Executive Director of the Harrisonburg Redevelopment and Housing Authority, said we were successful through the Harrisonburg Continuing Care Housing Alliance in receiving a \$42,000 grant from HUD. There being no others desiring to be heard, the public hearing was declared closed at 7:48 p.m., and the regular session reconvened.

A scheduled public hearing rezoning request by Martin Eby has been withdrawn.

The next item of business was a report on Blacks Run. Dia Russell, Healthy Stream Coordinator, said Blacks Run assets include a historical foundation, source of recreation, tourism draw to enhance economic development, and a focal point for a sense of community pride. She said concerns include the Gay Street culvert, water quality, and stream bank erosion/loss of land, flooding, and drainage. It is a grave concern if Blacks Run does not function the way it is intended too. Blacks Run starts about several hundred feet North of the

City limits and extends two miles South of the City limits. The Gay Street storm culvert is a source of the pollution in stream, but it has not been determined what that source of pollution is. She said that this large box culvert extends to Route 42 and was designed to carry only storm water. However, since it is an old line many structures have been built on top of it. Some of the pipes pass through this storm tunnel. It has been very difficult to determine what pipes are running through that line and more challenging to figure out if any of them are a suspect for the point of contamination. She said that on September 13<sup>th</sup> a City employee noticed that the stream water had turned black below this culvert. On the evening of September 14<sup>th</sup>, approximately 50,000 gallons of water were pumped out of the stream because an unhealthy growth of algae had been noticed in the stream. She said that as algae goes through its life cycle it dies and then turns green and then black. The algae life cycle robs all of the oxygen from the stream leaving a stream environment that does not support life and has a foul odor. Once again, on September 29<sup>th</sup> the stream turned black and was pumped. Massive investigations have been done including visual, above ground walking, looking, inspecting, popping manholes, dye testing storm and sewer lines, sending TV camera into storm and sewer lines, and conducting water tests. Several things have been found, but are minor contributors. The major cause has not been found. Through all of these water tests we are getting a base line for what we want the stream to be and what it is. It will give us an opportunity to gauge our progress as well as continuing to do visual investigation.

She said there has to be a standard of water quality for a stream. The standards have been set by EPA and DEQ and the standards Blacks Run must meet are for human recreation and aquatic life species. In 1998, a series of tests indicated that Blacks Run did not meet the standards, which placed it on the list of impaired waters for Virginia. There has been substantial chemical and biological testing, which has led to areas that need focusing on as far as impairments. The first is fecal coliform or ecoli contamination. There is also too much sediment in the water. An estimated 50% of sediment comes from the stream bank erosion, which means loss of land. Change in bank structure and stream profile decreases ability to accommodate high water events. Having a floodplain that the stream can access as it rises and having vegetation to secure that floodplain in the stream bank is critical. She reviewed programs that are being put into place to focus on Blacks Run. The City has formed an informal water quality committee that has representatives from four departments. Some problems have been found and fixed. There are five rain gardens within the City and attention has been focus on education and outreach. Direction for the future includes watershed management planning, integrate otherwise interdependent issues and programs, assess watershed, current programs and initiatives, identify critical concerns and set priorities. Planning will lead to better coordination and efficiency of limited resources, provide guidance and framework, and apply for and receive funds.

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA  
REGARDING THE CITY'S SUPPORT FOR THE HARRISONBURG  
REDEVELOPMENT AND HOUSING AUTHORITY'S RENOVATION OF FORTY  
PUBLIC HOUSING UNITS LOCATED IN NINETEEN BUILDINGS ON KELLEY AND**

**HILL STREETS, HARRISONBURG, VIRGINIA**

**WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the "Authority"), in order to promote the commerce, safety, health, welfare, convenience or prosperity of the Commonwealth of Virginia, and the City of Harrisonburg (the "City"), and to enhance the welfare of the citizens of the City, has decided to rehabilitate and improve forty public housing units located in nineteen buildings located on Kelley and Hill Streets, Harrisonburg, Virginia. (the "Project");**

**WHEREAS, the Project will enhance the health, safety, and welfare of the citizens of the City;**

**WHEREAS, the Authority intends to borrow up to \$1,000,000 for a term of one year at an interest rate not to exceed five percent (5%) per year (the "Loan") from one or more banks to provide financing for the Project and that such loan will be documented by a loan or financing agreement, note, or other similar documents (together, the "Loan Documents");**

**WHEREAS, the Authority intends to apply for funding from the U.S. Department of Housing and Urban Development to fund all or a portion of the Project (the "Grant");**

**WHEREAS, the Authority intends to repay the Loan with a portion of the Grant.**

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

- 1. The City Council approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.**
- 2. The City will have a moral, but non-binding obligation to repay the Loan should the Authority not receive adequate funds under the Grant**
- 3. Each of the City Manager, the Mayor and the Vice-Mayor is authorized to take such actions and to execute such documents as are necessary to achieve the purposes set forth in this Resolution.**
- 4. This Resolution shall take effect immediately upon its adoption.**

**READ AND ADOPTED: October 25, 2005**

**CERTIFICATE**

**Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading of a resolution titled "RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA REGARDING THE CITY'S SUPPORT FOR THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY'S RENOVATION OF FORTY PUBLIC HOUSING UNITS LOCATED IN NINETEEN BUILDINGS ON KELLEY AND HILL STREETS, HARRISONBURG, VIRGINIA, taken at a regular meeting of the City Council held on October 25, 2005:**

	AYE	NAY	ABSTAIN	ABSENT
Larry M. Rogers, Mayor	X			
Rodney Eagle, Vice-Mayor	X			
George W. Pace				X
Hugh J. Lantz	X			
Charles R. Chenault	X			

Dated: October 25, 2005

(SEAL)

\_\_\_\_\_  
Mayor, City of Harrisonburg, Virginia

ATTEST:

\_\_\_\_\_  
Clerk, City Council of the City of  
Harrisonburg, Virginia

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the "City Council") hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on October 25, 2005, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Harrisonburg, Virginia this \_\_\_\_ day of October, 2005.

\_\_\_\_\_  
Clerk, City Council of the  
City of Harrisonburg, Virginia

Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority, said the authority intends to borrow \$1 million to assist in the renovation of 40 public housing units on Kelley and Hill Streets. The use of the City's moral obligation will assist HRHA to receive a lower rate. Vice-Mayor Eagle offered a motion to approve the resolution. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

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

**RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG  
REDEVELOPMENT AND HOUSING AUTHORITY OF ITS MULTIFAMILY  
HOUSING REVENUE BONDS FOR THE ACQUISITION AND  
REHABILITATION OF THE APPROXIMATELY 292 UNIT  
BROOKE RIDGE APARTMENTS MULTI-FAMILY HOUSING FACILITY  
LOCATED IN HENRICO COUNTY, VIRGINIA**

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

**WHEREAS, the Authority considered the request of TMG Brooke Ridge, LP, a Virginia limited partnership, whose address is 141-07 20<sup>th</sup> Avenue, Suite 507, Whitestone, New York 11357, (the “Purchaser”) for the issuance by the Authority of up to \$13,500,000 of its Tax-Exempt Multifamily Housing Revenue Bonds (Brooke Ridge Apartments Project) (the “Bonds”), to finance a portion of the cost of acquiring and rehabilitating an approximately 292 unit multifamily residential rental housing project known as Brooke Ridge Apartments (the “Project”), located at 5613 Crenshaw Road in Henrico County, Virginia (the “County”); and,**

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

**WHEREAS, on October 25, 2005, the Authority conducted a public hearing preceded by public notice on the issuance of Bonds and, by adoption of a resolution (the “Official Intent Resolution”), declared its official intent to issue the Bonds to finance the Project, subject to the Board of Supervisors of the County adopting the Section 36-23 Resolution, and recommended that the City Council of the City of Harrisonburg (the “City Council”) approve the issuance of the Bonds; and,**

**WHEREAS, prior to the issuance of the Bonds, the Board of Supervisors of the County will also conduct a public hearing and will adopt the Section 36-23 Resolution; and,**

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

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

**WHEREAS, the members of the City Council constitute the applicable elected representatives of the City of Harrisonburg; and,**

**WHEREAS, Chapter 514 of the 1983 Acts of the General Assembly of Virginia requires that any government entity established by or pursuant to an Act of the General Assembly that proposes to issue bonds that are industrial development bonds within the meaning of Section 103(b) of the Internal Revenue Code of 1954, as amended, shall, with respect to such bonds, comply with the procedures set forth in Virginia Code Sections 15.2-4906 and 15.2-4907; and,**

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

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

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

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

**2. The City Council approves the issuance of the Bonds and the Authority's taking all actions necessary in the discretion of the Authority to assist in the financing of the Project to the extent of and as required by Section 147(f) of the Internal Revenue Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly, and Virginia Code Sections 15.2-4906, 15.2-4907 and 36-19.2.**

**3. The approval of the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly, and Virginia Code Sections 15.2-4906, 15.2-4907 and 36-19.2 does not constitute an endorsement to the prospective owners of the Bonds of the creditworthiness of the Project or the Purchaser and the Bonds shall provide that neither the City of Harrisonburg nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto, and that neither the faith and credit nor the taxing power of the City of Harrisonburg or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.**

**4. In approving this resolution, the City of Harrisonburg, including its elected representatives, officers, employees and agents, shall not be liable, and hereby disclaim all**

liability for any damages to any person, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.

This resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: October 25, 2005

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading of a resolution titled "RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 292 UNIT BROOKE RIDGE APARTMENTS MULTI-FAMILY HOUSING FACILITY LOCATED IN HENRICO COUNTY, VIRGINIA," taken at a regular meeting of the City Council held on October 25, 2005:

	AYE	NAY	ABSTAIN	ABSENT
Larry M. Rogers, Mayor	X			
Rodney Eagle, Vice-Mayor	X			
George W. Pace				X
Hugh J. Lantz	X			
Charles R. Chenault	X			

Dated: October 25, 2005

(SEAL)

\_\_\_\_\_  
Mayor, City of Harrisonburg, Virginia

ATTEST:

\_\_\_\_\_  
Clerk, City Council of the City of  
Harrisonburg, Virginia

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the "City Council") hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on October 25, 2005, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Harrisonburg, Virginia this \_\_\_\_ day of October, 2005.

\_\_\_\_\_  
Clerk, City Council of the

**City of Harrisonburg, Virginia**

Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority, said approval of this resolution does not in any way obligate the City and is done as a service by the authority for other localities. Council Member Lantz offered a motion to approve the resolution. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

City Manager Baker said the City currently offers its employees a Flexible Benefits Cafeteria Plan. Federal regulations have changed and will allow employees to have 2.5 months after the end of the plan year to submit a reimbursement request. Council Member Lantz offered a motion to approve this resolution as presented. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council Members present.

The next item of business was a request to close City streets for Generations Crossing 5K Run/Walk. City Manager Baker said that Generations Crossing has partnered with First Night to sponsor a fund raising run/walk on New Years Eve. He reviewed the route. Vice-Mayor Eagle offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council Members present.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said these funds will replace monies spent on overtime for Weed and Seed grant. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$6,013.26 chge. to: 1000-32211 Weed and Seed state

\$6,013.26 approp. to: 1000-310231-41020 Salaries/wages overtime

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

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were donated from James McHone Antique Jewelry to purchase equipment for the new bomb K-9 dog. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$500.00 chge. to: 1000-31809 Donations

\$500.00 approp. to: 1000-310231-46140 Other Operating Expenses

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

Vote: Yes - Council Member Lantz  
Council Member Chenault  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

Michael Wong, Executive Director of Harrisonburg Redevelopment and Housing Authority, said he supported the Blacks Run and Liberty Park projects.

Council Member Chenault congratulated Harrisonburg Electric Commission for doing a great job in serving the residents of the City. He also said the Harrisonburg Fire Museum is now open and congratulated Fire Chief Shifflett for doing a wonderful job of putting the history of Harrisonburg's fire service on display. The museum is located in the Public Safety Building. Council received a letter from Superintendent Donald Ford of the City Schools informing everyone of the significant increase in VRS contributions. He asked City Manager Baker to communicate with our state representatives on how difficult this increase would be for Harrisonburg.

At 9:30 p.m., Council Member Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority and Tree Advisory Board, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirement pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – Council Member Pace

At 10:45 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:46 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

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REGULAR MEETING

NOVEMBER 8, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz; and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Pace gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Bucky Berry, a resident of Harrisonburg, said the City should discontinue issuing decals for vehicles.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Abstained - Council Member Pace

Absent - None

Planning and Community Development Director Turner introduced a request by William D. Yount, Jr., to rezone a parcel located at 1171 South High Street. She said that the request is to rezone a portion (1,270 sq. ft.) of a lot from M-1, General Industrial District to B-2C, General Business District Conditional. She reviewed the surrounding uses in the area. The two lots identified as 1171 South High Street were rezoned from R-1 and R-2 to B-2C in April of 2004 to allow the applicant to develop a small strip retail complex. Since that time the subdivision was approved in May of 2005 to vacate an existing property line and allow for a bump-out in the northern property line to accommodate the new building; however, the existing M-1 zoning remains on the small addition of land. The applicant would now like to rezone the small portion of newly subdivided land to match the existing zoning on the property at 1171 South High Street. The proposed conditionally zoned property includes proffers identical to those approved for the previous rezoning. The proffers include: 1) There shall be no parking on the rear of this property between any structures and the adjoining R-1, residential neighborhood. 2) All lighting on the rear of the property shall be of a low intensity, residential nature. 3) A fence shall be constructed and maintained along the rear property line behind 1171 South Main Street. This fence is to be

six feet high and constructed of a solid, opaque material. Certain uses are excluded from taking place on this property including hotels/motels, vehicle repair shop, facilities for vehicle refueling, adult book stores, fast food restaurants, and convenience stores. The rezoning of this lot will provide a uniform zoning for this parcel, with proffers that will help mitigate the commercial impact of this property on the single-family homes to the rear of this development. She said that Planning Commission recommended approval of the request.

At 7:44 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record Tuesday, October 25, and Tuesday, November 1, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on November 8, 2005 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

#### **Rezoning – 1171 South High Street**

**Public hearing to consider a request from William D. Yount, Jr. to rezone a portion (1,270 sq. ft.) of a lot from M-1, General Industrial District to B-2C, General Business District Conditional. The property is located at 1171 South High Street and can be found on tax map 20-F-1.**

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

**The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.**

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

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

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

Mayor Rogers called on anyone desiring to speak for or against this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this rezoning request as presented. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent - None

Planning and Community Development Director Turner introduced a request from Christophel Properties to rezone three lots totaling 21,771 sq. ft., located at 1043, 1045, and 1047 Virginia Avenue. She reviewed the surrounding uses in the area. The Comprehensive Plan designates this area as Neighborhood Residential. The applicant is requesting to rezone three lots from M-1, General Industrial District to R-2C, Residential District Conditional. Several nearby lots fronting along Virginia Avenue have recently been rezoned from M-1 to R-2. The lots directly to the south of the parcels were rezoned from M-1 to R-2 in 2002. Further to the south, across the undeveloped Sixth Street right-of-way, two lots were rezoned in July of 2005 from M-1 to R-2 to allow a duplex to be constructed. This rezoning would bring the use of the lots closer to conformance with the Comprehensive Plan. The applicant has proffered several conditions to address some concern of staff and the surrounding property owners. These proffers include: 1) Build a single family dwelling on lot or one duplex and one single family home. 2) Meet the sight distance as established by the Design and Construction Standards Manual. 3) Share one ingress and egress onto Virginia Avenue. 4) Establish a shared maintenance and access agreement easement among the three lots. She said that R-2 allows single-family and duplex; however, this property could be developed with three single-family homes or one single-family home and one, two-unit duplex unit. Sight distance would be met as established by the City's Design and Construction Standard Manual for any entrance onto Virginia Avenue. For the access easement there would be a shared maintenance and access agreement easement among the three lots to provide for its maintenance. She said that Planning Commission recommended approval of the request.

At 7:50 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record Tuesday, October 25, and Tuesday, November 1, 2005.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on November 8, 2005 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

**Rezoning – 1043, 1045, 1047 Virginia Avenue**

Public hearing to consider a request from Christophel Properties, with representative Paul Christophel to rezone three lots, totaling 21,771 sq. ft., from M-1, General Industrial District to R-2, Residential District. The properties are located at 1043, 1045, 1047 Virginia Avenue and can be found on tax map 39-K-4,5,6.

The Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots.

The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. The R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft./unit.

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

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

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

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

Paul Christophel owner of the property said he was available to answer any questions for Council. There being no others desiring to be heard, the public hearing was declared closed at 7:51 p.m., and the regular session reconvened. Council Member Pace offered a motion to approve this rezoning request from M-1 to R-2C with the submitted proffers. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent - None

Planning and Community Development Director Turner introduced a request from Boris and Nora Caballero to close 3,130 sq. ft. of an alley adjacent to their properties located near the corner of East Washington and Myrtle Street. The applicant is requesting to close a portion of two, ten-foot City alleys near the corner of East Washington Street and Myrtle Street. The first proposed alley closing would close the section between 173 and 179 East Washington Street. The lot that runs perpendicular to East Washington Street is bounded on both sides by properties belonging to the applicant. The alley that runs from Myrtle Street to Harris Street has several adjacent property owners. This alley right-of-way is not developed and cannot be used by vehicular traffic. She reviewed the surrounding uses in the area. She said at the Planning Commission public hearing several property owners expressed their concern about having access to their properties and not being able to access some fences that have been constructed on their property lines. It was explained that whenever an alley is closed all of the adjacent property owners are given the chance to purchase their adjacent part or assign it to another property owners in the area. These property owners stated that they were not prepared or interested in purchasing the property. After listening to these concerns, Planning Commission recommended only closing a portion of the alley that runs north to south.

At 7:56 p.m., Mayor Rogers closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record Saturday, October 29, and Saturday, November 4, 2005.

**NOTICE OF INTENTION TO VACATE  
A PORTION OF TWO (2) TEN FOOT WIDE ALLEYS  
LOCATED ON THE SOUTH SIDE OF EAST WASHINGTON STREET  
AND BETWEEN 173 AND 179 EAST WASHINGTON STREET  
IN THE CITY OF HARRISONBURG**

**City Council Chambers  
345 South Main Street  
Harrisonburg, VA 22801  
Tuesday, November 8, 2005  
7:30 P.M.**

The Harrisonburg City Council will hold a public hearing on Tuesday, November 8, 2005, 7:30 P.M., at City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider an application, by Boris R. Caballero and Nora C. Caballero to vacate an undeveloped portion of two (2) ten foot wide alleys the first containing approximately 1600 square feet and located south of East Washington Street in the City of Harrisonburg, Virginia and the second containing approximately 1530 square feet and located between 173 and 179 East Washington Street in the City of Harrisonburg, Virginia.

A copy of the recommendations of the City Planning Commission along with a copy of the plat showing the portions of the ten foot wide alleys to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday.

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

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

Mayor Rogers called on anyone desiring to speak for or against this alley-closing request.

Alva Clemens said that she was the daughter of Roland Williams. She expressed concern about the tires and vehicles that are near her father's property, which are from the applicant's business. If a five foot fence is installed her father will feel like a prisoner in his own house. She said his house is his life and he was worried about the property values. He uses the alley to utilize the back of his property. She also asked that the applicant clean up the alley.

Dan Neher an attorney representing the applicant said they concurred with the Planning Commission's recommendation to only close a portion of the alley that runs north to south leaving the east-west alley open to alleviate the concerns of the neighbors. There being no others desiring to be heard, the public hearing was declared closed at 8:10 p.m., and the regular session reconvened. Council Member Chenault offered a motion to only close a portion of the alley that runs north to south between the applicant's properties as recommended by Planning Commission. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent - None

Planning and Community Development Director Turner introduced a request from Roger and Patricia Simmons to rezone 2.55 acres at 1161 West Market Street from R-1, Single Family Residential District and B-2, General Business District to B-2C, General Business District Conditional. She said that this agenda item was tabled at the October 11, 2005 Council meeting to allow sufficient time for the owners of Harrisonburg Oasis to meet with Roger and Patricia Simmons. Mrs. Turner said in addition to the previously submitted proffers additional proffers have been submitted. The proffers include that any proposed buildings will not exceed 35 feet in height, dumpsters will be screened, no free standing signs greater than twenty feet, and that site lighting will be diverted downward and meet City requirements. Following further discussion and comments, Council Member Lantz offered a motion of approve this rezoning. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent - None

The next item of business was a presentation by representatives from Canaan Valley Institute. Canaan Valley Institute has been working with the City and other partners for the past six months completing a design plan to restore certain portions of Blacks Run in Purcell Park. Ed Watson, a hydrologist for Canaan Valley Institute, said CVI is involved in restoration and assessing the stream's ability to pass water and sediment. They are also reviewing the conditions and stability of the stream banks. He reviewed the components of stable natural streams and causes of instability. Stream erosion is threatening existing facilities in Purcell Park. Blacks Run has been designated as "impaired" for aquatic organisms, sediment is one of the pollutants. As much as 50% of the sediment loading in Blacks Run comes from bank erosion. If nothing is done erosion will continue and require frequent maintenance. The best option is to restore the streams to appropriate pattern, dimension, and profile. Design highlights include improve dimension, pattern and profile of the two streams, use rock structure to maintain grade around critical infrastructure, and stabilize banks. Suggested maintenance changes in Purcell Park include remove double culvert, remove low-water crossings, minimize number of bridges, replace remaining bridges with greater spans, and exclude cutting vegetation a minimum of 10 feet from channel. Goals of this design include reduce sediment inputs from bank erosion, reduce maintenance and threats to infrastructure, improve aquatic habitat, increase biological diversity, and demonstrate the concept and benefits of physically and ecologically healthy streams in an urban environment. The total cost of the project is \$285,000, which includes equipment, materials, construction supervision, revegetation planting. Following further discussion and comments, Council Member Pace offered a motion to endorse this design plan to restore stream banks of Blacks Run in Purcell Park. The motion also included setting aside \$75,000 to be included in the 2006-2007 Capital Improvement Program. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was distribution of Dog and Cat Sterilization Funds received from the Department of Motor Vehicles. Council Member Lantz offered a motion to distribute the funds (\$750.00) between the SPCA and Cats Cradle. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

Vice-Mayor Eagle offered a motion to approve a request by Blue Ridge Chapter of the National MS Society to use certain City streets for an annual walk. The event will take place on Saturday, April 29, 2006. The motion was seconded by Council Member Pace and approved with a unanimous vote of Council.

City Attorney Thumma presented for Council's consideration amending and re-enacting Article J of Title 4, Chapter 2 of the Harrisonburg City Code. He explained that this ordinance

effective January 1, 2006 provides for the computation of personal property tax relief on qualifying vehicles as a specific dollar amount and the reporting of such specific dollar relief on the tax bill. Council Member Chenault offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

City School Business and Finance Director Jim Triplett presented a request for a supplemental appropriation for the School Board. He said that these funds were received from three construction companies, each paying a \$25,000 fee to review their PPEA proposals for the new elementary/middle school complex. No additional local dollars are required from the City. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$75,000.00 chge. to: 1311-31336 Public Private Ed. Facility Review Fee

\$75,000.00 approp. to: 1311-910114-48700 Construction-Elem/Middle School Complex

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

Vote: Yes - Council Member Pace  
Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Council Member Lantz requested placing on a future agenda discussing whether the City to discontinue issuing decals for vehicles.

City Council agreed to meet with the School Board on November 29<sup>th</sup> in a joint meeting to discuss future items of concern.

At 10:46 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

REGULAR MEETING

NOVEMBER 22, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz; and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper. Absent: City Attorney Earl Q. Thumma, Jr.

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

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the School Board, and Personal Property Tax Relief Act. The motion also included rezoning requests by William D. Yount, Jr., Roger and Patricia Simmons and Christophel Properties. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

Absent - None

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

**RESOLUTION**

**Approval of the Central Shenandoah Valley Bicycle Plan**

**WHEREAS, federal regulations implemented as a result of the Transportation Equity Act for the 21<sup>st</sup> Century encourage local communities to include bikeway planning as a part of their intermodal planning activities, and**

**WHEREAS, the Virginia Commonwealth Transportation Board adopted a policy for integrating bicycle and pedestrian accommodations into roadway projects on March 18<sup>th</sup>, 2004, and**

**WHEREAS, the Central Shenandoah Planning District received funding from the Virginia Department of Transportation through its Rural Transportation Planning Assistance Program and matched with local funds to develop a regional bicycle facilities plan, and**

**WHEREAS, the local jurisdictions of the Central Shenandoah Planning District established a regional Bicycle Advisory Committee and appointed representatives to serve on the Central Shenandoah Bicycle Advisory Committee to oversee the development of the regional bicycle facilities plan, and**

**WHEREAS, the Bicycle Advisory Committee recognizes the potential transportation, health, recreation, tourism and economic benefits of bicycling, and accordingly advocate to make roads in the Central Shenandoah Valley safer for persons who bicycle, including children, families and commuters as well as for motorists, and**

**WHEREAS, the Bicycle Advisory Committee was provided staff support by the Central Shenandoah Planning District Commission and provided transportation planning services by Toole Design Group, and**

**WHEREAS, the efforts of the Bicycle Advisory Committee, the staff of the Central Shenandoah Planning District Commission and Toole Design Group as well as members of the public, private and nonprofit sectors, have resulted in the development of the Central Shenandoah Valley Bicycle Plan, and**

**WHEREAS, the Bicycle Advisory Committee thoroughly reviewed and approved the recommendations included in the Central Shenandoah Valley Bicycle Plan.**

**NOW, THEREFORE BE IT RESOLVED, that the City Council of Harrisonburg does hereby approve the Central Shenandoah Valley Bicycle Plan.**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Attest**

\_\_\_\_\_  
**Date**

City Manager Baker said the Central Shenandoah Valley Bicycle Advisory Committee has been working on this plan for a year. Although this is a regional plan, each community and locality is asked to adopt the plan.

Council Member Pace said, "I am concerned with the recommendations mentioned in the plan regarding bikes on Route 33 West and Route 11 through Harrisonburg. Both situations recommend consideration be given to narrowing the width of the highway lanes. Since many large trucks travel on those roads it is not realistic to narrow the lanes as a means to gain space for a bicycle. It puts the bicyclist in danger as well as the trucks."

Vice-Mayor Eagle offered a motion to adopt the resolution as presented with Council Member Pace's concerns being conveyed to the Advisory Committee. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

Absent - None

City Manager Baker presented for Council's consideration amending and re-enacting Section 3-2-3 of the Harrisonburg City Code. He said since the City Attorney's position is no longer part-time and has become a full time position it was necessary to amend this section to delete the additional compensation provisions for court cases and real estate work. Council Member Pace offered a motion to adopt this ordinance for a first reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

Absent - None

City Manager Baker presented for Council's consideration amending and re-enacting Section 5-2-1 of the Harrisonburg City Code. He said the City adopts the International Statewide fire codes. It is necessary to amend and re-adopt our ordinance to incorporate the new editions and amendments. Council Member Lantz offered a motion to adopt this ordinance for a first reading. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

Absent - None

Council Member Chenault offered a motion to approve the cancellation of the December 27, 2005 Council meeting. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

The next item of business was a discussion on vehicle decal issuance. City Manager Baker said that some Virginia localities have discontinued the issuance of the decals and have replaced them with a flat "registration fee" that is included on personal property tax bills.

Vice-Mayor Eagle said he needed more information before making a decision and suggested waiting to see how other localities handle eliminating the decal before taking any action.

Council Member Pace said the City still needs the revenue. Issuing the decal is a means to enforce people who are delinquent to pay the tax before a decal will be issued. We could save the decal cost at \$11,274.00, but will have to hire a person to collect the delinquent property taxes. He also suggested waiting to see how other localities handle eliminating the decal especially Charlottesville who just implemented the program.

Council Member Chenault pointed out that the City is collecting \$237,784.00 in additional revenue of personal property tax. Perhaps other localities that have eliminated the decal are asking DMV to deny vehicle registration. It's probably the locality's prime mode of catching the unpaid taxes. "That's a 12-month-a-year collection procedure and Harrisonburg will need another employee in the Treasurer office." He also suggested that if the City kept the decal trying to find a smaller and easier one to peel off the windshield.

City Treasurer Neal said eliminating the decals would also eliminate a very solid revenue base, which is a very effective tax collection method. Other methods such as seizure of vehicles, DMV stops or bank liens will be equally as unpopular as the decal. "I do not see the need for eliminating it because it is a procedure that collects a lot of delinquent tax."

Council Member Lantz said he would prefer to eliminate the decals; however, since the program is new he suggested monitoring other localities before making a decision.

Following further discussion and comments, Council Member Pace offered a motion to table eliminating the vehicle decal until June 2006. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

Bucky Berry, a resident of Harrisonburg, requested that once the parking meter heads are removed vehicle tires should not be chalked.

Council Member Chenault said that the proposed enforcement method GIS movement system would be used rather than tire chalking.

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

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

**WHEREAS, Rockingham Memorial Hospital, a not-for-profit Virginia nonstick corporation (the "Corporation"), has requested the Industrial Development Authority of the City of Harrisonburg, Virginia (the "Authority"), to issue its revenue bonds (the "Bonds"), pursuant to the Industrial Development and Revenue Bond Act, Chapter 49,**

Title 15.2 Code of Virginia of 1950, as amended (the "Act"), in an amount not to exceed \$50,000,000; and

WHEREAS, the Corporation owns and operates an acute care hospital facility currently located at 235 Cantrell Avenue, in Harrisonburg, Virginia (the "Existing Hospital"); and

WHEREAS, the proceeds of the Bonds will be used to (1) pay the costs of ongoing capital improvements, replacement and renovations, including equipment, for the Existing Hospital (the "Capital Improvement Projects"); (2) pay preliminary and initial costs, including planning, architectural, consulting and legal fees and site preparation, for a replacement hospital facility for the Corporation to be located in Rockingham County (the "Replacement Hospital") (with such costs being the "Replacement Project" and with the Capital Improvement Projects and the Replacement Project being referred to collectively as the "Project"); (3) pay the costs of the issuance of the Bonds; and (4) pay in its entirety outstanding indebtedness of the Corporation, the proceeds of which were used in 2005 to redeem all outstanding Hospital Revenue Bonds (Rockingham Memorial Hospital), Series 1993 (the "1993 Bonds"), issued by the Authority, to finance or refinance improvements, additions and equipment for the Existing Hospital; and

WHEREAS, the Authority, on November 14, 2005, held a public hearing on the issuance of the Bonds; and

WHEREAS, Section 147(f) of the Internal Revenue Code, as amended (the "Code"), and Section 15.2-4906 of the Act require that the government unit on behalf of which the Authority will issue the Bonds and the government unit having jurisdiction over the area in which any facility financed with the proceeds of the Bonds is located approve the issuance of such bonds; and

WHEREAS, the Corporation has requested the City Council of the City of Harrisonburg, Virginia (the "Council"), to approve the issuance of the Bonds to comply with Section 15.2-4906 of the Act and Section 147(f) of the Code; and

WHEREAS, a copy of the Authority's resolution of November 14, 2005, approving issuance of the Bonds, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Council; and

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

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

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

2. **The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the Corporation. The Bonds shall provide that neither the City of Harrisonburg, Virginia, nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from revenues and moneys pledged therefore, and neither the faith and credit nor the taxing power of the Commonwealth of Virginia, the City of Harrisonburg, Virginia, or the authority shall be pledged thereto.**
3. **All acts and doings of the officers and members of the Council that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.**
4. **This Resolution shall take effect immediately upon its adoption.**

### CERTIFICATE

**The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the "Council"), certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by a majority of the Council present and voting at a regular meeting duly called and held on November 22, 2005, in accordance with law.**

**WITNESS, the following signature and the seal of the Council this 22<sup>nd</sup> day of November, 2005.**

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

Glenn Hodge, attorney for RMH, said that the Harrisonburg Industrial Development Authority approved the resolution on November 14<sup>th</sup> to issue tax exempt bonds not to exceed \$50 million for Rockingham Memorial Hospital. The bonds will not be a debt or obligation of the City. Council Member Chenault offered a motion to approve this resolution authoring the Industrial Development Authority to issue the bonds. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Abstained - Council Member Pace

Absent – None

At 8:25 p.m., Vice-Mayor Eagle offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Planning Commission, Parks and Recreation Commission, Building Code Board of

Appeals, Harrisonburg Electric Commission, and Tree Advisory Board exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion concerning a prospective business where no previous announcement has been made of the business' interest in locating within the City, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Mayor Rogers

At 9:15 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Chenault offered a motion that Gary A. Minnick, 1209-D Old Windmill Circle, be appointed to a first term on the Parks and Recreation Commission to expire on December 31, 2009. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Alex Banks, 25 East Fairview Avenue, be appointed to a second term on the Parks and Recreation Commission. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that John N. Neff, 456 Myers Avenue, John C. Sease, 560 Neff Avenue, and Ray Landes, 5604 Battlefield Road, be appointed to a second term on the Building Code Board of Appeals to expire on November 30, 2008. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

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

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CITY CLERK

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MAYOR

REGULAR MEETING

DECEMBER 13, 2005

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Larry Rogers; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Rodney L. Eagle; Council Members Charles R. Chenault; Hugh J. Lantz; and George W. Pace; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Police Major Malcolm Wilfong. Absent: Chief of Police Donald Harper.

Council Member Lantz gave the invocation and Mayor Rogers led everyone in the Pledge of Allegiance.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and amending and re-enacting Section 3-2-3 and 5-2-1 of the Harrisonburg City Code. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent -- None

Norman Yoder, a representative from Brown, Edwards & Company, presented the 2004-2005 Comprehensive Annual Finance Report. He said that his firm and the City have to comply with certain standards and guidelines set by the Government Accounting Standards Board (GASB) and the Commonwealth of Virginia Auditor of Public Accounts. He gave a brief overview of the report. Mr. Yoder expressed his appreciation to the Finance Department for all of their assistance. The City will receive an unqualified opinion, which is the highest level of assurance placed on financial statements.

Planning and Community Development Director Turner presented the 2006-2007 through 2010-2011 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program allows the City to plan for capital expenditures for a five-year period. These are projects that cost \$30,000 or greater. She said that the Fire Department has requested an aerial ladder, a fire engine replacement and traffic light intervention system. Other department requests include purchasing property for the driving range land acquisition, making improvements to the Community Development Building, and constructing a vehicle and construction building at the Public Works facility. Renovations are needed at 1 Court Square, creating an athletic field and track at Morrison Park, restoring stream banks at Purcell Park, constructing a storage building at the golf course, a Bicycle/Pedestrian Facilities Master Plan, East Market Street Safety Improvement project, extending Linda Lane, continuing the Western

Raw Waterline, and Eastern Source Development project. Mrs. Turner said that Planning Commission recommended adopting the Capital Improvement Program.

Council Member Pace said that when Planning Commission reviewed the document information had not been received from the School Board regarding building construction or an alternative administrative building. Also, the streetscape project should be reviewed and given consideration whether it should be broken into sub-parts, especially the Court Square area.

At 7:47 p.m., Mayor Rogers closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, December 3, and Saturday, December, 10, 2005.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 13, 2005, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

**The proposed Capital Improvement Program, for fiscal years 2006-2007 through 2010-2011. The Capital Improvement is a multi-year projection and scheduling of capital projects of \$30,000 or greater. This plan is prepared annually in an effort to facilitate planning and setting priorities among capital improvement needs over a subsequent five-year period. Copies of the Capital Improvement Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.**

**For any additional information, contact the City Manager's office, 345 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.**

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

**Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.**

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

Mayor Rogers called on anyone desiring to speak for or against adopting the Capital Improvement Program. There being no one desiring to be heard, the public hearing was declared closed at 7:48 p.m., and the regular session reconvened. Council Member Chenault offered a motion to adopt the Capital Improvement Program as presented including Council Member Pace's comments being incorporated by reference. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz

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

Absent – None

Planning and Community Development Director Turner introduced a request by the City of Harrisonburg to rezone 5.02 acres from R-3, Multiple Dwelling Residential District to R-2, Residential. She said the property is located along Central Avenue, between Maryland Avenue and South Avenue, and can be found on tax map 19-E-9. The Comprehensive Plan designates this area as Conservation, Recreation and Open Space. The City of Harrisonburg is requesting to downzone this parcel of land along Central Avenue from R-2 to R-3. The R-2 zoning would only allow single-family homes and duplex units. The City owns additional land across Central Avenue that is currently zoned R-2 and plans on selling both parcels together. She reviewed the surrounding uses in the area. Staff has reviewed whether the walking trail at Keister Elementary School extended onto the property and the consensus was that it did not; therefore, an easement is not needed. She said that Planning Commission recommended approval of the request.

At 7:51 p.m., Mayor Rogers closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 28, and Monday, December 5, 2005.

#### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on December 13, 2005 at 7:30 p.m., in the Municipal Building, City Council chambers, 345 South Main Street, to consider the following:**

##### **Rezoning – Central Avenue**

**Public hearing to consider a request from the City of Harrisonburg to rezone 5.018 acres from R-3, Multiple Dwelling Residential District to R-2, Residential District. The property is located along Central Avenue, between Maryland Avenue and South Avenue, and can be found on tax map 19-E-9.**

**The Comprehensive Plan designates this area as Conservation, Recreation and Open Space. This designation includes the city's parks and golf course, as well as private open space recreation uses, such as country clubs.**

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

density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit.

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

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

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

Mayor Rogers called on anyone desiring to speak for or against this rezoning request. Anthony Bopp, a resident of the City, said he supported the rezoning, but requested that Council consider the number of students having classes in trailers at Keister Elementary School before adding more students to the school. There being no others desiring to be heard, the public hearing was declared closed at 7:54 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this rezoning request. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request to preliminarily plat a 21,028 square foot lot for an existing single family home from a larger 8.93 acre parcel located at 740 Stone Spring Road and found on tax map 93-C-1. She reviewed the surrounding uses in the area. Three of these lots would front along Stone Spring Road and will share a joint access driveway that would enter Stone Spring Road. The developer is asking for one variance to allow a reduction of front lot width for two lots at the rear of the development. These two proposed lots would have pipe stem configurations to allow for a more efficient use of space. Both lots are over twice the required size of an R-1 lot, but because of the unique topography of this development the lot configuration options are limited. She said that Planning Commission recommended approval of the request. Vice-Mayor Eagle offered a motion to approve this request as presented. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace

Council Member Chenault  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner presented a brief report on proposed changes to R-3 (Medium Density Residential) and the new R-5 (High Density Residential) classifications. She said Planning Commission has been conducting work sessions to better align the zoning ordinance with the Comprehensive Plan. Planning Staff plans to hold an informal public review of proposed changes to the existing R-3 and new R-5 zoning classifications prior to entering a formal ordinance adoption process. Some of this information has been shared and reviewed at previous work sessions. She reviewed the changes accomplished with the adoption of R-6 and R-7 classifications, and proposed changes to existing R-3 and new R-5 zoning classifications. She said Planning Commission recommends removing the City's R-4 Planned Residential District that allows some commercial use. Property zoned for that district would be in the new proposed R-5 high-density residential district. It is being proposed that a lot of the existing multi-family apartment complexes be placed into this category. It would promote multi-family building of not more than 12 units per building and 52 feet in height by right.

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, updated the progress and accomplishments for the future of HDR. He said that HDR hosted a Virginia Main Street Conference on September 28th and 29th in Harrisonburg. One of the highlights of the conference was a tour of the Wetsel Seed Warehouse Building and plans for renovation of the building. The Virginia Main Street Monitor publication provides information on the successful 2005 Tour of Shenandoah that involved Harrisonburg. He also said that plans have begun for Tour of Shenandoah 2006 bicycle race, which will be held on April 25, 2006. On October 26, 2005 approximately 30 people representing City officials, local press, and others visited Lynchburg to review its revitalization process. He pointed out there are a lot of similarities between the two communities. The Organization Committee hosted its annual reception celebration at Calhoun's Restaurant on October 17, 2005. Mr. Bumbaugh reviewed HDR goals for next year. He said positive feedback has been received regarding the Downtown Walking Tour. He discussed recommendations for parking meters and hours of parking in the downtown area. He requested Council's approval to close Bruce Street to Elizabeth Street on June 3, 2006 from 7:00 a.m. to 6:30 p.m., for the Court Days Festival. Also, approval is needed for "Fridays on the Square", which involves concerts and movies alternating every Friday night starting in May and continuing through August. One of HDR most significant accomplishments is the creation of the Historic District and implementing the streetscape design plan. Frazier Associates completed an excellent streetscape general plan this year. The streetscape plan includes improved signage from I-81, kiosks, gateways, new sidewalks, landscaping and lightning. The City hopes to implement the plan by the start of Virginia's Jamestown celebration in June 2007.

City Manager Baker said that a team of Mattern & Craig and Frazier Associates has been selected to conduct a utility assessment. The plan will be divided into several phases.

Following further discussion and comments, Vice-Mayor Eagle offered a motion to authorize the City Manager to sign a contract implementing the streetscape project, closing certain streets for the Court Days Festival on June 3, 2006, and "Fridays on the Square". The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

The next item of business was adopting the 2005 Pedestrian Plan. Transportation Planner Drew Williams said that a complete pedestrian network provides accessibility to transportation services, helps reduce congestion on City streets, promotes better health, and enhances the overall quality of life for residents of the City. A citizen committee tasked with prioritizing and planning City wide pedestrian projects developed the pedestrian plan. Many projects are specific, while other projects are area-wide projects. The committee worked in tandem with the Bicycle Plan Committee in developing priority areas. The first project prioritized for construction is the James Madison University Off-Campus Connector, or "Arboretum Trail". He reviewed this project and other areas. The plan also highlights safety and education as a component of a complete pedestrian network with opportunities for collaboration with community groups, organizations, and grant programs. Council Member Chenault offered a motion to adopt the 2005 Pedestrian Plan. The motion was seconded by Council Member Lantz, and approved with unanimous vote of Council.

The next item of business was a request to implement increased fines for speeding on Central Avenue. Transportation Planner Drew Williams said citizens from Central Avenue requested a speed study be conducted in their neighborhood. This neighborhood is currently enrolled in the Neighborhood Traffic Calming Program (NTCP). A speed study conducted by staff did indicate 85<sup>th</sup> percentile speeds at 38 miles per hour. This is considered a speeding "problem." Staff did meet with residents of the neighborhood on November 17, 2005 to review their concerns. Neighborhoods enrolled in the NTCP automatically qualify for additional fines. Following further discussion and comments, Council Member Pace offered a motion to approve a request to increase the fines for speeding on Central Avenue, which included conducting an additional study on the balance of Central Avenue. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

The next item of business was a request to amend an “Increased Fines for Speeding” policy. Transportation Planner Drew Williams said the City has adopted a policy to implement increased fines for speeding in accordance with the Code of Virginia. The Code section states that increased fines are acceptable on residential streets provided the locality has adopted a reasonable policy. Staff is requesting that the City’s policy be amended to assure that increased fines are implemented in a reasonable manner by requiring the citizen requestor to secure a petition of at least 75% approval of residents of the proposed increased fine area. Council Member Lantz offered a motion to amend this policy as presented. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

Joan Strickler, Executive Director of First Night, presented a brief overview of the First Night activities. She explained that this would be the fourteenth year of entertainment and family fun for the citizens of Harrisonburg and the surrounding area. She also requested that the fireworks display be approved. Plans for this year are similar to those of past years requests for street closing and sanitation crews. Vice-Mayor Eagle offered a motion to approve First Night’s request for its activities and fireworks display. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

City Manager Baker presented a request for a supplemental appropriation to adjust the budget for fiscal year 2005-2006. He said that on January 15, 2006 the City has to make the initial debt service payment on the \$7.25 million General Obligation Bond Issue Series 2005 that was issued on June 29, 2005. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$140,127.00 chge. to: 1000-31010 Amount from fund balance

\$140,127.00 approp. to: 1000-910842-49503 7.25 million general obligation bonds

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

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

Mayor Rogers

Absent – None

City Manager Baker presented a request to transfer funds between water capital projects. These funds will be transferred from the Silver Lake Pump Station project to construction of a waterline under I-81 at Smithland Road. Council Member Pace offered a motion to approve transferring these funds, and that.

\$137,989.69 chge. to: 1321-910161-48622 Garber's Church/Silver Lake Pump Stations

\$137,989.69 approp. to: 1321-910161-48633 Smithland Road

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

Vote: Yes - Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

City Manager Baker presented a request for a supplemental appropriation to appropriate additional funds to the Social Services District. He said after the 2005-2006 budget was prepared and approved the Harrisonburg Rockingham Social Service District Administrative Board approved a Program Improvement Plan. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$11,348.00 chge. to: 1000-31010 Amount from fund balance

\$11,348.00 approp. to: 1000-910511-47071 Expenditure of Social Services District

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

Vote: Yes - Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

City Attorney Thumma presented for Council's consideration amending and re-enacting Section 11-1-1 of the Harrisonburg City Code. He explained that this ordinance is necessary to adopt the Virginia Uniform Statewide Building Code. This will bring our present ordinance into compliance with the changes in the state laws. Council Member Lantz offered a motion to approve this ordinance for a first reading. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds represent unanticipated receipts from the Federal government and other funds that were not known during the budget process. No additional City dollars are required from City Council for the school division to receive these additional funds. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$50,000.00 chge. to: 1111-33301 School Revenue – Federal  
5,145.00 chge. to: 1111-31691 School Revenue –Other

\$55,145.00 approp. to: 1111-111114-40619 Instruction

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

Vote: Yes - Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Police Department. He said that these funds were for overtime hours worked by officers that were reimbursed by the Division of Motor Vehicles through a selective enforcement grant. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$2,374.32 chge. to: 1000-33524 DMV grant

\$2,374.32 approp. to: 1000-310231-41020 Salaries/wages OT

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

Vote: Yes - Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

City Manager Baker presented the following resolution for Council’s consideration of approval:

### **RESOLUTION**

**WHEREAS, the City of Harrisonburg, Virginia strongly supports historic preservation and the promotion of cultural and historic resources; and**

**WHEREAS, the City of Harrisonburg applied for and was granted status as a Virginia Main Street Community; and**

**WHEREAS, both state and national historic district designations have been bestowed on downtown Harrisonburg; and**

**WHEREAS, the City Council of Harrisonburg, Virginia intends to further revitalize the downtown district as well as support complimentary initiatives; and**

**WHEREAS, the City of Harrisonburg, a certified local government, has applied to become a Preserve America Community**

**NOW THEREFORE BE IT RESOLVED that the City Council of Harrisonburg, Virginia hereby supports the application for Preserve America funding as a part of continuing revitalization efforts.**

\_\_\_\_\_  
Mayor, City of Harrisonburg

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Clerk of the City Council

Council Member Chenault offered a motion to adopt this resolution. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

City Manager Baker announced that one proposal had been received for a Proposed Wireless Broadband Network Franchise Service.

At 9:25 p.m., Vice-Mayor Eagle offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Harrisonburg Parking Authority, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Planning Commission, and Tree Advisory Board exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Consultation with legal counsel regarding a proposed contract requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

At 10:45 p.m., the closed session ended and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of Council: I hereby certify to the best of my knowledge and belief that (1) only public matters lawfully exempt from open meeting requirements pursuant to Chapter 21 of Title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public business matters as were identified in the motion by which the closed session was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:50 p.m., there being no further business and on motion adopted the meeting was adjourned.

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CITY CLERK

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MAYOR

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