

REGULAR MEETING

JANUARY 10, 2006

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 Wilfong. Absent: 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 enforce the current ordinance regarding removing ice and snow from the streets after a storm. He also complained about changing the new leaf recycling procedure.

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 Police Department, appropriating additional funds to the Social Services District and amending and re-enacting Section 11-1-1 of the Harrisonburg City Code. The motion also included a rezoning request along Central Avenue and making the initial debt service payment on \$7.25 million General Obligation Bonds Series 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  
Council Member Lantz  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Steven Hill and Leray Comer for a special use permit. She said that the applicants are requesting a special use permit to allow contractor offices and storage in the B-2, General Business District zoning classification. The property is located at 30 and 40 Baxter Drive and can be found on tax map 1-C-9A and 9B. Mrs. Turner said that the Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in the area. The applicants intend to construct two, 60’ by 24’ shell buildings that each would be further divided into eight units for a total of 16 rental units. The building would require approximately 150 park spaces, which has been provided in the site plan. Depending on the mixture of tenants, traffic in between these two extremes is expected. She said that staff noted to the applicant that the City has no intentions of installing or allowing private funding of a traffic signal at the intersection of Baxter Drive and South Main Street. Water and sewer service is available in Baxter Drive to service any future

uses on these sites. Because there is no comprehensive storm water management plan for the properties along Baxter Drive, these lots will need to be developed in a way that contains all storm water detention on site. Staff's primary concern is maintaining an attractive appearance for this proposed facility. She said that Planning Commission recommended that no outside storage be permitted. In addition, the two islands at the entrance should be constructed to leave a 30 foot travel way and add landscaping to screen service vehicles. She said that Planning Commission recommended approving this request with these two conditions being added.

At 7:41 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, December 27, 2005 and Tuesday, January 3, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on January 10, 2006 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

#### **Special Use Permit – 30 & 40 Baxter Drive**

**Public hearing to consider a request from Steven Hill and Leray Comer for a special use permit {per Section 10-3-91 (6) of the Zoning Ordinance} to allow contractor office and storage in the B-2, General Business District. The property is located at 30 & 40 Baxter Drive and can be found on tax map 1-C-9A & 9B.**

**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.**

**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 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 the 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 - Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Council Member Lantz  
Mayor Rogers

Absent – None

The next item of business was an ordinance awarding a wireless franchise for the City. City Attorney Thumma said the City received one response to its request for a wireless franchise. The only proposal received was from WorldAirWaves. Mr. Thumma said this ordinance would provide wireless service in the City and would be done in three phases. The first phase would cover the downtown area. The second phase will target areas in the City that do not have broadband coverage such as along Mt. Clinton Pike, Country Club Road and similar areas. The third phase will target the remaining areas of the City.

Mark Bayliss, President of WorldAirWaves of Winchester, Virginia, discussed the importance of wireless technology as an integral technology of the City of Harrisonburg. He mentioned that with recent court decisions and legislation, wireless technology is positioned better than other Internet options, especially cable. Mr. Bayliss mentioned that the standard that his company would implement in Harrisonburg would be the protocol being encouraged by the federal government, one that was faster and more secure. Mr. Bayliss asked that his company be treated like other franchises in Harrisonburg and he would provide an affordable product with excellent service. Mr. Bayliss is willing to provide periodic reviews that are the same as is required in other franchise agreements. Mr. Bayliss could not give an exact cost since the cost will depend on the “last mile” cost. The last mile is that portion of the service from the provider to the customer.

Following further discussion and comments, Council Member Lantz offered a motion to approve awarding this wireless franchise to WorldAirWaves 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 - Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Council Member Lantz  
Mayor Rogers

Absent – None

City Attorney Thumma presented for Council’s consideration amending and re-enacting Chapter 1 of Title 14 of the Harrisonburg City Code. He said the taxicab ordinance is being updated to change the City department regulating and licensing cabs and cab drivers from the Police Department to the Department of Public Transportation. Following further discussion and comments, Council Member Pace offered a motion to approve amending and re-enacting this

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

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

Absent – None

City Attorney Thumma presented the following resolutions for Council’s consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, DESIGNATING THE PLEASANT HILL ACRES NEIGHBORHOOD 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 Pleasant Hills Acres Neighborhood requested a speed study for Central Avenue in the City of Harrisonburg; and**

**WHEREAS, said speed study was conducted and it was determined that Central Avenue, from South Avenue to Pleasant Hill Road, meets the City’s criteria for an increased penalty for speeding violations along with the entire Pleasant Hill Acres neighborhood; and**

**WHEREAS, city staff requests that not only Central Avenue, from South Avenue to Pleasant Hill Road, but the entire Pleasant Hill Acres neighborhood be designated as an area for increased penalties for speeding violations; and**

**WHEREAS, the City Council wishes to designate the entire Pleasant Hill Acres neighborhood as an area for increased penalties for speeding violations and direct the public works department to erect the appropriate signs in the Pleasant Hills Acres neighborhood, between South Avenue and Pleasant Hill Road;**

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

**That the Pleasant Hill Acres neighborhood, located between South Avenue and Pleasant Hill Road, meets 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 that the entire Pleasant Hill Acres neighborhood, located between South Avenue and Pleasant Hill Road, is 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 area.

Approved: January 10, 2006

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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, AMENDING THE 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, pursuant to Section 46.2-878.2 of the Code of Virginia, 1950, as amended, the City Council on June 14, 2005, adopted a resolution approving the criteria for the installation of signs, displaying the maximum speed limit and the increased penalty for violations in areas approved by the City Council; and**

**WHEREAS, upon recommendation of the city staff, the City Council wishes to amend the criteria by adding an additional requirement, to require a petition signed by seventy-five percent (75%) of the residents in the neighborhood to be designated for increased fines;**

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

**That the criteria, as amended, and as set forth in Exhibit A, which is attached hereto and made a part hereof, 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: January 10, 2006

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MAYOR

ATTEST:

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**CLERK OF THE COUNCIL**

Council Member Lantz offered a motion to approve these resolutions increasing the fine for speeding in the Pleasant Hill Acres area and installing signs displaying the maximum speed limit and penalty for violations. 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  
Council Member Lantz  
Mayor Rogers

Absent – None

The next item of business was a request to issue a dance hall permit for Guzmans Restaurant. City Attorney Thumma said the Police Department has been asked to provide a report for Council’s consideration. Since the Police Department has not completed its investigation, he suggested delaying this request to issue a dance hall permit until the report is received.

City Manager Baker presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from a DMV reimbursement grant for overtime. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$12,501.96 chge. to: 1000-33524 DMV Federal grant  
\$12,501.96 approp. to: 1000-310231-41020 Salaries/wages OT

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  
Council Member Lantz  
Mayor Rogers

Absent – None

The next item of business was a presentation by Rockingham Memorial Hospital Wellness “Steppin’ Out” Program. Sandy Boone & Dianne Breeden said “Steppin’ Out” is a community walking challenge, which will be held in conjunction with the 2<sup>nd</sup> Annual Medical Fitness Week of April 24-30, 2006. The program encourages communities to get out and get active, by striving to walk a minimum of 70,000 steps in 7 days. The community that takes the

most steps will receive national recognition through the Medical Fitness Association. Another goal is to raise funds for local programs in the fight against childhood obesity.

Mayor Rogers announced that the City Council wishes to challenge the Rockingham County Board of Supervisors and the Town Councils of all of the Towns located in Rockingham County to join in the “Steppin’ Out Program” and attempt to walk more steps in 7 days than the members of the Harrisonburg City Council.

City Council directed City Attorney Thumma to prepare a resolution issuing the challenge.

Council Member Pace requested that City Attorney Thumma research the City’s current code regarding removing snow and ice especially during unusual long periods of cold weather.

Council Member Chenault requested that Council delay the marketing of property indefinitely along Central Avenue until the impact of the proposed construction of the new middle and elementary school complex is determined.

Council Member Chenault said at the last meeting a study of new zoning classifications were referred to the Planning Commission with the understanding that the zoning classifications would not change any existing R-3 uses for undeveloped land. The new proposed classifications would need a special use permit or rezoning to continue developing as allowed. “I don’t think that was the intent of Council. Should we eliminate that part of the proposal from the study of the zoning classifications? I hope Planning Commission will revisit the issue.”

Council Member Chenault said he had conducted some research regarding how Blacks Run received its name. He said when Harrisonburg was founded a man by the name of Mr. Black was an adjoining landowner of Thomas Harrison.

Vice-Mayor Eagle offered a motion to appoint Council Member Chenault to the Community Block Grant Review Committee. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

At 9:00 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, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Planning Commission, Harrisonburg Transportation Safety 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 and probable litigation 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 Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 10:20 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 Rudy Propst, 970 Turkey Run Road, be appointed to a first term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2009. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of 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

cc: City Council  
City Manager  
Assistant City Manager  
Public Library

REGULAR MEETING

JANUARY 24, 2006

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.

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

Members from the cast of “Seussical” presented a brief performance of a musical to be held at the Harrisonburg High School Auditorium February 16-19, 2006.

Bucky Berry, a resident of Harrisonburg, complained about the downtown parking meters.

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 amending and re-enacting Chapter 1 of Title 14 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  
Mayor Rogers

Absent – None

City Attorney Thumma presented the following resolution for Council’s consideration of approval:

**RESOLUTION**

**WHEREAS, that due to construction, reconstruction, or elimination of certain streets within the City limits of Harrisonburg, there are deletions and additions of street mileage, which are eligible for maintenance payments.**

- 1. Collector/local streets to be deleted, totaling 2.46 centerline miles (4.92 lane miles).**
- 2. Collector/local streets to be added, which meet the requirements of Section 33.1-41.1 of the Code of Virginia as of February 22, 1985, there are eligible for**

**maintenance payment totaling 4.99 centerline (10.92 lane miles). Said street being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.**

- 3. Principal/Minor Arterial streets to be deleted, totaling 0.00 centerline miles (0.00 lane miles).**
- 4. Principal/Minor Arterial streets to be added, which meet the requirements of Section 33.1-41.1 of the Code of Virginia as of February 22, 1985, that are eligible for maintenance payments totaling 0.00 centerline miles (0.00 lane miles). Said streets being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.**

**NOW, THEREFORE, BE IT RESOLVED THAT, The City of Harrisonburg respectfully requests the Virginia Department of Transportation to make maintenance payments effective July 1, 2006.**

**Adopted by the Harrisonburg City Council the 24<sup>th</sup> day of January 2006.**

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**Mayor**

**Attest:**

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**Clerk of City Council**

Public Works Director Jim Baker said that periodically the City has to update the listing of streets for which maintenance payments are received from VDOT. This resolution adds 4.99 new centerline miles and eliminates 2.46 centerline miles. Council Member Pace 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.

The next item of business was a request to issue a dance hall permit for Guzman's Restaurant. Kevin Rose, attorney representing the applicants, said Mr. Guzman has agreed to limit the dance floor space to an area not exceeding 10 percent of the total floor area of the establishment.

City Attorney Thumma noted that this dance hall permit is non-transferable and may be revoked at any time for any reason by the Harrisonburg City Council.

Following further discussion and comments, Vice-Mayor Eagle offered a motion to approve the dance hall permit for Guzman's Restaurant. 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

The next item of business was an ordinance awarding a wireless franchise for the City. City Attorney Thumma said this revised ordinance is being presented for the second reading. He said this franchise will be reviewed every five (5) years and shall expire twenty-five (25) years from the date of passage unless the Grantee is not staying current with technology and providing the open wireless broadband network as proposed by this ordinance. Council Member Pace offered a motion to approve this wireless broadband franchise as presented 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  
Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, DESIGNATING THE WEEK OF APRIL 24-30, 2006 AS THE  
2<sup>ND</sup> ANNUAL MEDICAL FITNESS WEEK – “*STEPPIN’ OUT*”**

**WHEREAS, Rockingham Memorial Hospital Wellness Center is sponsoring a “Stepping Out Program” in conjunction with the 2<sup>nd</sup> Annual Medical Fitness Week of April 24-30, 2006; and**

**WHEREAS, the “Stepping Out Program” is a challenge to all citizens of the Harrisonburg community to get out and get active by striving to walk a minimum of 70,000 steps in 7 days; and**

**WHEREAS, Rockingham Memorial Hospital Wellness Center on January 10, 2006 requested the City Council to designate the week of April 24-30, 2006 as the 2<sup>nd</sup> Annual Medical Fitness Week – “*Steppin’ Out*” and further challenged all members of the Harrisonburg City Council to join the community by striving to walk a minimum of 70,000 steps in 7 days; and**

**WHEREAS, the City Council wishes to challenge the Rockingham County Board of Supervisors and the Town Councils of all of the Towns located in Rockingham County, to join in the “Stepping Out Program” and attempt to walk more steps in 7 days than the members of the Harrisonburg City Council;**

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

**1. That the week of April 24-30, 2006 is hereby designated as the 2<sup>nd</sup> Annual Medical Fitness Week – “Steppin’ Out”.**

**2. The City Council hereby challenges all citizens of the Harrisonburg community to get out and get active by striving to walk a minimum of 70,000 steps in 7 days.**

**3. The City Council further challenges the Rockingham County Board of Supervisors and the Town Councils of all Towns located in Rockingham County to join in the “Stepping Out Program” and attempt to walk more steps in 7 days than the members of the Harrisonburg City Council. The City Manager is hereby directed to send a copy of this resolution to the Chairman of the Rockingham County Board of Supervisors and to each Mayor of the Towns located in Rockingham County.**

**Approved: January 24, 2006**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Dianne Breeden from Rockingham Memorial Hospital Wellness Center said “Steppin’ Out” is a community walking challenge, which will be held in conjunction with the 2<sup>nd</sup> annual Medical Fitness Week of April 24-30, 2006. The program encourages communities to get out and get active, by striving to walk a minimum of 70,000 steps in 7 days. Council Members were issued pedometers at the January 10<sup>th</sup> meeting and issued a challenge to other elected officials in Rockingham County. Council Member Chenault offered a motion to approve this resolution as presented. The motion was seconded by Council Member Pace, 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 asset seizure funds and will be used to purchase a replacement vehicle and a used motorcycle. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$29,000.00 chge. to: 1000-31010 State asset seizure

\$29,000.00 approp. to: 1000-310431-48151 Motor vehicles/equipment replacement

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 Members agreed to have a joint work session with the Planning Commission on February 14, 2006 at 6:00 p.m.

Vice-Mayor Eagle requested that an updated report on downtown parking meters be presented at a future Council meeting.

City Manager Baker said proposed plans for downtown parking will be presented at the February 14<sup>th</sup> Council meeting.

In responding to Council Members questions Public Works Director Baker announced that an environmental impact process has been very challenging for the City. He said that the second revision is being reviewed by the VDOT reviewing agencies. Once the revision is completed a study will be forwarded to a Federal Highway Administration, which has 30 days to review the plan.

City Manager Baker said that Jeff Weatherall of South Main Motors has purchased a vehicle to be used for a raffle. He wants to donate the proceeds from the raffle to the Fire Department. Council agreed to allow the raffle to take place.

Assistant City Manager Hodgen provided some information regarding snow removal. He said other localities are in a similar situation as Harrisonburg, but most do not issue citations although there are regulations on the books. He said the City could do a better job of informing the public regarding these ordinances. He suggested that Council might want to review whether removing snow three hours after the snow has ceased to fall is realistic.

Council Member Pace commented that removing snow three hours after the snow ceased to fall was not realistic. The City's ordinance does state that if the snow ceases to fall in the night it shall be cleared away by 10:00 a.m. the following morning, which is more realistic. However, the City's current ordinance does address the problem with ice. Perhaps occupant or owners of certain premises located in shaded/shadowed areas of the City should be reminded that it's their responsibility to make sidewalks safe for travel.

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 Harrisonburg Parking Authority, Harrisonburg Planning Commission, Harrisonburg

Transportation Safety 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 and probable litigation 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 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

At 10:00 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.

Council Member Chenault offered a motion that Alan P. Finks, 1133 Bluebird Court, be appointed to the unexpired term of Jackie Thomas-Suggs on the Planning Commission to expire on December 31, 2008. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Barbara McKee, 1213 Windsor Road and Howard E. Beierle, 1104 Ridge Wood Road, be appointed to the Tree Advisory Committee. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Joseph Lynch, Marsha Garst, and Elsie Ziegenfus be appointed to the Rockingham/Harrisonburg ASAP Commission to expire on December 31, 2010. The motion was seconded by Vice-Mayor Eagle, 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

FEBRUARY 14, 2006

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 Chenault 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 John Zigler family.

**RESOLUTION**

**WHEREAS, John Zigler has been a friend to the Harrisonburg community his entire life; serving its residents as a friend to all; and**

**WHEREAS, John Zigler served faithfully as an active member of the Harrisonburg Transportation Safety Commission, providing thoughtful insight in discussion of safety issues and making many workable recommendations leading to resolution of those issues; and**

**WHEREAS, John Zigler also served the Harrisonburg community in other capacities, as an educator, a member of other Boards and Commissions, helping resolve infrastructure problems around the city, and as a witnessing member of his church; and**

**WHEREAS, John Zigler, by giving his time and talent through all of these activities, worked to better the community he lived in and, consequently, made better lives of all around him, now therefore,**

**BE IT RESOLVED, that John Zigler is remembered and honored this day for his many contributions to our community.**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Mayor**

**Attest:**

\_\_\_\_\_  
**Clerk of City Council**

Vice-Mayor Eagle offered a motion to approve the consent agenda, including approval of the January 24 and January 31 minutes and the second reading of a supplemental appropriation for the Police Department. 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

Planning and Community Development Director Turner introduced a request from Avra Beth Kaslow-Leigh to rezone one parcel containing 7.23 acre from R-1, Single-Family Residential District to B-2C, General Business District Conditional. The property is located on the southeast corner of Neff Avenue and Port Republic Road and can be found on tax map 87-G-1. She said between the public hearing held by Planning Commission on January 11<sup>th</sup> and before it was advertised for the City Council meeting the applicant added some additional proffers. The applicant has proffered to provide a triple row of evergreen trees, allow only one entrance on/off Neff Avenue, restrict uses to business, professional, medical offices and financial institutions and public uses, limit hours of operation between 6:00 a.m. until 10:00 p.m., and sign height. The Comprehensive Plan designates this area as Low-Density Mixed Residential. She reviewed the surrounding uses in the area. Because this request was not in conformance with the Comprehensive Plan, Planning Commission at its January 11<sup>th</sup> meeting recommended denying the request by a vote of 5-0. However, the applicant attended Planning Commission's February 8<sup>th</sup> meeting with further restricted proffers and presented an update of the revised proffers that would be presented at the City Council meeting. At the meeting, Planning Commission did not take a vote, but asked that City Council send this request back to them for further consideration including holding another public hearing on the revised proffers.

The following discussion by Council Members included: Confidence and faith in Planning Commission's ability and special training to analyze rezoning requests; compulsion to honor Planning Commission's request and send it back; public hearing should be held because citizens are in attendance for it; perhaps developer should consider R-6 or R-7 zoning rather than R-1 zoning; as a matter of procedure Planning Commission should have another opportunity to give their best professional advice on any zoning situation; could be setting a precedent; however, this is not the same proposal that Planning Commission first heard.

Following further discussion and comments, Council Member Lantz offered a motion to send this request back to Planning Commission for further review. 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  
Council Member Pace

Mayor Rogers

No - Vice-Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Alice Springston for a special use permit for a bed and breakfast establishment. The property is located at 979 Summit Avenue and can be found on tax map 49-B-13. Mrs. Turner said the Comprehensive Plan designates this area as Neighborhood Residential. She reviewed the surrounding uses in the area. The applicant submitted a certificate from the Virginia Department of Health granting permission to operate a tourist establishment for up to three units. However, Ms. Springston has stated she would only allow one customer or family to stay at the property at any one time. There is sufficient parking space on the property. She said that staff has recommended for approval with three conditions. The first is the applicant may only have one customer or family at one time. Secondly, boarders shall not occupy the property. Lastly, the special use would be granted only to the current owner of the property. If the applicant decides to sell the property, the special use becomes null and void and would not transfer to any future owner of the property. She said that with these conditions, Planning Commission recommended approving this special use permit.

At 8:05 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, January 30, and Monday, February 6, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a public hearing on February 14, 2006 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

#### **Special Use Permit – 979 Summit Avenue**

**Public hearing to consider a request from Alice Springston for a special use permit {per Section 10-3-40(8)} to allow her home along Summit Avenue to be used as a bed and breakfast establishment. The property is located at 979 Summit Avenue and can be found on tax map 49-B-13.**

**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 request. There being no one desiring to be heard, the public hearing was declared closed at 8:06 p.m., and the regular session reconvened.

The following discussion by Council Members included: Questions as to whether anybody with a large house in the City could apply for a special use permit to operate a bed and breakfast establishment. What is the criteria for allowing this type of business in a residential neighborhood? Neighbors might feel uncomfortable about strangers living next door. What would restrictions be on length of stay.

Following further discussion and comments, Council Member Chenault offered a motion to approve the special use permit request. The motion was seconded by Council Member Pace.

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Pace

No - Council Member Lantz  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request to preliminarily plat 36 townhouse lots on 3.02 acres located along Founders Way. The property is zoned R-3, Multiple Dwelling Residential District and can be found on tax map 31-P-1. The Comprehensive Plan designates this area as Mixed Use Development. This development would require a variance to allow these lots to not front on a public street. The developer has informed staff that he intends to make this development part of Liberty Square. Staff and Planning Commission have recommended that the occupancy be limited to unrelated individuals per dwelling unit. A special condition is noted on the face of the plat explaining that the preliminary plat approval is not suggesting further approvals of site plans. Provision of sanitary sewer to this property is not available under current conditions. Further engineering work in conjunction with the City Utilities Department would be needed to more fully evaluate future sewer service. This property and surrounding property will require installation of a public sanitary sewer pump station as well as evaluation and possible upgrading of a significant amount of downstream sewer mains. The responsibility for the design and improvements rests with the developer. The site plan and final plat will not be approved until all negative impacts have been appropriately resolved. The City Attorney has reviewed the note on the plat.

Council Member Pace recommended that the developer get into contact with a member of the Virginia Poultry Association in regard to the issue of detention ponds and migratory birds

and how that could effect the areas. Following further discussion, 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.

The next item of business was an update on the Downtown Parking Plan. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, said the downtown merchants and property owner prefer Plan B, which includes removing the meters, consolidating some services, conducting enforcement between the hours of 7:00 a.m. until 7:00 p.m., incorporating an electronic device, coordinating software for monitoring time limits within the designated areas, hiring a new parking administrator, and locating the office in the Municipal Building. He recommended removing the parking meters by April 1, 2006. Following further discussion and comments, Vice-Mayor Eagle offered a motion to adopt Plan B. 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

Transportation Superintendent Drew Williams presented a brief report on traffic speed and volume since increased fines for speeding went into effect. He said staff conducted a speed/volume study and found that 85<sup>th</sup> percentile of the speeds on Maryland Avenue were at 38.23 mph with annual daily traffic at 2,641 vehicles per day. In February 2006, staff conducted a speed/volume study and found 85<sup>th</sup> percentile to be 36.21 mph and ADT at 1,075. Staff also reviewed traffic on South Dogwood Drive at the same time finding 85<sup>th</sup> percentile speeds at 36.28 mph. ADT was 2,738 vehicles per day. When reviewed again in January 2006, 85<sup>th</sup> percentile was 35.01 and ADT was 2,392. Council requested staff to review the section of Central Avenue between South Avenue and Maryland Avenue to see if it qualifies for “increased fines for speeding. A study conducted in January 2006 found that 85<sup>th</sup> percentile speed was 39.54 mph. ADT was 1,041 vehicles per day.

The next item of business was a request from Rockingham Rotary Club to close a portion of Washington Street for an “All American Soap Box Derby”. The club is requesting permission to close Washington Street from Route 11 to just about Northfield Court on Saturday, June 3<sup>rd</sup> from 7:00 a.m. until 2:00 p.m. An award ceremony at Ralph Sampson Park would follow the event. Council Member Lantz offered a motion to approve this request. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

City Manager Baker presented a request for a supplemental appropriation to increase the City’s 2005-06 budget. He said that this money would be used for a Downtown Street Scape Plan project. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$201,575 chge. to: 1000-31010 Amount from fund balance

\$201,575 approp. to: 1000-990111-49216 Transfer to General Capital Projects Fund

The motion was seconded by Council Member Lantz, 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

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He said that these funds represent unanticipated receipts from the Federal government and other funds that were not known during the budget process. No additional local 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:

\$224,662.00 chge. to: 1111-33301 School Revenue-Federal

\$213,771.00 approp. to: 1111-111114-40610 Instruction  
10,891.00 approp. to: 1111-111114-40680 Technology

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

City Manager Baker presented a request for a supplemental appropriation to increase the City's 2005-06 budget. He said these funds were received in 2005 from the VML to defray part of the cost of purchasing a camera and a lap top computer. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$1,000.00 chge. to: 1000-31828 VML 04-05 Safety Grant

\$ 123.00 approp. to: 1000-12211-46010  
877.00 approp. to: 1000-320232-48203 Fire programs fund

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

Council Member Lantz offered a motion that Vice-Mayor Rodney Eagle be appointed to the Central Shenandoah Planning District Commission's Executive Committee. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

City Council agreed to authorize Fire Chief Shifflett to purchase a used ladder fire truck once one become available and present a request to City Council for additional funds not available in their budget.

At 9:25 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, Parks and Recreation Commission, Harrisonburg Transportation Safety 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 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 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

At 10:00 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 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

FEBRUARY 28, 2006

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.

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 City’s 2005-2006 budget. 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

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 \$2.4 million of which the City should receive \$593,700 in Federal operating assistance and approximately \$500,000 in formula funds from the state. He also said that some of the funds will be used to purchase five transit buses, bus stop shelters, and voice announcement system.

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 Saturday, February 18, and Saturday, February 25, 2006.

### **NOTICE OF PUBLIC HEARING**

**The City of Harrisonburg is currently preparing the annual grant application for Operating and Capital Funds for FY07. 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 28, 2006, 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 Vicki Conley before February 27, 2006 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 7:42 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Chenault offered a motion to approve the application as presented. The motion was seconded by 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

City Manager Baker presented a request for supplemental appropriations for the School Board, Public Works Department, and Fire Department. Funds for the schools will be used to purchase land, renovation of an old building, and make an interim payment for architect fees. The Public Works Department funds will be used for operational expenses in the new expanded purchasing facility. The Fire Department funds were received for fire programs and from donations and will be used for travel, training and equipment.

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, February 20, 2006.

### **NOTICE OF PUBLIC HEARING**

**A public hearing will be held by the Harrisonburg City Council on Tuesday, February 28, 2006 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 gross amount of \$4,380,868.09, net amount of \$2,203,637.09. This amount represents funds from the General Fund unappropriated fund balance, Fire Department donations and interest earned on school bonds.**

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

**Revenues:**

<b>General Fund:</b>	<b>2,177,231.00</b>
<b>Fire Programs funds</b>	<b>3,267.00</b>
<b>Donations</b>	<b><u>4,510.00</u></b>
<b>Total General Fund</b>	<b>2,185,008.00</b>
<b>School Fund:</b>	
<b>Transfers from General Fund</b>	<b>100,000.00</b>
<b>Central Stores Fund:</b>	
<b>Transfers from General Fund</b>	<b>52,481.00</b>
<b>School Capital Projects Fund:</b>	
<b>Amount from fund balance</b>	<b>4,052.00</b>
<b>Investment earnings</b>	<b>14,577.09</b>
<b>Transferred from General Fund</b>	<b><u>2,024,750.00</u> 2,043,379.09</b>
<b>Total revenues</b>	<b><u>4,380,868.09</u></b>
<b>Expenditures</b>	
<b>General Fund:</b>	
<b>Fire Department-Suppression:</b>	
<b>Travel and training</b>	<b>4,510.00</b>
<b>Equipment</b>	<b>3,267.00</b>
<b>Transfer to Central Stores Fund</b>	<b>52,481.00</b>
<b>Transfer to School Fund</b>	<b>100,000.00</b>
<b>Transfer to School Capital Project Fund</b>	<b>2,024,750.00</b>
<b>Total General Fund</b>	<b>2,185,008.00</b>
<b>School fund:</b>	
<b>Operation and maintenance</b>	<b>100,000.00</b>
<b>Central Stores Fund:</b>	
<b>Various expenditure categories</b>	<b>52,481.00</b>
<b>School Capital Projects Fund:</b>	
<b>Elementary/Middle School</b>	<b><u>2,043,379.09</u></b>
<b>Total expenditures</b>	<b><u>4,380,868.09</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 7:55.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$2,124,750.00 chge. to: 1000-31010 Amount from fund balance

100,000.00 approp. to: 1000-990111-49220 Transfer to School Fund

2,024,750.00 approp. to: 1000-990111-49225 Transfer to School Capital Projects

\$ 100,000.00 chge. to: 1111-34210 Transfer from General Fund

2,024,750.00 chge. to: 1311-34210 Transfer from General Fund

4,052.00 chge. to: 1311-31010 Amount from fund balance

14,577.09 chge. to: 1311-31513 Investments earning

\$ 100,000.00 approp. to: 1111-111114-40640 Operations and maintenance

2,043,379.09 approp. to: 1311-910114-48700 Elementary/Middle School

\$ 52,481.00 chge. to: 1000-31010 Amount from fund balance

52,481.00 approp. to: 1000-990111-49260 Transfer to Central Stores Fund

\$ 52,481.00 chge. to: Transfer from General Fund

\$ 20,165.00 approp. to: 2112-712141-41010 Salaries & Wages, Regular

156.00 approp. to: 2112-712141-41015 Employer Benefit Match

1,129.00 approp. to: 2112-712141-42010 FICA

3,311.00 approp. to: 2112-712141-42020 Retirement – VRS

7,300.00 approp. to: 2112-712141-42050 Hospital Insurance

64.00 approp. to: 2112-712141-42110 Worker's Compensation

22.00 approp. to: 2112-712141-42160 Flex. Spending Plan Cost

5,000.00 approp. to: 2112-712141-43320 Service Contracts

379.00 approp. to: 2112-712141-43340 Maint & Rep-Furn. & Fixtures

346.00 approp. to: 2112-712141-43600 Advertising

150.00 approp. to: 2112-712141-43710 Uniform Maintenance Contract

1,280.00 approp. to: 2112-712141-44302 C.S. Powered Equip. Supplies

2,300.00 approp. to: 2112-712141-45110 Electricity

1,400.00 approp. to: 2112-712141-45120 Hearing

36.00 approp. to: 2112-712141-45340 Property Insurance

20.00 approp. to: 2112-712141-45370 Pub. Official Liability Insurance

300.00 approp. to: 2112-712141-46010 Office Supplies

1,500.00 approp. to: 2112-712141-46140 Other Operating Supplies

7,623.00 approp. to: 2112-712141-48121 Furniture & Fixtures

\$ 3,267.00 chge. to: 1000-32512 Fire Programs Funds

4,510.00 chge. to: 1000-31809 Donations

4,510.00 approp. to: 1000-320232-45530 Travel & Training

3,267.00 approp. to: 1000-320232-48113 Equipment

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

A presentation by Blue Ridge Community College was postponed until a later meeting.

City Manager Baker introduced a request from Virginia Self Storage Partners II, LLC, for an extension of a City water main into Rockingham County. He said approving this request would allow the relocation of a City fire hydrant. This extension would only be used for fire protection. The self-storage business will continue to be connected to Rockingham County for their potable water supply. All construction and materials of this extension would be the responsibility of the applicant. The City would maintain the hydrant in a public water easement. He said that Planning Commission recommended approval. Council Member Lantz 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

Brian Shull, Economic Development Director, presented an overview on tourism initiatives, technology advances, and overall commercial/industrial activities within the City. He said the tourism and visitor services center operates in the Hardesty-Higgins House. This new location is more attractive, centrally located, easier to find and is in the heart of downtown. During the fourth quarter of 2005, the center had 4,491 walk-in visitors in comparison to 2,306 for the same time period in 2004. Total visits increased from 664 in January 2005 to 1,271 in January 2006. A tremendous effort has been directed toward the website design ([harrisonburgtourism.com](http://harrisonburgtourism.com)). During the fourth quarter of 2005 this website had 891,768 hits in comparison to 663,865 for the same time period in 2005. Tourism across the state is down, but not in Harrisonburg. Local tax revenue figures through the first eight months of FY 2006 include \$1 million in lodging taxes, meal taxes at \$4.2 million and sales tax revenues at \$7.7 million. The City's tremendous retail boom has generated a lot of sales tax revenue. Harrisonburg serves as a retail hub and generated \$967 million in retail sales in 2004, which represents a 12% increase over 2003. The City is on track to top one billion dollars in sales for 2005. He reviewed statistics for manufacturing, distribution and growth in the downtown area.

The City is working on a new initiative called distributed services, which concentrates on attracting business units that do not need to be centrally located at company headquarter.

Assistant Economic Developer Director Jim Barnes said that one new technology company is moving into the technology zone in the downtown area. Council has approved the IPv6 wireless initiative, which is the latest, the best and most secure technology of its type in the world. World AirWaves, the franchisee, has been meeting with City staff as well as other parties that are critical to the success of this particular project. The first phase of this project (downtown) will be completed by April 1, 2006. Phase two should be completed by July 31, 2006. The third phase of operation will begin in mid August and should fill in any gaps that are not being covered Citywide. This wireless initiative will be completed by the end of the year. He reviewed the Harrisonburg Innovation Company (HIC) timeline including the dates of abatement, demolition, renovation and completion by July 2007.

Community Development Block Grant Coordinator Kim Alexander presented an overview of the preliminary budget recommendations for 2007 CDBG program and amendments. She said the CDBG Review/Selection Committee has completed evaluations of the 2007 CDBG grant proposals. Council Member Chenault announced that after further review the committee will fully fund the Community Resource Center at \$6,000 and recommended that \$3,000 be removed from a traffic light project at Whetsel Seed Apartment. Ms. Alexander said six City projects were considered for funding and eight non-City applications were submitted (not including HRHA, to whom funding has already been committed). The entitlement amount for 2007 is \$550,442 dollars. Funds received in 2005-06 were \$613,398 and the first year consisted of \$648,000. It is a challenge in making the recommendations because the funding has been reduced. She reviewed the various City projects and public services that are being recommended to be funded.

The next item of business was granting a conservation easement along Blacks Run in Purcell Park. Parks and Recreation Director Foerster said the Parks and Recreation Department and the Friends of the Blacks Run Greenway have been working with the Canaan Valley Institute for over a year to obtain grant funds of over \$200,000 to correct and stabilize the banks of Blacks Run in Purcell Park. The granting of conservation easement along the stream is part of this process. The easement will be held by the Valley Conservation Council with the approval of the Nature Conservancy. City Attorney Thumma said details of the easement still need to be determined. Approval of the easement is contingent upon the grant money being received. Vice-Mayor Eagle offered a motion to approve granting this easement provided the City received the grant money. 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

The next item of business was a request to use the City lot behind the Municipal Building. City Manager Baker said that the March of Dimes will once again be holding WalkAmerica in Harrisonburg. The event is scheduled for Saturday, April 22, 2005. The City lot will be used as a staging area as well as for pre-and post-walk events. No street closings will be requested. Council Member Pace 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 the following resolution for Council's consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, REGARDING THE REIMBURSEMENT OF EXPENSES AND COSTS  
INCURRED BY THE CITY, OUT OF THE BOND PROCEEDS TO BE USED FOR THE  
ACQUISITION OF REAL ESTATE, THE CONSTRUCTION OF LINDA LANE  
EXTENDED AND THE CONSTRUCTION OF AN ELEMENTARY SCHOOL AND A  
MIDDLE SCHOOL**

**WHEREAS, the City is in the process of planning the construction of Linda Lane Extended, the construction of a new elementary school and the construction of a new middle school, along with the acquisition of the necessary real estate upon which to construct the same; and**

**WHEREAS, the acquisition of real estate, the construction of Linda Lane Extended, the construction of a new elementary and middle school will require the City to issue general obligation bonds in an amount estimated to be around Forty Five Million Dollars (\$45,000,000.00); and**

**WHEREAS, the City intends to reimburse itself out of the bond proceeds for all expenditures and costs associated with the acquisition of real estate, the construction of Linda Lane Extended, and the construction of a new elementary and middle school, which are properly reimbursable under all State and Federal laws, and which are incurred and paid prior to the issuance of the bonds;**

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

**1. The City of Harrisonburg will be issuing general obligation bonds that are estimated to be in the amount of Forty Five Million Dollars (\$45,000,000.00) to pay for the acquisition of real estate, the construction of Linda Lane Extended, and the construction of an elementary and a middle school.**

**2. The City of Harrisonburg shall be reimbursed from the proceeds of the bonds and for all costs and expenditures, which are properly reimbursable under State and Federal laws, incurred for the acquisition of real estate, the construction of Linda Lane Extended, and the construction of an elementary and a middle school. The City represents**

that it will pay certain expenditures out of general funds for the acquisition of real estate, the construction of Linda Lane Extended and the construction of an elementary school and a middle school prior to the issuance of the general obligation bonds. Therefore, it is hereby declared to be the intent to reimburse the City with a portion of the proceeds of the Bonds for expenditures related to the acquisition of real estate, the construction of Linda Land Extended, and the construction of an elementary school and a middle school that were paid with general funds of the City and made no earlier than 60 days prior to the adoption of this resolution and on and after the date hereof.

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

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

Approved: February 28, 2006.

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MAYOR

ATTEST:

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CLERK OF THE COUNCIL

City Manager Baker said adopting this resolution allows the City to be reimbursed from bond proceeds. Council Member Lantz 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 - Council Member Lantz  
Vice-Mayor Eagle  
Council Member Pace  
Council Member Chenault  
Mayor Rogers

Absent – None

Paul Lavigne, Executive director of Valley Program for Aging Services, thanked Council for its continued financial support.

Twila Leap from Mercy House thanked Council for its financial support. She said that HUD studies show that people most likely to become homeless are those people who have already been homeless.

Assistant City Manager Hodgen said that the City received a grant offer from the Department of Justice through the Edward Byrne Memorial Justice Assistance Program. It will be the City's intent to expend all grant funds \$13,305.00 during the upcoming fiscal year. These funds will be used for the Police Department.

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 Harrisonburg Parking Authority, Parks and Recreation Commission, Harrisonburg Transportation Safety 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 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

At 10:10 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 10:15 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 14, 2006

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.

Megan Kelley extended an invitation to Council and everyone to support and participate in the Harrisonburg Rescue Squad’s first annual 5K Run/Walk. The event will be held on April 1<sup>st</sup> on the James Madison University’s 5k course. She reviewed the cost and registration forms and said prizes and food will be available after the race.

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 School Board, Public Works and the Fire Department. 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 Chenault  
Council Member Lantz  
Mayor Rogers

Absent – Council Member Pace

The next item of business was a request to modify the Master Transportation Plan to reflect future planning goals. Public Works Transportation Superintendent Williams discussed the proposed changes in the City’s Master Transportation Plan. He said the plan is a street component of the Comprehensive Plan, which was adopted in 2004. Also, since the adoption of the plan in 2004 the bicycle plan has been updated. He reviewed the plan where existing streets need improvement and where new roads and streets are planned to provide critical linkages needed to sustain an efficient transportation network around the city. He explained the difference between major and minor projects. He said that Planning Commission recommended approval of the plan at its February meeting. However, Council Member Pace wanted language in the plan to note that funding for the railroad relocation project would come from federal or state sources.

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, February 28, and Monday, March 6, 2006.

## NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold public hearings on March 14, 2006 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

### **Master Transportation Plan Update**

**Public hearing to consider updates to the Master Transportation Plan within the City's Comprehensive Plan. The Master Transportation Plan outlines planned road improvements, including new roads, the widening of existing roads, and the creation of bicycle and sidewalk facilities.**

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 Master Transportation Plan. 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 Chenault  
Council Member Lantz  
Mayor Rogers

Absent – Council Member Pace

Planning and Community Development Director Turner introduced a request from Nadia Webb to rezone two lots located at 312 South Main Street and found on tax map 26-K-6&7, from B-2 to B-1C. The request is to rezone approximately 14,000 square feet from B-2, General Business District to B-1, Central Business District. These lots are located at the corner of South Main Street and Franklin Street. She said that the Comprehensive Plan designates this area as Mixed Use Development. She reviewed the surrounding uses in the area. The applicant intends to have a private medical practice while preserving the historical nature of the property. Currently, under the B-2 regulations, twelve parking spaces are needed for the business. The B-1 zoning classification has no parking requirements. The B-1 Central Business District has no setback requirement; thus the change would make the structures conforming to the Zoning Ordinance. This raises a concern for staff. These lots would then be permitted to construct a building up to the property line and change the view of this downtown corner. Because this lot is within Harrisonburg's Garden District and due to the historical nature of the lot and surrounding area, the applicant has proffered that any new structure built upon the two lots shall be setback no less than 20 feet from South Main Street and Franklin Street. She said there is a private water and sanitary sewer line crossing this property and the applicant is aware of it and constraints that may be place on her in regards to any future use of the property. She said that Planning Commission recommended approving this request.

At 7:53 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, February 28, and Monday, March 6, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on March 14, 2006 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

#### **Rezoning – 312 South Main Street**

**Public hearing to consider a request from Nadia Webb to rezone two lots, totaling 14,000+/- square feet from B-2, General Business District to B-1C, Central Business District Conditional. The property is located at 312 South Main Street and can be found on tax map 26-K-6&7.**

**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 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 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 7:54 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 Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Pace

Planning and Community Development Director Turner introduced a request from Harrisonburg Hotel Associated Limited Partnership to rezone one, 4.77 acre lot from M-1, General Industrial District to B-2, General Business District. The property is located at 1515 Country Club Road and can be found on tax map 13-A-1. The Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in the area. The applicant's plans include a proposal for 16 classrooms with additional space for study areas, student lounge, library and administrative offices. Their plans call for the creation of 274 parking spaces, with room for an additional 42 spaces. Country Club Road is identified on the City's Master Transportation Plan as a facility that is to be improved to three lanes along with curb, gutter and sidewalk. The City's Design and Construction Standards Manual requires the developer to be responsible for frontage improvements necessary to bring the street up to City standards. These street improvements are interconnected with other site improvement issues. One of the primary areas of concern for this property is providing vehicle access from County Club Road. The first is the Rail Road Crossing that cuts diagonally across Country Club Road. This skewed crossing requires vehicle traffic be stopped well in advance of the tracks to take into account the angle of the train's approach. Also, the property across the street may be developing at some point in the future and will want to be lining up the entrances onto Country Club Road. Another issue is the close proximity of Interstate 81. Future widening of I-81 may require the acquisition of additional right-of-way on the northwestern boundary of the property. Also, there is a storm water drainage ditch that runs parallel with Country Club Road, which may require a culvert for a crossing entrance. Another option would be for the applicant to relocate the drainage ditch further onto the property. She said that Planning Commission recommended approving this request.

At 7:58 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, February 28, and Monday, March 6, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on March 14, 2006 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

**Rezoning – 1515 Country Club Road (National College of Business)**

**Public hearing to consider a request from Harrisonburg Hotel Associates Limited Partnership, with representative David Noell of ASCM Inc. to rezone one, 4.77 acre lot from M-1, General Industrial District to B-2, General Business District. The property is located at 1515 Country Club Road and can be found on tax map 13-A-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 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 7:59 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Chenault 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 - Vice-Mayor Eagle  
Council Member Chenault  
Council Member Lantz  
Mayor Rogers

Absent – Council Member Pace

Planning and Community Development Director Turner introduced a request from KEK, LLC, to subdivide three parcels, totaling 1.41 acres into 20 townhouse lots. The property, zoned R-3, Multiple Dwelling Residential District, is located at 722, 726 and 744 Ridgeville Lane and can be found on tax map 84-C-5, 6, & 9. The Comprehensive Plan designates this area as

Medium-Density Residential. She reviewed the surrounding uses in the area. This request would require a variance to Section 10-2-42 (d) of the subdivision ordinance to allow lots to not front on a public street. She said that if the development were approved, the applicant would install a storm drain system from the development site down Ridgeville Lane to the intersection with Reservoir Street. The applicant and the Public Works Department have reached an agreement for the construction of this system that will benefit the City's storm water management plan. The applicant would also provide 10 feet of right-of-way needed for future widening of Ridgeville Lane. Wishing Well Estates Section I and Wishing Well Estates Sections II and III would be under the same homeowner's association. Combined, there would be 32 units total. She said that Planning Commission recommended approving this request with a condition to limit occupancy to no more than two unrelated individuals. Council Member Lantz offered a motion to approve this request. The motion as seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

Community Development Block Grant Coordinator Kim Alexander said that the CDBG Review/Selection Committee has completed evaluations of the 2007 grant proposals and reviewed recommendations to the 2005-2006 action plans. The committee is requesting preliminary approval of the draft funding recommendations for the 2007 CDBG Action Plan and amendments to the 2005-2006 Action plan. Staff will prepare formal documents for HUD and request a Public Hearing on these documents at the March 28 Council meeting. After a required 30-day public comment period, staff will request final approval at the May 9<sup>th</sup> Council meeting. Vice-Mayor Eagle offered a motion to approve the 2007 CDBG grant proposal. 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 Chenault  
Council Member Lantz  
Mayor Rogers

Absent – Council Member Pace

Fire Prevention Education Specialist Wanda Willis presented the following proclamation for Council's consideration.

### **PROCLAMATION**

**WHEREAS, Drowning is the second leading cause of unintentional injury-related death among children ages one to 14; and**

**WHEREAS, In 2003, 782 children ages 14 and under died as a result of unintentional drowning; and**

**WHEREAS, More than half of the drownings among children ages one to four are pool-related; and**

**WHEREAS, More than half of the drownings among children ages one to four are pool-related; and**

**WHEREAS, Children drowning and near-drowning can happen in a matter of seconds; and**

**WHEREAS, As many as 20 percent of near-drowning survivors suffer severe, permanent neurological disability; and**

**WHEREAS, Other risks in the pool, hot tub and spa environment include body entrapment, hair entanglement and evisceration/disembowelment; and**

**WHEREAS, From 1985 to 2004, 34 children ages 14 and under died and more than 130 children were injured as a result of pool and hot tub entrapment; forty one percent being hair-related entrapments; and**

**WHEREAS, Safe Kids Worldwide, in partnership with founding sponsor Johnson & Johnson, will launch a swimming pool, hot tub and spa safety initiative called “Safe Pools for Safe Kids” to protect children from drowning, entrapment, entanglement and evisceration risks; and**

**WHEREAS, Central Shenandoah Safe Kids Coalition will hold local community outreach events during Safe Kids Week 2006 to promote “Safe Pools for Safe Kids”.**

**WHEREAS, Citizens throughout the City of Harrisonburg will hear the important message of Safe Kids Week 2006 to promote a safe pool, hot tub, and spa environment by the use of fences/barriers, door alarms, pool alarms, and drain covers.**

**WHEREAS, Safe Kids Week 2006 includes a nationwide public education campaign and the release of a research report about parents’ attitudes and behaviors about drowning prevention to assist in the overall mission of Safe Kids Worldwide and Central Shenandoah Valley Safe Kids coalition: Keeping Kids Safe.**

**NOW, THEREFORE, I, Larry M. Rogers, Mayor, City of Harrisonburg, Virginia do hereby proclaim May 6-13, 2006 as**

**NATIONAL SAFE KIDS WEEK**

**And call upon all residents of Harrisonburg to join me in supporting the efforts and activities of Central Shenandoah Valley Safe Kids Coalition to provide “Safe Pools for Safe Kids”.**

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**Date**

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**Larry M. Rogers, Mayor**

**Attest:**

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**City Clerk**

Ms. Willis said this proclamation promotes the week of May 6-13 as “National Safe Kids Week”. Drowning is the second leading cause of unintentional injury-related death among children ages one to 14. She said that several grants have been received through the Department of Health to promote water safety, which includes giving free swim lessons to children in Harrisonburg and Rockingham County through the RMH Wellness Center and the City’s Westover Pool. The Safe Kids Central Shenandoah Valley is sponsoring April Pools Day on April 1<sup>st</sup> at the RMH Wellness Center. Children will receive door prizes, t-shirts and popcorn and learn about water safety activities. Council Member Chenault offered a motion to designate May 6-13 as “National Safe Kids Week”. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council Members present.

Vice-Mayor Eagle offered a motion to approve a Mutual Aid Agreement with Page County. This agreement is for services, equipment and personnel during times of emergency. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council Members present.

City Attorney Thumma presented for Council’s consideration an ordinance enacting Division 2 of Article C, Chapter 1 of Title 13 of the Harrisonburg City Code. He said that Division 2 of Article C of Chapter 1 of Title 13 repeals the parking meter section. The new Division 2 relates to removed parking meters, establishing timed parking spaces and fines assessed. This ordinance will go into effect April 1, 2006. Council Member Chenault offered a motion to approve this ordinance 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 - Vice-Mayor Eagle  
Council Member Chenault  
Council Member Lantz  
Mayor Rogers

Absent – Council Member Pace

The next item of business was a request to use City property for the Fundfest Concert Series. The concert series will be held on alternating Wednesday evenings beginning May 17<sup>th</sup> and ending August 23<sup>rd</sup>. Vice-Mayor Eagle offered a motion to approve this request as presented. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council Members present.

Economic Development Director Shull presented a request for a supplemental appropriation for Tourism & Visitor Services. He said that these funds equal the amount of reimbursement the City has requested from Harrisonburg-Rockingham Convention & Visitors

Bureau. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$24,812.50 chge. to: 1000-31010 Amount from fund balance

\$ 200.00 approp. to: 1000-810821-43100 Professional Services

6,200.00 approp. to: 1000-810821-43600 Advertising

5,600.00 approp. to: 810821-43601 Printing

1,972.00 approp. to: 810821-45210 Postage

2,840.00 approp. to: 810821-45530 Training/Travel

7,700.00 approp. to: 810821-46010 Office Supplies

300.00 approp. to: 810821-46140 Other

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 Chenault  
Council Member Lantz  
Mayor Rogers

Absent – Council Member Pace

Parks and Recreation Director Foerster presented a request for a supplemental appropriation for the department. He said these funds will reimburse the Parks and Recreation budget for previous and anticipated expenses for Camp Unali, a summer camp program for childhood cancer victims. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$4,524.00 chge. to: 1000-31809 Donations

7,476.00 chge. to: 1000-31010 General Fund

\$12,000 approp. to: 1000-710471-45801 Camp Unali

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 Chenault  
Council Member Lantz  
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 received through a reimbursement grant from DMV

and will be used for the “Click It or Ticket and Selective Enforcement Program”. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$4,214.42 chge. to: 1000-33524 DMV Federal grants

\$4,214.42 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 - Vice-Mayor Eagle  
Council Member Chenault  
Council Member Lantz  
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 reimbursed from a Weed and Seed Grant and will be used for the Gang Task Force. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$1,409.95 chge. to: 1000-32211 State weed and seed grant

\$1,409.95 approp. to: 1000-310531-41020 Salaries/wages overtime

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

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

Absent – Council Member Pace

School Superintendent Ford presented a request for an interim agreement with Nielsen Builders. Approval of these funds will allow the School Board to enter into an interim agreement with Nielsen Builders to complete the initial work on the new elementary/middle school complex. This agreement will enable Nielsen to continue the development of the architectural plans up to the 60% completion level. Council Member Chenault offered a motion to approve the contract. 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 Chenault

Council Member Lantz  
Mayor Rogers

Absent – Council Member Pace

Assistant City Manager Hodgen said that the Arts Council has requested a waiver of the water and sewer connection fees to the relocated Smith House. The Public Utilities Director has recommended that Council either consider paying the fees on behalf of the Arts Council or transferring funds to allow them to pay the connection fees. The cost is approximately \$3,500 for both connection fees. Council Member Chenault offered a motion to approve this request and directed the City Manager to transfer the funds out of the contingencies funds. 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 Chenault  
Council Member Lantz  
Mayor Rogers

Absent – Council Member Pace

At 8:35 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, Parks and Recreation Commission, Harrisonburg Transportation Safety 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 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. The motion was seconded by Vice-Mayor Eagle Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Pace

At 10:10 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.

Vice-Mayor Eagle offered a motion that James R. Robinson, 760 Elmwood Drive, be appointed to the Parks and Recreation Commission to expire on December 31, 2009. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council Members present.

Vice-Mayor Eagle offered a motion that Calvin Ferrell, 88 Maplehurst Avenue, be appointed to the Harrisonburg Transportation Safety Commission. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council Members present.

At 10:15 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 28, 2006

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 Lantz 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, Parks and Recreation, and Tourism & Visitor Services. The motion also included a rezoning request by Nadia Webb and enacting Division 2 of Article C, Chapter 1 of title 13 of the Harrisonburg City Code. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Kim Alexander, Community Development Block Grant Coordinator, presented an overview of the FY 2007 CDBG Action Plan, Amendments to the FY 2005-2007 CDBG Strategic Plan, Amendments to the FY 2005 Action Plan, and Amendments to the FY 2006 Action Plan. A required public hearing has been held and the 30-day public comment period ends April 28, 2006. The funding recommendations for the 2007 program include HRHA-Harrison Heights renovation, Morrison Park Athletic Field/Track project, Gay & Noll intersection traffic light, bicycle and pedestrian paths and administration costs. The 2007 program recommendations also include funding for ARC, Valley Program for Aging Services, Office of Children and Youth dental care, Mercy House, Free Clinic Pharmacy Services, Community Resource Center and City downtown façade improvements. She said that a more detailed report is available on the City's web site. She reviewed the remaining funds in the 2005 and 2006 Action Plan amendments and the projects being recommended. Ms. Alexander reviewed the objectives in the FY 2005-2007 Strategic Plan.

At 7:53 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 Saturday, March 18, 2006.

**CITY OF HARRISONBURG  
2007 ACTION PLAN & 2005/2006 AMENDMENTS  
PUBLIC HEARING & PUBLIC COMMENT NOTICE  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

The City of Harrisonburg will hold a **PUBLIC HEARING** on Tuesday, March 28, 2006, at 7:30 p.m. during the regular City Council Meeting in the Municipal Building, City Council Chambers, 345 South Main Street, in order to receive citizen input regarding the Community Development Block Grant (CDBG) Program, specifically the following items:

- Annual Action Plan for year FY 2007
- Amendments to the FY 2005-2007 Strategic Plan
- Amendments to the FY 2005 Annual Action Plan
- Amendments to the FY 2006 Annual Action Plan

Citizen participation is essential to the City's involvement in the Federal Department of Housing & Urban Development's (HUD) CDBG Program. The Strategic Plan and the Annual Action Plans serve as the planning documents for addressing overall community development and housing needs that will utilize the annual entitlements of CDBG funding available to the City. These entitlement amounts were as follows: \$648,000 in FY 2005, \$613,398 in FY 2006, and \$550,442 in FY 2007. Projects selected to receive this funding will be included in the Action Plans. Amendments to the FY 2005 and FY 2006 Action Plans address the re-allocation of remaining funds (i.e., funds that were not spent by previous subrecipients) from those years.

All citizens and organizations are invited to attend the Public Hearing to comment orally or in writing on the above items. The City of Harrisonburg will make reasonable accommodations and services necessary for sensory-impaired and disabled citizens at the Public Hearing. Additionally, translation services may be offered upon request and availability. Persons requiring such accommodations/services should contact Kim Alexander at (540) 432-8923 at least three working days in advance of the meeting.

Copies of the above items are available at the City Manager's Office, 345 South Main Street, Harrisonburg between 8:00 AM and 5:00 PM, Monday through Friday, and at the reference desk at the Massanutten Regional Library for a 30-day public comment and review period, which begins March 28, 2006. The above items will also be posted on the City website at [www.ci.harrisonburg.va.us](http://www.ci.harrisonburg.va.us) on or before this date. Written comments may be mailed to Kimberly L. Alexander, Block Grant Coordinator, Office of City Manager, 345 South Main Street, Harrisonburg, VA 22801. Comments may also be submitted by calling (540) 432-8923 or emailing [CDBG@ci.harrisonburg.va.us](mailto:CDBG@ci.harrisonburg.va.us). Comments are welcomed prior to the start of the review period, but all comments should be received no later than 10:00 a.m. on Friday, April 28, 2006, to be considered.

Mayor Rogers called on anyone desiring to speak for or against the 2007 CDBG Action Plan or Amendments. There being no one desiring to be heard, the public hearing was declared closed at 7:54 p.m., and the regular session reconvened. Mayor Rogers announced there will be an

opportunity for citizens to comment at each City Council meeting between now and final approval during the public comment period.

Dr. James Perkins, President of Blue Ridge Community College, presented an overview of the progress Blue Ridge Community College is making in serving the needs of the City of Harrisonburg. Board members, Kathy Whitten and Denise Dawson, were also present. BRCC has been growing at the rate of 5%-6% each year for the past five years. There are many facility projects under way including a new humanities and fine arts building, science building addition, new maintenance building, and a new bookstore. BRCC began a distance learning-nursing curriculum this year and is one of three community colleges in Virginia participating in the pilot project. The college also received a \$1.9 million Department of Labor grant allowing BRCC to develop a high performance manufacturing and distribution curriculum. Highlights of the college include record enrollment at the Harrisonburg Center. BRCC students ranked fifth on measures of academic skills and technical skills, third on graduation rates, and second on placement, employment and further study. BRCC is ranked first among community colleges in the retention rate. He thanked Council for the City's financial support to the college, which has been an excellent investment in the future of Harrisonburg.

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 2006-2007 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 students. 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. We appreciate as well the support that has come from Council and the commitment Council has provided in the past to the goals of the School Board to maintain that quality education. The City's student enrollment includes 1,591 students in the ESL program. Also, student enrollment represents 59 countries speaking 45 different languages. He said that 631 students are enrolled in special education, 68 students enrolled in the head start program, and an additional 16 students in the Virginia pre-school program. He reviewed projected revenues from state funding, Federal funding, and local funds. The overall budget is \$51,553,393 or 9.95% increase. Dr. Ford reviewed the significant budget increases, which included instructional operation at \$37,457,984, administrative/attendance & health services \$2,353,354, bus transportation \$1,549,620, maintenance and operations, \$4,676,010, food services, \$2,809,292, facilities, \$2,000, debt service transfer, \$389,520, and technology, \$2,315,613. The revenue estimates for the school division to support the expenditures are divided into state, federal, other, local and un-appropriated. The budget includes a projected average 6% increase for current salaries. The number of new positions included in the budget is determined by the board based on administrative recommendations and public input.

Council Member Chenault asked if the availability of state funds could be predicted in future years?

Dr. Ford said that the calculation of composite index is one of the more complicated calculations for anything in the state. "I don't know if the figures could be projected."

Council Member Lantz said, “How does the 9% increase compare to last year budget projection?” He also said that approximately 72% of the total budget is going into instruction, which indicates the importance the City places on children.

Dr. Ford said he did not have an exact dollar figure, but would be willing to provide the information.

Vice-Mayor Eagle said, “How does Harrisonburg rank in salaries compared to other school districts in the state? Are we in the top 25% percentile?”

Dr. Ford said Harrisonburg is not in the top 25% percentile.

Council Member Pace said, “During the last fiscal year Harrisonburg ranked 10<sup>th</sup> out of 137 school districts in terms of instructional expenditures per student. Will the majority of the new positions be teachers or teacher assistants?” He said that the fringe benefit package has increased from 29% of salaries to 32%, which is an extraordinarily rich package. That figure is not sustainable without significant property tax increases. Based on past budget increases, in two years Harrisonburg could be looking at a \$60 million school budget.

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of the organization, presented a brief summary of HDR’s downtown revitalization progress and accomplishments during the last quarter. He said that Virginia Main Street celebrated its 20<sup>th</sup> anniversary and at a banquet held March 24<sup>th</sup> Harrisonburg received several awards. The award for all-star volunteer went to Karen Lee, all-star board member award went to Steve Knickrehm, all-star business award went to Fairfield Language Technologies, all-star public improvement project went to the Hardesty Higgins House, and an all-star private-investment award went to Dave’s Downtown Taverna. The City and HDR have been working together to generate over \$1 million in private investment in the downtown area. Also, an award was received for 15,000 hours of volunteer hours from August 2004 to December 2005.

Mr. Bumbaugh presented an overview of the progress of the four standing committees. The Organization Committee focused on increasing revenue from the private sector and will hold a funding raising event, “Renaissance Night”, on May 13<sup>th</sup> at Dave’s Downtown Taverna. He handed out copies of the newsletter and an insert in the Daily News-Record, through which the Organization Committee and the Promotion Committee keep the public informed of the revitalization progress. The Economic Development Committee received input from the HDR advisory board breakfast on March 1<sup>st</sup>, which recommended recruiting a specialty grocery store, boutique hotel, increasing the number of restaurants in the downtown area, and suggesting additional incentives. HDR held a series of three workshops to promote the creation of upscale apartments in the downtown area. The Design Committee is working on the Blacks Run Bridge project between the Water Street deck and Main Street, which should be completed in a month. The Promotion Committee is focusing on retail promotion as well as special events downtown. HDR will again be working with the Farmers’ Market, arranging for entertainment on Saturdays during the summer. The Court Days Festival is scheduled for June 3<sup>rd</sup>. HDR is working with Citizens for Downtown on the “Fridays on the Square” event with concerts and movies.

Lisa Ha, Harrisonburg Interim Parking Services Coordinator, said that all downtown public parking is free, because all of the parking meters have been removed. Work is being done to clarify signage and make the general public aware of the parking changes. “We are listening to feedback from people and will be using the information before enforcement.” She said that she has been researching other communities’ parking policies to gain information regarding enforcement. Parking downtown is enforced from 7:00 a.m. to 7:00 p.m. six days per week. She said that people are optimistic, but they do have questions about where they can park and how enforcement will take place.

Vice-Mayor Eagle offered a motion to authorize the City Manager and the Finance Department to close out the Parking Authority fund and transfer the funds into the General Fund. The motion also included moving the Parking Authority Capital Fund into the General Capital Projects Fund. 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  
Council Member Pace  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Council Member Chenault offered a motion to approve a request from Harrisonburg Tourism and Visitors Services 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 Bike race on April 25, 2006. Closings will occur between 5:15 p.m. and 7:00 p.m. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council.

Economic Development Director Shull announced that the Valley Conservation Council presented the City with a Better Model for Development Award under the category of Outstanding Public Reuse of a Historic Building. The award was presented to Harrisonburg for its beautiful restoration of the Hardesty-Higgins House. The Valley Conservation Council recognized the City of Harrisonburg for preserving one of the most significant historic buildings in Harrisonburg and using the space for programs that help keep local heritage alive.

City Manager Baker presented the following resolution for Council’s consideration of approval:

### **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 between 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 22, 2006 will be the 9<sup>th</sup> Annual Blacks Run/Downtown Clean-up Day in Harrisonburg**

**NOW, THEREFORE, BE IT RESOLVED, that the City Council 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**

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

City Attorney Thumma presented an ordinance amending and re-enacting Section 4-2-66.1 of the Harrisonburg City Code. He said that this ordinance amends and re-enacts the mobile telecommunications tax collected by the City. It incorporates changes to the state statute into our ordinance. Council Member Chenault offered a motion to approve the 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 - Council Member Chenault  
Council Member Lantz  
Council Member Pace  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

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

\$208,496.88 chge. to: 1000-710771-48211 Machinery & Equipment

\$208,496.88 approp. to: 1000-990111-49216 Transfer to Capital Projects

\$208,496.88 chge. to: 1310-34210 Transfer from General Fund

\$208,496.88 approp. to: 1310-910141-48702 Swimming Pool Renovations

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

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

Absent – None

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from FEMA to cover expenses for a two-firefighter 30-day deployment to Mississippi, in response to Hurricane Katrina. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$17,537.00 chge. to: 1000-33534 Homeland Security Funds

1,159.65 chge. to: 1000-33534 Homeland Security Funds

\$18,696.65 approp. to: 1000-320232-41020 Salaries & Wages - overtime

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

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

Absent – None

Mayor Rogers reminded everyone of the “Steppin Out” event during the week of April 24-30, 2006.

Council Member Pace said that Planning Commission met in a work session during the past week to continue working on the R-3, R-5 and mixing zoning district wording. Directions

were taken from City Council as it relates to R-3 and the Planning Commission has made the modifications. A report will be presented to City Council about the mixed development and R-4 in the future.

At 8:35 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel, a city department and prospective candidates to be appointed to the Harrisonburg Parking Authority, Harrisonburg Transportation Safety 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 Vice-Mayor Eagle Council Member Lantz, and approved with a recorded roll call vote taken as follows:

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

APRIL 11, 2006

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 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 a supplemental appropriation for the Fire Department and a rezoning request from Harrisonburg Hotel Associates Limited Partnership. The motion also included re-enacting Section 4-2-66.1 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  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Avra Beth Kaslow-Leigh to rezone one, 7.23 acre lot from R-1, Single Family Residential District to B-2C, General Business District Conditional. The property is located on the southeast corner of Neff Avenue and Port Republic Road and can be found on tax map 87-G-1. She said at the City Council's February meeting this request was returned to Planning Commission because additional proffers had been submitted that Planning Commission had not previously heard. The Comprehensive Plan designates this area as Low-Density Mixed Residential. Mrs. Turner reviewed the surrounding uses in the area. A new revised set of proffers was submitted on April 10, 2006 stating that the development of this site would occur in general conformance with the conceptual plan dated April 10<sup>th</sup> with the possible exception of Neff Avenue entrance location. The entrance location would be determined during the City's final site plan approval process. She presented a brief overview of the proffers. The proffers include a landscape buffer along the entire length of the southeastern property line, uses restricted to governmental, business and professional offices, financial institutions, and public utilities uses, all exterior night lighting directed to the site, lighting 16 feet in height, no entrance off of Port Republic Road, no hours of operation between 10:00 p.m. and 6:00 a.m., no free standing signs taller than 12 feet in height, architectural style will be Contemporary or Colonial Buildings, brick masonry, and that no

buildings would be more than two stories and 35 feet in height. She said that these revised proffers have addressed several of staff's concerns. However, the size of this development will require a Traffic Impact Analysis as outlined in the Design and Construction Standards Manual (D.C.S.M.) to study how significant development on this site will impact or be impacted by surrounding traffic patterns. She said that there is substantial commercial land left to be developed in this area. It was not intended that Port Republic Road and Neff Avenue be a retail corridor in the City. It was intended to provide enough business zoning classification for neighborhood type business uses, which seem to be currently met by the shopping center and available commercial spaces. At the Planning Commission's public hearing many nearby residents spoke in opposition to the rezoning request. She said Planning Commission recommended denial of the request (6-1) allowing the parcel to develop only as professional uses.

Council Member Lantz asked Mrs. Turner to explain the differences between what the Planning Commission heard at its meeting and what has been proffered at the City Council meeting today.

Mrs. Turner explained that the only difference is the site plan and the layout of the buildings. The buildings will be in substantial conformance with what is shown on the site plan including maximum building area of 9,500 square feet of the three smaller building and the two larger buildings containing approximately 20,000 and 17,000 square feet. There will be several smaller building with green spaces between them. The parking layout shows setbacks from the street and that parking will not be behind the buildings next to the single-family homes.

Council Member Pace commented that Planning Commission had different points of view. Some Planning Commissioners insisted that the area should remain residential, but thought that an R-6 development could be an opportunity, had hoped that they would not include the bank, and if everyone knew what would happen with the Clatterbuck property across the street it might have been approved.

Vice-Mayor Eagle asked, "What are the hours of operation?"

Mrs. Turner said that no use would be permitted between the hours of 10:00 p.m. and 6:00 a.m.

Council Member Chenault said, "What is going to be the determinant of where the entrance off of Neff Avenue is located?"

Mrs. Turner said some of it would look at the Traffic Impact Analysis and what it says about how far back maybe it should be from the entrance. It may also depend on what would be known when a more defined construction plan for this site is developed.

At 7:48 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 27, and Monday, April 3, 2006.

## NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on April 11, 2006 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

*Rezoning – Kaslow-Leigh Property (Neff Avenue and Port Republic Road)*

Public hearing to consider a request from Avra Beth Kaslow-Leigh, Trustee to rezone one, 7.23 acre lot from R-1, Single Family Residential District to B-2C, General Business District Conditional. The property is located on the southeast corner of Neff Avenue and Port Republic Road and can be found on tax map 87-G-1.

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

The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges from 1 to 4 units per acre, with a minimum lot size of 10,000 sq. ft. The 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.

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

Ray Nicely, Director of Planning with Valley Engineering, representing the applicant said this property has a lot of history. As a result of the comments from Ashby Heights residents and Planning Commissioners a lot of changes have been made to the application. He said that low-density residential development as indicated by the Comprehensive Plan is not appropriate for this property. The proposed limited professional office and financial institution is the best use. The developer's intent for the project and the conditions are proposed to insure limited impact on the residents of Ashby Heights. This seven acre tract was the remaining portion of a larger tract that has been in the applicant's family for 25 years. In recent years the property has been vacant, but has been affected by the changes occurring in the area. After Neff Avenue was installed to connect Port Republic Road to the mall area this piece of property became a major traffic intersection in the City. Although, we do not know what will happen on the City owned tracts, it is reasonable to assume that it will not developed as residential property. The relocation of the Rockingham Memorial Hospital on Port Republic Road will have a major impact on this area. He said with these proffers in place there will be a minimal impact on the existing residential property nearby. We don't agree with staff proposal for residential development entering the site from Westmoreland Drive. The most significant proffer is the use of the property, which is restricted to governmental, business and professional offices or financial institutions as well as public utilities, telephone exchange and transformers only. He also reviewed the remaining proffers.

Avra Kaslow-Leigh owner of the property fronting on Neff Avenue said, "My husband Kevin Leigh and I are requesting a conditional B-2 rezoning of this tract. We are presenting a plan that incorporates architectural, landscaping, light commercial use and numerous other proffers to insure that our business center will be a compatible and complementary asset to the residential community of Ashby Heights. We have gone to great lengths to accomplish this goal to which we have addressed specific concerns of residents and the City regarding down lighting, primary access, hours of operation and trash service, and dumpster locations." In 1992 the City of Harrisonburg adopted the Comprehensive Plan. Two years later we were contacted by the City and notified that the original connector street to the current Valley Mall from Port Republic Road was being relocated further east and would run along side and through our property. The connector road became Neff Avenue. These changes allowed for future development of what is now Stone Spring Elementary School and Forbes Commercial center. In April 2000, my husband and I began our first attempt at rezoning these 23.7 acres. The request is to rezone from R-1 to B-2 Conditional. The Planning Commission did not recommend the rezoning request and it was withdrawn. She reviewed excerpts from that public hearing. During 2004 and 2005, the City of Harrisonburg and James Madison University were considering joint development efforts to expand the financial and cultural opportunities for the community. The university was bursting at the seams with the need for a new sports complex, athletic fields, and additional parking. The City was looking to expand its financial base and provide a multi purpose convention center for City residents. The result was the City purchase 34 acres from the George Clatterbuck property and 16.5 acres from mine. It is now 2006 and the population in our area continues to grow. There is demand for more elementary schools and the City has just completed a new high school. JMU will increase its student population to 20,000 by the year 2010 if not sooner. There is a multitude of residential subdivisions in various stages of construction within the City and particularly in the County. RMH is relocating on the 254-acre Harman farm at the intersection of Port Republic Road and Reservoir Street with completion set for 2009. Both the City and County have confirmed plans to widen Port Republic Road. The future is already upon us. Here is an opportunity to be proactive rather than reactive. To encourage smart growth and quality development. To plan for well designed self contained and self supporting neighborhoods where residential subdivisions are attractively buffered from light commercial zones that provide the services to these residents such as doctor offices, lawyer offices, banks, groceries, etc. Don't we want to have a positive and determining influence in the shape of that future growth? In the past two months we have heard more one than commissioner take note of the quality of the business center we are proposing. We are offering an attractive and low impact professional center with a natural buffer zone similar to the mix of professional and residential along Evelyn Byrd Avenue. Our plan comes without the uncertainty of an R-6 housing project. Yet some consider the mixed use of commercial and residential to be a problem. There is no protection in R-6 from the pit falls of investment buyers. The very worries that plague City staff and residents regarding multi family could easily affect R-6. In fact, an R-6 community with a moderate priced housing would be a likely target for eager investors in today's market place. We are at a difficult cross roads. To repeatedly suggest that my husband and I develop our remaining 7.4 acres as R-6 is trading one problem for another. The R-6 community would be left to suffer the impact of heavily traveled road. We have an opportunity to move our community forward to a future that does have a constructive and effective plan of development. Also, to have smart growth with an attractive mix of commercial and residential with natural buffer zones. Again, our property is not conducive to residential now or in the

future. We feel very strongly that our proffers for a future business center will be the better development plan for Ashby Heights and the City rather than an R-6 housing project. We are offering a low impact professional business center able to provide services for the residential community. It is a plan that will sustain future commercial and residential property appreciation and it is a solid revenue base for the City without the impact and demand on City services. This proposed plan with the guaranteed proffers will be one of the most attractive commercial centers in Harrisonburg. The Comprehensive Plan has been referred to as the final gauge of measure. First and foremost the Comprehensive Plan was not followed when the City determined that presently located Neff Avenue would become the intersecting road between Route 33 and Port Republic Road. Our community is at a turning point in its history. We are providing a plan for smart growth and quality development that will bring balance to the residential and business community. It is an upscale business plan that not only offers an attractive natural buffer between a residential area and professional business center, but also provides the supporting services such as a doctor's office or bank to nearby residents. "We have addressed the major issues of concerned Ashby Heights residents. We hope that the City Council will agree and give our rezoning request a favorable consideration."

Kevin Leigh said over a 30-year period in the City of Harrisonburg it is doubtful that any other property has been significantly impacted by so many changes. Thirty years ago James Madison University was a college of 5,000 students and nearly all of the students were housed on campus. Today it is a university of approximately 17,000 and approaching 20,000. The exploding enrollment and housing demands are being met by off campus housing that is mushrooming all around our Neff Avenue property. We in the City accommodate and tolerate these additional 10,000 off campus students with their annual college parties, speeding traffic, and property issues that greatly effect the quality of life for all full time residents in the surrounding neighborhoods. Twenty-five years ago the City annexed this property from the County and kept it as R-1. Because of other surrounding property owners Neff Avenue was reconfigured and moved East and goes through and along side our property. We had no choice but to cooperate with the City to enable Neff Avenue to become the connector for the Valley Mall, student housing and business corridor of Port Republic Road. We worked with City officials on permitting construction and utility placement. At that time, Neff Avenue was to be a limited access road with a minimum of 400 feet between access points along this road. By 2005, the City has nearly doubled in size. There will be many changes in the future by building a new hospital and other construction. There is not a single piece of property in all of Harrisonburg that has been so negatively impacted. There is no quality of life or any enjoyment that any homeowner can possible expect. Taking all the expected changes this is one property that needs reclassification and rezoning. We have brought before you this evening our proposed rezoning plan that addresses these changes and takes into consideration the existing neighborhood of Ashby Heights, but also protects their investment and quality of life. It is a plan that is more in line with the existing zoning immediately along Port Republic Road and the future planning of property above us and across Neff Avenue. It is a plan that also provides a good transition buffer zone for the existing residential neighborhood and makes good economic sense for the City. We are bringing an upscale B-2 Conditional business center that addresses an even balance between commercial and residential. We ask City Council to look beyond the emotional issue and approve this rezoning request to bring balance to an area that is in such need.

Rodney Good said that he spends many mornings walking his dog. He said that smart, slow and well thought out development makes for a City that flows. “Wait until the hospital is finished because I think this will a major turn lane into the hospital.” We should slow down and make this an ongoing project. We need to see what traffic flow the hospital will bring to this area.

Neil Meneffe said the rezoning request is contrary to the City Comprehensive Plan and is not consistent with what residents were told by City Council and Planning staff when they purchased property over a number of years. At the Planning Commission public hearing on January 11<sup>th</sup>, we heard the applicants say that the site is not suited for residential development, but that commercial development would be appropriate. Planning staff recommended against the requested rezoning based on the Comprehensive Plan and suggested that something of the transitional nature perhaps using the new R-6 classification. We have yet to hear why something like the R-6 classification is not workable on this property. Many of us bought land and built homes in the area with promises and commitments from City officials that the property on the South side of Port Republic Road at this intersection would be commercially developed while the property on the North side would be residential. Good planning and zoning are suppose to protect us against this type of development that approving this request would endorse.

Barbara McKee said, “I do not support B-2 or R-6.” The land is zoned R-1 and has been for 30 years. She said this area could be developed residentially regardless of its proximity to a busy road because there were other homes in the City that have built near busy roads. She pointed out that the area does water drainage problems. “Trust your judgment in this rezoning request.”

Nancy Voas said she and her husband were new residents. They moved to the area in 2005 and retired. She had 20 years of real estate experience, has been on a zoning board, and landmarks commission. She said they bought their home knowing the area was zoned R-1, but believed the Comprehensive Plan would be supported. She expressed concern about the domino effect by rezoning parcels.

Gary Green said he strongly opposed this rezoning request. “I have lived in the area for 41 years.” This request has been denied twice. We have heard staff report two different times recommending against this rezoning. “I urge Council to vote against this rezoning request.”

There being no others desiring to be heard, the public hearing was declared closed at 8:45 p.m., and the regular session reconvened.

Vice-Mayor Eagle said that he has lived on Port Republic Road since 1948. “I have seen a lot of change in the area and I have gotten along very well with my neighbors in Ashby Heights. I have had cattle shot, run over, fences cut, and gates taken, but I have gotten along well with my neighbors. Speaking as a citizen I would prefer to have businesses rather than houses. However, changes are taking place especially with the new location of Rockingham Memorial Hospital and this intersection will be a major intersection. This plan offers a good alternate. It would be foolish to rezone the property to R-6. These proposed businesses will not be open on weekends. I am speaking as a citizen and would prefer professional offices to housing.

Council Member Lantz commented that all cities change over a period of time especially 30 years. The Port Republic Road area has changed dramatically during the last 30 years. This request came before City Council in 2000 and has been before this body twice. It is wrong to say that this is a quick decision. This is not spot zoning because across the street is a big commercial development.

Council Member Chenault said, “This is a public safety issue pure and simple. If I knew that this proposed development would generate less traffic than the current zoning I might be able to support it. But, I don’t know that. I can’t support this development with basically an un-proffered entrance on Neff Avenue and the fact that a financial institution is proffered as a permitted use.”

Council Member Pace said we do have a role to protect existing neighborhoods where people have purchased property, built homes and made a large investment. “I think one should not go and rezone property given that type of investment unless there is an urgent need to develop on that property. I don’t see an urgent need.”

Vice-Mayor Eagle offered a motion to approve the rezoning request as submitted. 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  
Mayor Rogers

No - Council Member Pace  
Council Member Chenault

Absent – None

Planning and Community Development Director Turner introduced a request from Jose and Marissa Cortes to rezone one, .50 acre parcel from M-1, General Industrial District to B-2C, General Business District Conditional. The property is located at 877 North Main Street and can be found on tax map 41-L-7. She said that the property located at the corner of North Main Street and Ashby Avenue is currently zoned M-1, General Industrial District and does contain a single family nonconforming home. The Comprehensive Plan designates this area as Commercial. Mrs. Turner reviewed the surrounding uses in the area. The applicant plans on removing the existing building and then construct a building to be used for a family restaurant. The applicant has proffered the following: The applicant proffers included mercantile establishments, government, business and professional offices, religious, educational, charitable, or benevolent institutional uses, service or repair shops, warehousing, storage facilities, research and development activities, plant nurseries and public uses. Additional proffers include that the applicant also has the option to apply for any uses permitted by special use permit, hours of operation will be between 6:00 a.m. to 12:00 a.m., option to apply for an alcohol permit to allow beer and wine only, seating capacity would not exceed 100 people, down-lit lighting will be used for the parking lot, dumpster will be located to the rear of the property, and a ten-foot wide

evergreen buffer provided and maintained along the length of the north property line adjoining the City alley right-of-way to screen from the surrounding residential uses. She said the applicant is aware that a restaurant use will require one parking space for each 100 square feet of gross floor area. They are also aware that the number of entrances and their locations could be restricted due to sight distance or safety concerns from the proximity of the north Main Street and Ashby Avenue intersection. Rezoning these parcels would be consistent with the Land Use Guides' Commercial designation. She said that Planning Commission recommended approving this request.

At 9:01 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, March 27, and Monday, April 3, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on April 11, 2006 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Rezoning – 877 North Main Street***

**Public hearing to consider a request from Jose & Marissa Cortes, with representative Benner and Associates, Inc., to rezone one, .50 acre parcel, from M-1, General Industrial District to B-2, General Business District. The property is located at 877 North Main Street and can be found on tax map 41-L-7.**

**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.**

**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 9:02 p.m., and the regular session reconvened. Council Member Pace offered a motion to approve this rezoning request. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request from Gary Turner to rezone a 1.69-acre portion of the lot located at 1620 Virginia Avenue from B-2, General Business District to R-3 C, Multiple Dwelling Residential District Conditional. The applicant intends to create 16 townhouses lots for individual sale. The remaining front section of the parcel would remain zoned, B-2. The Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in the area. The applicant has proffered the following: 1) Dwelling units may be occupied by a family or not more than two (2) unrelated persons. 2) The façade of fifty (50) percent of the structures shall be brick veneer. There will no exposed corrugated steel or block masonry on structures. Buildings shall be limited to two (2) stories and thirty-five feet in height. 3) The property will be used for single-family detached homes or single family attached dwellings. The applicant is aware that when this plan is submitted for preliminarily plat approval it will involve a variance to request that the lots not front on a public street. She said that Planning Commission recommended approving the request.

At 9:09 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 27, and Monday, April 3, 2006.

### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold public hearings on April 11, 2006 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Rezoning – 1620 Virginia Avenue***

**Public hearing to consider a request from Gary Turner, with representative Valley Engineering, to rezone a 1.69-acre portion of tax map parcel 52-A-3 from B-2, General Business District to R-3, Multiple Dwelling Residential District. The property is located at 1620 Virginia Avenue.**

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

**The Zoning Ordinance states that the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and**

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

**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, and representing the applicant said the staff report covered all of the basic issues of the request. There being no others desiring to be heard, the public hearing was declared closed at 9:10 p.m., and the regular session reconvened. Council Member Pace 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  
Council Member Pace  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Eighty One, LLC, to modify the Comprehensive Plan's Land Use designation. She said this is a request to change the Comprehensive Plan's Land Use designation from Low Density Residential to Low Density Mixed Residential for five parcels at the intersection of Betts Road and East Market Street. She said that the Comprehensive Plan designates this area as Low-Density Residential. This 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. She reviewed the surrounding uses in the area. The applicant are requesting that these parcels be designated as Low Density Mixed Residential. The Comprehensive Plan defines these parcels as large undeveloped areas located at the edge of the City and planned for residential development containing a mix of large and small lot single-family detached dwellings and attractive green spaces. Planned "open space" is also encouraged. The intent is to allow innovative residential building types and permit creative subdivision design solutions that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and protection of environmental resources. Density would range from 1 to 6 dwelling units per acre. She reviewed previous attempts to rezone this area. The developer decided to look at a newly created R-6 zoning classification to further advance some ideas of the Comprehensive Plan for innovative subdivision. Staff suggested that the developer might want to request to amend the Comprehensive Plan Land Use Guide. She said that the land use guide sets out the land uses in the City for the next 20 years. The City's

Comprehensive Plan was last updated in February 2004. At the Planning Commission meeting there was some debate whether Planning Commission felt the Comprehensive Plan for five lots was appropriate. If this request is adopted it will not change the zoning classification of this property. This property would remain R-1 regardless of whether this is its current low-density to a low-density mix or a business classification. It is going to remain R-1. Any use other than R-1 on that property will require seeking a rezoning. She said that Planning Commission voted to amend the Comprehensive Plan amendment by a vote of 4-3.

At 9:19 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, March 27, and Monday, April 3, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on April 11, 2006 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Comprehensive Plan Land Use Guide Amendment – Betts Road & East Market Street***  
**Public hearing to consider a request from Eighty One, LLC, with representative Blackwell Engineering, to modify the Comprehensive Plan's Land Use designation from Low Density Residential to Low Density Mixed Residential for tax map parcels 74-B-2-6. The properties, zoned R-1, Single Family Residential District, are located on the southeast corner of East Market Street and Betts Road.**

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

Mayor Rogers called on anyone desiring to speak for or against this request to amend the Comprehensive Plan.

Dick Blackwell representing the applicant said that this lot has a lot history. He said they were requesting the Comprehensive Plan change at the request of staff. They are planning to ask for a R-6 zoning development. We are working on that plan, which could include smaller homes on smaller lots. He mentioned some of the improvements that would be made during the development if the rezoning were approved.

Jay Burns Earle, III said that he represented about 200 homeowners in the Fairway Hills Subdivision. He said we are hoping we can work with the development of this property. We have been involved, examine and mention to the developer our concerns regarding the property. An application for this rezoning is coming within the next three months. "What has really changed that would warrant changing the Comprehensive Plan?" Changing the Comprehensive Plan is the first step in rezoning this property and it is an unnecessary step. There being no others desiring to be heard, the public hearing was declared closed at 9:29 p.m., and the regular session reconvened.

Council Member Pace said, “In terms of disclosure I live in Fairway Hills and I voted a firm no at the Planning Commission meeting. I agree very little has changed.” This item does not need to be in front of this body unless we are going to consider the entire property that runs from the edge of the Frazier property all the way to the golf course in the context of whether all of that should be R-6. That would be a significant change. Following further comments, Council Member Pace offered a motion to deny this request. The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

It was clarified that the motion was **to deny** the request.

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

Absent – None

Planning and Community Development Director Turner introduced a request from Interstate Properties II, LLC, to modify the Comprehensive Plan’s Land Use designation from Commercial and Mixed Use Development to Medium Density Residential, Medium Density Mixed Residential, and Commercial for tax map parcels 13-B-3,4,6 and 30-A-1-4, 6, 7. The Comprehensive Plan designates this area as a mixture of Commercial and Mixed Use Development. She reviewed the surrounding uses in the area. The properties are currently undeveloped; several were once part of a rock quarry. The current land use designations for these properties consist of Commercial on the parcels near County Club Road, and Mixed Use Development for the parcels toward Smithland Road. The Mixed Use 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 area instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. The City currently does not have a zoning classification that matches the Mixed Use land use designation. The developer intends to limit the commercial use in this area and use the area for a combination of single-family detached and attached dwelling units. Rezoning it to allow for any type of residential uses and mixed or not with commercial uses has a large impact on the City’s transportation, education and other facilities. A development of this size would have to have a very substantial comprehensive development plan come before Planning Commission and ultimately City Council. She said Planning Commission approved this request by a vote of 6-1.

At 9:48 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, March 27, and Monday, April 3, 2006.

## **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on April 11, 2006 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Comprehensive Plan Land Use Guide Amendment – Quarry Properties (Interstate Properties II)***

**Public hearing to consider a request from Interstate Properties II, LLC, with representative Blackwell Engineering, to modify the Comprehensive Plan’s Land Use designation from Commercial and Mixed Use Development to Medium Density Residential, Medium Density Mixed Residential, and Commercial for tax map parcels 13-B-3,4,6 and 30-A-1-4,6. Under the proposal, tax map parcels 30-A-1-4,6 would be redesignated to Medium Density Mixed Residential. Tax map parcels 13-B-3,4,6 would be redesignated as a mixture of Commercial, Medium Density Residential, and Medium Density Mixed Residential. If approved, the new designations for the total acreage would be 9.12 acres of Medium Density Residential, 20.59 acres of Commercial, and 122.89 acres of Medium Density Mixed Residential. The properties, zoned B-2, General Business District and M-1, General Industrial District, are located between Country Club Road and Smithland Road.**

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

Mayor Rogers called on anyone desiring to speak for or against this request from Interstate Properties II, LLC.

Ed Blackwell representing the owner said, “This is a good plan for a Comprehensive Plan change.” It is a monumental task and hearing some input now would be appreciated. This parcel is approximately 150 acres. In the past two large commercial projects have not materialized on this site. We want to reduce the amount of commercial property from about 60 acres down to about 20 acres. He reviewed plans for remainder use of the property. There being no others desiring to be heard, the public hearing was declared closed at 9:54 p.m., and the regular session reconvened.

Council Member Pace said, “Mr. Blackwell can you provide another location of comparable size in the City that would compare to this 20 plus acres for commercial development? Is it bigger than Harrisonburg Crossing?” He said that whatever is developed anywhere near the concrete area of this project there needs to be a significant barrier between the proposed use and the existing uses.

Council Member Lantz asked Mrs. Turner if the Comprehensive Plan’s Land Use designation is approved could the rezoning request be denied at a later date?

Mrs. Turner said that if the plan were adopted then the applicant would probably put forth the effort and time into planning it that way. The way they would address how that site fits in with the rest of the residential and commercial area might be different than if that is developed as something else. If Council has a resolution now it would be better for staff if it was resolved.

She also said that we will be working in conjunction with any school development plans to see how that might line up with the plans for the entrance into the new school site.

Council Member Chenault commented that Council has received information from adjoining property owners indicating that they were willing to work with the developer to try to resolve any conflict and were asking for the opportunity to try and rectify any safety issues.

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

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

Absent – None

The next item of business was a request from Massanutten Regional Library. Library Director Phil Hearne said that as a result of higher heating and electrical costs during the current fiscal year, Massanutten Regional Library is requesting additional funds from the City in amount of \$9,000.00. He said that Rockingham County is also being asked for an additional \$9,000.00. Council Member Pace offered a motion to grant a supplemental appropriation of \$9,000.00 to cover the energy cost requirements for the library. The motion was seconded by Council Member Chanault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Police Major Wilfong presented a request for a supplemental appropriation for the Police Department. He said that these funds were received through two Department of Motor Vehicles reimbursement grants and will be used to purchase four radar units. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$6,948.00 chge. to: 1000-33524 DMV Grant Federal

\$6,948.00 approp. to: 1000-310231-46100 Police supplies

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

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

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Fire Department. He said that these funds were received from the state for the “Four for Life” program. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$6,625.08 chge. to: 1000-32514 Two (Four) for Life

\$6,625.08 approp. to: 1000-350532-46155 Two (Four) for Life

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

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

Absent – None

City Manager Baker presented the following proclamation for Council’s consideration of approval:

### **ARBOR DAY PROCLAMATION**

**WHEREAS in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and**

**WHEREAS, this holiday, called Arbor Day was first observed with the planting of more than a million trees in Nebraska, and**

**WHEREAS, Arbor Day is now observed throughout the nation and the world, and**

**WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and**

**WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beauty in our community, and**

**WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and**

**WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal,**

**Now, Therefore, I, Larry M. Rogers, Mayor of the City of Harrisonburg, Virginia, do hereby proclaim April 21, 2006 as Arbor Day in the City of Harrisonburg, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and**

**Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.**

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**Date**

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**Larry M. Rogers, Mayor**

**Attest:**

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**City Clerk**

Council Member Chenault offered a motion to approve the resolution as presented. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

Council Member Pace said that he noticed in the Daily News-Record that John Heubach, Assistant School Superintendent, and Jim Triplett, Finance Director, were retiring. "On behalf of the City Council, I would like to thank them for the public service to the school system and wish them the very best in retirement."

Mayor Rogers reminded everyone of the "Steppin' Out Program" during the week of April 24-30. The intent is to strive to walk a minimum of 70,000 steps in 7 days.

Council Member Chenault reminded everyone that April 22<sup>nd</sup> is Blacks Run Cleanup Day. He encouraged everyone to participate.

City Manager Baker presented a request from the Arts Council for \$5,000 for the Valley 4<sup>th</sup>. These funds will be used to help with the celebration. Council Member Chenault offered a motion to transfer the funds for this request. The motion was seconded by Vice-Mayor Eagle and approved with a unanimous vote of Council.

Council Member Chenault 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 Pace, and approved with a unanimous vote of Council.

At 10:16 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, Industrial Development Authority, Harrisonburg-Rockingham Regional Sewer 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 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 Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault  
Council Member Lantz  
Council Member Pace  
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 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 Kathy Holm, 320 Dixie Avenue, be appointed to the Tree Advisory Committee. The motion was seconded by Vice Mayor Eagle, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Roger D. Baker, Henry C. Clark, Mike Collins, John R. Gordon, and alternate Kurt Hodgen be appointed to the Harrisonburg-Rockingham Regional Sewer Authority to expire on July 14, 2010. 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



## REGULAR MEETING

APRIL 25, 2006

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 Lantz

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

Council Member Chenault requested that, Item #5d, regarding a rezoning request from Avra Beth Kaslow-Leigh, on the consent agenda, be removed and considered at the May 9<sup>th</sup> Council meeting. The motion was seconded by Council Member Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

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 Fire and Police Departments and rezoning requests from Jose & Marissa Cortes and Gary Turner. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Lantz

City Manager Baker presented the proposed 2006-2007 budget. Pursuant to Section 60 of the City's Charter, a balanced budget is presented for the fiscal year ending June 30, 2007. 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. He said primary emphasis is placed on **EDUCATION, PUBLIC SAFETY, ROAD AND PUBLIC UTILITIES**. The City has the second lowest real estate rate at 62 cents among all independent cities. Mr. Baker proposed increasing the personal property tax rate from \$2.00 to \$3.00 of assessed value and

increasing the cost of a vehicle decal from \$20.00 to \$29.50. The total budget proposed represents an 18.8% decrease in net expenditures.

The Legislative budget remains at level funding for fiscal year 2007. In the General and Financial Administration Fund the operating expenditures in most of the departments show level funding and modest increases in several others. The Assessor's department budget has increased 15.7% due to the hiring of additional staff going from biannual to annual real estate assessment. The Information Technology budget has increased 34.3% and the Electoral Board remains essentially unchanged compared to the current year. The total Police Department budget has increased 8.4% when compared to the amended fiscal year 2006 budget. The Special Operations division is a new budget and includes employees that had been included in other police department division budgets in previous years. The total Fire Department operating budget for 2007 remains essentially unchanged compared to the amended fiscal year 2006 budget. The Public Safety Building budget will increase 54.7% compared to the amended fiscal year 2006 budget because of increased utility expenses. The City/County Jail budget will remain at level funding. The Animal Control budget has increased by \$19,492 compared to the amended fiscal year 2006 budget due to an increase in operational funding for the SPCA. The City is able to save considerable money by not having to operate its own shelter. The Health Department budget increased by 3.6% and the Community Services Board has increased 21.8% compared to current year levels.

The overall Public Works operating budget shows level funding for fiscal year 2007 when compared to the amended 2006 budget. This budget includes funds for resurfacing 7.47 miles of streets, sidewalk replacement, dump truck replacement and several pick-up truck replacements. Capital outlay includes traffic engineering, traffic analysis software, traffic signal upgrades and a new traffic signal at the intersection of Country Club Road and Blue Ridge Drive.

The overall Parks and Recreation budget will decrease 2.7% compared to the current fiscal year mainly due to a decrease in capital outlay. The Administration budget capital outlay includes funding for continued Smithland Road development, stream bank restoration at Purcell Park, a replacement vehicle, expanding the exercise room at the recreation center, and chemical and filtration equipment at Westover Pool. The Golf Course Grounds Management budget includes funding for irrigation pump repairs, equipment replacement, acquisition of land for the driving range, and practice range equipment under clubhouse management.

Building Inspections shows level funding compared to the fiscal year 2006 amended budget. The General Engineering budget will increase 12.2% compared to the current budget. Capital outlay includes funding to continue implementation of the GIS system. The Planning Department budget reflects a 13.6% decrease compared to fiscal year 2006. This decrease is primarily due to the City having completed the final phases of the Comprehensive Plan update.

Excluding the appropriation for the purchase of the Port Republic Road land in the fiscal year 2006 budget, the General Properties budget reflects an increase in funding. This increase is mainly due to utility and other expenditures associated with the opening of the Hardesty-Higgins House.

The Economic Development funding will decrease 6.3% compared to the current year budget. Expenditures include funding for a reimbursement to Walker Manufacturing for site work related to its 2006 expansion and expenditures associated with the 1 Court Square facility. Marketing expenditures remain level in order to aggressively recruit businesses for the remaining parcel within the Harrisonburg Technology Park and for other economic development opportunities within the City. Funds are also included to offer incentive grants to assist with the location or expansion or targeted businesses into the City. Funds are also included to continue the City's involvement with the Shenandoah Valley Partnership. Tourism and Visitor Services is a new division in this year's budget. Downtown Parking Services is also a new division in this year's budget.

In the Non-Departmental Contributions most contributions that have been funded in previous years are proposed to remain at current year levels. It is also proposed that Central Garage continue to provide labor for the Harrisonburg Rescue Squad's vehicle maintenance, if they pay for parts and supplies; and that each Rescue Squad volunteer that is a City resident receive one free auto decal. Also, any volunteer firefighter that is a City resident will receive one free auto decal. There is an increase in the Joint Operations, which covers the City's share of judicial and jail expenditures. Joint Operations for the Harrisonburg Rockingham Social Services District will increase by 7.4%.

The City's debt service has increased 8% compared to the current amended budget. This increase is mainly due to the payment of an EDGE note to the Housing Authority for the Lucy Simms Building and a \$7.25 million bond issue.

Schools represent the largest single expenditure in the City budget. The debt payment will gradually decline over the next ten years, but there will be new debt service for the proposed new school complex. Compared to the amended 2006 budget, the School Fund has increased by approximately 9.4%. The City and the County will split all expenditures equally for the Emergency Communication Center Fund. The Community Development Block Grant Fund accounts for the administration of the Community Development Block Grant funding that the City receives from the Federal Government. The General Capital Projects Fund includes funding for sidewalk/trail plan, Reservoir Street safety improvements, Garbers Church Road improvements, East Market Street safety improvement, Country Club Road improvements, and the West Elizabeth Street Bridge.

The Water Fund budget has decreased 4.9% from the current amended budget. A rate increase of \$0.06/ 1,000 gallons (approximately 2%) is being proposed to assist in funding the debt service payments on the bonds issued in 2002 and to support a future bond issue for the eastern raw water system. The Sewer Fund budget has increased 3.5% from the current budget, primarily due to an increase in operating contributions to the Harrisonburg-Rockingham Regional Sewer Authority. A \$0.15/1000 gallons rate increase in authority revenue is being proposed because of major upgrades at the sewer treatment plant being mandated by the state and Federal government.

The overall Public Transportation Fund overall budget has increased 28.3% from the fiscal year 2006 budget as amended primarily due to a large increase in capital outlay expenditures.

The Sanitation Fund budget has increased 12.7% from the current year amended budget. Residential trash collection will increase from \$16 to \$18 per month. The proposed budget also increases the tipping fee at the Rockingham County landfill for City residents by \$3 to \$59.

The Central Garage Fund has increased by 5.0% to allow for operations of the City's central garage.

The Central Stores Fund has increased because of personal services and miscellaneous expenses related to the operations of the City's central stores.

Mr. Baker said that a 3% pay adjustment is recommended for all City employees. Premiums for health insurance will remain at their current levels.

Council Member Chenault requested that a budget work session be scheduled for May 3, 2006 at 6:30 p.m.

At 8:10 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, April 17, 2006.

**CITY OF HARRISONBURG, VIRGINIA  
PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 2007  
For information and fiscal planning purposes only**

**A public hearing will be held by the Harrisonburg City Council on Tuesday, April 26, 2006 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>2005-06 Amendments</u>	<u>Amended</u>	<u>2006-07 As Proposed</u>
<b>Operating:</b>				
General	66,620,319	6,295,818	72,916,137	72,867,213
School	46,295,761	267,616	46,563,377	50,953,393
Emerg Comm Center	2,016,498	-	2,016,498	2,319,724
Comm Dev Block Grant	613,397	118,646	732,043	550,442
Water	6,779,606	15,653	6,795,259	7,128,698
Sewer	6,539,143	98,544	6,637,687	6,866,891
Public Transportation	5,072,688	101,972	5,174,660	6,638,936
Sanitation	10,188,397	11,029	10,199,426	11,495,593

Parking Authority	255,280	-	255,280	-
Central Garage	695,318	-	695,318	730,050
Central Stores	111,240	-	111,240	185,246

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

**Capital Projects:**

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

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

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

**Expenditures - By Funds**

**Operating:**

General	66,620,319	6,295,818	72,916,137	72,867,213
Schools	46,295,761	267,616	46,563,377	50,953,393
Emerg Comm Center	2,016,498	-	2,016,498	2,319,724
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Parking Authority	255,280	-	255,280	-
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**Total Capital Project**      2,567,407    37,400,512    39,967,919    4,079,617

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

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

Mayor Rogers called on anyone present desiring to speak for or against the proposed 2006-2007 budget,

Bucky Berry, a resident of the City, complained about the proposed increase in the cost of the vehicle decal.

Ralph Geddis, a resident of the City, said in the past the City had always paid off the school debt. "What will the debt be in the next five years on taxpayers?"

Dorn Peterson, a resident of the City, questioned the 2005-2006 amended budget in comparison to the 2006-2007 proposed budget. "Which funds and items increased? Do you have a firmer number?" Mr. Peterson recommended that the City increase the connection fees for new buildings in the City to help with funding debt service for water and sewer and the sewer treatment plant.

Elly Swecker, Executive Director of the Harrisonburg-Rockingham Free Clinic, thanked City Council for supporting the free clinic. She said the new Free Clinic facility should be open in September 2006.

Jay Veenis representing the owners of IntraPac said that a proposed \$1.00 increase in personal property tax rate would mean a \$150,000 increase in the bill for the company. IntraPac is the largest customer for HEC, the utility commission, and the City current assessment is \$15 million in property. He expressed his concern over the property tax increase. He also said that when the company makes decision where to locate new products and spend new capital, the taxes influence decisions.

Pete Poirot, a resident of the City, complained about the increase in personal property tax. "What is next?" We finally got rid of the car tax, which is a stupid tax. "I will have to pay an extra \$9.50 for a decal and an extra \$1.00 per \$100 on personal property. When will it end? When will Council stop raising our taxes." To gain increased revenue in the past Council increased the cigarette tax, meals tax, cell phone tax, and a tax on movie tickets. "When will it stop? Do we have to balance the budget on the backs of the taxpayers? I urge you to look at the personal property tax increase and say no."

City Manager Baker said that the City's total projected fiscal year 2007 revenue from all property taxes, including the state reimbursement for personal property tax relief, is \$24,713,613. The proposed appropriation and school debt service is \$26,685,818. In addition, another \$340,000 is proposed in the Public Transportation budget for the purchase of three new school buses. All of the property taxes are not enough to fund the schools.

Council Member Chenault said, "Harrisonburg does not have an inner City for school population purposes. Our school population is a peripheral population. It populates around the downtown area. It is hard for me to contemplate how anybody could believe we don't have neighborhood schools. We have a school in every portion of the community on the elementary level. We are getting ready to have two middle schools to cover both sides of town and the elementary school that will be going in the Northeast section is projected to be the fastest growing section of the community over the next five years. We could wait five years and build that school and be five

years behind and probably pay 30% to 40% more for that school. I really have a hard time understanding why those comments have any validity.”

There being no others desiring to be heard, the public hearing was declared closed at 8:30 p.m., and the regular session reconvened.

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

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

Absent – Council Member Lantz

The next item of business was a review of items to be included in the City’s final bicycle plan. Public Works Transportation Superintendent Williams said that in October 2005, Council adopted the Bicycle Plan, which highlighted the bicycle route concepts and also prioritized the routes throughout the City. He said it was realized that as the new high school opened a significant alternative transportation route should be considered throughout the western end of the City. Sidewalk construction along Garber’s Church Road occurred last fall. At the September 25, 2005 Council meeting, Mr. Rublee, City Engineer, proposed numerous concepts including a combination of trail facilities, sidewalks, and multi-purpose trails. At the following Council meeting the bicycle plan was adopted, but it was requested that staff review the concepts discussed at the September 25<sup>th</sup> meeting and reconvene with the Bicycle Committee for further study. Staff met with the Bicycle Committee and developed recommendations being presented this evening. The ultimate goal of this entire project is to link residential communities with public facilities and other points of interest. Mr. Williams reviewed the proposed walking trails, which includes Garbers Church Road, Erickson Avenue, and West Market Street. The northern connector connects Thomas Harrison Middle School with areas of the Park Lawn subdivision. He also reviewed the slight re-configuration of the trail. Total construction costs for the project is approximately \$1.6 million. Some funding sources do include the bicycle plan funds, which have been allocated and pedestrian plan funds. Funding has been established in the CIP. Use of local funds allows us little oversight to expedite the planning process, which help with the time frame. However, it would take many years to actually complete the entire project.

The following discussion by Council Members included: Series of trails is important; but City still has other needs throughout the community; perhaps need to consider portions of the project as a one time Capital Improvement Plan project; and are people using existing bicycle plan?

Council Member Chenault offered a motion to incorporate the bicycle trail pedestrian route concept as presented and shown on the plat attached to agenda item #7 into the City’s

bicycle plan as initially adopted in 2005. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council Members present.

Scott Coverstone, a resident of the City, pointed to the map and reviewed a line of property and using an easement line. He said that students from THMS are trying to get to the high school by crossing portions of the golf course and private property to get to their designation. If the students are not utilizing the existing sidewalks why should the City offset sidewalks 200 feet and spend a lot of money to bisect people's property.

Paul Johnson, a resident of the City said, "Although this bicycle plan doesn't impact my neighborhood, I hope it will connect downtown and Dogwood Drive. In order for this plan to be successful residents of neighborhoods should embrace the plan. As a member of the bicycle committee I will be happy to set up a meeting and address any concerns with Drew concerning safety or property values."

Ben Wise, a resident of the City, said there are more and more people turning to their bikes as a mode of transportation. Citizens and students are looking at fuel costs and realizing for shorter commutes around town a bicycle is a reasonable way to find affordable transportation.

Leonard VanWyk, a resident of the City, thanks Council for supporting the concept.

The next item of business was approval of a VDOT Urban System Construction Program Administration Agreement. Public Works Director Baker said that the City of Harrisonburg would become the direct administrator of the complete urban program. This refers to the dollars the City receives through state funds and Federal funds for new construction of transportation systems in our area. He said we are requesting that Council give the City Manager permission to enter into an agreement with VDOT so that we become administrators of the total funds. It will allow the City to receive direct quarterly state funding and not have to wait until to we actually have a designated project. Council Member Chenault offered a motion to authorize the City Manager to enter into agreement for the administrative responsibilities of the State Urban Construction Program. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

The next item of business was approval of a VDOT Project Agreement Transition. Public Works Director Baker said that the City's current three agreements regarding the Stone Spring Road/Erickson Avenue project will go into affect July 1, 2006. Effective July 1, 2006, that agreement needs to be rescinded and replaced with the new Urban Construction Program Administration Agreement. Council Member Chenault offered a motion to approve this VDOT Project Agreement Transition. The motion was seconded by Council Member Pace, and approved with unanimous vote of Council Members present.

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

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

**VIRGINIA, RESCINDING A PROJECT PROGRAMMING RESOLUTION  
ADOPTED ON JUNE 10, 2003**

**WHEREAS, on June 10, 2003, the City Council adopted a Project Programming Resolution Rail/Highway Grade Crossing Projects for Kratzer Road, .06 of a mile east of Liberty Street, DOT ID number 859968F, for the installation of flashing lights and arm gates; and**

**WHEREAS, the City's Department of Public Works has determined that it is not feasible to proceed with the project at this time and requests the City Council to rescind the previously adopted resolution;**

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

**That the City Council of the City of Harrisonburg, Virginia, hereby rescinds and vacates the resolution adopted on June 10, 2003, for the Kratzer Road rail/highway crossing improvement project, DOT ID number 859968F, and directs that this rail/highway crossing improvement project be removed from the rail/highway crossing improvement project list.**

**Approved: April 25, 2006**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

City Attorney Thumma said this resolution will rescind a rail/highway crossing improvement project resolution adopted on June 10, 2003. The Department of Public Works has determined that it is not feasible to proceed with the project at this time because of the cost involved and requests a resolution rescinding the previous resolution so that the project can be removed from the list of rail/highway crossing improvement projects. Vice-Mayor Eagle offered a motion to approve the resolution and rescind the resolution adopted on June 10, 2003. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Pace  
Vice-Mayor Eagle  
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 through a grant reimbursement from Rockingham County and will be used for gang task force overtime and supplies. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$4,970.19 chge. to: 1000-32211 State weed and seed

\$ 59.28 approp. to: 1000-310531-46010 office supplies

4,622.97 approp. to: 1000-310531-41020 salaries/wages overtime

287.94 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 Pace  
Vice-Mayor Eagle  
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 as a donation from the estate of Irene Burke and will be used to purchase police supplies. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1,000.00 chge. to: 1000-31809 Donations

\$1,000.00 approp. to: 1000-310231-46100 Police supplies

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

Vote: Yes - Council Member Pace  
Vice-Mayor Eagle  
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 were received from additional federal food subsidy funds. These amounts are necessary because more meals are being served, and funds are needed for food and supplies to finish the fiscal year. 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:

\$ 35,000.00 chge. to: 1111-33301 School Revenue-Federal  
115,000.00 chge. to: 1111-31691 School Revenue-Other

\$150,000.00 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 Pace  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

Council Member Pace announced that the Denton Pocket Park is now under construction and he thanked the citizens of Harrisonburg for their contributions.

Council Member Chenault noted that he hoped most of the citizens in the community received the recent handout provided by the Parks and Recreation Department listing all the programs that are available for the upcoming spring/summer session. He said that the City has an awarding winning tennis program conducted by John Raver who is a local tennis professional.

Vice-Mayor Eagle reminded everyone that this is the week to participate in the “Stepping Out Program”. He encouraged everyone to walk, walk, and walk. He also said that the Tour of Shenandoah was very exciting and he thanked everyone who participated.

Mayor Rogers suggested that the City should honor Kristi Toliver, a Harrisonburg High School graduate, who plays basketball for the University of Maryland, which won the 2006 NCAA Division I Women’s Basketball National Championship.

At 9:38 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel, a city department and prospective candidates to be appointed to the 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. 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, 1950, as amended. 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  
Vice-Mayor Eagle

Council Member Chenault  
Mayor Rogers

Absent – Council Member Lantz

At 10:15 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 Jack D, Reich, 210 The Green, be appointed to a second term on the Industrial Development Authority to expire on April 24, 2010. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

Council Member Chenault offered a motion that N. William Walker, JMU MSC 6702, and Daphyne Thomas, 1112 Sharpes Drive, be appointed to unexpired terms on the Community Services (Chapter 10) Board to expire on July 1, 2007. The motion was seconded by Vice-Mayor Eagle, and approved with a unanimous vote of Council Members present.

At 10:20 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

MAY 9, 2006

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.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department and School Board. 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 Chenault  
Council Member Lantz  
Council Member Pace  
Mayor Rogers

Absent – None

Mayor Rogers congratulated Council Member Pace for taking 169,203 steps during the community walking challenge “Steppin’ Out” program April 24-30, 2006.

**A P P R O P R I A T I O N O R D I N A N C E  
O F T H E C I T Y O F H A R R I S O N B U R G , V I R G I N I A  
F o r t h e F i s c a l Y e a r E n d i n g J u n e 3 0 , 2 0 0 7**

**AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 2007. 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, 2007:**

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

For the current expenses and capital outlays of the CITY COUNCIL AND CLERK, a division of the Legislative Department, the sum of one hundred seventy-four thousand, one hundred ninety dollars (\$174,190) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$102,033
(2)	Other Operating Expenses	67,657
(3)	Capital Outlays	4,500

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

For the current expenses and capital outlays of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of four hundred forty thousand, nine hundred sixty-one dollars (\$440,961) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$317,860
(2)	Other Operating Expenses	121,601
(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-two thousand, seven hundred twenty-six dollars (\$142,726) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$105,156
(2)	Other Operating Expenses	37,570

**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 one hundred eighty-nine thousand, two hundred eighty-seven dollars (\$189,287) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$115,329
(2)	Other Operating Expenses	72,758
(3)	Capital Outlays	1,200

Paragraph Five - Independent Auditor (120811)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of nine thousand dollars (\$9,000) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |          |
|-----|--------------------------|----------|
| (1) | Other Operating Expenses | \$ 9,000 |
|-----|--------------------------|----------|

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 four hundred thousand, five hundred sixty-six dollars (\$400,566) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$278,789 |
| (2) | Other Operating Expenses | 115,377   |
| (3) | Capital Outlays          | 6,400     |

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 sixty-seven thousand, eight hundred eighty-six dollars (\$267,886) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$161,421 |
| (2) | Other Operating Expenses | 104,465   |
| (3) | Capital Outlays          | 2,000     |

Paragraph Eight - Board of Equalization (121112)

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

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

Paragraph Nine - City Treasurer (121313)

For the current expenses and capital outlays of the CITY TREASURER, a division of the General and Financial Administration, the sum of five hundred two thousand, nine hundred forty-two dollars (\$502,942) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$300,503 |
| (2) | Other Operating Expenses | 201,439   |

- |     |                 |       |
|-----|-----------------|-------|
| (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 seventy-four thousand, one hundred twenty-eight dollars (\$374,128) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$239,469 |
| (2) | Other Operating Expenses | 133,659   |
| (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 four hundred seven thousand, six hundred ninety-three dollars (\$407,693) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$177,238 |
| (2) | Other Operating Expenses | 209,455   |
| (3) | Capital Outlays          | 21,000    |

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 twenty-five thousand, four hundred thirty-seven dollars (\$125,437) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |          |
|-----|--------------------------|----------|
| (1) | Personal Services        | \$79,433 |
| (2) | Other Operating Expenses | 43,554   |
| (3) | Capital Outlay           | 2,450    |

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 sixty-three thousand, two hundred eighteen dollars (\$163,218) is appropriated from the General Fund to be apportioned as follows:

- |     |                          |          |
|-----|--------------------------|----------|
| (1) | Personal Services        | \$89,629 |
| (2) | Other Operating Expenses | 69,589   |
| (3) | Capital Outlays          | 4,000    |

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 five hundred ninety-nine thousand, six hundred fifty dollars (\$599,650) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$343,661
(2)	Other Operating Expenses	255,489
(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 two million, six hundred fifty-four thousand, eight hundred fifty dollars (\$2,654,850) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$1,781,375
(2)	Other Operating Expenses	857,775
(3)	Capital Outlays	15,700

Paragraph Sixteen - Police Criminal Investigation Division (310331)

For the current expenses and capital outlays of the POLICE CRIMINAL INVESTIGATION DIVISION, the sum of nine hundred thirteen thousand, eight hundred seventy-nine dollars (\$913,879) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$625,538
(2)	Other Operating	285,341
(3)	Capital Outlays	3,000

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, four hundred twelve thousand, six hundred thirty-five dollars (\$1,412,635) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$682,537
(2)	Other Operating Expenses	596,598
(3)	Capital Outlays	133,500

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 eighteen thousand, nine

hundred fifty-nine dollars (\$118,959) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$79,633
(2)	Other Operating Expenses	39,326

Paragraph Nineteen – Police Special Operations (310631)

For the current expenses and capital outlays of the POLICE SPECIAL OPERATIONS, a division of the Department of Public Safety, the sum of one million, thirty-eight thousand, one hundred fifty-four dollars (\$1,038,154) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$736,866
(2)	Other Operating Expenses	290,388
(3)	Capital Outlays	10,900

Paragraph Twenty - Fire Administration (320132)

For the current expenses of the FIRE ADMINISTRATION, a division of the Department of Public Safety, the sum of three hundred ninety thousand, nine hundred forty-six dollars (\$390,946) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$225,703
(2)	Other Operating Expenses	165,243

Paragraph Twenty-One - Fire Suppression (320232)

For the current expenses and capital outlays of the FIRE SUPPRESSION, a division of the Department of Public Safety, the sum of four million, four hundred twenty-four thousand, four hundred seven dollars (\$4,424,407) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$2,785,859
(2)	Other Operating Expenses	1,433,578
(3)	Capital Outlays	204,970

Paragraph Twenty-Two - Fire Prevention (320332)

For the current expenses of FIRE PREVENTION, a division of the Department of Public Safety, the sum of three hundred thousand, one hundred forty-two dollars (\$300,142) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$197,299
(2)	Other Operating Expenses	102,843

Paragraph Twenty-Three - Fire Training (320432)

For the current expenses and capital outlays of FIRE TRAINING, a division of the Department of Public Safety, the sum of one hundred fifty-five thousand, nine hundred thirty-four dollars (\$155,934) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$98,343
(2)	Other Operating Expenses	57,591

Paragraph Twenty-Four – PUBLIC SAFETY BUILDING (320632)

For the current expenses of the PUBLIC SAFETY BUILDING, a division of the Department of Public Safety, the sum of three hundred nineteen thousand, one hundred ninety-eight dollars (\$319,198) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$53,607
(2)	Other Operating Expenses	265,591

Paragraph Twenty-Five - 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-Six - 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 fifty-seven thousand, three hundred six dollars (\$657,306) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$432,865
(2)	Other Operating Expenses	197,241
(3)	Capital Outlays	27,200

Paragraph Twenty-Seven - Animal Control (350131)

For the current expenses of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of one hundred thirty-eight thousand, eight hundred forty dollars (\$138,840) is appropriated from General Fund to be apportioned as follows:

(1)	Personal Services	\$31,463
(2)	Other Operating Expenses	103,377
(3)	Capital Outlays	4,000

Paragraph Twenty-Eight - 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-Nine - Emergency Services (350532)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of sixty-nine thousand, three hundred forty-seven dollars (\$69,347) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$69,347
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Paragraph Thirty - General Engineering/Administration (410121)

For the current expenses and capital outlays of GENERAL ENGINEERING/ADMINISTRATION, a division of the Department of Public Works, the sum of nine hundred twenty-two thousand, seven hundred twenty-one dollars (\$922,721) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$582,515
(2)	Other Operating Expenses	278,556
(3)	Capital Outlays	61,650

Paragraph Thirty-One - 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, eight hundred seventy-three thousand, eight hundred seventy dollars (\$3,873,870) is appropriated from the General Fund to be appointed as follows:

(1)	Personal Services	\$1,263,092
(2)	Other Operating Expenses	2,383,278
(3)	Capital Outlays	227,500

Paragraph Thirty-Two - Street Lights (410441)

For the current expenses of STREET LIGHTS, a division of the Department of Public Works, the sum of four hundred forty-three thousand, nine hundred fifty-five dollars (\$443,955) is appropriated from the General Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$ 443,955
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Paragraph Thirty-Three - Snow and Ice Removal (410541)

For the current expenses and capital outlays of SNOW AND ICE REMOVAL, a division of the Department of Public Works, the sum of two hundred nineteen thousand, seven hundred eighty-nine dollars (\$219,789) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$52,530
(2)	Other Operating Expenses	157,259
(3)	Capital Outlays	10,000

Paragraph Thirty-Four - 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, two hundred fourteen thousand, two hundred ten dollars (\$1,214,210) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$446,912
(2)	Other Operating Expenses	541,298
(3)	Capital Outlays	226,000

Paragraph Thirty-Five - 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 two hundred seventy thousand, six hundred sixty-two dollars (\$270,662) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$113,872
(2)	Other Operating Expenses	156,790

Paragraph Thirty-Six - 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 three hundred fifty thousand, seven hundred sixty-two dollars (\$350,762) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$172,828
(2)	Other Operating Expenses	177,934

Paragraph Thirty-Seven - 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-five thousand, two hundred fifty-two dollars (\$45,252) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$16,565
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(1) Other Operating Expenses \$28,687

Paragraph Thirty-Eight - General Properties (430221)

For the current expenses and capital outlays of GENERAL PROPERTIES, a division of the Department of Public Works, the sum of two hundred fifty-six thousand, one hundred fifty-four dollars (\$256,154) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$28,480  
(2) Other Operating Expenses 203,674  
(3) Capital Outlays 24,000

Paragraph Thirty-Nine - 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 thirty-two thousand, seven hundred twenty-seven dollars (\$332,727) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$332,727

Paragraph Forty - 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 fifty-one thousand, four hundred seventy dollars (\$251,470) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$251,470

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

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

(1) Other Operating Expenses \$40,000

Paragraph Forty-Two - 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 fifty-eight thousand, nine hundred twenty-three dollars (\$958,923) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$313,808  
(2) Other Operating Expenses 524,615

(3) Capital Outlays 120,500

Paragraph Forty-Three - Parks (710271)

For the current expenses and capital outlays of PARKS, a division of Parks, Recreation and Cultural, the sum of seven hundred sixty-eight thousand, nine hundred eighty-eight dollars (\$768,988) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$420,246
(2) Other Operating Expenses	262,742
(3) Capital Outlays	86,000

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

For the current expenses and capital outlays of RECREATION CENTERS AND PLAYGROUNDS, a division of Parks, Recreation and Cultural, the sum of five hundred sixty-seven thousand, seven hundred three dollars (\$567,703) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$334,133
(2) Other Operating Expenses	177,370
(3) Capital Outlays	56,200

Paragraph Forty-Five - National Guard Armory (710571)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of one hundred one thousand, three hundred four dollars (\$101,304) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services	\$44,329
(2) Other Operating Expenses	56,975

Paragraph Forty-Six - 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 eighty-seven thousand, five hundred sixty-four dollars (\$187,564) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses	187,564
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Paragraph Forty-Seven - Westover Pool (710771)

For the current expenses and capital outlays of the WESTOVER POOL, a division of Parks, Recreation and Cultural, the sum of three hundred seventy-nine thousand, nine hundred ten dollars (\$379,910) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$191,478
(2)	Other Operating Expenses	164,432
(3)	Capital Outlays	24,000

Paragraph Forty-Eight - Athletics (710871)

For the current expenses and capital outlays of the ATHLETICS, a division of Parks, Recreation and Cultural, the sum of four hundred eight thousand, seven hundred twenty dollars (\$408,720) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$223,724
(2)	Other Operating Expenses	184,996

Paragraph Forty-Nine – 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-three thousand, four hundred sixty-two dollars (\$43,462) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$31,069
(2)	Other Operating Expenses	12,393

Paragraph Fifty – 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 one million, one hundred twenty-nine thousand, nine hundred thirty-eight dollars (\$1,129,938) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$337,112
(2)	Other Operating Expenses	349,926
(3)	Capital Outlays	442,900

Paragraph Fifty-One – 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 thirty-nine thousand, three hundred ninety-eight dollars (\$339,398) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$145,784
(2)	Other Operating Expenses	186,114
(3)	Capital Outlays	7,500

Paragraph Fifty-Two - 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 sixty-six thousand, five hundred twenty-four dollars (\$166,524) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$101,278
(2)	Other Operating Expenses	61,346
(3)	Capital Outlays	3,900

Paragraph Fifty-Three - Zoning Administrator (810221)

For the current expenses of ZONING ADMINISTRATOR, a division of the Department of Community Development, the sum of one hundred seventy thousand, nine hundred thirty-two dollars (\$170,932) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$122,480
(2)	Other Operating Expenses	47,852
(3)	Capital Outlay	600

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

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Department of Community Development, the sum of five thousand, nine hundred eighty-six dollars (\$5,986) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$918
(2)	Other Operating Expenses	5,068

Paragraph Fifty-Five - Economic Development (810521)

For the current expenses and capital outlays of ECONOMIC DEVELOPMENT, the sum of eight hundred seventy-three thousand, four hundred twenty-five dollars (\$873,425) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 92,054
(2)	Other Operating Expenses	578,871
(3)	Capital Outlays	202,500

Paragraph Fifty-Six – Downtown Renaissance - (810621)

For the current expenses and capital outlays of DOWNTOWN RENAISSANCE, the sum of fifty-eight thousand dollars (\$58,000) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$ 48,020
(2)	Other Operating Expenses	9,980

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

For the current expenses and capital outlays of TOURISM & VISITORS SERVICE, the sum of two hundred forty-four thousand, five hundred forty-four dollars (\$240,544) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$104,484
(2)	Other Operating Expenses	136,060

Paragraph Fifty-Eight – Downtown Parking Services (810921)

For the current expenses and capital outlays of DOWNTOWN PARKING SERVICES, the sum of two hundred eighty-five thousand, sixty-one dollars (\$285,061) is appropriated from the General Fund to be apportioned as follows:

(1)	Personal Services	\$144,164
(2)	Other Operating Expenses	140,897

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

For aiding the activities of independent, civic, charitable, and other organizations, the sum one million, five hundred ninety-five, nine hundred seventy-seven dollars (\$1,595,977) is appropriated from the General Fund to be apportioned as follows:

43850	Central Shenandoah Planning District	\$14,066
45642	Local Chamber of Commerce	3,000
45644	Salvation Army	15,000
45645	Rescue Squad-Gas and Oil	25,000
45647	Shen Val. Soil & Water Conservation Dist.	4,000
45648	Blue Ridge Community College	5,000
45649	Rockingham County Historical Society	2,000
45650	Valley Program for Aging Services	25,000
45652	First Step, Inc.	21,000
45653	Non-Departmental CATV	5,000
45656	BRCC – Site Improvement	41,484
45659	Blue Ridge Legal Services	10,019
45660	Other Non-departmental	20,000
45662	Free Clinic Inc.	10,000
45663	Community Mediation Center	2,241
45664	Woodbine Cemetery	1,500
45665	Free Clinic, Inc., Capital	250,000
45669	Boys and Girls Club	50,000
44883	First Night	5,000
45885	Arts Council of Valley	40,000
45886	Quilt Museum	2,000
45888	Downtown Renaissance	7,467

45889 Little League Association	6,000
45896 Roberta Webb Child Care	10,000
45897 Rockingham County Fair Association	3,000
45900 Big Brothers/Big Sisters	15,000
47010 Massanutten Regional Public Library-Operating	399,033
47020 Upper Valley Regional Park Authority	17,250
47030 Juvenile Detention Home	586,917

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

For the payment of joint expenses, the sum of four million, four hundred thirty-eight thousand, two hundred twenty dollars (\$4,438,220) is appropriated from the General Fund to be apportioned as follows:

47070 Expense of Sheriff, Courts, etc.	\$2,300,000
47071 Expense of Social Service District	2,138,220

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

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

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

For the payment of dues to Municipal Organizations. The sum of twenty-eight thousand, six hundred dollars (\$28,600) is appropriated from the General fund to be apportioned as follows:

45810 Dues and Memberships	\$28,600
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Paragraph Sixty-Three - 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-Four – Debt Service (980142)

For the payment of interest and principal on bonds and lease purchases and bank nine million, two hundred twelve thousand, eleven dollars (\$9,208,411) is appropriated from the General Fund to be apportioned as follows:

(1) Principal and Interest	\$9,208,411
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Paragraph Sixty-Five - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of twenty-six million, five hundred sixty-eight thousand, six hundred thirty-eight dollars (\$26,568,638) is appropriated from the General Fund to be apportioned as follows:

(1)	General Capital Projects Fund	\$ 1,290,000
(2)	Emergency Community Center Fund	449,915
(3)	School Fund	21,888,794
(4)	Central Garage Fund	93,912
(5)	Central Stores Fund	11,115
(6)	Public Transportation Fund	759,132
(7)	Sanitation Fund	2,075,770

**S U M M A R Y**

**Expenditures and Revenues**

Total General Fund Appropriation for the Fiscal Year Ending June 30, 2007	<u>\$73,498,129</u>
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To be provided for from the following Estimated Revenues which are as follows:

Amount from Fund Balance	\$ 1,519,022
General Property Taxes	23,284,520
Other Local Taxes	31,618,357
Permits, Privilege Fees and Regulatory Licenses	517,100
Fines and Forfeitures	464,000
Revenue from use of Money & Property	1,745,000
Charges for Services	874,300
Miscellaneous Revenue	4,823,000
Recovered Costs	65,000
State Non-Categorical Aid	3,261,819
State Shared Expenses (Categorical-Aid)	319,000
State Other (Categorical-Aid)	3,413,168
Categorical Aid-Federal	50,000
Debt Issue Proceeds	112,904
Transfers from other Funds	<u>1,430,939</u>

Total General Fund Revenue for the Fiscal Year Ending June 30, 2007	<u>\$73,498,129</u>
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**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, 2007:**

Paragraph One - Instruction (40610)

For the current expenses of INSTRUCTION, of the department of education, the sum of thirty-seven million, one hundred eighty-eight thousand, four hundred sixty-one dollars (\$37,188,461) is appropriated from the City School Fund to be apportioned as follows:

(1) Instruction \$37,188,461

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, three hundred forty-seven thousand, four hundred six dollars (\$2,347,406) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration/Attendance & Health Service \$2,347,406

Paragraph Three - Pupil Transportation Services (40630)

For the current expenses of PUPIL TRANSPORTATION SERVICES, of the department of education, the sum of one million, five hundred forty-nine thousand, six hundred twenty dollars (\$1,549,620) is appropriated from the City School Fund to be apportioned as follows:

(1) Pupil Transportation Service \$1,549,620

Paragraph Four - Operations & Maintenance (40640)

For the current expenses of OPERATIONS AND MAINTENANCE, of the department of education, the sum of four million, six hundred forty-nine thousand, three hundred eighty-four dollars (\$4,649,384) is appropriated from the City School Fund to be apportioned as follows:

(1) Operations and Maintenance \$4,649,384

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, eight hundred thousand, four hundred dollars (\$2,800,400) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services & Other  
Non Instructional Operations \$2,800,400

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 - Technology (40680)

For the current expenses of TECHNOLOGY of the Department of Education, the sum of two million, three hundred six thousand, six hundred two dollars (\$2,306,602) is appropriated from the City School Fund to be apportioned as follows:

(1) Technology	\$2,306,602
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Paragraph Eight – Transfers (49210)

For sharing the costs of operation in other funds for the benefit of the School Fund, the sum of three hundred eighty-nine thousand, five hundred twenty dollars (\$389,520) is appropriated from the School Fund to be apportioned as follows:

(1) Transfer to General Fund	\$ 389,520
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**S U M M A R Y**

Expenditures and Revenues

Total School Fund Appropriations for Fiscal Year Ending June 30, 2007	<u>\$51,233,393</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Revenue from Other	\$ 2,528,282
Revenue from State School Funds	22,083,371
Revenue from Federal Funds	4,732,946
Transfers Receipts from City's General Fund	<u>21,888,794</u>

Total School Fund Revenue for the Fiscal Year Ending June 30, 2007	<u>\$51,233,393</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, 2007:**

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 seventy-three thousand, six hundred ninety-seven dollars (\$273,697) appropriated as follows:

(1) Other Operating Expenses	\$273,697
<u>Paragraph Two – E-911 Systems (321232)</u>	

For the current expenses of the E-911 system, a division of the EMERGENCY COMMUNICATION CENTER FUND, the sum of two million, seventy-six thousand, four hundred thirty-eight dollars (\$2,076,438) is appropriated from the EMERGENCY COMMUNICATION CENTER FUND to be apportioned as follows:

(1) Personal Services	\$1,253,053
(2) Other Operating Expenses	823,385

**S U M M A R Y**

Expenditures and Revenues

Total Emergency Communication Center Fund Appropriations For the Fiscal Year Ending June 30, 2007	<u>\$2,350,135</u>
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To be provided for from the following estimated revenue, which is as follows:

Other Local Taxes	\$ 730,193
Miscellaneous Revenue	1,045,741
State Shared Expenses (Categorical Aid)	124,286
Transfers from General Funds	<u>449,915</u>

Total Emergency Communication Center Fund Revenue For the fiscal Year Ending June 30, 2007	<u>\$2,350,135</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, 2007.**

Paragraph One – Community Development Block Grant (810721)

For the current expenses of the COMMUNITY DEVELOPMENT BLOCK GRANT, a division of COMMUNITY DEVELOPMENT BLOCK GRANT FUND, the sum of five hundred

fifty thousand, four hundred forty-two dollars (\$550,442) is appropriated from the Community Development Block Grant to be appropriated as follows:

(1)	Personal Services	\$ 45,830
(2)	Other Operating Expenses	466,633
(3)	Capital Outlay	1,548
(4)	Transfers	36,431

### **S U M M A R Y**

#### **Expenditures and Revenues**

Total Community Development Block Grant Fund Appropriations for the year ending June 30, 2007	<u>\$550,442</u>
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To be provided for from the following estimated revenues, which are as follows:

Federal Non-Categorical Aid	<u>\$550,442</u>
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Total Community Development Block Grant Fund Revenue For the Fiscal Year Ending June 30, 2007	<u>\$550,442</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, 2007:**

#### **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 (\$1,290,000)

48611 West Elizabeth Bridge	\$450,000
48617 Port Republic Road Street Improvement	260,000
48619 East Market Street Safety Improvement	190,000
48656 Country Club Road Streets	210,000
48658 Reservoir Street-Safety Improvement	50,000
48663 New Sidewalk/Trail Plan	30,000
48695 Garbers Church Road Improvement	100,000

### **S U M M A R Y**

#### **Expenditures and Revenues**

Total General Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 2007	<u>\$1,290,000</u>
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To be provided from the following estimated revenues, which are as follows:

34210 Transfer from General Fund	<u>\$1,290,000</u>
Total General Capital Projects Fund Revenue For the fiscal Year Ending June 30, 2007	<u>\$1,290,000</u>

**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, 2007:**

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 (\$1,218,690) is appropriated as follows:

48621 Western Raw Water Line	\$200,000
48633 Smithland Road	50,000
48634 Water Main Oversize/Extend	50,000
48635 Water Main Upgrades	200,000
48657 Water Storage Tanks	300,000
48654 Eastern Source Development	418,690

**S U M M A R Y**

**Expenditures and Revenues**

Total Water Capital Projects Fund Appropriations for the Fiscal Year Ended June 30, 2007	<u>\$ 1,218,690</u>
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To be provided for from the following estimated revenue, which is as follows:

34220 Transfer from Water Fund	<u>\$ 1,218,690</u>
Total Water Capital Projects Fund Revenue for the Fiscal Year Ended June 30, 2007	<u>\$ 1,218,690</u>

**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, 2007:**

Paragraph One - Capital Projects (911161)

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of four hundred seventy-one thousand, nine hundred eleven dollars (\$471,911) is appropriated as follows:

48645 PHR&A I&I	\$ 100,000
48647 HRRSA WWTP Expansion	171,911
48649 Smithland Road	50,000
48650 Sewer Main Oversize/Extension	50,000
48651 Sewer Main Upgrades	100,000

### **S U M M A R Y**

#### **Expenditures and Revenues**

Total Sewer Capital Projects Fund Appropriation for the Fiscal Year Ended June 30, 2007	<u>\$471,911</u>
--	------------------

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

34230 Transfer from Sewer Fund	<u>\$471,911</u>
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Total Sewer Capital Projects Fund Revenue for the Fiscal Year Ended June 30, 2007	<u>\$471,911</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, 2007:**

#### **Paragraph One - Capital Projects (910142)**

For the payment of capital expenditures of the Sanitation Capital Projects Fund, the sum of one million, two hundred seventy thousand, nine hundred twenty-seven dollars (\$1,270,927) is appropriated as follows:

48681 City Landfill monitoring	\$170,000
48682 Retro-Fit Steam Plant	100,000
48683 Steam Plant for CISAT	200,000
48684 County Landfill Development & Closure	800,927

### **S U M M A R Y**

#### **Expenditure and Revenue**

Total Sanitation Capital Projects Fund Appropriation	
--	--

for the Fiscal Year Ended June 30, 2007 \$1,270,927

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

34270 Transfer from Sanitation Fund \$1,270,927

Total Sanitation Capital Projects Fund Revenue  
for the Fiscal Year Ended June 30, 2007 \$1,270,927

**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, 2007:**

**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 sixty-seven thousand, six hundred twenty-three dollars (\$267,623) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$143,686
(2)	Other Operating Expenses	123,937

**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 fifty-three thousand, four hundred fifty-six dollars (\$453,456) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$52,116
(2)	Other Operating Expenses	401,340

**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 ninety-five thousand, eight hundred fourteen dollars (\$695,814) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$410,420
(2)	Other Operating Expenses	285,394

**Paragraph Four - Utility Billing (342061)**

For the current expenses of UTILITY BILLING OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of two hundred eight thousand, four hundred sixty-six dollars (\$208,466) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$74,306
(2)	Other Operating Expenses	134,160

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of one million, eight hundred forty-seven thousand, seven hundred thirty-six dollars (\$1,847,736) is appropriated from the Water Fund to be apportioned as follows:

(1)	Other Operating Expenses	\$15,060
(2)	Depreciation	1,535,244
(3)	Taxes, etc.	297,432

Paragraph Six - Water Purification (362061)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Water Fund, the sum of nine hundred twenty-six thousand, five hundred ten dollars (\$926,510) is appropriated from the Water Fund to be apportioned as follows:

(1)	Personal Services	\$524,799
(2)	Other Operating Expenses	401,711

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
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Paragraph Eight – Debt Service (382061)

For the payment of interest and principal, etc., on bonds of the Water Department, the sum of six hundred eighty-one thousand, three hundred seventy-nine dollars (\$681,379) is appropriated from the Water Fund to be apportioned as follows:

(1)	Principal and Interest	\$681,379
-----	------------------------	-----------

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 eighty-nine thousand, ten dollars (\$1,889,010) is appropriated from the Water Fund to be apportioned as follows:

(1)	General Fund-Share of Accounting, Collecting & Data Processing	\$ 511,008
(2)	Water Capital Projects Fund	1,218,690
(3)	Central Stores Fund	159,312

### S U M M A R Y

#### **Expenditures and Revenues**

Total Water Fund Appropriations for the Fiscal Year Ending June 30, 2007	<u>\$7,155,994</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Fund Balance	\$37,575
Permits, Privilege Fees and Regulatory Licenses	300,000
Revenue from use of Money & Property	152,000
Charges for Services	4,978,175
Recovered Costs	152,000
Miscellaneous Revenue	1,000
Transfers for depreciation	<u>1,535,244</u>

Total Water Fund Revenues for the Fiscal Year Ending June 30, 2007	<u>\$7,155,994</u>
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### 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, 2007.**

#### Paragraph One - Administration (412061)

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of five hundred twenty-six thousand, six hundred eighty-five dollars (\$526,685) is appropriated from the Sewer Fund to be apportioned as follows:

(1)	Personal Services	\$329,222
(2)	Other Operating Expenses	197,463

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, seven hundred sixty-six thousand, six hundred fifteen dollars (\$1,766,615) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                          |              |
|-----|--------------------------|--------------|
| (1) | Other Operating Expenses | \$ 1,766,615 |
|-----|--------------------------|--------------|

Paragraph Three - Collection and Transmission (432061)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of eight hundred twenty-three thousand, two hundred thirteen dollars (\$823,213) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$452,542 |
| (2) | Other Operating Expenses | 370,671   |

Paragraph Four - Miscellaneous (442061)

For the current expenses, depreciation and the payment of taxes, the sum of one million, three hundred twenty-three thousand, five hundred fifty-two dollars (\$1,323,552) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Other Operating Expenses | \$ 6,900  |
| (2) | Depreciation             | 1,090,044 |
| (3) | Taxes, etc.              | 226,608   |

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 twenty-nine thousand, two hundred ninety-four dollars (\$229,294) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                          |           |
|-----|--------------------------|-----------|
| (1) | Personal Services        | \$133,841 |
| (2) | Other Operating Expenses | 95,453    |

Paragraph Six - Pumping & Monitoring (462061)

For the current expenses of PUMPING AND MONITORING OF THE SEWER DEPARTMENT, a division of the Sewer Fund, the sum of one hundred thirteen thousand, six hundred fifty dollars (\$113,650) is appropriated from the Sewer Fund to be apportioned as follows:

- |     |                   |          |
|-----|-------------------|----------|
| (1) | Personal Services | \$52,092 |
|-----|-------------------|----------|

(2) Other Operating 61,558

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

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, sixty-eight thousand, six hundred eighty-nine dollars (\$1,068,689) is appropriated from the Sewer Fund to be apportioned as follows:

(1) Serial Bonds, Interest, etc. \$1,068,689

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 nine hundred eighty-two thousand, one hundred ninety-six dollars (\$982,196) is appropriated from the Sewer Fund to be apportioned as follows:

(1) General Fund - Share of Accounting, Collecting, & Data Processing Costs	\$493,980
(2) Sewer Capital Projects Fund	471,911
(3) Central Stores Fund	16,305

**S U M M A R Y**

**Expenditures and Revenues**

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 2007 \$7,083,894

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

Permits, Privilege Fees and Regulatory Licenses	\$ 276,000
Revenue from use of Money & Property	100,050
Charges for Services	5,576,800
Recovered Costs	41,000
Transfers for depreciation	<u>1,090,044</u>

Total Sewer Fund Revenues  
for the Fiscal Year Ending June 30, 2007

\$7,083,894

**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, 2007:**

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, five hundred sixty-eight thousand, five hundred thirty-two dollars (\$2,568,532) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$1,217,509
(2)	Other Operating Expenses	1,276,023
(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, seven hundred fourteen thousand, two hundred seventy-five dollars (\$1,714,275) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$869,642
(2)	Other Operating Expenses	784,633
(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 sixty-nine thousand, three hundred thirty-three dollars (\$169,333) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$112,736
(2)	Other Operating Expenses	56,597

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, eight hundred sixty-three dollars (\$57,863) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Personal Services	\$3,855
(2)	Other Operating Expenses	4,004
(3)	Depreciation	50,004

Paragraph Five - Capital Outlay (872081)

For the capital outlays of the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of two million, one hundred eighty-one thousand dollars, (\$2,181,000) is appropriated from the Public Transportation Fund to be apportioned as follows:

(1)	Capital Outlays	\$2,181,000
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**SUMMARY**

Expenditures and Revenues

Total Public Transportation Fund Appropriations for the Fiscal Year Ending June 30, 2007	<u>\$6,691,003</u>
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To be provided for from the following Estimated Revenues, which are as follows:

Fund Balance	\$ 93,067
Use of Money and Property	46,000
Charges for Services	2,718,800
Miscellaneous Revenue	2,000
State Categorical Aid	745,000
Federal Categorical Aid	2,142,000
Transfers from General Fund and depreciation	<u>944,136</u>

Total Public Transportation Fund Revenues for the Fiscal Year ending June 30, 2007	<u>\$6,691,003</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, 2007:**

Paragraph One - CISAT Facility (912242)

For the current expenses of the CISAT FACILITY, a division of the Sanitation Fund, the sum of four million, three hundred forty-four thousand, eight hundred seventy-six dollars (\$4,344,826) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$1,269,139
(2)	Other Operating Expenses	3,075,687

Paragraph Two - Refuse Collection (922041)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of six hundred seventy-nine thousand, four dollars (\$679,004) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$386,070
(2)	Other Operating Expenses	292,934

Paragraph Three - Landfill (932042)

For the current expenses of the LANDFILL, a division of the Sanitation Fund, the sum of one million, one hundred eighty-five thousand, eight hundred fifty-seven dollars (\$1,185,857) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$ 53,196
(2)	Other Operating Expenses	1,132,661

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 nine hundred forty-two thousand, six hundred eighteen dollars (\$942,618) is appropriated from the Sanitation Fund to be apportioned as follows:

(1)	Personal Services	\$385,799
(2)	Other Operating Expenses	556,819

Paragraph Six - Capital Outlay (972043)

For the capital outlays of the SANITATION DEPARTMENT, a division of the Sanitation Fund, the sum of two hundred thousand dollars (\$200,000) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Capital Outlays \$200,000

Paragraph Seven - Debt Service (982042)

For the payment of interest and principal, etc., on bonds of the Sanitation Fund, the sum of two million, four hundred forty-five thousand, three hundred seven dollars (\$2,445,307) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Principal and Interest \$2,445,307

Paragraph Eight - Transfers (990242)

For transfers to Capital Projects of the Sanitation Fund. The sum of one million, two hundred seventy thousand, nine hundred twenty-seven dollars (\$1,270,927) is appropriated from the Sanitation Fund to be apportioned as follows.

(1) Transfers to Sanitation Capital Projects Fund \$1,270,927

**S U M M A R Y**

**Expenditures and Revenues**

Total Sanitation Fund appropriations  
for the Fiscal Year Ending June 30, 2007 \$11,544,736

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

Amount from Fund Balance	\$332,815
License permits & priv. fee	300
Revenue from use of Money & Property	200,000
Charges for Services	7,288,158
Miscellaneous Revenues	100,306
Recovered Costs	1,075,335
Transfers from General Fund, depreciation, etc.	<u>2,547,822</u>

Total Sanitation Fund Revenues  
for the Fiscal Year Ending June 30, 2007 \$11,544,736

**SECTION XIII - 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, 2007:**

Paragraph One - Operating (612141)

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of seven hundred twenty-six thousand, five hundred twenty dollars (\$726,520) is appropriated from the Central Garage Fund to be apportioned as follows:

(1)	Personal Services	\$492,459
(2)	Other Operating Expenses	234,061

Paragraph Two - Capital Outlay (672141)

For the capital outlays of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of fifteen thousand dollars (\$15,000) is appropriated from the Central Garage Fund to be apportioned as follows:

(1)	Capital Outlays	\$15,000
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**S U M M A R Y**

**Expenditures and Revenues**

Total Central Garage Fund Appropriations for the Fiscal Year Ending June 30, 2007	<u>\$741,520</u>
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To be provided for from the following Estimated Revenue, which is as follows:

Amount from Fund Balance	\$ 11,470
Use of Money and Property	4,000
Charges for Services	632,138
Transfer	<u>93,912</u>

Total Central Garage Fund Revenue for the Fiscal Year Ending June 30, 2007	<u>\$741,520</u>
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**SECTION XIV - 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, 2007:**

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of one hundred eighty-six thousand, seven hundred thirty-two dollars (\$186,732) is appropriated from the Central Stores Fund to be apportioned as follows:

(1)	Personal Services	\$ 61,077
(2)	Other Operating Expenses	60,655
(3)	Capital Outlay	65,000

## S U M M A R Y

### **Expenditures and Revenues**

Total Central Stores Fund Appropriations  
for the Fiscal Year Ending June 30, 2007 \$186,732

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

Transfers from other Funds \$186,732

Total Central Stores Fund Revenue  
for the Fiscal Year Ending June 30, 2007 \$186,732

### **TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XV IN THIS ORDINANCE FOR THE FISCAL YEAR ENDING June 30, 2007 RECAPITULATION**

Section I	General Fund	\$73,498,129
Section II	School Fund	51,233,393
Section III	Emergency Communication Center Fund	2,350,135
Section IV	Community Development Block Grant Fund	550,442
Section V	General Capital Projects Fund	1,290,000
Section VI	Water Capital Projects Fund	1,218,690
Section VII	Sewer Capital Projects Fund	471,911
Section VIII	Sanitation Capital Projects Fund	1,270,927
Section IX	Water Fund	7,155,994
Section X	Sewer Fund	7,083,894
Section XI	Public Transportation Fund	6,691,003
Section XII	Sanitation Fund	11,544,736
Section XIII	Central Garage Fund	741,520
Section XIV	Central Stores Fund	<u>186,732</u>

TOTAL APPROPRIATIONS \$ 165,287,506

### **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 as defined by Chapter 35 of §58.1 of the Code of Virginia, 1950, as amended, be fixed at Three Dollars and No Cents (\$3.00) on each one hundred dollars (\$100) assessed valuation for the year 2007; and that the rate of taxation on Machinery and Tools as defined by Article 2 of Chapter 35 of Title 58.1, Code of Virginia, 1950, as amended, be fixed at Two Dollars and No Cents (\$2.00) on each one hundred dollars (\$100.00) assessed valuation for the year 2007; real estate taxes to be collectible one half on or before December 5, 2006 and one half on or before June 5, 2007. 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, 2006 and one half on or before June 5, 2007. 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 "Classification titles and compensation ranges effective April 9, 2006", and "Salary Schedule as of July 1, 2006", and adopted by the City Council for the fiscal year beginning July 1, 2006, and ending June 30, 2007, 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, 2006.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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CITY CLERK

MAYOR

Council Member Chenault offered a motion to adopt the FY 2006-2007 budget as amended for a second reading. The motion was seconded by Council Member Pace, and approved with a recorded roll call taken as follows:

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

Absent – None

Vice-Mayor Eagle offered a motion to approve the rezoning request by Avra Beth Kaslow-Leigh 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 - Vice-Mayor Eagle  
Council Member Lantz  
Mayor Rogers

No - Council Member Chenault  
Council Member Pace

Absent – none

Planning and Community Development Director Turner introduced a request from Bill Neff to modify the Comprehensive Plan's Land Use designation from Commercial to Medium Density Mixed Residential and to rezone 60.60 acres from M-1, General Industrial District and B-2, General Business District to R-7, Medium Density Mixed Residential Planned Community. Mrs. Turner said that she would present both requests together. The 60.60 acres is currently zoned B-2 and M-1 and the applicant is requesting to amend the land use plan from its currently commercial recommendation to a mixed-use residential medium density mixed use residential and to subsequently rezone to the R-7 classification. She reviewed the surrounding uses in the area. The current Land Use guide designation, approved as part of the 2004 Comprehensive Plan designated this area as Commercial. There is a 150-foot offset between Pointe Drive and Boxwood Court, which would make every signaling at the intersection impossible. The applicant is requesting to rezone this property to R-7, Medium Density Mixed Residential Planned Community. Along with this rezoning application, the applicant is applying for a change in the Comprehensive Plan's Land Use Guide designation for this area. She reviewed significant concerns expressed by staff. She also said there are several large townhouse and apartment developments in the design phase under construction in the City. A townhouse development of this size can put a strain on City services. Justification to deviate from the existing land use designation has not been substantiated. Because of the property's surrounding, location along I-81, and the commercially developed South Main Street, staff feels the City is

best served with the Comprehensive Plan Land Use Designation remaining Commercial. She said that staff recommended against the Comprehensive Plan Land Use Guide. Planning Commission voted to not recommend the Comprehensive Plan Land Use guide by a vote of four to two.

Mrs. Turner said Planning Commission then considered the rezoning request. Between Planning Commission first and second meeting the applicant offered to move the intersection alignment access point to an easement having street frontage. She said that Mr. Neff has decided to acquire additional property to enlarge the strip to a 50-foot strip wide area that would make it acceptable for a public street and make the alignment better for future signalization. She also reviewed concerns expressed by the Public Works Department and E & M Auto Paint Supply. The residential community would consist of 466 total dwelling units. The R-7 zoning classification requires a plan of development to be submitted with the rezoning request. There would be 326 townhouse units (70%) and 140 multi-family units (30%). The multi family units would be located at both ends of the development in two building configurations. This plan calls for several open green spaces throughout the development along with a full size soccer field. A community center will also be provided. A nature trail will traverse the entire development providing an additional recreational resource. There will be sidewalks and bicycle lanes. Details as to whether the bike lanes would be built as part of the street surface or as a multiuse trail have not yet been provided. One structure would be four stories tall, with a total of 16 units. The remaining eight structures would be three stories, with 12 units in each building. There are three building configurations for the townhouse units. Each townhouse lot would have a minimum of 100 feet in lot depth, with at least 25-foot front and rear yard setbacks and 15-foot minimum side yard setbacks for end units. Access to this site would come from two points, Boxwood Court at the north and East Kaylor Park Drive at the south. The preliminary traffic impact study provided by the applicant's representative indicates that this proposed development along with the commercial property on the south side of East Kaylor Park Drive would generate approximately 4,780 vehicle trips every weekday. At the time of site plan review, specific improvements such as turning and deceleration lanes would need to be evaluated. The applicant would be paying for the traffic signal at Kaylor Park Drive and their share of the signal at Boxwood Drive. Based on concerns, staff cannot support the request to rezone these properties from B-2 to R-7. She said that Planning Commission reviewed everything and they made a motion to approve the request by a three-three tie; therefore Planning Commission is reporting to City Council without a successful motion.

At 8:03 p.m., Mayor Rogers closed the regular session temporarily and called the evening public hearing to order. The following notice appeared in the Daily News-Record on Monday, April 24, and Monday, May 1, 2006.

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

**The Harrisonburg City Council will hold public hearings on May 9, 2006 at 7:30 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

***Comprehensive Plan Land Use Guide Amendment – Southbury Station (South Main Street)***  
**Public hearing to consider a request from Bill Neff, with representative Valley Engineering, to modify the Comprehensive Plan's Land Use designation from Commercial to Medium**

Density Mixed Residential for tax maps 2-C-1 (49.96 acres), 2-D-0, 6-10 (3.98 acres), and portions of 103-A-5 and 103-A-14 (6.62 acres). The properties, totaling 60.60 acres zoned M-1, General Industrial District and B-2, General Business District, are located near South Main Street between Boxwood Court and Kalor Park Drive.

*Rezoning – Southbury Station (South Main Street)*

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

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

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

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

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

Ray Nicely, Director of Planning and Valley Engineering, representing the applicant said that he represented Mr. Bill Neff. He said after submitting the applicant for the rezoning, staff requested that a Comprehensive Plan amendment be submitted. Mr. Neff has owned the property for the last 10 years and has diligently marketed the land as Industrial or Commercial site. He has had no success at marketing the property for those uses, but has had some interest from people to construct a residential development. The southern part of Harrisonburg has a lot of both

developed and undeveloped commercial land, but a very limited amount of residential land. Redesignating and rezoning this area to residential would preserve the South Main Street corridor and provide an additional consumer base. Mr. Neff contacted local business owners to get an opinion of the proposed development and there was an overwhelming response in favor. He said that they estimated an average of 63 elementary students per year would be produced from this proposed development. It would take about five years for this property to reach build out. He then described the development in detail and spoke about some of the same issues as Mrs. Turner identified. The intent of the development is not to provide low-cost housing, but to provide affordable housing. He requested Council's approval on both requests.

Carolyn Frank said, "I am opposed to this rezoning." The Comprehensive Plan was completed in 2004, which was a citywide effort. Many meetings put that plan together. "I do not believe we should rezone this piece of property without more input from the public." This proposal will add 466 units and adding another 122 from the next agenda request makes a total of 586 high-density residential units. Residential development does not pay for itself; therefore, it will be on the back of taxpayers. We need to respect our staff decision and the cautions that they have given us. We also need to listen to the concerns expressed by School Superintendent Ford. This development can put more strain on our City services.

Bill Neff owner of the property said, "I have tried to accommodate all of my neighbors concerns. There being no others desiring to be heard, the public hearing was declared closed at 8:42 p.m., and the regular session reconvened.

The following discussion by Council Members included: Has property been marketed as a distribution perspective? terrain and rock on the property will make it difficult to have industrial property; need affordable housing in City; housing will provide more flexibility; percentage of open space; split development is particularly well suited to public transportation; and will phasing depend on utilities?

Vice-Mayor Eagle offered a motion to approve the request to amend the Comprehensive Plan's Land use designation as presented. 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 Chenault  
Council Member Lantz  
Council Member Pace  
Mayor Rogers

Absent – None

Vice-Mayor Eagle offered a motion to approve the request to rezone 60.60 acres from M-1 and B-2 to R-7 as presented. 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 Chenault  
Council Member Lantz

Council Member Pace  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Valley Investors, LLC, to preliminarily subdivide 43.49 acres into 132 dwelling lots with a variance to the Subdivision Ordinance. There would be 71 single-family lots and 61 duplex lots (122 units), which would create a development known as Chestnut Ridge Station. The property, zoned R-3, Multiple Dwelling Residential District, is located at the end of Chestnut Ridge Drive between Reservoir Street and East Market Street, and can be found on tax map 81-A-17. The Comprehensive Plan designates this area as Medium-density Residential. She reviewed the surrounding uses in the area. Chestnut Ridge Station would be serviced entirely by public streets. The project would be divided into three phases. During the first phase of the project the extension of Chestnut Ridge Drive and Stonewall Drive would be constructed, creating a connection between East Market Street and Reservoir Street. This connection is a critical component of the development because it will provide two points of ingress and egress for the residents of the development as well as for City services. Staff appreciates the developer's design to not extend Chestnut Ridge Drive straight through to Stonewall Drive. The residential cul-de-sac street that connects Chestnut Ridge Drive and Stonewall Drive should help reduce vehicle speeds and cut through traffic. Phases two and three would construct the remainder of the development, establishing 15 more duplex lots (30 units) and 65 single-family home lots. A variance to the Subdivision Ordinance would be needed for one of the development's internal streets to allow the road to not end with a permanent turnaround facility. The subdivision plans call for Chestnut Ridge Drive to be extended from its current terminus, through the proposed development, and continue off site onto adjacent land that is expected to develop in the future. The storm water management design shown on the plat is subject to change during the site plan review for impacts on downstream conditions. There are also water pressure issues in this area. The Public Utilities Department has noted that the subject property resides in an area that must be served by two water pressure zones. The Blue Stone Hills zone may need to be upgraded or duplication of the existing facilities may be required. An engineering study including hydraulic modeling will be required during the site plan phase to ensure adequate available fire flows and domestic working pressure. Also, street names are subject to change during review. She said that Planning Commission recommended approving the request.

Besty Michael representing Valley Investors, LLC said they have met with the Public Works Department regarding the water pressure and if it is necessary we will be responsible for a booster pump.

Council Member Chenault offered a motion to approve the variance as requested. 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 Chenault  
Council Member Lantz

Council Member Pace  
Mayor Rogers

Absent – None

The next item of business was approval of FY 2007 CDBG Action Plan, Amendments to the FY 2005-2007 CDBG Strategic Plan, Amendments to the FY 2005 Action Plan, and Amendments to the FY 2006 Action Plan. Block Grant Coordinator Kim Alexander said that 30 day public comment period has ended. Council Member Pace offered a motion to approve the plans as presented. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Harrisonburg Downtown Renaissance Executive Director Eddie Bumbaugh presented a brief report on designating certain sections of Route 11 as Virginia Byway. He said a local citizen proposed a byway for Route 11 from Winchester to Roanoke because it would provide an opportunity for local people and tourists to enjoy the heritage, scenery and conduct business along the byway. The Virginia Department of Conservation and Recreation and the Virginia Department of Transportation have reviewed and determined that Route 33 from the intersection with I-81 at exit 247 west to the intersection of Route 11 (Main Street), Route 11 (Main Street) from the intersection with Route 33 to the intersection with Route 331 (Port Road), Route 331 (Port Road) from the intersection with Route 11 to the intersection with Interstate 81 at exit 245, and Route 11 from the intersection with the connector road for I-81 at exit 243 to the Rockingham County line qualify for Virginia Byway designation. Council Member Pace offered a motion to approve the resolution as presented. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

City Manager Baker presented the following proclamation for Council's consideration of approval:

#### **PROCLAMATION**

**Whereas, The Congress and President of the United States have designated May 15, 2006 as Peace Officers' Memorial Day, and the week in which May 15, 2006 falls as National Police week; and**

**Whereas, the members of the law enforcement agency of the City of Harrisonburg play an essential role in safeguarding the rights and freedoms of the City of Harrisonburg;**

Whereas it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

Whereas, the men and women of the law enforcement agency of the City of Harrisonburg unceasingly provide a vital public service;

Now, therefore, I, The Honorable Larry M. Rogers, call upon all citizens of the City of Harrisonburg and upon all patriotic, civic and educational organizations to observe the week of May 15-19, 2006, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I further call upon all citizens of the City of Harrisonburg to observe Monday, May 15<sup>th</sup> as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

In witness thereof, I have hereunto set my hand and caused the Seal of the City of Harrisonburg to be affixed.

\_\_\_\_\_  
Date  
Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk of City Council

City Manager Baker said that this proclamation will honor law enforcement officers who have made the ultimate sacrifice in service. Vice-Mayor Eagle offered a motion to approve the proclamation. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

City School Business & Technology Director Denise Dawson presented a transfer request for the School Board. She said these funds will be used for transportation, technology, and replacing older computer equipment. No new dollars are necessary from City Council for the school division to receive these transfers. Council Member Chenault offered a motion to approve transferring these funds, and that:

\$100,000 chge. to: 1111-111114-40610 Instruction

\$ 25,000 approp. to: 1111-111114-40630 Transportation  
75,000 approp. to: 1111-111114-40680 Technology

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 Chenault  
Council Member Lantz  
Council Member Pace  
Mayor Rogers

Absent – None

Parks and Recreation Director Foerster presented a request for supplemental appropriation for the department. He said these funds were reimbursed from a grant from the Virginia Department of Forestry and will be used to cover expenses associated with the Blacks Run Greenway budget and Blacks Run Cleanup Day. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$4,959.75 chge.: to: 1000-33511 VA Dept. of Forestry Grant

\$4,959.75 approp. to: 1000-710971-46140 Other Operating Supplies

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 Chenault  
Council Member Lantz  
Council Member Pace  
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 state asset seizure money and will be used to train officers in critical incidents and stress management and re-certification in chemical agents. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$5,000.00 chge. to: 1000-31010 Amount from fund balance

\$5,000.00 approp. to: 1000-310231-45530 Training/travel

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 Chenault  
Council Member Lantz  
Council Member Pace  
Mayor Rogers

Absent – None

Council Member Pace requested that Public Utilities Director Mike Collins make a presentation at a future Council meeting regarding the information and documents he shared at the May 3<sup>rd</sup> budget work session.

At 9:26 p.m., Council Member Pace offered a motion that Council enter a closed session for discussion and consideration of personnel, a city department 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 and disposition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 10:15 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 to waive one-half of the arrearage brewery license tax for Calhoun's Restaurant & Brewing Company. 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 Chenault

Council Member Lantz  
Council Member Pace  
Mayor Rogers

Absent – None

At 10:20 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

MAY 23, 2006

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 Wilfong. Absent: Chief of Police Donald Harper.

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

Karen Thomas, a resident of Harrisonburg, said that City Council approved a landowner request to close a portion of an alley at the November 8, 2005 City Council meeting. She said that the landowner hasn't complied with the request approved by Council even though letters from City staff have advised the landowner that he is not complying with the request. Following further discussion and comments, City Attorney Thumma said a summons will be issued to the landowner.

Bucky Berry, a resident of Harrisonburg, said the City should have a curfew.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department and Park and Recreation Department. The motion also included a rezoning request by Bill Neff and amending and re-enacting Section 11-1-11 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 - Council Member Chenault  
Council Member Lantz  
Council Member Pace  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was a request to adjust the boundary for the Harrisonburg Downtown Technology Zone. Economic Development Director Brian Shull said this request will extend the southwest boundary of the City's Downtown Technology Zone to include one additional block, including West Water Street, old South High Street and West Bruce Street. Several houses in this block have been renovated into professional offices. Council Member Lantz offered a motion to adjust the boundary for the City's Downtown Technology Zone. 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  
Council Member Pace  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

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, which become effective July 1, 2006. 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 Chenault  
Council Member Lantz  
Council Member Pace  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Commissioner of Revenue June Hosaflook presented a brief report on real estate tax relief for the elderly or permanently disabled. She said last year changes were made in qualification guidelines for tax relief for the elderly or permanently disabled. She reviewed increases and decreases since 1999 regarding real estate tax relief properties in the City. The guidelines have allowed more people to qualify for tax relief.

City Attorney Thumma presented for Council’s consideration an ordinance amending Section 4-1-5 and 4-1-15 of the Harrisonburg City Code. He explained that these ordinances were approved by City Council earlier this year for annual real estate assessments and also to appoint a permanent board of equalization for the City. These ordinances will become effective January 1, 2007. Council Member Chenault offered a motion to approve these ordinances 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 Chenault  
Council Member Lantz  
Council Member Pace  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance amending Section 7-1-17, 7-4-1, 7-4-9 and 7-4-22 of the Harrisonburg City Code. He explained that these ordinances increase water, sewer fees and charges for the next budget year. He also recommended that Section 7-1-7, 7-4-1 and 7-4-9 become effective July 1, 2006 and Section 7-4-22 become effective September 1, 2006. Council Member Lantz offered a motion to approve these ordinances for a first reading 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  
Council Member Lantz  
Council Member Pace  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Council agreed to hold a public hearing on June 13<sup>th</sup> to consider James Madison University's offer to purchase city property.

City Manager Baker presented a request to increase the budget for the Judicial Complex, Sheriff, and Courts for joint expenses. He said the current billings have exceeded the originally budgeted amount. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$327,583.00 chge. to: 1000-31010 Amount from fund balance

\$327,583.00 approp. to: 1000-910511-47070 Expenses of Sheriff, Courts, etc.

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  
Council Member Pace  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Public Utilities Director Collins presented a request for a supplemental appropriation for the department. He said that these funds will be used for the Eastern Raw Waterline Capital project. Vice-Mayor Eagle offered a motion to approve this request for a first reading, and that:

\$48,615.08 chge. to: 1321-31513 Investments earnings  
20,000.00 chge. to: 1321-31826 Dam Removal Grant

\$68,615.08 approp. to: 1321-910161-48654 Eastern Source Development

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

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

Absent – None

Economic Development Director Shull presented a request for a supplemental appropriation for Tourism and Visitors Services. He explained that the City’s Tourism and Visitor Division received funds in corporate sponsorships for the Tour of Shenandoah 2006 bicycle race. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$2,700.00 chge. to: 1000-31809 Donations

\$2,700.00 approp. to: 1000-810821-43603 Sponsorship

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  
Council Member Pace  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

The next item of business was approving a supplemental appropriation for animal control contributions for community and civic organization. These funds were received from the “Animal Friendly” license plate program. Council approved the distribution formula at the November 8, 2005 to distribute the funds to the SPCA and Cats Cradle. Council Member Pace offered a motion to approve this request for a first reading, and that:

\$770.26 chge. to: 1000-32207 Animal Friendly License plates

\$385.13 approp. to: 1000-350131-45657 SPCA

385.13 approp. to: 1000-910411-45893 Cats Cradle

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  
Council Member Pace  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Police Major Wilfong presented a request for supplemental appropriation for the Police Department. These funds were received from state asset seizure money and will be used for drug investigations. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$1,100.00 chge. to: 1000-31010 Amount from fund balance

\$1,100.00 approp. to: 1000-310331-45840 Drug Investigation

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  
Council Member Pace  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

Barry Haff said he was surprised that JMU’s request to purchase City property was on tonight’s agenda. “I thought JMU only had an option to buy the property at the end of five years and not before that date. Why has this item appeared very quickly without any public input.”

Bucky Berry said if the high school is sold the City will still need another school in the future. “Council should think long and hard before selling the old high school building.”

City Manager Baker 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 23<sup>rd</sup> day of May, 2006**

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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 23<sup>rd</sup> Day of May, 2006**

**Date: May 23, 2006**

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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 2006 Homeland Security funds. Council Member Lantz offered a motion to adopt 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 Chenault  
Council Member Lantz  
Council Member Pace  
Vice-Mayor Eagle  
Mayor Rogers

Absent – None

City Manager Baker expressed his thanks on behalf of the City to Tim Lacey for his continued willingness to allow the use of his time and helicopter to benefit public safety. Mr. Baker said that it is a great testament of Mr. Lacey's civic responsibility to offer to assist the City's police and fire departments, and rescue personnel.

Council Member Chenault offered a motion that Michael C. Henry, 2391 Breckenridge Court, be appointed to the Tree Advisory Board. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

At 8:20 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

cc: City Council  
City Manager  
Assistant City Manager  
Public Library

## REGULAR MEETING

JUNE 13, 2006

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 the second reading of supplemental appropriations for the Police Department, Tourism and Visitor Services, Animal Control and Contributions, adjusting the boundary for the Harrisonburg Downtown Technology Zone, increasing the budget for Judicial Complex, Sheriff, and Courts, and increasing monies into the Water Capital projects fund. The motion also included amending and re-enacting Section 7-1-17, 7-4-1, 7-4-9, 7-4-22 and 13-1-3 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 - Council Member Lantz  
Council Member Pace  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from R. Darren Bostic and others to rezone one, 6,152 square foot lot from R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 548 Virginia Avenue, and can be found on tax map 35-D-16. The Comprehensive Plan designates this area as Neighborhood Residential. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to rezone the property from R-2 to R-3C for his law office. The site contains a two-story brick structure that faces Virginia Avenue. The rear yard contains a detached two-car garage opening onto 2<sup>nd</sup> street. If the property were to be converted into professional office space, the rear yard would be paved to provide the required parking spaces. It is estimated that the City’s Zoning Ordinance would require seven parking spaces. Signage for professional offices in the R-3 District is limited to 24 square feet. The applicant has offered several proffers to limit the impact of this potential change in use. The proffers include: only professional office or single-family residential uses would be permitted on the site, hours of operation have been restricted to 8:00 a.m. through 6:00 p.m., Monday through Friday and 9:00 a.m. through 1:00 p.m. on Saturdays, the garage would remain in the rear yard to provide

screening and vehicle parking for two cars, a landscape buffer would be provided along the property lines of the property to shield the neighboring homes from the parked cars, and the applicant has promised to maintain the exterior, and where possible, the interior of the structure, to retain the residential feel of the property. She said that staff appreciates the applicant's willingness to offer substantial proffers, but unlike the previous rezoning along Virginia Avenue, staff feels that this home and surrounding homes are viable as single-family residential units. It does not appear that conversion of this property to a professional office is necessary to ensure its upkeep and this rezoning may not be in the best interest of the surrounding owner occupied homes. Staff feels the most appropriate use for this property at the current time is to remain a residential dwelling. She said that Planning Commission offered a motion to not recommend approval, but that motion failed by a vote of three to three.

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 30, and Monday, June 5, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearing on June 13, 2006 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Rezoning – 548 Virginia Avenue***

**Public hearing to consider a request from R. Darren Bostic & others to rezone one, 6,152 square foot lot from R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. The property is located at 548 Virginia Avenue, and can be found on tax map 35-D-16.**

**The Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots.**

**The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq. ft/unit. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; two-family, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.**

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

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

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

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

Darren Bostic the applicant discussed the parking issues for the lot and said access to the lot would be from 2<sup>nd</sup> Street. He then explained the details and history of how they acquired this property. They liked this property compared to others they looked at because it was well set up for their office use. Other properties they viewed were not well kept. He said he, his wife, and an administrative assistant would only use it. He noted that two of the adjacent properties are rentals and not owner occupied.

Phoebe Davis said she was concerned because this property would be used as a law firm, which advertises in the telephone directory as handling criminal cases.

Christine Stephan said, "I am concerned about this request because the neighborhood has worked very hard to foster a sense of community and neighborhood on Collicello Street." Her husband is the neighborhood watch coordinator and they have made tremendous efforts to meet the neighbors. There are many rental properties in this area, which makes the neighborhood more transient. Crime is an issue although not a huge issue, but they see gang activity in the area. She expressed concern about the safety of children playing in the alley that passes to the rear of the property and the subject parcel.

Bucky Berry said the neighborhood should remain residential. There being no others desiring to be heard, the public hearing was declared closed at 7:54 p.m., and the regular session reconvened.

The following discussion by Council Members included: Concern about a professional office being located in residential area, spot rezoning, no public need for this law office, and current zoning should remain on the property.

Council Member Pace offered a motion that this rezoning request be denied. 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  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Ferguson Investments to rezone twenty-seven lots, from R-2, Residential District and R-2C, Residential District Conditional to R-7, Medium Density Mixed Residential Planned Community District. The properties are located near the undeveloped portion of Suter and Monroe Streets, and can be found on tax map parcels 40-A-25-30, 40-B-9-19, and 40-B-28-37. The Comprehensive Plan designates this area as Mixed Use Development and Neighborhood Residential. Mrs. Turner reviewed the surrounding uses in the area. The applicant is requesting to rezone twenty-two, R-2, Residential District lots and five R-2C, Residential District Conditional lots to R-7, Medium Density Mixed Residential Planning Community District. Twenty-eight lots, public streets and an open area are proposed to be located in the area between the undeveloped right-of-way section of Suter and Monroe Streets. The current request proposes to construct eight lots that would be accessed from the existing Suter Street right-of-way. The remaining 20 lots would be constructed along two cul-de-sac streets and therefore no new lot would front on the northern side of the existing undeveloped Monroe Street right-of-way. Each lot would front along a dedicated City street. They have also reserved 1.44 acres for a park (20.3% of the area), which meets the R-7 requirements of a minimum of 15% of the development to be reserved for common open space. She reviewed the different homes types in the development. The plan itself serves as a proffered development, therefore the area, width, depth, and setbacks for each lot must conform to the proposal as it is presented. Additionally, the developer has offered the following additional details for the plan: A tree of 2” or greater caliper in each yard, Landscaping for each unit, upgraded light poles, front of unit to have masonry accents, exposed block foundation covered with masonry product, asphalt or concrete driveway, concrete sidewalk from driveway to the front door. She said that Planning Commission recommended approving this request.

At 8:10 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 30, and Monday, June 5, 2006.

### NOTICE OF PUBLIC HEARING

**The Harrisonburg City Council will hold public hearing on June 13, 2006 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Rezoning – Suter Street (Undeveloped)***

**Public hearing to consider a request from Ferguson Investments to rezone twenty-seven lots, totaling 7.11 acres, zoned R-2, Residential District and R-2C, Residential District Conditional to R-7, Medium Density Mixed Residential Planned Community District. The properties are located along the undeveloped portion of Suter Street and along North Liberty and Charles Streets, and can be found on tax map parcels 40-A-25-30, 40-B-9-19, and 40-B-28-37.**

**The Comprehensive Plan designates this area as Neighborhood Residential and Mixed Use Development. The Neighborhood Residential designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older**

neighborhoods, which can be characterized by large housing units on small lots. The Mixed Use Development designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office / service uses allowing people to both live and work in the same area.

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

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

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

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

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

Tim Ferguson said they were trying to build affordable houses in the City. There being no others desiring to be heard, the public hearing was declared closed at 8:13 p.m., and the regular 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 Pace  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

Planning and Community Development Director Turner introduced a request from Virginia Manor, LLC to rezone three lots from M-1 to B-1C. She said that the Comprehensive Plan designates this area as Mixed Use Development. She reviewed the surrounding uses in the area. The applicant is requesting to rezone three lots and intends on redeveloping the site into a mixed-use development, incorporating residential condominiums, professional offices, commercial/retail space and possibly a restaurant. The proposed plan involves removing less architecturally significant portions of the building to provide better access to the remaining structures as well as providing additional on site parking. The B-1, Central Business District is intended for properties located with Harrisonburg's core downtown area. The expectation is that these properties can utilize on-street parking and public parking provided in various city parking lots and decks. She said that applicant has proffered to provide one parking space for each dwelling unit created, along with providing spaces for professional, commercial, and retail services to meet 35 percent of the required parking for the site if it were required to provide its own on-site parking under the B-2 requirements. She said that Planning Commission recommended approving this request.

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 Tuesday, May 30, and Monday, June 5, 2006.

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

**The Harrisonburg City Council will hold public hearing on June 13, 2006 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Rezoning – 217 South Liberty Street (Cassco Ice Property)***

**Public hearing to consider a request from Virginia Manor, LLC to rezone three lots, totaling 2 +/- acres from M-1, General Industrial District to B-1, Central Business District. The property is located at 217 South Liberty Street, and can be found on tax map parcels 25-F-9, 9A, 10.**

**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 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 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.

Katrina Kirtshank questioned whether the corridor along the railroad tracks would be free from gangs. How can the City guarantee safety of patrons using the restaurant or residents living in the area? There being no others desiring to be heard, the public hearing was declared closed at 8:24 p.m., and the regular session reconvened. Vice-Mayor Eagle 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 Lantz  
Council Member Pace  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

Mayor Rogers announced that a scheduled public hearing rezoning request by John M. Serrell has been tabled.

At 8:26 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 5, 2006.

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

**A public hearing will be held by the Harrisonburg City Council on Tuesday, June 13, 2006 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 net amount of \$916,604.74. This amount represents additional General Fund, CDBG Fund and Sanitation Fund expenses that will be funded by additional receipts and amounts from fund balance.**

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

<b>Revenues:</b>		
<b>General Fund:</b>		<b>\$ 71,736.10</b>
Donations		8,974.35
Recovered cost		8,813.49
Federal grant		4,297.36
Insurance recovery		8,995.00
Transfer from CDBG Fund		<u>101,948.90</u>
<b>Total General Fund</b>		<b>204,765.20</b>
<b>Community Development Block Grant Fund:</b>		
Amount from fund balance		(118,644.78)
Community Development Block Grant		<u>330,484.32</u>
<b>Total CDBG Fund</b>		<b><u>211,839.54</u></b>
<b>Sanitation Fund:</b>		
Landfill fees		197,218.00
Steam Plant Tipping fees		167,000.00
Sale of recyclables		20,000.00
Reimbursement-JMU CISAT operations		259,000.00
Reimbursement-HEC Cogeneration		(89,515.00)
Reimbursement-Rockingham Co-recycling		(53,703.00)
<b>Total Sanitation Fund</b>		<b><u>500,000.00</u></b>
<b>Grand Total</b>		<b><u>916,604.74</u></b>
<b>Expenditures:</b>		
<b>General fund:</b>		
Police-Operation Division	49,297.36	
Police-Support Services	<u>45,000.00</u>	94,297.36
Fire-Suppression	26,782.84	
Fire-Public Safety Building	<u>83,685.00</u>	<u>110,467.84</u>
<b>Total General Fund</b>		<b><u>204,765.20</u></b>
<b>Community Development Block Grant Fund:</b>		
Various expenditures		<u>211,839.54</u>
<b>Sanitation Fund:</b>		
CISAT		472,494.00
Refuse Collection		15,000.00
Recycling		<u>12,506.00</u>
<b>Total Sanitation Fund</b>		<b><u>500,000.00</u></b>
<b>Grand Total</b>		<b><u>916,604.74</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 8:27 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this request for a first reading, and that:

- \$197,218 chge. to: 2014-31632 Landfill Fees
- 167,000 chge. to: 2014-31633 Steam plant Tipping Fees
- 20,000 chge. to: 2014-31807 Sales of Recyclables
- 259,000 chge. to: 2014-31915 Reimb-JMU Cisat Operating
- (89,515) chge. to: 2014-31912 Reimb-HEC co-Generation
- (53,703) chge. to: 2014-31917 Reimb-Rockingham co-Recycle
  
- \$115,000 approp. to: 2014-912242-43310 Repairs & Maintenance
- 165,000 approp. to: 2014-912242-45110 Electricity
- 96,000 approp. to: 2014-912242-45119 Natural Gas
- 73,000 approp. to: 2014-912242-46180 Chemicals
- 8,000 approp. to: 2014-912242-42110 Workman's Compensations
- 1,125 approp. to: 2014-912242-43600 Advertising
- 1,500 approp. to: 2014-912242-45340 Property Insurance
- 10,769 approp. to: 2014-912242-44310 Fuel
- 2,100 approp. to: 2014-912242-45370 Liability Insurance
- 15,000 approp. to: 2014-922041-44310 Fuel
- 1,114 approp. to: 2014-952042-42110 Workmen's Compensation
- 11,392 approp. to: 2014-952042-44310 Fuel
  
- \$90,000 chge. to: 1000-31010 Amount from fund balance
  
- 45,000 approp. to: 1000-310431-44310 Central Stores-power eqp. Fuels
- 1,000 approp. to: 1000-310231-41020 Salaries/wages OT
- 10,000 approp. to: 1000-310231-45380 General Liability Insurance
  
- \$4,297.36 chge. to: 1000-33524 Federal DMV grants
  
- \$4,297.36 approp. to: 1000-310231-41020 Salaries/wages OT
  
- \$8,813.49 chge. to: 1000-31914 Recovered costs
- 8,974.35 chge. to: 1000-31809 Donations
- 8,995.00 chge. to: 1000-34011 Insurance recovery
- 83,685.00 chge. to: 1000-31010 Amount from fund balance

\$17,787.84 approp. to: 1000-320232-41020 Salaries & wages OT  
8,995.00 approp. to: 1000-320232-48203 Fire Programs Fund  
62,937.92 approp. to: 1000-320632-45110 Electricity  
20,747.08 approp. to: 1000-320632-45119 Natural Gas

\$101,948.90 chge.to: 1000-34280 Transfer from CDBG fund  
330,484.32 chge. to: 1000-33201 Community Development Block Grant

\$101,948.90 approp. to: 1000-31010 Amount from fund balance (decrease)  
118,644.78 approp. to: 1117-31101 Amount from fund balance (decrease)  
18,310.00 approp. to: 1117-810721-41010 Salaries and Wages  
100.00 approp. to: 1117-810721-41015 Employer benefit match  
1,410.00 approp. to: 1117-810721-42010 FICA  
86,662.88 approp. to: 1117-810721-45676 CDBG Projects and Programs  
3,407.76 approp. to: 1117-810721-48272 Hardware  
101,948.00 approp. to: 1117-810721-49210 To General Fund

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  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

City Manager Baker read the following letter: As you may have heard, the City of Harrisonburg is considering the sale of the former Harrisonburg High School property – now named Memorial Hall – to James Madison University. Because a public hearing on this proposal is scheduled for June 13, I felt that it was important for you in the neighborhoods surrounding the high school to have more direct correspondence on the university's plans for the property should the City Council vote to sell.

Hopefully, you have been pleased with our upkeep of the property since we began leasing it in July 2005. We've worked hard to be good stewards of the property. In fact, we've heard that many fans of local baseball are glad that Memorial Stadium is looking well cared for. The Harrisonburg Turks are playing there – as they have since it was built in 1947 – and we would continue the tradition. Minor upgrades to Memorial Stadium would be part of our near term plans. Over the long term, any major improvements to Memorial Stadium would include preserving the World War II Veterans Memorial.

JMU's College of Education moved in during the last several weeks, and will be Memorial Hall's primary occupant. Given that over 200 JMU education students help teach in local

schools every year, and that many established local K-12 teachers are JMU alumni, we feel that locating the College of Education in Memorial Hall is in keeping with the building's tradition of educating local students.

The Outreach Program segment of the JMU College of Graduate and Outreach Programs also recently moved to Memorial Hall. This represents a terrific opportunity for JMU to assist Harrisonburg to meet the goal in its Comprehensive Plan of offering education and training opportunities to adult populations. Last year, over 1,000 adult students were served by JMU's Outreach Programs, and it is our hope that this new location can help to serve even more.

JMU intercollegiate and intramural sports will use the athletic fields and gymnasium space. The JMU department of university recreation is considering a plan that would bring city recreation department programs onto the fields when they are not in heavy use – during the summer months, for example.

We look forward to being your good neighbors into the future. In the meantime, I wish you and your family a healthy and happy summer season. Sincerely yours, Andy Perrine, Associate Vice-President.

At 8:30 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 Friday, June 2, and Friday, June 9, 2006.

**NOTICE OF PUBLIC HEARING ON THE  
DISPOSITION OF REAL ESTATE  
OWNED BY THE CITY OF HARRISONBURG  
ALONG SOUTH HIGH STREET IN THE CITY OF HARRISONBURG**

**The Harrisonburg City Council will hold a public hearing on June 13, 2006 at 7:30 P.M. in the City Council Chambers located in the Municipal Building, 345 South Main Street, Harrisonburg, Virginia, concerning the disposition of real estate, namely, the surplus property received from the City School Board (the Old Harrisonburg High School and adjoining athletic fields) to James Madison University and the James Madison University Real Estate Foundation, Inc., as per their proposal to purchase the same.**

**Copies of the proposed sales agreements are available in the City Manager's Office, 345 South Main Street, Harrisonburg, Virginia, Monday through Friday, 8:00 A.M. to 5:00 P. M.**

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

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

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

Mayor Rogers called on anyone desiring to speak for or against disposing of this real estate owned by the City of Harrisonburg.

Ralph Geddis, a resident of the City, said City Council should continue leasing the old high school building to JMU rather than selling it because another school building may be needed in 10 years.

Barry Haff said this is an opportunity for the City and JMU to get together and create something that will become a model for other cities. Memorial Hall could become a City Center for recreation, education and culture to benefit the entire community. He said, "I am opposed to selling all the recreation fields to JMU outright with the idea that they could eventually close it off to the City."

Eliza Hoover said that Downtown Renaissance is amazing and exciting. In twenty years hopefully many people will be living in the downtown area and the school could be part of the extended downtown area. Selling this building is not a quick budget fix.

Vicky Swartz, a resident of the City, said is the old high school property and Veterans Memorial Stadium is not any less historic to the citizens than the Lucy Simms School or the remodeled Hardesty-Higgins House. The old high school property and all the athletic fields are one of the most valuable centrally located properties that the City of Harrisonburg owns. This property is being given away at the proposed purchase price. With all the development and rezoning requests being approved by this Council, common sense would indicate that we will need additional schools, but where will we put them? Using this building to educate our students has to be better than mobile classrooms. We do not know what our growing City will need in the future. If we need money for roads and schools immediately, lets sell Heritage Oaks Golf Course that the citizens did not want in the first place. City taxpayers should have a vote on whether this property is sold. Veterans Memorial Stadium is the City's largest local monument honoring the local men who died in World War II and selling the stadium is a slap in the face to all our veterans. "Do not sell the citizens of Harrisonburg's future and history down the road. Do not disrespect our local veterans and all veterans past, present and future by allowing this sale to proceed."

Bucky Berry, a resident of the City, said sometimes elected officials make bad decisions. My father was killed in the Viet Nam War and it is a disgrace to my family if Memorial Hall and the stadium are sold.

Mike Gray, commander of the Disabled American Veterans, in Harrisonburg said veterans of War World II built the stadium and gave it to Harrisonburg. He accused Council Members of not paying attention to the citizens.

Jessica Thompson said she was very happy that JMU would be taking over the high school property. The building is not safe nor it is a great building and will cost millions and millions dollars for it to be a safe elementary or middle school again. "Let it go and let the community use it somehow."

Susanne Feterline said she has been involved in the school board discussions and activities during the re-structuring over the last several years. She said most people thought JMU would lease the property for five years. It was not to give the property away forever. This property

may be of real value to the City in the future. There needs to be more discussion regarding this decision to sell the property.

Dorn Peterson said some people are worried that the City may need the land and building at a later date. Other people are worried that the land is being sold too cheaply. JMU needs to plan for their students for a long time period and probably a five-year lease is not long enough. But, if the City would give JMU a lease until they move into the hospital buildings or a 10-year lease it would help a lot. It would mean that 10 years from now the City could go back and look at its needs. "I hope Council will consider postponing making a decision tonight."

Katrina Cook Shenk said, "Who will pay the \$11.5 million?" She said that amount is the difference between what JMU will be paying for the property and price of a new school.

Robert Sullivan, Jr. read the following statement: "I graduated from Harrisonburg High School in 1956. Harrisonburg High School began to operate in this Municipal Building (in 1894 and continued until 1928) when a new high school on the edge of town was built for \$258,000. In 1993-1994 major renovations were done at a cost of \$11 million. In 2005, HHS moved to its new home on Garbers Church Road on the southwest edge of the City and the current enrollment is about 1,300 students. Today, there are approximately 10,400 Harrisonburg High graduates. If the old HHS is sold to JMU can the original 1928 façade be preserved? I would prefer that the property be turned back to the School Board so that it could again be part of our school system. Change is often very hard to accept. I hope your decision will be in the best interest of the entire City."

Scott Joist said the high school is glue for a community. When the high school was moved the neighborhood became very quiet. The City is still experiencing huge amounts of growth. Why are we selling the old high school so fast? Why are we rushing?

There being no others desiring to be heard, the public hearing was declared closed at 9:19 p.m., and the regular session reconvened.

Vice-Mayor Eagle said, "I have been paying close attention to everything said tonight. The names on the Veterans Memorial plaque are not legible and can't be read because the glass needs to be fixed. I have done my homework very carefully and looked at everything from all angles. I was elected to make decisions for the best interest of the citizens of Harrisonburg. Selling the property for \$17 million is equivalent to \$586,000 an acre. The City recently purchased 35 acres at Port Republic Road and Neff Avenue. The cost of the property is approximately \$85,000 an acre. Duke's Plaza has been on the market for several years and can be purchased for less than \$350,000 an acre. I graduated from Harrisonburg High School 51 years ago. My grandson graduated from Harrisonburg High School last Saturday, June 10<sup>th</sup> and the ceremony was held at James Madison University. It was not held at the new \$41 million high school. Many events are held at JMU on a daily basis. JMU takes very good care of its property. There must be a certain amount of mutual trust. The City provides fire and rescue service for JMU. Would we have a transit system without JMU? JMU has been a good partner with the City of Harrisonburg. This money is needed to begin projects and pay for new schools. JMU will be a good partner."

Council Member Chenault said, "I want to thank everybody over the past year that has provided counsel to me and help to understand why I think this is good for the City of Harrisonburg. I thank everybody for being here tonight. I apologize if somebody thinks I wasn't paying attention because I thought I was, but you never know sometimes. In answer to questions by a citizen, I

don't know when a done deal is a done deal. When the lease proposal was first presented, I was supportive of selling the property to JMU. Approximately three years ago a group met and discussed the need at that time for a joint elementary/middle school complex located on the east side of the City. However, a problem existed, how do we pay for it? Construction will begin soon on the joint elementary/middle school complex, which is estimated to house over 1,200 students in grade configurations with the other schools in the City. The purchase price of the property far exceeds anything we could receive on the open market unless we sell the property to a private developer. But, common sense tells me a private developer will destroy the high school building and eliminate Memorial Stadium. That is not a suitable alternative to me. I want to preserve the original high school building and the additions and Memorial Stadium. It is my belief that JMU will utilize the stadium very consistently with the veterans theme and will even improve upon it so that all veterans will be proud of the facility. JMU has the sixth best ROTC program in the country. The other five ROTC programs ranked better than JMU are military schools. JMU produces more active military officers than non-military school in the country. They have men and women serving in the military around the world and one student has lost their life in the service of their country. The educational use of the property is the only remaining obstacle and probably the first obstacle to why we shouldn't enter into this sale with JMU. Teachers and administrators have assured me that this school has absolutely no use to our school system. Furthermore, all of the growth in the City of Harrisonburg is on the East side of Main Street and I-81. Schools should be where the students are and this location for the new elementary/middle school complex was chosen. In the future, the high school may need an addition, but it was configured and designed for it. There also may be a need for a sixth elementary school. Finally, I hope the high school building and Memorial Stadium will be an asset to the downtown area. We are elected to make decisions that are best for all of the citizens of Harrisonburg. We are all painfully aware of the escalation of building material prices and construction cost. We have many immediate needs at the new school, Reservoir Street, Port Republic Road and Stone Spring Road. A dollar to us now means much more than a dollar five years from now. Additionally, by paying off the bonds that are still due on the high school now rather than waiting five years the City should save approximately \$583,000, which is considerable. Harrisonburg is known throughout the state as having the best recreational program in the state of Virginia. The golf course has more City residents participating in its program than any other City athletic programs and it recovers more of its cost on a percentage basis than other City facility. Unless we are willing to dispose of all City recreational assets it is very unfair to pick out one that is used by more people than other asset that we have and by more adults."

Council Member Pace said, "I received more input on this issue both pro and con than any other issue that has come before this body in the last two years. It is very important that we remember that over a year ago the School Board and administration did reach a consensus that the old high school was not an appropriate facility for either elementary or middle school students. It was decided because of its size, configuration, location, and the rapid escalating cost of maintenance and utilities. This body concurred with that recommendation and voted unanimously to fund a new facility designed for an elementary/middle school complex. We are receiving a fair market value for the property. JMU will relocate the College of Education to the old high school. This decision is critically important to future of our public school system because in the next five years 27% of our teachers will become eligible for retirement. The old high school building will

allow JMU to increase enrollment in the College of Education, which will help the City with its recruitment challenge. I think over half the proceeds should be provided for the educational infrastructure and the balance should be used to fund our other top priority, which is transportation. Let's fund completing the widening of Port Republic Road and Reservoir Street to the eastern boundary of the City. It needs to be done right now and even if we begin working on the project it will take two to three years to complete. I suggest that an addendum to the contract asking for an agreement with JMU that we agree to share the auditorium, Memorial Stadium and the athletic facilities on a seasonal basis. It appears that JMU is willing to support this agreement and it should be in writing and in the contract. I also checked with the City Manager regarding selling the golf course. The established bond covenant regarding selling the golf course cannot be done until 2010 and then there are penalties. It is not an option until the year 2010."

Mayor Rogers said, "I know that during the duration the men sitting around this table have worked very hard on the project. I have not been involved in any meetings at JMU nor any discussions."

Council Member Chenault offered the following motion, "That the City of Harrisonburg acting through its City Manager sell 9.6 acres to James Madison University Real Estate Foundation at the gross sales price of \$11,040,000 and that we sell 19.4851 acres to the Visitors of James Madison University for the gross sales price of \$4 million. Furthermore, I move that all covenants contained in the real estate contracts be merged into the motion and ordinance and further authorize the City Manager to be empowered to see that these real estate transactions are closed as soon as possible with the realization that the Visitors of James Madison University may require extra time to secure the money because of the state budget impasse and that he be allowed to negotiate extension in their payment of the purchase price to accommodate this. I would consolidate Mr. Pace's request that James Madison University take note of our request that acknowledgement be given to the possible joint use of the athletic facilities and the social facilities located within the City on a seasonal basis as they are available when JMU is not using them. 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  
Vice-Mayor Eagle  
Council Member Chenault

Abstained - Mayor Rogers

Absent - None

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

**RESOLUTION AUTHORIZING THE UNDERTAKING  
OF CERTAIN PRELIMINARY ACTIONS  
WITH RESPECT TO THE ISSUANCE OF BONDS**

**BY THE CITY OF HARRISONBURG, VIRGINIA**

**WHEREAS, the City Council of the City of Harrisonburg, Virginia (the “Council”) wishes to undertake the construction of a new elementary and middle school complex (the “School Project”) located in the City of Harrisonburg, Virginia (the “City”) to be financed in part by the issuance of general obligation bonds (the “School Bonds”) of the City;**

**WHEREAS, the City also wishes to issue bonds to finance certain housing projects (collectively, the “Housing Project”) as requested by the Harrisonburg Redevelopment and Housing Authority (the “Authority”) by issuing general obligation bonds (the “Housing Bonds”) and providing the proceeds thereof to the Authority;**

**WHEREAS, the City may wish, depending upon an analysis of debt service savings and other factors, to refinance certain of its existing bonded indebtedness through the issuance of refunding bonds (the “Refunding Bonds”);**

**WHEREAS, the School Bonds and the Housing Bonds (collectively, the “Bonds”) and the Refunding Bonds would be issued pursuant to the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the “Act”), and would be secured by a pledge of the full faith and credit of the City; and**

**WHEREAS, the City Manager and staff of the City will need to take certain actions prior to the final authorization of the Bonds and the Refunding Bonds in order to make certain determinations with respect to such issuance and to facilitate the offering, sale and issuance of the Bonds and the Refunding Bonds in a timely and orderly manner;**

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

**1. It is hereby determined to be in the best interests of the City to undertake the financing of the School Project and the Housing Project by issuing the School Bonds and Housing Bonds therefore. The City will determine whether to issue any Refunding Bonds upon the presentation of a financial analysis with respect thereto.**

**2. Pursuant to the Act, there are hereby authorized to be issued Bonds of the City in the maximum aggregate principal amount of \$45,000,000 to be issued at one time or from time to time, to provide funds, together with other funds that may be available, to finance the School Project and the Housing Project and to pay related issuance costs and capitalized interest.**

**3. The Bonds shall mature at such time or times not exceeding forty years from the date of their issuance, shall bear interest at such rate or rates, shall be redeemable for such amounts and at such times, shall be in such form and shall contain such other details not inconsistent with the Act, as shall be fixed by the Council by resolution adopted at a subsequent meeting prior to the time that the City offers the Bonds for public sale. The Bonds may be issued in one or more separate series appropriately designated.**

**4. The Council hereby determines that it will be in the best interests of the City to sell the Bonds through an offering to the public.**

**5. The Council hereby appoints Troutman Sanders LLP to serve as Bond Counsel to the City in connection with the issuance of the Bonds and to supervise all proceedings in connection with the issuance of the Bonds.**

**6. The City Manager is hereby authorized to determine the appropriate series designations and fix the amounts, dates, maturity schedules, redemption provisions**

and other terms of the Bonds, to determine the terms upon which the Bonds will be offered for public sale and the amount of any good faith deposit, and to take all other necessary action for the sale of the Bonds, all subject to approval by the Council by resolution adopted at a subsequent meeting prior to the time that the City offers the Bonds for public sale.

7. The City Manager and his staff are authorized to work with Davenport & Company LLC (the “Financial Advisor”) to prepare a Preliminary Official Statement of the City describing the Bonds and their terms and manner of purchase, the purposes for which the Bonds are being issued and the security for and other information relating to such Bonds, and setting forth certain information with respect to the City. The form of the Preliminary Official Statement and its distribution are subject to approval by the Council by resolution adopted at a subsequent meeting prior to its distribution.

8. The City Manager and his staff are authorized to take such actions as shall be necessary or appropriate to obtain a credit rating or ratings for the Bonds from Fitch, Inc., Moody’s Investors Service, Inc. and/or Standard & Poor’s Ratings Services, if the City Manager, in consultation with the Financial Advisor, determines that the receipt of such ratings would be beneficial to the City.

9. The City Manager and his staff are authorized to take such actions as shall be necessary or appropriate to obtain a commitment or commitments for municipal bond insurance or other credit enhancement to secure the Bonds, if the City Manager, in consultation with the Financial Advisor, determines that the receipt of such municipal bond insurance or other credit enhancement would be beneficial to the City. Any determination of the security to be offered for the Bonds such as bond insurance or other credit enhancement will be subject to approval by the Council by resolution adopted at a subsequent meeting prior to the time that the City offers the Bonds for public sale.

10. The City Manager and his staff are authorized to take such actions as shall be necessary or appropriate to make application to a qualified securities depository to act as securities depository for the Bonds during any period ownership of the Bonds is to be evidenced by book-entry.

11. The City Manager, his staff and other officers of the City are further authorized to take any other actions that they may feel are necessary or desirable in connection with the offering, issuance or sale of the Bonds.

12. This Resolution shall take effect immediately upon its adoption.

**CLERK’S CERTIFICATE**

At a regular meeting of the City Council of City of Harrisonburg, Virginia, held on the 13<sup>th</sup> day of June, 2006, at which the following members were present and absent:

<b><u>MEMBER</u></b>	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>
Charles R. Chenault	X	
Rodney L. Eagle	X	
Hugh J. Lantz	X	
George W. Pace	X	
Larry M. Rogers	X	

**The foregoing resolution, a true and correct copy of which precedes this certification, was adopted by the affirmative roll call vote of a majority of all members of the City Council, the ayes and nays being recorded in the minutes of the meeting as follows:**

<u>MEMBER</u>	<u>AYE</u>	<u>VOTE</u>	<u>NAY</u>
Charles R. Chenault	X		
Rodney L. Eagle	X		
Hugh J. Lantz	X		
George W. Pace	X		
Larry M. Rogers	X		

**WITNESS my hand as Clerk of the City Council of City of Harrisonburg, Virginia, this 13th day of June, 2006.**

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

City Manager Baker said that adopting this resolution will allow staff and bond counsel to move forward with the sale of bonds for the new middle/elementary school complex. All documents will have to come back to Council for final approval. Vice-Mayor Eagle offered a motion to approve authorizing this preliminary resolution for issuance of bonds. 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  
 Vice-Mayor Eagle  
 Council Member Chenault  
 Mayor Rogers

Absent – None

The next item of business was a request from the City Treasurer to advertise delinquent real estate taxes for 2003/2004 and 2004/2005. 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.

The next item of business was a request from the City Treasurer to charge off uncollectible personal property taxes for the year 2000 and real estate taxes for the year 1985. Mrs. Becky Neal said the 1985 real estate taxes being written off is \$161.64 and the 2000 personal property taxes' amount is \$129,606.13. She said three parcels have been charged off year after year and have been delinquent since 1975. Mrs. Neal said she intends to sell these

properties eliminating the delinquent balance and four years of taxes. Council Member Pace offered a motion to approve this request. The motion was seconded by Council Member Lantz, and approved with a unanimous vote of Council.

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 4-2-10 of the Harrisonburg City Code. Amending and re-enacting City ordinance to add Community Development Block Grant appropriations that cannot be completed during any one of the City's fiscal years. Council Member Pace 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 - Council Member Lantz  
Council Member Pace  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 4-1-27 of the Harrisonburg City Code. Amending and re-enacting this ordinance sets the interest rate for delinquent personal property tax at four percent (4%). Following further discussion and comments, Council Member Pace offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 10-6-7 of the Harrisonburg City Code. Amending and re-enacting City ordinance to include existing City technology businesses in the downtown technology zone if they meet certain criteria. Vice-Mayor Eagle 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 - Council Member Lantz  
Council Member Pace  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

City Attorney Thumma presented for Council’s consideration an ordinance amending and re-enacting Section 4-2-17 of the Harrisonburg City Code. Amending and re-enacting City ordinance to set forth the procedure to grant tax exemptions for non-profit organizations for the real and personal property. Following further discussion and comments, Council Member Pace offered a motion to approve this ordinance as amended 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 Pace  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

City Attorney Thumma presented for Council’s consideration an ordinance amending and re-enacting Section 13-1-15 of the Harrisonburg City Code. Amending and re-enacting City ordinance to increase motor vehicle license fees. 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 - Council Member Lantz  
Council Member Pace  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

Economic Development Director Brian Shull presented a transfer request for the department. He said that this request allows the transfer of money from the Hardesty-Higgins House Capital Project budget to the City’s General Properties budget to cover Hardesty-Higgins House maintenance expenses. Council Member Lantz offered a motion to transfer these funds, and that:

\$31,121.55 chge. to: 1000-34291 Trans from General Capital projects fund  
34,239.53 chge. to: 1310-910141-48692 Hardesty Higgins House

\$ 5,342.40 approp. to: 1000-430221-41030 Part time salaries and wages  
5,308.26 approp. to: 1000-430221-43320 Service contracts  
265.75 approp. to: 1000-430221-43330 Maint & Repair – Machinery & Equip  
488.00 approp. to: 1000-430221-43364 Maint & Repair – 212 South Main St.

965.08 approp. to: 1000-430221-43720 Laundry and dry cleaning  
40.00 approp. to: 1000-430221-43890 State fees and permits  
2,422.30 approp. to: 1000-430221-44300 Central Stores  
7,553.04 approp. to: 1000-430221-45116 Electricity-212 South Main St.  
5,855.52 approp. to: 1000-430221-45126 Heating-212 South Main St.  
560.23 approp. to: 1000-430221-45130 Water and Sewer  
1,355.97 approp. to: 1000-430221-45230 Telecommunications  
965.00 approp. to: 1000-430221-45340 Property insurance  
3,117.98 approp. to: 1000-910141-48698 Municipal Building Renovation & Repairs  
31,121.55 approp. to: 1000-910141-49210 Transfer to General Fund

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  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

School Superintendent Ford presented a request to transfer funds for the School Board. He said this transfer is a normal procedure for this time of the year to make funds available where they are needed. No new dollars are necessary from City Council for the school division to receive this transfer. Council Member Lantz offered a motion to transfer these funds, and that:

\$125,000 chge. to: 1111-111114-40610 Instruction

\$125,000 approp. to: 1111-11114-40680 Technology

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  
Vice-Mayor Eagle  
Council Member Chenault  
Mayor Rogers

Absent – None

Robert Sullivan expressed his appreciation to City Council for all their hard work.

Ralph Gettes complained about water not draining properly after a storm in front of his home.

City Manager Baker presented a request from Hal Dubois to hold a sanctioned thirteen-mile, (26 lap), speed skating race entitled “The First Annual Independence Day Race of Champions” on July 4<sup>th</sup>. The route for the race includes closing Bruce Street from Liberty Street to Main Street, Main Street from Bruce Street to Graham, Graham Street from Main Street to Liberty Street. The race will begin at 7:00 a.m. and end at 10:30 a.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 presented an application for a fireworks display at the Arts Council Valley 4<sup>th</sup> celebration. He said the appropriate applications have been completed and all Fire Department requirements have been met. 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.

City Attorney Thumma said that after receiving a complaint from Karen Thomas regarding a landowner who had closed a portion of an alley he and other City staff members made a visit to the alley. The landowner was informed not to park any more vehicles within the alley.

At 10:16 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 and Industrial Development 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 requirements pursuant to Section 2.2-3711(A)(3) 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 Lantz  
Council Member Pace  
Vice-Mayor Eagle  
Council Member Chenault  
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 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 11:40 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

JUNE 27, 2006

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.

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

Doris Washington, a resident of the City, said residents of Kelley Street would like to request signs displaying "Children at Play" be placed in the area. She said many vehicles are speeding and racing on Kelley Street and residents are concerned about the safety of the children playing in the area. She also suggested that speed bumps might make the area safer.

Council Member Chenault suggested that perhaps Kelley Street should be considered for the traffic-calming program.

City Attorney Thumma said according to the amended ordinance of the City Code Ms. Washington should continue collecting resident signatures on petitions and give the petitions to Transportation Planner Drew Williams at the Public Works Department to start conducting a study.

Council Member Pace offered a motion to place "Children at Play" signs on Kelley Street. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

Ruth Walton, said handicap parking at the library needed improvement. She said there is only one handicap parking space in the parking lot at the back of the library. A bell needs to be rung to gain access into the library. It has been suggested that an alternative to this problem is placing a handicap parking space for library customers in the Hardesty Higgins House parking lot.

Council Member Chenault said access to the library seems to be inaccessible for handicap and special needs people; however, the City has no control over the library. He said this situation was discussed at the last Council meeting. City Manager Baker and his staff are looking into the possibility of securing some handicap parking spaces for the library in the Hardesty Higgins House parking lot. We are trying to do everything that we can because everybody should be able to use the library.

Nancy Garber said she has been in the downtown area for 50 years. "We are not uncaring people and ten years ago we worked hard to get more parking for the handicapped in the downtown area."

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, Fire Department and CDBG, rezoning request from Ferguson Investments and Virginia Manor, LLD. The motion also included amending and re-enacting Section 4-2-10, 4-1-27, 10-6-7, 4-2-17 and motor vehicle license fees (decals) 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  
Vice-Mayor Eagle  
Council Member Chenault  
Council Member Lantz  
Mayor Rogers

Absent – None

Council Member Chenault offered the following motion, “I move to approve the sale of 19 acres, more or less, to the Visitors of James Madison University and 8.5 acres, more or less, to James Madison University real estate foundation including as stated in the original motion to allow the City Manager to take whatever action necessary to ensure that the conveyances are made along with the additional authority to negotiate financial terms with the Visitors of James Madison University to accommodate any state budget constraints that might be placed upon them until all the monies are available from that and also include in the motion the request that James Madison University make all efforts to ensure that the athletic facilities and social facilities are available to the citizens of Harrisonburg on a basis that is convenient to their uses of the facility.” The motion was seconded by Vice-Mayor Eagle, and approved with a recorded roll call vote taken as follows:

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

Abstained – Mayor Rogers

Absent – None

The next agenda item was a request from Cliff Davis for funding for a handicapped hunters project in the George Washington National Forest. Mr. Davis said that the project consists of an additional .91 miles of road reconstruction for the Hogpen Run Road Disabled Hunter Access area. He requested \$3,500 in additional funds for the project and noted that Rockingham County has committed \$3,500 toward the project. 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  
Vice-Mayor Eagle  
Council Member Chenault  
Council Member Lantz  
Mayor Rogers

Absent – None

Assistant Economic Developer Director Jim Barnes gave a brief overview of the “*Preserve America*” designation. He said that “*Preserve America*” is a designation from the Advisory Council on Historic Preservation. This designation recognizes cities across the United States for their excellence in preserving their culture and history. Last month the Advisory Council on Historic Preservation Honorary Chair, Mrs. Laura Bush awarded a Preserve America Designation to the City of Harrisonburg. This designation places Harrisonburg in a different category to receive additional funding and will fit in very well with the efforts by Harrisonburg Downtown Renaissance to promote historical preservation. Mr. Barnes presented the first sign that has been given to Harrisonburg as a “*Preserve America City*”.

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, updated the progress and accomplishments for HDR. He mentioned that an article appears in the Virginia Main Street Monitor regarding the move of the Smith House. The building will be occupied July 1, 2006. Cumulative statistics collected by Virginia Main Street Monitor over 21 years shows that Harrisonburg (statistics collected for two years) compares quite favorably in the number of volunteer hours and the category of private-investment for completed projects. The Organization Committee focused on increasing revenue from the private sector and held a funding raising event, “Renaissance Night”, on May 13<sup>th</sup> at Dave’s Downtown Taverna. A slogan has been selected titled “Experience Downtown”. HDR has assisted with or taken the lead with “Fridays on the Square” events. The Court Day Festival was held on June 3<sup>rd</sup> and had a larger attendance than last year. HDR is assisting the Arts Council on events for the Valley 4<sup>th</sup>, which includes window decorating contests, parade, music concerts and fireworks. He briefly reviewed changes in the “Cruise In” event in August. HDR is working with the Arts Council and other organizations for a Museum and Gallery Walk, an event that retailers really like. A lot of people and organizations deserve a lot of credit including the City for working on the Blacks Run Bridge project. The Economic Development Committee awarded grants, which includes detailed work around the windows of the Quilt Museum, expanded eating area at Klines Dairy Bar, new signs at Daily Grind, and an improved facade at Shenandoah Bicycle Company. HDR has been working with the Farmers’ Market arranging for entertainment on Saturdays during the summer. Parking downtown is enforced from 7:00 a.m. to 7:00 p.m. six days per week. Spikes also have been installed in the Water Street parking deck to control pigeons roosting.

Council Member Pace offered a motion to approve a September 2<sup>nd</sup> block party on Court Square from 12:00 to 5:00 p.m., and closing streets in the downtown area from 10:00 to 6:00 p.m. for the event. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

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

**Local and Regional Water Supply Planning  
FY 2007 Grant Application**

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

**Whereas, based upon these regulations, The City of Harrisonburg is required to complete a water supply plan that fulfills the regulations by November 2, 2011, and**

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

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

**Whereas, for purposes of this DEQ water supply grant fund program. The City of Harrisonburg will participate within a water supply region consisting of Rockingham County, the seven towns within Rockingham County, and the City of Waynesboro, and**

**Whereas, this resolution does not bind each locality within the region as to how the final water supply plan is submitted to DEQ under 9 VAC 25-780, Local and Regional Water Supply Planning, and**

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

**Whereas, CSPDC desires to participate in a regional water supply plan and desires to secure DEQ grant funds to help offset the cost of the plan development.**

**Now, therefore be it resolved that The City of Harrisonburg authorizes CSPDC to develop an application for water supply planning grant funds and to develop a regional water supply plan that will meet mandated regulations, and**

**It is resolved that William H. Strider, Executive Director of CSPDC, is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan, and**

**It is further resolved that The City of Harrisonburg intends to provide up to \$17,000 in matching funds for the project.**

**Approved: June 27, 2006**

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**CITY MANAGER**

**ATTEST:**

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**CLERK OF THE COUNCIL**

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

Council Member Chenault offered a motion to reserve \$500,000 of the General Fund's unappropriated balance as a reserve for automobile self-insurance. The motion was seconded by Council Member Lantz and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented a transfer request for the Municipal Building Complex Renovations. He said these funds will be used for the renovations. Vice-Mayor Eagle offered a motion to transfer these funds, and that:

\$ 6,000.00 chge. to: 1000-340121-41010 Salaries & Wages-Reg  
10,813.00 chge. to: 1000-340121-41050 Annual Leave-Separation  
10,201.00 chge. to: 1000-340121-41051 Sick Leave Separation  
15,000.00 chge. to: 1000-340121-41020 PT Salaries & Wages-Reg  
5,000.00 chge. to: 1000-340121-42010 FICA  
1,500.00 chge. to: 1000-340121-42020 Retirement-VRS  
5,000.00 chge. to: 1000-340121-42050 Hospital Insurance  
6,500.00 chge. to: 1000-410121-41010 Salaries & Wages-Reg  
3,000.00 chge. to: 1000-410121-41020 Salaries & Wages-O/T  
2,000.00 chge. to: 1000-410121-41030 PT Salaries & Wages-Reg.  
700.00 chge. to: 1000-410121-41050 Annual Leave-Separation  
3,500.00 chge. to: 1000-410121-42010 FICA  
1,400.00 chge. to: 1000-410121-42020 Retirement-VRS  
5,000.00 chge. to: 1000-410121-43100 Professional Services  
17,000.00 chge. to: 1000-430221-48282 Land

7,000.00 chge. to: 1000-810121-41030 PT Salaries & Wages-Regular  
500.00 chge. to: 1000-810121-42010 FICA  
1,000.00 chge. to: 1000-810121-43100 Professional Services  
2,000.00 chge. to: 1000-810121-45530 Training & Travel  
1,200.00 chge. to: 1000-810121-46140 Other Operating Supplies  
1,400.00 chge. to: 1000-810121-48171 EDP Equipment  
300.00 chge. to: 1000-810121-48221 Furniture

\$106,014.00 approp. to: 1000-910141-48698 Municipal Building 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  
Vice-Mayor Eagle  
Council Member Chenault  
Council Member Lantz  
Mayor Rogers

Absent – None

City Manager Baker presented a request to transfer project budget funds. He said these funds will be used for the Public Safety Facility and Garbers Church Road improvements at the new high school. Council Member Chenault offered a motion to approve this request, and that:

\$120,777.93 chge. to: 1310-910141-48610 Two Way Communication System

\$112,906.42 approp. to: 1310-910141-48606 Public Safety Facility

7,869.51 approp. to: 1310-910141-48695 Garber's Church Road Imp/HS

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

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

Absent – None

The next item of business was a request for a street closing for Valley 4<sup>th</sup>. City Manager Baker said that a parade and musical performance will be held as part of the Valley 4<sup>th</sup> event. 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 4:00 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 Council Member Chenault, and approved with a unanimous vote of Council.

City Manager Baker presented a certified receipt of 2006 primary government election results provided by the Electoral Board.

Harrisonburg City Council

Larry M. Rogers	1232
J. Ted Byrd	1856
Dorn W. Peterson	1764
Carolyn W. Frank	1877

Harrisonburg School Board

Violet L. Allain	1660
Thomas C. "Tom" Mendez	1937
Sallie M. Strickler	2355
Timothy J. Lacey	1995

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.

Ralph Gettes complained about the terrible condition of the bricks on the sidewalks around Court Square.

Council Member Chenault said that part of the streetscape program under review will be an examination of the sidewalks.

Council Member Pace announced that the communities of Harrisonburg/Rockingham County placed third in the nation in the 'Steppin Out' walking challenge.

Mayor Roger said that it has been a great opportunity and an awarding experience serving on City Council for the past 12 years.

Council Member Lantz thanked all the citizens, City Council Members and City staff for 12 years of a positive learning experience.

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

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

Absent – None

At 9:00 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 9:05 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

JULY 11, 2006

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

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

Bucky Berry, a resident of Harrisonburg, said staff should be reduced at the Weed & Seed office because they have lost some Federal grant funding.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the June 27<sup>th</sup> and July 1<sup>st</sup> minutes and second motion amending and re-enacting Section 2-2-5 of the Harrisonburg City Code. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request from Robert Beck to rezone five lots, totaling 7.79 acres from R-1 to R-6. The properties are located at the southeast corner of Betts Road and East Market Street and can be found on tax maps 74-B-2-6. The Comprehensive Plan designates this area as Low-Density Residential. She reviewed the surrounding uses in the area. The applicant has requested that five lots near the intersection of Betts Road and East Market Street be rezoned from R-1, Single Family Residential District to R-6, Low Density Mixed Residential Planned Community to allow for the construction of 38 single family homes on private streets. As an R-6, Low Density Mixed Residential community, the applicant has submitted a master plan with descriptive narrative to illustrate the design and construction of this proposed development. The developer has agreed to add a taper lane into the East Market Street entrance and a full right turn lane from westbound East Market Street onto Betts Road. The City has agreed to improving the western side of Betts Road (opposite side from the development), including a dedicated right turn lane onto westbound East Market Street. The City will also construct a turn lane from eastbound East Market Street onto Betts Road. As part of these improvements along Betts Road, the City will also reconfigure the intersection of Fairway Hills Drive and Betts Road. She reviewed the walking trail path and wall around the

perimeter of the development. There would be a “village green” at the center of the neighborhood to allow for communal use, with a gazebo located at the corner closest to the primary entrance. Each house would have a driveway and two-car garage to park vehicles, but additional visitor parking spaces will be located throughout the development. The streets would consist of a 21-foot wide asphalt travel way, with a four-foot wide curbside gutter on one side and a five foot wide raised sidewalk on the opposite side. The developer has also proffered the architectural style to be similar in character with traditional Colonial Williamsburg. A detailed landscape plan has also been submitted with this proposal, outlining the location and plant materials to be used. A four foot tall brick-screening wall is planned for the two sides of the development that face East Market Street and Betts Road. She said that Planning Commission recommended approving this request.

At 7:43 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 26, and Monday, July 3, 2006.

### **Notice Of Public Hearing**

**The Harrisonburg City Council will hold public hearings on July 11, 2006 at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

#### ***Rezoning – Chatham Court***

**Public hearing to consider a request from Robert Beck, with representative Blackwell Engineering to rezone five lots, totaling 7.79 acres from R-1, Single Family Residential District to R-6, Low Density Mixed Residential Planned Community. The properties are located at the southeast corner of Betts Road and East Market and can be found on tax maps 74-B-2-6.**

**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 from 1 to 4 units per acre, with a minimum lot size of 10,000 sq. ft. The R-6, Low Density Mixed Residential Planned Community is intended to provide opportunities for the development of planned residential communities offering a mix of large and small-lot single family detached dwellings and open spaces, together with certain government, 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 environment resources. Communities shall be developed and redeveloped in accordance with a master development plan.**

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

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

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

Mayor Eagle called on anyone desiring to speak for or against this request. Dick Blackwell representing the applicant said that he was available to answer questions. Donna Reilly, a resident of the City and serving on the Fairway Hills Board, requested that the City maintain the quality of life and ensure the safety of residents and new neighbors in the area. Wayne Taylor expressed his concern about the increased traffic on Betts Road rather than East Market Street. There being no others desiring to be heard, the public hearing was declared closed at 7:51 p.m., and the regular session reconvened. Following further discussion and comments, Council Member Chenault offered a motion to approve the rezoning request as presented. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:05 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 3, 2006.

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

**A public hearing will be held by the Harrisonburg City Council on Tuesday, July 11, 2006 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 2006-2007 budget in the net amount of \$1,740,000. This represents Sanitation Capital Projects Fund expenditures for the retro-fit of the Steam Plant which will be funded by using some of the unappropriated fund balance in the Sanitation Fund.**

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

**Revenues:**

<b>Sanitation Fund:</b>	
Amount from fund balance	1,740,000.00
<b>Sanitation Capital Project Fund:</b>	
Transfer from Sanitation Fund	<u>1,740,000.00</u>
<b>Total</b>	<u><b>3,480,000.00</b></u>

<b>Expenditures:</b>	
<b>Sanitation Fund:</b>	
Transfer to Sanitation Capital Projects Fund	1,740,000.00
<b>Sanitation Capital Project Fund:</b>	
Retro-Fit Steam Plant	<u>1,740,000.00</u>
<b>Total</b>	<u><b>3,480,000.00</b></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 Eagle called on anyone desiring to speak for or against this supplemental appropriation. There being no one desiring to be heard, the public hearing was declared closed at 8:06 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$1,740,000.00 chge. to: 2014-31010 Amount from Fund Balance  
1,740,000.00 chge. to: 1324-34270 Transfer from Sanitation Fund

\$1,740,000.00 approp. to: 2014-992042-49216 Transfer to Capital Projects  
1,740,000.00 approp. to: 1324-910142-48682 Retro-Fit Steam Plant

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

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

Absent – None

Vice-Mayor Pace offered a motion to approve a Joint Powers Ordinance for Local Workforce Investment Consortium. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Byrd offered a motion to approve FY 2007 State Performance Contract for the Harrisonburg-Rockingham Community Services Board. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Lisa Ha, Program Manager of Harrisonburg Downtown Renaissance, and Tiffany Tran, an intern of HDR, presented a request to paint a mural on the concrete wall at the corner of West Bruce Street and Old South High Street. There are a number of graffiti tagging on the wall and HDR has removed it three times during the past year. The mural will contain a message that the City does not appreciate graffiti and it will serve as a nice gateway into the downtown area. She said that a local artist Elaine Hurst with downtown's OASIS will create the design for the mural. HDR has partnered with the Center for Multicultural Student Services at James Madison University. The center will provide 40 high school girls from the Female Institute for Leadership and Development, to paint the mural. Rockingham National Bank, Sherwin Williams, and Merle Norman Cosmetics donated money for supplies. The mural will be painted July 16<sup>th</sup>. Council Member Frank offered a motion to approve this request as presented. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Recused - Vice-Mayor Pace

Absent – None

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 13-1-26 of the Harrisonburg City Code. He said that as of July 1, 2006, the General Assembly amended the state code to allow localities to be reimbursed for reasonable expenses incurred in providing emergency services for accidents or incidents which are caused by DUI, reckless driving, driving on revoked or suspended licenses or leaving the scene of an accident. The City must adopt an ordinance in order for the court to order the reimbursement of these expenses. This ordinance not only includes the City, but also the volunteer rescue squad. Council Member Chenault offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Pace reminded everyone that the next Council meeting (July 25, 2006) will begin at 7:00 p.m. He also congratulated Public Information Officer Miriam Dickler for writing an excellent article and getting front-page coverage in the Virginia Municipal League magazine. He suggested that perhaps the City should have some signage regarding Blacks Run linkage to the Chesapeake Bay, which is part of the watershed.

City Manager Baker said that signage is available regarding adopting the stream and suggested that Lee Foerster, Director of Parks and Recreation, should be contacted regarding the signage.

Council Member Chenault announced that Vice-Mayor Pace will replace him on the City/County Liaison Committee. He thanked everyone associated with the Valley 4<sup>th</sup> for another great event. He requested that City Council consider moving the May Council election to November. He said, "I have received numerous complaints from Sunset Heights residents regarding people letting their dogs defecate on private property and City traffic control and electrical boxes having too many advertising posters and signs attached to the boxes." The City has ordinances regarding these matters and they should be enforced.

Council Member Frank asked for an explanation regarding train blowing whistles in the City.

City Attorney Thumma said that trains are required under Federal status to blow the whistle at every intersection.

At 8:45 p.m., Council Member Chenault offered a motion that Council enter a closed session for consultation with the City Attorney regarding a contract 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, 1950, as amended. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

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.

At 9:55 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

cc: City Council  
City Manager  
Assistant City Manager  
Public Library

REGULAR MEETING

JULY 25, 2006

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

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

Vice-Mayor Pace offered a motion to approve the consent agenda as amended, including approval of the minutes and the second reading of a supplemental appropriation for Sanitation Capital projects, transferring funds for rehabilitation of the West Elizabeth Street Bridge, and enacting Section 13-1-26 of the Harrisonburg City Code. The motion also included approving a rezoning request from Robert Beck. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 7:02 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s first public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 17, 2006.

**NOTICE OF PUBLIC HEARING**

**A public hearing will be held by the Harrisonburg City Council on Tuesday, July 25, 2006 at 7:00 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 2006-2007 budget in the gross amount of \$3,507,216.70, net amount of \$2,106,966.70. This amount represents funds from various funds unappropriated fund balance and police grants that will be used for various purposes as detailed below.**

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

**Revenues:  
General Fund:**

Amount from fund balance	23,438.59
Weed and Seed	<u>1,256.40</u>
Total General Fund	<u>524,694.99</u>
<b>School Fund:</b>	
Amount from fund balance	<u>890,250.00</u>
<b>General Capital Projects Fund:</b>	
Amount from fund balance	672,613.04
Transfers from General Fund:	<u>510,000.00</u>
<b>School Capital Projects Fund:</b>	
Transfers from School Fund	<u>890,250.00</u>
<b>Water Capital Projects fund:</b>	
Amount from fund balance	<u>2,666.06</u>
<b>Sanitation Capital Projects fund:</b>	
Amount from fund balance	16,742.61
Total revenues	<u>3,507,216.70</u>
<b>Expenditures:</b>	
<b>General Fund:</b>	
Police operation division-bullet proof vest	10,352.58
Police operation division - training & travel	482.82
Police gang task force salaries & wages-OT	2,667.08
Police support services – machinery & equipment	1,192.51
Transfer to Capital Projects	<u>510,000.00</u>
Total General Fund	<u>524,694.99</u>
<b>School Fund:</b>	
Transfer to School Capital Projects	<u>890,250.00</u>
<b>General Capital Projects Fund:</b>	
Public Safety Facility	231,441.44
Two Way Communication System	439,405.40
Rehabilitation of parking deck	510,000.00
Municipal Building Renovation	<u>1,766.20</u>
<b>School Capital Projects Fund:</b>	
Elementary/Middle School Complex	<u>890,250.00</u>
<b>Water Capital Projects Fund:</b>	
Eastern Source Development	<u>2,666.06</u>
<b>Sanitation Capital Projects Fund:</b>	

**Rebuild Steam Plant**

**16,742.61**

**Total expenditures**

**3,507,216.70**

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

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

Mayor Eagle called on anyone desiring to speak for or against this supplemental appropriation. There being no one desiring to be heard, the public hearing was declared closed at 7:03 p.m., and the regular session reconvened.

Council Member Chenault asked if the \$510,000 in transfer funds for the parking deck was the only appropriation coming from the reserve fund?

City Manager Baker responded yes.

Vice-Mayor Pace said, "Where is the money coming from to pay for the Public Safety Facility and the two-way communication system? Are we re-directing the funds to other projects? How bad is the condition of the parking deck since it was not included in the CIP?"

Public Works Director Baker said the parking deck has been included in the Public Works budget for several years. It was removed because of unavailable funding. The condition of the parking deck is not structurally unsound; however, it has substantial problems with the surface of the deck. There is water leaking between t-beam joints onto the bottom floor, which causes freezing in the winter. This project has been delayed for several years and it is time to move forward before more problems are created.

Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$ 672,613.04 chge. to: 1310-31010 Amount from fund balance  
2,666.06 chge. to: 1321-31010 Amount from fund balance  
16,742.61 chge. to: 1324-31010 Amount from fund balance

\$ 231,441.44 approp. to: 1310-910141-48606 Public Safety Facility  
439,405.40 approp. to: 1310-910141-48610 Two Way Communication System  
1,766.20 approp. to: 1310-910141-48698 Municipal Building Renovation  
2,666.06 approp. to: 1321-910161-48654 Eastern Source Development  
16,742.61 approp. to: 1324-910142-48686 Rebuild Steam Plant

\$ 890,250.00 chge. to: 1111-31010 Amount from fund balance  
890,250.00 chge. to: 1311-34281 Transfer from school fund

\$ 890,250.00 approp. to: 1111-111141-49225 Transfer to School Capital Projects Fund  
890,250.00 approp. to: 1311-910114-48700 Elem./Middle School Complex

\$ 510,000.00 chge. to: 1000-31010 Amount from Fund Balance  
510,000.00 chge. to: 1310-34210 Transfer from General Fund

\$ 510,000.00 approp. to: 1000-990111-49216 Transfer to Capital Projects  
510,000.00 approp. to: 1310-910141-48653 Rehabilitation of Parking Deck

\$ 1,256.40 chge. to: 1000-32211 State weed and seed

\$ 1,256.40 approp. to: 1000-310531-41020 Salaries/wages OT

\$ 1,410.68 chge. to: 1000-31010 Amount from fund balance

\$ 1,410.68 approp. to: 1000-310531-41020 Salaries/wages OT

\$ 10,352.58 chge. to: 1000-31010 Amount from fund balance

\$ 10,352.58 approp. to: 1000-310231-48140 Bullet proof vests

\$ 1,192.51 chge. to: 1000-31010 Amount from fund balance

\$ 1,192.51 approp. to: 1000-310431-48111 Machinery and equipment

\$ 482.82 chge. to: 1000-31010 Amount from fund balance

\$ 482.82 approp. to: 1000-310231-45530 Training and travel

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

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

Absent – None

At 7:10 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 17, 2006.

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

A public hearing will be held by the Harrisonburg City Council on Tuesday, July 25, 2006 at 7:00 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 2006-2007 budget in the amount of \$1,182,436.12. This amount represents outstanding encumbrance at June 30, 2006.

The budget increases will be as noted below:

<b>Revenues:</b>	
<b>General Fund:</b>	
Amount from fund balance	587,243.10
<b>Water Fund:</b>	
Amount from fund balance	8,555.50
<b>Sewer Fund:</b>	
Amount from fund balance	165,663.78
<b>Public Transportation Fund:</b>	
Amount from fund balance	357,109.00
<b>Sanitation Fund:</b>	
Amount from fund balance	<u>63,864.74</u>
<b>Total revenues</b>	<b><u>1,182,436.12</u></b>
<b>Expenditures:</b>	
General Fund	587,243.10
Water Fund	8,555.50
Sewer Fund	165,663.78
Public Transportation Fund	357,109.00
Sanitation Fund	<u>63,864.74</u>
<b>Total expenditures</b>	<b><u>1,182,436.12</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 Eagle called on anyone desiring to speak for or against this supplemental appropriation. There being no one desiring to be heard, the public hearing was declared closed at 7:12 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

- \$ 587,243.10 chge. to: 1000-31010 Amount from fund balance
- 8,555.50 chge. to: 2011-31010 Amount from fund balance
- 165,663.78 chge. to: 2012-31010 Amount from fund balance

357,109.00 chge. to: 2013-31010 Amount from fund balance  
 63,864.74 chge. to: 2014-31010 Amount from fund balance

735.00 approp. to: 1000-120111-45530 Training and travel  
 63.28 approp. to: 1000-120511-45210 Postage  
 2,675.08 approp. to: 1000-120511-48121 Furniture and fixtures  
 16,850.00 approp. to: 1000-121011-48111 Software  
 3,915.00 approp. to: 1000-121511-48111 Machinery and equipment  
 1,297.00 approp. to: 1000-121511-48121 Furniture and fixtures  
 4,679.00 approp. to: 1000-122011-48173 Software  
 94,013.00 approp. to: 1000-310431-48251 Motor vehicle and equipment  
 1,199.17 approp. to: 1000-340121-46110 Uniforms  
 61.48 approp. to: 1000-410121-46110 Uniforms  
 10,085.00 approp. to: 1000-410121-48191 Engineering/Mapping  
 985.00 approp. to: 1000-410121-48273 Software  
 5,007.25 approp. to: 1000-410121-48274 Geographic Info System  
 28,401.10 approp. to: 1000-410241-43100 Professional services  
 11,215.00 approp. to: 1000-410241-48181 Building and grounds  
 70,050.90 approp. to: 1000-410241-48294 WIP – Annexed area – 1  
 18,923.00 approp. to: 1000-410741-43100 Professional services  
 176,552.70 approp. to: 1000-410741-48111 Machinery and equipment  
 3,450.00 approp. to: 1000-410841-48273 Software  
 30,000.00 approp. to: 1000-710171-48181 Building and grounds  
 14,440.00 approp. to: 1000-710171-48184 Improvements  
 20,861.83 approp. to: 1000-710271-48184 Improvements  
 14,810.00 approp. to: 1000-710471-48284 Improvements  
 17,650.70 approp. to: 1000-710771-48184 Improvements  
 4,247.37 approp. to: 1000-710871-46132 Ed/Rec Supplies-athletics  
 10,392.00 approp. to: 1000-710871-48284 Improvements  
 1,206.10 approp. to: 1000-730371-48181 Building and grounds  
 23,325.00 approp. to: 1000-810121-43100 Professional services  
 152.14 approp. to: 1000-810221-46110 Uniforms  
 1,581.00 approp. to: 2011-322061-43333 Main & repair-Scada  
 1,533.00 approp. to: 2011-322061-46071 Main & repair-Pump/Scada  
 3,429.00 approp. to: 2011-362061-43310 Repairs and maintenance  
 2,012.50 approp. to: 2011-372061-48273 Software  
 14,226.28 approp. to: 2012-452061-43382 Water loss mgt.-meter test  
 150,000.00 approp. to: 2012-472061-48161 Construction vehicles and equip.  
 1,437.50 approp. to: 2012-472061-48273 Software  
 357,109.00 approp. to: 2013-872081-48253 Transit buses  
 13,778.24 approp. to: 2014-912242-43320 Service contracts  
 32,570.50 approp. to: 2014-912242-43360 Main & repairs-building & grounds  
 17,516.00 approp. to: 2014-972043-48111 Software

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

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

Absent – None

The next agenda item was a request to authorize the City Manager to enter into a contract with Central Shenandoah Planning District Commission (CSPDC) to do a Community Needs Assessment for the expansion of the jail. City Manager Baker said this study is necessary in order for the City to seek funding from the state. Following further discussion and comments, Council Member Chenault offered a motion to approve authorizing the City Manager to enter into a contract with CSPDC. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Mayor Eagle announced that the agenda item to consider approval of a comprehensive agreement for a new school complex has been postponed.

The next item of business for Council’s consideration was accepting a *Department of Conservation & Recreation (DCR)* grant for a stream health improvement program. Public Works Director Jim Baker said the City has been awarded a grant from the DCR to cover the purchase of a new regenerative air street sweeper, ten new pet stations, and fifteen new signs. This grant will allow the City to purchase a street sweeper, hire an operator and provide maintenance on the streets. This grant provides funding for a two-year period; however, the operator will be a long-term commitment because the City intends to operate this program more than two years. The smaller part of the grant will allow the City to purchase ten new pet waste stations for the parks, which will help enhance the cleaning up of the stream. He said, “At this time, we are requesting Council’s permission to move forward with the grant documents”. Appropriating funds for an operator will be presented at a later time. Mr. Baker also noted that the City is under a DEQ and Department of Natural Resources permit and PDS permit, which basically means it is the City’s responsibility to monitor the stream health of Blacks Run and its tributaries in the City. This program fills a big part of permit requirement each year. It is long-term positive benefit to keeping the City in compliance for many years. Following further discussion and comments, Council Member Chenault offered a motion to approve this grant application as presented. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

No - Vice-Mayor Pace

Absent – None

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

**RESOLUTION**

**WHEREAS, the City of Harrisonburg, County of Rockingham and James Madison University are recognized as existing entities belonging to the Commonwealth of Virginia; AND**

**WHEREAS, the City of Harrisonburg, County of Rockingham and James Madison University have entered into partnership in agreement to determine relocating rail service to the Harrisonburg-Rockingham community; AND**

**WHEREAS, the partnership between these entities is in agreement that relocating a portion of the Chesapeake & Western Railway would benefit the entire community, provide benefit to railroad service, the local economy, the safety of motorists, pedestrians, and ensure timely response of emergency response personnel; AND**

**WHEREAS, the partnership has completed a feasibility study to determine the cost to relocate the railroad to the north of the political boundary of the City of Harrisonburg in Rockingham County; AND**

**NOW, THEREFORE BE IT RESOLVED, that the City of Harrisonburg, County of Rockingham and James Madison University are in agreement that relocating a portion of the Chesapeake & Western Railway would have a positive benefit on regional transportation safety for the entire community.**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Mayor**

**Attest:**

\_\_\_\_\_  
**Clerk of City Council**

Transportation Superintendent Drew Williams said Harrisonburg is in partnership with Rockingham County and James Madison University to determine the feasibility of the relocation of a section of the Chesapeake & Western Railway around the City. This will increase the

efficiency of the regional transportation network, ensure quicker respond times for rescue services and provide a potential economic development tool for the entire area. The northern most alignment was the only route considered for further discussion. All three bodies should pass a resolution supporting the relocation and which alignment is preferred. Rockingham County passed this resolution at its June 14<sup>th</sup> meeting and JMU plans administratively to pass the same resolution. This act will affirm the community's commitment to our elected officials at the federal and state level. The City should receive information from the Federal Department of Transportation in August concerning the amount of funding available for this project. Mr. Williams mentioned that Congressman Goodlatte did request that all three governing bodies come to a consensus on one alignment if funding is available for the project. Council Member Chenault pointed out that the wording in the resolution is very clear that the City is not committing to anything we are simply saying it would have a positive benefit on regional transportation safety for the community.

Public Works Director Jim Baker said a new planned distribution center north of the City would create at least a 25% increase in train traffic. This option would close approximately one-half of the City's at grade crossings. Approval of this resolution would improve efforts to get federal railway funds to pay for this project. Following further discussion and comments, Council Member Frank offered a motion to join with Rockingham County and JMU in supporting 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 Frank  
Council Member Byrd  
Vice-Mayor Pace  
Council Member Chenault  
Mayor Eagle

Absent – None

Transportation Superintendent Drew Williams presented a brief report on traffic issues on Kelley Street. He said that a speed study using traffic counters was performed on Kelley Street using. The speed study results showed that an average daily traffic of 646 vehicles per day meeting the perimeters of the City's residential neighborhood streets. The average traveling speed in the study was 22 mph, which is three mph underneath the posted speed limit. The study revealed that this street does not qualify for increased fines for speeding. The Neighborhood Traffic Calming Program required that the neighborhood become more pro-active and is designed to curtail cut-through traffic. A sign "Watch for Children" has been approved by the Virginia Municipal League and could be placed in this area. There are several options to provide funding for the signs as well as regulations regarding placement, which will be presented at a future Council meeting.

Miriam Dickler, Public Information Officer, presented an overview on her activities and plans for the future. She said that during the past year the department has working on policy building and creation. A number of campaigns have been increased including public information and education. It is hoped that a dog waste campaign will be launched within the next month. A

Citizen Academy is being formed for residents in the City to learn about the functions and services of City government from people who are in City government. The 2006 Citizen Academy will begin on Thursday September 14. Sessions are conducted every Thursday evening for ten weeks, ending on November 16, 2006. All sessions will be held in City facilities. The program is open to all residents of the City of Harrisonburg who are 18 years of age or older and willing to commit the time to this informative, interesting and engaging program. The class is limited to 15 participants selected on a first-come, first-served basis.

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting Section 2-3-23 of the Harrisonburg City Code. Amending and re-enacting this ordinance will set forth the general order of business for a regular meeting of City Council. Council Member Byrd offered a motion to approve this ordinance for a first reading. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Bucky Berry, a resident of Harrisonburg, volunteered to donate the labor and cost of a sign for the residents of Kelley Street.

Ralph Gettes complained about the unknown future traffic on I-81.

Council Member Chenault said that the Harrisonburg Rescue Squad has requested additional funding for fuel for the upcoming year. He suggested that members of staff contact the squad and try to resolve the issues.

City Manager Baker said that the Rockingham County Sheriff is requesting two additional bailiffs because more court sessions have been added to the docket.

City Manager Baker said when the new expanded SPCA facility was constructed it ran into rock problems making it necessary to secure an additional \$350,000 loan to complete the facility. The City has agreed to provide an additional \$9,366 each year in funds to help with the loan. Council Member Chenault offered a motion to approve the additional funding. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:40 p.m., Council Member Chenault offered a motion that Council enter a closed session for consultation with legal counsel regarding a proposed contract requiring the provision of legal advice of such legal counsel, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(7) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 10:20 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 10:25 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 8, 2006

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

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

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several outstanding encumbrances at June 30, 2006, increasing various budgets, and enacting Section 2-3-23 of the Harrisonburg City Code. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request for a special use permit from Russell Center LLC to allow modular homes to be displayed on a B-2 parcel located at 2050 Deyerle Avenue. The Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in the area. The applicant is requesting a special use permit to place a modular home on the lot to market Valley Custom Homes’ product. The lot would only be used for the display of the home. Valley Custom Homes would lease space in the Russell Centre on the adjacent lot to the north as their office location and customer parking for the display home. The display would be built on a permanent foundation with crawl space. No water or sewer hook up is planned; however, water and sewer are available to the site. The applicant has no plans to construct a curb cut for the display home use. Access to the property will be from an entrance shared by the future Russell Centre building off of Deyerle Avenue. No parking is planned for the subject parcel, allowing the applicant to landscape the lot to make it more attractive. Staff recommended to Planning Commission that the application be approved with the following conditions: 1) Only the “manufactured homes” use be allowed from Section {10-3-1(10)} of the Zoning Ordinance. 2) Only one display home can utilize the lot at one time. 3) No curb cut off of Lucy Drive would be allowed while utilizing the special use permit. 4) Only one pole sign would be allowed on the property. 5) The display home can only remain on the subject parcel as long as Valley Custom Homes has an office on the property or the adjacent

lot. She said that Planning Commission recommended approving the special use permit request with these conditions.

At 7:05 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 24, and Monday, June 31, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on August 8, 2006 at 7:00 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Special Use Permit – 2050 Deyerle Avenue***

**Public hearing to consider a request from Russell Center LLC, with representative Christopher Russell for a special use permit {per Section 10-3-91(10)} to allow modular homes to be displayed on a parcel zoned B-2, General Business District. The property is located at 2050 Deyerle Avenue and can be found on tax map 80-C-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 Eagle called on anyone desiring to speak for or against this request.

Christopher Russell said only one home will be kept on the site. There being no others desiring to be heard, the public hearing was declared closed at 7:06 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this special use permit request. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request for a special use permit from M & B Real Estate, LLC, (Blauch Brothers) to allow contractor equipment sales and storage yard for two lots located at 910 & 950 Park Lane. The properties can be found on tax map 38-F-25-26. The Comprehensive Plan designates this area as Commercial. In 1996, the current applicant requested and was granted a special use permit to allow the existing Blauch Brothers mechanical contracting facility to become a conforming use and to allow for expansion of their operation. The business has been located at the corner of Chicago Avenue and Greystone Street since 1961. She reviewed the surrounding uses in the area. Blauch Brothers is asking for the same special use permit for two adjacent parcels to the north of the lots that have already been granted the special use provision. The granting of this special use request would bring the two subject parcels into conformance. The applicant also intends on building an 8,000 sq. ft. addition to one of the current structures on the site, and constructing a new 11,000 sq. ft. office building. Staff recommended to Planning Commission that the application be approved with the following conditions: 1) No vehicular access shall be provided from the site off of Park Lane. 2) The existing fencing shall be maintained around all areas of outside material or vehicle storage and to include a vegetative buffer or screen as per the applicant's willingness to provide one on the adjacent lot located at 1006 Ashwood Street. 3) All internal property lines that will be effected by the expansion of the structures shall be vacated before the site plan is submitted for the new construction. She said with these conditions Planning Commission recommended approving the special use permit request.

At 7:14 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 24, and Monday, June 31, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on August 8, 2006 at 7:00 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:**

***Special Use Permit – 911 Chicago Avenue (Blauch Brothers)***

**Public hearing to consider a request from M & B Real Estate, LLC with representative Blackwell Engineering to extend Blauch Brothers' special use permit {per Section 10-3-91(6)} to allow contractor equipment sales and storage yard as well as processing and assembly operations for three lots north of their current operation. The properties can be found on tax map 38-F-25-26.**

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

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

**CITY OF HARRISONBURG**

**Roger D. Baker  
City Manager**

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

Ed Blackwell reiterated that Blauch Brothers has been in business for almost 45 years in this area and a good neighbor. There being no others desiring to be heard, the public hearing was declared closed at 7:15 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve this special use permit request with the stated conditions. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was a request to renew a note with Virginia Technology Incubator, LLC for financing the 3.5 acre parcel within Harrisonburg Technology Park that houses Virginia Technology Incubator. Economic Development Director Brian Shull said that Virginia Technology Incubator, LLC (VTi) purchased 3.5 acres from the City in 2001. Council agreed to finance the land purchase, amortizing the loan over 10 years with a balloon payment due after five years. VTi has been on time with all payments to the City. The initial term has elapsed, and VTi has requested to renew the note for five years. The balance due to the City is approximately \$83,000. Vice-Mayor Pace offered a motion to renew the note for another five years at 7 ½ percent. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented the following resolution for Council’s consideration of approval:

**RESOLUTION**

**WHEREAS, it has been recommended that this governmental unit join as a member of the Central Shenandoah Criminal Justice Training Academy, and**

**WHEREAS, the Central Shenandoah Criminal Justice Training Academy provides required basic and in-service training for law enforcement officers, jail officer, and dispatchers, and**

**WHEREAS, this governmental unit understands that the annual per officer fee to be charged each participating locality for the operation of the training academy.**

**NOW, THEREFORE, BE IT RESOLVED by the Harrisonburg Police Department which is administered and governed by the City of Harrisonburg City Council in the County of Rockingham, Virginia, pursuant to Virginia Code Section 15.2-1747 (1950, as amended), that the Charter of the Central Shenandoah Criminal Justice Training Academy, a copy of which is attached to this Resolution and incorporated therein by reference, be and is hereby ADOPTED, and this governmental unity joins as a member of this Academy formed for the principal purpose of establishing and conducting criminal justice training and education for criminal justice personnel.**

**This Resolution shall become effective upon adoption, and the Clerk is directed to forward an attested copy to the Executive Director, Central Shenandoah Criminal Justice Training Academy, 3045 Lee Highway, Weyers Cave, Virginia, 24486.**

**ADOPTED this 8<sup>th</sup> day of August, 2006.**

**Signed: \_\_\_\_\_**

**Title: \_\_\_\_\_**

**Attest: \_\_\_\_\_**

City Manager Baker said the Executive Committee has recently reviewed and revised the Charter and By-Laws of the Central Shenandoah Criminal Justice Training Academy. As a member of the Central Shenandoah Criminal Justice Academy, it is necessary to have the governing body approval. Council Member Byrd offered a motion to approve this resolution. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business for Council's consideration was a request from JMU to relocate Turner Ashby Lane. City Manager Baker said that a meeting has been scheduled for August 21st with City staff, United Daughters of the Confederacy and James Madison University to discuss the details of a request from James Madison University to relocate Turner Asbhy Lane. After this meeting, the request will be referred to Planning Commission.

City Manager Baker presented a request from Rockingham County Schools. He explained that the schools have requested permission to hold a special event “Celebrating Character Counts” on Court Square on Tuesday, October 3<sup>rd</sup> from 5:15 p.m. until 8:15 p.m. Vice-Mayor Pace offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

The next item of business was a request from the Merchants of Historic Downtown Harrisonburg. They want to close streets around the Court House from Franklin Street to Elizabeth Street on August 26<sup>th</sup> from 10:00 a.m. until 4:00 p.m. Council Member Byrd 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 said that approving a comprehensive agreement for a new school complex was postponed at the July 25, 2006 Council meeting. Following further discussion and comments, Council Member Chenault offered a motion to approve the contract with the contingency for the design build refund to be firmly established so there is no question as to what that will be based on when the project is finished. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Bucky Berry complained about the expense of the City decal and having to display it.

Vice-Mayor Pace said that he had received a letter from the Attorney General requesting that someone represent Harrisonburg at the August 14<sup>th</sup> anti-gang meeting. Mayor Eagle and City Manager Baker will attend the meeting.

Council Member Byrd proposed that Council form a committee to look at all funding requests that are not budgeted to see if we can find off setting savings in other budgeted amounts before it comes to the full Council. The proposal also included asking this committee to look at selling some of the City’s assets to increase the funding of our general reserves.

At 7:45 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 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. 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 Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 10:45 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 Pace offered a motion to approve a revised water agreement presented by the City Manager and asked City Manager Baker to direct Public Utilities Director Mike Collins to seek a renewal of the water withdrawal permit from the Shenandoah River for an additional 15 years, and, if that is not successful, seek an extension under the current guidelines for an additional five years. The motion also included asking City Manager Baker to set-up a meeting with the Harrisonburg City Council and the Rockingham County Board of Supervisors Liaison Committee to discuss future water agreements. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

cc: City Council  
City Manager  
Assistant City Manager  
Public Library



## REGULAR MEETING

AUGUST 22, 2006

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

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

Bob Privott appearing in the re-enactor role of Harrisonburg’s First Mayor, Isaac Hardesty expressed his appreciation to the City for its assistance in the 2006 Court Days Festival celebration. He said next year the Court Days Festival event is planned for June 2, 2007. Karen Lee, Director of the Court Days Festival for 2007, asked Council to take action tonight and close the South and West side of Court Square for the festival. Two young re-enactors Rebecca & Evan gave a miniature gavel to Council Members.

Glenda Rooney. Co-chair of the Jamestown 2007 celebration, gave Council Members a CD ROM driving tour of Route 11 and 42. She also thanked Council for its financial support. She said many local people devoted approximately 1500 hours to work on this project.

Ken Smith a resident of the City for 10 years said several homeless men died in recent years because of exposure during the cold winter weather. “I don’t know whether it is the City or the Salvation Army responsibility, but I think it is the responsibility of government or non-government to try to prevent these unnecessary and tragic period of pain and in some cases death for homeless people.”

Quiet T. Please a resident of the City said an informational bicycle meeting being held next week should include more discussion and plans for bicycle routes and sidewalks in the Park View area.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and referring an alley-closing request by Craig Hertzler to the Planning Commission. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented for Council's consideration issuing general obligation bonds in the principal amount not to exceed \$50,000,000. He said that proceeds of the bonds will be used to finance a portion of the costs of the acquisition of land for constructing and equipping an elementary and a middle school complex, financing roads and water and sewer infrastructure and a loan to the Harrisonburg Redevelopment and Housing Authority to renovate public housing units.

Ted Cole of Davenport and Company, the City's financial advisor, said Council adopted a preliminary resolution on June 13, 2006 to move forward with issuance of these bonds. He reviewed a timetable regarding issuing the bonds.

The following discussion by Council Members included: Can the bonds be structured to allow for call provisions? Can it have a shorter call date? Would the Series B bonds carry a higher interest rate? What is the rate of grade A or above?

At 7:30 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, August 8<sup>th</sup>, and August 15, 2006.

**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 and subject to final approval, of general obligation bonds in a principal amount not to exceed \$50,000,000 (the "Bonds") for 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 (i) finance a portion of the costs of the acquisition of land for, and the construction and equipping of, an elementary and a middle school complex and finance roads and water and sewer infrastructure related thereto, (ii) make a loan to the Harrisonburg Redevelopment and Housing Authority to pay a portion of the costs of the renovation of certain of its public housing units and (iii) pay the costs of issuance of the Bonds.**

**The public hearing, which may be continued or adjourned, will be held at 7:00 p.m. on Tuesday, August 22, 2006, 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 Eagle called on anyone desiring to speak for or against this issue.

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, said, “There is no better indicator of a City’s viability than its commitment to education and our City Council has done a remarkable job over the past 15 or 20 years of investing in education in our community.” The schools are overcrowded and additional school facilities are needed in order to continue the quality of programs that exist in the City. “I don’t want anyone to lose sight of the fact that the reason for investing, the reason for the indebtedness in the City is specifically because of the need on behalf of the kids in our City.” There being no others desiring to be heard, the public hearing was declared closed at 7:31 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the issuance of general obligation bonds in the principal amount not to exceed \$50,000,000. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented for Council’s consideration approving a General Fund transfer to the School Capital Projects fund. This money will be used to complete the purchase of the Blackrock property. This amount and the previous amount of \$1,003,200 that was deposited with the Circuit court will amount to \$2,700,000, which is the agreed upon price for the aforementioned property.

At 7:33 p.m., Mayor Eagle closed the regular session temporarily and called the evening’s second public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 14, 2006.

### **NOTICE OF PUBLIC HEARING**

**A public hearing will be held by the Harrisonburg City Council on Tuesday, August 22, 2006 at 7:00 p.m., or as soon as the agenda permits, 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 2006-2007 budget in the net amount of \$1,696,800. This represents School Capital Projects Fund expenditures for the purpose of the land for the new elementary/middle school which will be funded by a transfer from the General Fund unappropriated fund balance.**

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

**Revenues:**

**General Fund:**

**Amount from fund balance**

**1,696,800.00**

**School Capital Projects Fund:**

<b>Transfer from General Fund</b>	<b><u>1,696,800.00</u></b>
<b>Total</b>	<b><u>3,393,600.00</u></b>

**Expenditures:**

<b>General fund:</b>	
<b>Transfer to School Capital Projects Fund</b>	<b>1,696,800.00</b>
<b>School Capital Projects Fund:</b>	
<b>Elementary/Middle School</b>	<b>1,696,800.00</b>
<b>Total</b>	<b><u>3,393,600.00</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 Eagle called on anyone desiring to speak for or against transferring these funds. There being no one desiring to be heard, the public hearing was declared closed at 7:34 p.m., and the regular session reconvened. Council Member Chenault offered a motion to approve the General Fund transfer of the Capital Projects Fund for the stated amount for a first reading, and that:

\$1,696,800.00 chge. to: 1000-31010 Amount from fund balance  
1,696,800.00 chge. to: 1311-34210 Transfer from General Fund

\$1,696,800.00 approp. to: 1000-990111-49225 Transfer to School Capital Project Fund  
1,696,800.00 approp. to: 1000-910114-48700 Elementary/Middle School

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

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

Absent – None

Mayor Eagle announced that the agenda item to consider a request from M. Belmont VerStandig, Inc., had been withdrawn.

Transportation Superintendent Drew Williams presented an overview of draft language of “Watch for Children” sign policy.

**DRAFT**

**“Watch for Children” Sign Policy**

**This policy is in compliance with the VDOT policy on the installation of said signs. In general, “Watch for Children” signs will not be permitted to be installed on collector or arterial streets, or any street with a speed limit greater than 25 mph.**

**The City will permit installation of a “Watch for Children” sign upon completion of the following:**

- A. The City will approve all locations of proposed locations for sign placement.**
- B. In a subdivision with a Homeowners Association (HOA):**
  - 1. A written request must be received from the Board of Directors indicating the number of signs and their location, accompanied with official record that such action was approved at a bona fide meeting of the association, and**
  - 2. A \$150.00 per sign donation is made to the City from the Homeowners Association to cover cost of sign installation and materials.**
- C. In a subdivision without a Homeowners Association (HOA):**
  - 1. A written request must be received from a resident or residents in the subdivision or on a subdivision street indicating the number of signs and their location, and accompanied by a petition of at least 51% of the residences in the subdivision or on the subdivision street stating that they support installation of the signs in the specific locations, and**
  - 2. A \$150.00 per sign donation is made to the City from the resident(s) of the subdivision to cover cost of sign installation and materials.**

Mr. Williams said as a result of a Kelley Street traffic issue draft language for procedures has been developed to allow neighborhoods to submit a request for the signs. By requiring residents in neighborhoods to petition the City, it will allow all the residents to be aware of the request and provide input regarding the signage. The City will also approve the placement of these signs. The signs will cost \$150.00 per sign to cover the cost of sign installation and materials. Council Member Byrd offered a motion to adopt the policy. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Mayor Eagle

Absent – None

Public Works Director Jim Baker presented an updated overview on the status of Stone Spring Road-Erickson Avenue project. He said a public hearing will be held on the Erickson Avenue/Stone Spring Road Connection project at Keister Elementary School on August 31<sup>st</sup>. The public hearing is an open forum walk-in meeting. City staff and VDOT representatives will be present to conduct open discussions. It is an east-west transportation facility in the City. It will enhance the transportation network and provide a key link to a lot of destinations and provide a boost for some economic development in the southern sections of the City. Plans are approximately 75% complete. The public hearing is required for the City to be eligible for all federal and state funding that may be available. The project is part of Harrisonburg Area 2015 Transportation Plan and is a minor arterial roadway designed to improve safety and pedestrian movement. In 2004, Erickson Avenue served approximately 7,600 vehicles per day and Stone Spring Road served approximately 9,700 vehicles per day. The projected traffic volume in the year 2027 for the completed facility will be approximately 13,200 vehicles per day. The City of Harrisonburg and VDOT are working together to improve approximately 2.1 miles of Erickson Avenue and Stone Spring Road and provide a 1.0 mile connector roadway between South High Street and Stone Spring Road. He reviewed the design timeline, which began in 1990. Currently, 66 parcels of land will be affected in part or in whole by the acquisition of right-of-way and/or easements for these projects. A total of two residential structures and three businesses will be displaced. A environmental impact study has been completed, which has been reviewed by numerous state agencies. This project will not significantly impact any streams or wetlands and will not involve significant air or noise impacts. No historic sites are located within the project's area. The total estimated cost of the project is \$54,800,000.00, which includes \$4,500,000.00 for preliminary engineering; \$16,600,000.00 for right of way, utility adjustments, relocation and relocation assistance; and \$33,700,000.00 for construction. The projects will be funded with federal, state, and local monies. He reviewed the remaining action required and proposed tentative schedule.

Vice-Mayor Pace offered a motion to approve closing the South and West side of Court Square from 7:00 a.m. until 6:00 p.m. for the Court Days Festival to be held on June 2, 2007. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Vice-Mayor Pace said that a special meeting was held by Planning Commission on August 16<sup>th</sup> to address draft language of R-3 & R-5. Following a number of comments received from the community Planning Commission decided to table taking any action on R-3 or R-5. It was also decided to schedule a work session on September 20th to address specify comments.

Council Member Frank asked whether the City could do anything about the concerns expressed tonight by Mr. Ken Smith regarding homeless people in the City.

Mayor Eagle said that he intended to discuss this matter with Mr. Smith.

Council Member Byrd suggested holding a work session with the School Board on October 31st. City Manager Baker and Superintendent Ford will coordinate a time for the meeting.

Council Member Chenault said the Parks and Recreation Commission met on August 21<sup>st</sup>. A group of mountain cyclists proposed constructing three levels of trails on the Bridgewater College property not just for mountain biking, but for pedestrians and cross country enthusiasts. The group would provide a specific plan, timetable, and manpower. The Parks and Recreation Commission adopted the proposal unanimously. The total estimate for the project is approximately \$7,000 and some grant money is available. The presentation was impressive and preliminary contacts with the residents of the neighborhood have been positive. Council Members agreed to proceed with the proposal.

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 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 of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:30 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.

Vice-Mayor Pace offered a motion that Roger D. vonSeldeneck, 867 Sandtrap Lane, be appointed to the unexpired term of Ted Byrd on the Industrial Development Authority to expire on April 24, 2007. The motion was seconded by Council Member Chenault, 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

cc: City Council  
City Manager  
Assistant City Manager  
Public Library

## REGULAR MEETING

SEPTEMBER 12, 2006

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

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

Mayor Eagle recognized Boy Scouts Troop 42 from the Harrisonburg Baptist Church. The scouts are working on various badges.

Council Member Frank offered a motion to approve the consent agenda, including approval of the minutes and the second reading of transferring general funds to the School Capital Projects fund. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request from Russell and Debbie Armentrout to close a portion of undeveloped right-of-way between Sharon Street and Meadowbrook Street. She said that the applicants are requesting to close approximately 2,875 square feet of land, which is located next to their property and they have maintained for the past 19 years. She reviewed the surrounding uses in the area. She said that Michael Branner, the property owner and developer of the adjacent property at 104 Middlebrook Street, had intended to construct a berm on his property to divert water from the stormwater retention pond to Middlebrook Street. After construction, the City realized that the right-of-way had been encroached. Mr. Branner had presumably done that to lessen the steepness of the fill slope for maintenance purposes. The Armentrouts are aware there is a large 20-foot public drainage easement located across this undeveloped right-of-way and on a portion of their lot. However, this easement is no longer utilized because of the new drainage plan. The easement was intended to help divert stormwater overflows to Middlebrook Street through an underground pipe. Stormwater is not diverted to Middlebrook Street from Mr. Branner’s property through the new stormwater facility. There is a sanitary sewer line that flows diagonally across the northern section of the proposed street closing and on the rear of the applicant’s property. She said staff has recommended not closing the entire area. The street should only be closed from

Middlebrook Street up to 10 feet of the southern side of the sanitary sewer pipe. The Public Utilities Department recommends keeping 10 foot of right-of-way from the existing sewer pipe for the City. The City would still be able to maintain the sanitary sewer pipe from Sharon Street. There has been discussion between the City Engineer and Mr. Branner, developer of the adjacent property, that he may need to move the berm and increase the steepness on his property. However, as an adjacent property owner Mr. Branner has the option of purchasing half of the right-of-way. She said that Planning Commission recommended approving the street closure.

At 7:10 p.m., Mayor Eagle closed the regular session temporarily and called the evening public hearing to order. The following notice appeared in the Daily News-Record on Saturday, September 2, and Saturday, September 9, 2006.

**NOTICE OF INTENTION TO VACATE  
A PORTION OF HEATWOLE ROAD  
LOCATED OFF THE NORTHEAST SIDE OF MIDDLEBROOK STREET  
IN THE CITY OF HARRISONBURG**

**City Council Chambers  
345 South Main Street  
Harrisonburg, VA 22801  
Tuesday, September 12, 2006  
7:00 P.M.**

**The Harrisonburg City Council will hold a public hearing on Tuesday, September 12, 2006, 7:00 P.M., at City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider an application, by Russell W. and Debra H. Armentrout to vacate an undeveloped portion of Heatwole Road containing approximately 2,625 square feet and located off the northeast side of Middlebrook 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 portion of Heatwole Road to be vacated are available at the Community Development Department, 409 South Main Street, Monday through Friday.**

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

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 7:12 p.m., and the regular session reconvened. Council Member Frank offered a motion to approve this street-closing 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 Chenault  
Council Member Frank  
Council Member Byrd  
Vice-Mayor Pace  
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from OakCrest Builders and the Home Owner's Association of Section 3, The Village at Meadow Pointe to modify the existing preliminary plat. The development is zoned R-2, Residential District and located along Hickory Grove Circle. This age restricted duplex community was developed along private streets with a network of private walking trails in lieu of sidewalks. The final plat for this section was approved in February of 2002. This section consists of 80 lots, with approximately half still owned by OakCrest Builders. OakCrest Builders does not want the typical street width, but more narrow streets than City's requirement. These streets would also be maintained by the property owners association. The applicant, OakCrest Builders and the homeowner's association have requested to modify the existing preliminary plat to remove some of the internal walking trails. Residents have expressed concern over the close proximity of the proposed trail to the rear of their residential lots. They feel that the trail's location presents safety and security risks. A petition has been signed by many of the property owners indicating their desire to have the walkways reverted to private property and taken off of the plat. Mrs. Turner reviewed the street layout, off-street walkways, off-site parking, and narrow private streets. She said that Planning Commission recommended denial of the preliminary plat modification stating there should be a better representation of private property ownership before making a decision. Vice-Mayor Pace offered a motion to deny 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 Chenault  
Council Member Frank  
Council Member Byrd  
Vice-Mayor Pace  
Mayor Eagle

Absent – None

Ted Cole of Davenport and Company, the City's financial advisor, presented an overview of a parameter resolution to issue bonds for the City in the amount not to exceed \$50,000,000. He reviewed a timetable regarding issuing the bonds and a series of a parameters needed when these general obligation bonds are offered for bids. He said that interest rates in the market will be watched very closely. He reviewed three potential pay back scenarios including 20-year, 25 year or 30 year financing. A consensus on this issue will be needed tonight. If there is a desire to have a portion of this loan pre-payable at any time or pre-payable after a year it can be built into the bidding process. He continued to review recommendations from Davenport and Company concerning the debt service options. State statutes limit the amount of general obligation debt a governmental entity may incur to 10% of its total assessed real property valuation.

The following discussion by Council Members included: Would the interest rate be higher if the debt was split? What rate of interest can the City expect to receive on invested funds? Would the rate be 4 ½ or 5%? How long do we want to finance this bond? How much

money do we want to save over the life of the loan? Will the City have to raise taxes to meet this increase in the budget?

Following further discussion and comments, Council Member Chenault offered a motion to approve the issuance of bonds not to exceed \$50 million dollars within parameters negotiated by City Manager Baker, but with the understanding that basically they be for 25 years in one series. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Chenault offered a motion to renew a Certificate of Public Convenience & Necessity for Western Virginia Transportation (Yellow Cab) for a five-year period. The motion was seconded by Council Member Frank, and approved with a unanimous vote of Council.

Council Member Byrd offered a motion to renew a Certificate of Public Convenience & Necessity for College Limousine Service for a five-year period. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

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

### **PROCALAMATION**

**WHEREAS, since its founding in 1967 Blue Ridge Community College has responded to the education and training needs of our region, ensuring that all individuals have the life-long opportunity to develop their knowledge, skills, and values; and**

**WHEREAS, Blue Ridge Community College serves the needs of local businesses by training their employees, thereby helping these companies remain competitive in today's global economy; and**

**WHEREAS, through its Guaranteed Admission Agreements with many of the Commonwealth's finest colleges and universities, Blue Ridge Community College provides a secure pathway to students who wish to continue their education; and**

**WHEREAS, Blue Ridge Community College is recognized as a leader within the Virginia Community College System in several key areas, including student retention,**

**student transfer to four-year colleges and universities, and graduate scores on national licensing examinations; and**

**WHEREAS, Blue Ridge Community College has consistently ranked among the top ten nationwide among its peers in the effective use of technology to enhance classroom instruction and support student access; and**

**WHEREAS, Blue Ridge has made tremendous progress in securing private investment to ensure its capacity to respond to the needs of its service region; and**

**WHEREAS, for the second time in its 39-year history, Blue Ridge has identified needs beyond the scope of its current funding and is seeking the community's support through an Endowment Campaign; and**

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF HARRISONBURG, VIRGINIA, that the week of September 18, 2006 be recognized as**

**BLUE RIDGE COMMUNITY COLLEGE  
"SECURING OUR FUTURE" WEEK**

**in the City of Harrisonburg and that this be a week of celebrating the College's contributions to our community and envisioning its future as a center of lifelong learning.**

**Attest:**

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**Rodney L. Eagle, Mayor**

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**Yvonne Ryan, CMC, City Clerk**

Vice-Mayor Pace offered a motion to approve this proclamation. The motion was seconded by Council Member Pace, and approved with a unanimous vote of Council.

The next item of business for Council's consideration was a presentation by Michael Wong, Executive Director, Harrisonburg Redevelopment and Housing Authority. He said that HRHA has submitted an application to HUD requesting discontinuation of 100 units of public housing in the Franklin Heights and Harrison Heights area and transfer the declaration of trust to the Harrisonburg Redevelopment and Housing Authority (HRHA). This request is to allow the authority to utilize the properties as securities to leverage additional funds to further finance the renovation of the 60 units. The authority plans to continue to operate the units as affordable rental housing, but as non-public housing. He reviewed several factors the authority used to make this decision, steps involved in approving the annual plan, and proposed schedule activities. Community input will also be received and used in the process. If the plan is approved it will not be initiated until 2008.

The next item of business was a brief update on the Rockingham Trail project. Transportation Superintendent Drew Williams said the City has received funding through the

Community Development Block Grant Program for bicycle facilities and the standing bicycle committee has recommended use of those funds on a trail facility on platted street right-of-way of Rockingham Drive. This trail would connect Chicago Avenue with North Dogwood Drive. A neighborhood meeting was held to discuss design considerations and receive comments from nearby property owners. City staff has notified the property owners adjacent to this project regarding the construction in the area.

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,  
VIRGINIA, SETTING THE PERCENTAGE OF PERSONAL PROPERTY  
TAX RELIEF FOR THE YEAR 2006**

**WHEREAS, pursuant to Article J of Title 4, Chapter 2 of the Harrisonburg City Code, the City Council shall by resolution set the percentage of personal property tax relief that is anticipated to fully exhaust the Personal Property Tax Relief Act of 1998 (PPTRA) funds provided to the city by the Commonwealth of Virginia; and**

**WHEREAS, the percentage of personal property tax relief for the year 2006 has been determined to be forty-two percent (42%);**

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

**That the City Council of the City of Harrisonburg, Virginia, sets the percentage of personal property tax relief for the tax year of 2006 to be forty-two percent (42%), which percentage is anticipated to fully exhaust the PPTRA relief funds provided to the city by the Commonwealth of Virginia.**

**Approved: September 12, 2006**

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**MAYOR**

**ATTEST:**

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**CLERK OF THE COUNCIL**

Commissioner of the Revenue June Hosaflook said this resolution will set the percentage of tax relief commonly known as the car tax. She said in 2005, Harrisonburg adopted an ordinance setting the percentage rate that would translate on the tax bill to a dollar amount of relief for the car tax. The car tax became a fixed amount of money by the state, so the City can no longer give City taxpayers 70% of their bill. The amount now is 42% that will be relieved on the tax bill for 2006 personal property. Following further discussion and comment, Vice-Mayor Pace offered a motion to adopt resolution as presented. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

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

**WHEREAS, the Industrial Development Authority of the City of Harrisonburg, Virginia (“Authority”), has considered the application of Virginia Mennonite Retirement Community, Inc., Virginia Mennonite Home, inc., Park Village, Inc. and Virginia Mennonite Foundation, Inc. (collectively, the “Borrowers”) requesting the issuance of the Authority’s revenue bonds in an amount not to exceed \$34,000,000 (“Bond”) to assist in refunding the Industrial Development Authority of Rockingham County, Virginia’s Residential Care Facility First Mortgage Revenue Bonds (Virginia Mennonite Retirement Community), Series 1998A and Series 1998B issued to finance and refinance the construction and renovation of improvements to the Borrowers’ continuing care retirement community located at 1501 Virginia Avenue in the City of Harrisonburg, Virginia (“Project”), and has held a public hearing on August 31, 2006;**

**WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;**

**WHEREAS, the Authority issues its bonds on behalf of the City of Harrisonburg, Virginia (“City”); the Project is located in the City and the City Council of the City of Harrisonburg, Virginia (“Council”) constitutes the highest elected governmental unit of the City;**

**WHEREAS, the Authority has recommended that the Council approve the issuance of the Bonds; and**

**WHEREAS, a copy of the Authority’s resolution approving the issuance of the Bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Council.**

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

- 1. The Council approves the issuance of the Bonds by the Authority for the benefit of the Borrowers, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended (“Virginia Code”) to permit the Authority to assist in the refunding of the Project.**
- 2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Project or the Borrowers.**
- 3. This resolution shall take effect immediately upon its adoption.**

**Adopted by the City Council of the City of Harrisonburg, Virginia this 12<sup>th</sup> day of September 12, 2006.**

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

City Attorney Thumma said an application by the Virginia Mennonite Retirement Community has been submitted to the Harrisonburg Industrial Development Authority. The Harrisonburg Industrial Development Authority held a public hearing August 31, 2006 and approved issuing the refunding bonds. The bonds will not be a debt or obligation of the City. Vice-Mayor Pace offered a motion to approve this resolution. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Fire Chief Larry Shifflett presented a request for a supplemental appropriation for the Fire Department. He said approximately \$179,900 were unspent funds from last year’s budget received from various program grants. In addition, \$40,000 is being requested to assist with the cost of refurbishing the 1991 tower/ladder truck that was recently purchased to be used as a reserve tower/ladder truck. Following further discussion and comments, Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$219,911.69 chge. to: 1000-31010 Amount from fund balance

\$154,198.86 approp. to: 1000-320232-48203 Fire programs fund  
24,717.83 approp. to: 1000-350532-46160 Haz Mat funds  
995.00 approp. to: 1000-350532-46155 Four for Life funds  
40,000.00 approp. to: 1000-320132-48113 Equipment

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

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

Absent – None

City Manager Baker presented a request for a supplemental appropriation for the Public Works Department. He said these funds were received from the Department of Conservation & Recreation (DCR) grant for a stream health improvement program. The funds will be used to purchase a street sweeper, salary/benefits for an additional operator, maintenance of sweeper, and new pet waste stations. No new personnel will be added to the department. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$140,000 chge. to: 1000-32529 Stream Health/Improvement Grant  
76,335 chge. to: 1000-31010 Amount from Fund Balance

\$21,606 approp. to: 1000-420241-41010 Salaries & Wages Regular  
117 approp. to: 1000-420241-41015 Employer Benefit Match  
470 approp. to: 1000-420241-41020 Salaries & Wages Overtime  
1,698 approp. to: 1000-420241-42010 FICA  
3,399 approp. to: 1000-420241-42020 Retirement-VRS  
5,924 approp. to: 1000-420241-52050 Hospital Insurance  
245 approp. to: 1000-420241-42060 Life Insurance-VRS  
225 approp. to: 1000-420241-43710 Uniform Maintenance Contract  
12,000 approp. to: 1000-420241-44302 C.S. Powered Equipment Supplies  
15,000 approp. to: 1000-420241-44310 C.S. Powered Equipment Fuels  
2,500 approp. to: 1000-420241-46070 Repair & Maintenance Supplies  
5,500 approp. to: 1000-420241-46140 Other Operating Supplies  
147,651 approp. to: 420241-48151 Motor Vehicles & Equipment

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from the Division of Motor Vehicles through a reimbursement grant and will be used for the Click It or Ticket program. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$96.80 chge. to: 1000-33524 DMV Federal Grant

\$96.80 approp. to: 1000-310231-41020 Salaries/wages OT

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from state asset seizure money and will be used to purchase two sniper rifles and new jackets for supervisors. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$5,609.00 chge. to: 1000-31010 Amount from fund balance

\$1,356.80 approp. to: 1000-310231-46110 Uniforms

4,252.20 approp. to: 1000-310231-46100 Police supplies

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said plans for the facility include training for K-9, firing range, and physical agility testing. Funds for the facility will be received from drug asset seizure monies. Following further discussion and comments, Council Member Pace offered a motion to proceed with planning this facility and encouraging Rockingham County to join the City in planning the

facility. Other localities will be excluded. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

The next item of business was selecting voting delegates for the Virginia Municipal League Conference scheduled for October 15-17, 2006. Council Member Byrd offered a motion naming Mayor Rodney Eagle as the voting delegate and Council Member Frank as the alternate voting delegate. City Manager Roger Baker was selected as a staff assistant to represent the City at the conference. The motion was seconded by Council Member Chenault and approved with a unanimous vote of Council.

Council agreed to hold a retreat in the near future, but not include a facilitator at the meeting.

At 9:06 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 and Harrisonburg Redevelopment and Housing Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

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.

Council Member Frank offered a motion that Eldon Kurtz, 555 East Wolfe Street, be appointed to a second term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2010. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

Council Member Frank offered a motion that Council Member Ted Byrd, 238 Campbell Street, be appointed to MPO Policy Board. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

SEPTEMBER 26, 2006

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

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

Todd Hedinger, a resident of Harrisonburg, asked Council to consider adopting a resolution in opposition to the proposed Marshall/Newman Amendment. He said the proposed amendment states that it is for the Commonwealth and its political subdivision. The proposed Amendment directly affects the benefits available to unmarried full-time Harrisonburg City employees, government employees and state employees. It affects our ability to recruit and retain the most qualified people for jobs in our City, including teachers and police officers. For the good of our City, we all have a stake in this. The Marshall/Newman Amendment takes away rights, just as surely as actions of eminent domain take away rights. Please give this resolution time for consideration.

Violet Allain, a resident of the City said the Marshall/Newman Amendment is a mean spirited proposal and has far reaching implications beyond the well-publicized ban on gay marriage. This amendment clearly states that any form of legal status for relationships of unmarried individuals is not to be recognized by the state and its political subdivisions. This amendment effectively denies relationship rights for all unmarried couples straight or gay. There is nothing in the amendment that will disallow the restriction of benefits for all unmarried couples including Harrisonburg City employees and state employees. This amendment is detrimental to business, economic development, taxpayers, and quality of life in Harrisonburg. This amendment endangers the future of thousands of citizens of the Commonwealth of Virginia and will lead to unnecessary legal entanglements. She urged Council to take a stand on this hurtful proposed amendment and support the resolution by encouraging all fair-minded citizens of Harrisonburg to vote no on November 7, 2006.

Cynthia Gillett said her department at JMU recruits new faculty from states that do not have legislative like this and people in the past have refused to take jobs here. JMU is a major employer in the City. This proposed legislation will restrict people in their private arrangement about how they take care of their families.

Paula Cantleberry said she was speaking on behalf of her daughter, Cassandra Hanson, who is currently on active duty with the Virginia National Guard and deployed in Kosovo. "I recently received a delinquent personal property tax notice dated July 28, 2006 from the Office of the Treasurer of the City of Harrisonburg." The property on which the tax, related interest and

late fee was assessed was on an automobile housed in the City while my daughter attended James Madison University. The tax years were 2002 and 2003. During this time period and continuing to this date neither my daughter nor I received any tax assessment or delinquent notification because it was sent to an incorrect address. The automobile was registered in Virginia, but I was living in California. Having now received the proper notification from the City, I realize the tax is due and I am obligated to pay the related liability. However, I feel that is unfair to access interest and late fees on the tax liability that I was neither aware of nor received any bill or notice. "I have paid the full amount, but I am asking for the penalties, interest and court costs be refunded."

Sam Nichols said, "It is my belief that the issue of gay and liaison rights is a human rights issue." It is one of the premier issues within the United States.

Mayor Eagle said, "I personally don't believe that the Marshall/Newman Amendment is in the area of City Council responsibility." Everyone voting on November 7<sup>th</sup> will have an opportunity to express himself or herself regarding this matter.

Council Member Chenault said, "Our role is to represent all of the citizens of the City of Harrisonburg. Harrisonburg is a diverse community. I view this as something of a political question that will be resolved at the election in November. In fairness to citizens that is where it ought to be resolved. I am not prepared to put Council in the position of making recommendations on what are termed political questions."

Council Member Byrd said, "I wouldn't support a recommendation for Council for or against the resolution." That is an individual voting decision. "I welcome everyone to use this forum to get your message out to the citizens of Harrisonburg. I am glad you came."

Vice-Mayor Pace said, "If we are going to vote on a resolution pro or con then we need to have a public hearing and an open forum for debate on both sides before anyone makes any decision on this matter."

Vice-Mayor Pace also said, "Regarding the tax issue expressed earlier tonight by Ms Cattleberry, if the City made an error in terms of the incorrect address and Ms. Cattleberry is willing to pay the taxes, then we need to find a way to reimburse her for monies that aren't related to taxes. It is the only fair thing to do."

City Attorney Thumma pointed out that Commissioner of the Revenue June Hosaflook has no authority to rebate any penalty or interest. The City Treasurer also has no authority. Only Council can take any action.

Following further discussion and comments, Council agreed to table the request until the next meeting allowing City Attorney Thumma and Mayor Eagle to look into this matter.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several supplemental appropriations for the

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

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

Absent – Council Member Frank

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

### **International Walk to School Day Proclamation**

**WHEREAS, despite ongoing efforts to better protect child pedestrians, child pedestrian injury remains the second leading cause of unintentional injury-related death among children ages 5 to 14 in the U.S.; and**

**WHEREAS, each year, more than 630 children ages 14 and under die from pedestrian-related injuries and more than 39,000 children ages 14 and under are treated in hospital emergency rooms in the U.S.; and**

**WHEREAS, the total annual cost of traffic-related pedestrian injury among children ages 14 and under is \$5.2 billion in the U.S.; and**

**WHEREAS, the majority of pedestrian deaths and injuries are traffic-related in the U.S.; and**

**WHEREAS, environmental modifications, when made in conjunction with enforcement of traffic laws and increased penalties for traffic violations, are proven to reduce traffic-related pedestrian death and injury; and**

**WHEREAS, in recognition of International Walk to School Day 2006, children, parents, educators, community leaders, Safe Kids coalitions and FedEx Express employees are joining together nationwide to walk to school and evaluate pedestrian safety in their community; and**

**WHEREAS, Safe Kids Central Shenandoah Valley has planned pedestrian safety activities and school-based events for International Walk to School Day 2006 in an effort to educate children and families about the importance of pedestrian safety;**

**NOW, THEREFORE, I, Rodney Eagle, Mayor of the City of Harrisonburg do hereby proclaim October 4, 2006 as**

**INTERNATIONAL WALK TO SCHOOL DAY**

**in Harrisonburg, and call upon all the residents of this City to join with me in supporting the efforts and activities of Safe Kids Central Shenandoah Valley, Harrisonburg City Schools, and Keister Elementary School to prevent pedestrian injuries and deaths to our children.**

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**Rodney L. Eagle, Mayor**

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**Yvonne Ryan, CMC, City Clerk**

Ana Hunter-Nickels, Camille Cummings, Charles Phillips and Graham Rebhun from Keister Elementary School gave Council Members a t-shirt and an invitation to walk with some of the children to school on October 4, 2006. Council Member Byrd offered a motion to accept the proclamation as presented. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Frank

City Manager Baker introduced a request from Americast-Valley Blox for the City to provide water and sewer service to their future-manufacturing site along Acorn Drive. The property is located both in Harrisonburg and Rockingham County. The actual structure will be built in Rockingham County. Harrisonburg will provide the services. He said that Planning Commission recommended approving the request. Vice-Mayor Pace offered a motion to approve the request as submitted. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Frank

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, updated the progress and accomplishments for HDR. He mentioned that the City of Lynchburg has received one of four national awards for their downtown revitalization effort. Eddie Bumbaugh, Roger Baker, and Brian Shull will make a presentation at the Virginia Municipal League Conference on October 16<sup>th</sup> regarding Harrisonburg's downtown revitalization efforts. He reviewed pictures of the Bedford and Roanoke areas, which have permanent structures to house their farmers market. Because of the construction of the Water Street deck, which required the relocation of the Farmer's Market, the City might want to consider a permanent structure in the future. On May 11, 2006, City Council passed a resolution supporting and designating certain sections of Route

11 portion from Port Republic Road to Court Square as being part of the Virginia Byway. Virginia has a Virginia Main Street Façade Improvement Program, which lists Harrisonburg through the Harrisonburg Downtown Renaissance and Community Development Block Grant as making \$25,000 in available funds to downtown property business owners for façade and sign enhancement. He announced that between October and March the downtown area will have three new restaurants and an upscale convenience store. The City Exchange project has been an amazing success. In July, a group of leadership students attending JMU painted a mural on the concrete wall at the corner of West Bruce Street and Old South High Street to cover the graffiti. He said HDR is working with Harrisonburg Tourism to have additional walking tours of the downtown area, charging a small fee, and using the funds toward downtown beautification. It is hoped to have partial implementation of a streetscape plan by 2007. Another possible project is hanging flowers from light poles. Many successful events were held during the summer. Upcoming events include Museum & Gallery Walk on October 20<sup>th</sup>, Howl-o-Ween on the Square on October 28<sup>th</sup>, Holidays on Main Street on November 25<sup>th</sup>, and taking pictures with Santa in the Hardesty Higgins House. On December 1st, volunteers will be honored for all of their hard work.

City Manager Baker presented a request to appropriate fund to the Tourism Fund. He said that funds were received from a grant by the Virginia Foundation for the Humanities and will be used to print the African American Heritage Site Brochure. Council Member Chenault offered a motion to approve this request for a first reading, and that:

\$4,000 chge. to: 1000-32530 VA Foundation for the Humanities Grant

\$4,000 approp. to: 1000-810821-43601 Contract printing/mailing

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

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

Absent – Council Member Frank

Wanda Hamilton, the City's Supervisor of ESL Language Arts, English and Foreign Language, presented an overview of the ESL program in City schools. She said an effective ESL program must be defined, planned, and funded. Harrisonburg City Schools has seen dramatic changes in the last five to seven years. Our ESL population has increased from 18% to over 36%. At the elementary level it is over 40%. Harrisonburg is number one in Virginia in terms of the percentage of ESL students. The students in the ESL program come from 56 countries and speak 45 different languages. Harrisonburg must provide support, communication and translation of materials. In the past the majority of the ESL population has been born in Virginia. Our goals are simple, but "No Child Left Behind" gives us a challenging time line to accomplish. The challenges both instructionally and financially are great with an urgent need to

have programs in place that can grow with the population. She reviewed how the students are counted in a subgroup. There are always additional costs for special programs above and beyond the normal. All of the teachers have ESL students in their classrooms. There are increased needs for interpreters and translators. In the LEAP Program classroom teacher team with an ESL teacher and a literacy specialist to work in small groups with level 1 and 2 ESL students. An additional goal is to involve parents in the education of their children. As a result, two or three parents as educational partners programs will be offered this year. It is becoming a rare district in Virginia that doesn't enroll one or more LEP students.

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

**LOCATION AND DESIGN  
PUBLIC HEARING APPROVAL RESOLUTION**

**WHEREAS, a Location and Design Public Hearing was conducted on August 31, 2006, with representatives of the City of Harrisonburg and the Commonwealth of Virginia, Department of Transportation, after due and proper notice for the purpose of considering the proposed location and design of ERICKSON AVENUE/STONE SPRING ROAD PROJECTS U000-115-127 (UPC#64647); U000-115-128 (UPC#64648); U000-115-123 (UPC#60980), at which hearing road and bridge plan sheets, drawings and other pertinent information were made available for public inspection in accordance with state and federal guidelines; and**

**WHEREAS, all persons and parties in attendance were afforded full opportunity to participate in said public hearing; and**

**WHEREAS, the CITY OF HARRISONBURG is an active participant in the Urban Construction Initiative and representatives of the City were present and conducted said hearing; and**

**WHEREAS, the Council has previously requested the Virginia Department of Transportation to program these projects; and**

**WHEREAS, the Council considered all such matters; now**

**THEREFORE, BE IT RESOLVED that the Council of the City of Harrisonburg hereby approves the location and major design features of the proposed projects as presented in the Public Hearing; and**

**BE IT FURTHER RESOLVED that the City of Harrisonburg requests the Virginia Department of Transportation to acquire all rights of way necessary for these projects on behalf of the City and placing said right of way in name of the City of Harrisonburg; and**

**BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute, on behalf of the City of Harrisonburg, all necessary railroad and utility agreements required in conjunction with acquiring such rights of way.**

Adopted this 26<sup>th</sup> day of September, 2006 City of Harrisonburg, Virginia

ATTEST:

\_\_\_\_\_  
Clerk of the Council

By: \_\_\_\_\_  
Rodney L. Eagle, Mayor

City Manager Baker said that this resolution confirms the public hearing process that was held on August 31, 2006 and subsequent public comment period regarding the location and design of the Stone Spring Road/Erickson Avenue project. This is a prerequisite for the Commonwealth Transportation Board to take action on the location and design of the project. Vice-Mayor Pace offered a motion to approve this design resolution as presented. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Frank

Council Member Byrd suggested that Council proceed with appointing two members of Council to a Finance Committee. The members would establish the function and role of the committee by compiling information from other localities that have a Finance Committee.

Vice-Mayor Pace said that he endorsed the concept of the Finance Committee. This committee should review issues that arise outside the budget and establish a cap that would have a fundamental impact on the general fund and/or require debt financing.

Council Member Chenault endorsed the concept of the Finance Committee.

Mayor Eagle said he would like know how other localities handle the requests.

Council Member Byrd offered a motion to establish a two members Finance Committee made up of two City Council members. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council Members present.

Council Member Chenault offered a motion that Vice-Mayor George Pace and Council Member Byrd be appointed to a Finance Committee. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council Members present.

City Attorney Thumma presented for Council's consideration an ordinance enacting Section 1-1-14 and amending and re-enacting Section 17-1-3 of the Harrisonburg City Code. He said adoption of these ordinances will move the City Council and School Board elections from

May to November. He said that a public hearing will be held prior to adoption and other ordinances will need to be prepared.

Bucky Berry, a resident of Harrisonburg, said the Boys and Girls Club and Big Brothers/Big Sisters need more funding. He also complained about the emergency radio system in Charlottesville.

Council agreed to hold a retreat on October 24<sup>th</sup> starting at 11:00 a.m.

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 Harrisonburg Parking Authority and Harrisonburg Redevelopment and Housing Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent – Council Member Frank

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 9:45 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

OCTOBER 10, 2006

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

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

Mayor Eagle congratulated City Clerk Bonnie Ryan for completing her Master Municipal Clerk (MMC) designation from the International Institute of Municipal Clerks, which is the highest recognition given by the International Institute of Municipal Clerks. Mayor Eagle said it is quite an honor and recognized Bonnie’s exemplary performance as a municipal clerk. Bonnie has been very dedicated and devoted a lot of time and effort into completing this designation. Council congratulated Bonnie for receiving her MMC.

Council Member Chenault offered a motion to approve the consent agenda, including approval of the minutes and second reading of a supplemental appropriation to the Tourism Fund. The motion was seconded by Vice-Mayor Pace, and approved with roll call vote taken as follows:

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

Absent – None

The next item of business was a presentation by Commonwealth Attorney Marsha Garst regarding how her office is coping with the issue of illegal immigrants. The Commonwealth Attorney office becomes involved with criminal aliens once the individual has been charged and brought before the system because of criminal infractions. Her office is not in a position with resources nor with power granted to be proactive in the area of illegal immigration as far as going out and seeking illegal immigrants for charge. She reviewed how the office is notified of the status of illegal immigrants. If a person cannot produce a social security number or other documentation the office will object to any bond because of fear that the individual will fail to appear for court proceeding. There are circumstances where notification is not made properly to the attorney prior to a bond hearing and her office is aware of the person’s illegal status. The system is not perfect. But, the ultimate issue with bonds lies in the power with the judge whether to grant the bond once the individual is in court. Confirmation is received from Immigration and

Customs Enforcement (ICE), which can trigger a detention without a warrant. The Commonwealth Attorney's responsibility is to give everyone a fair trial. It is the duty of the Commonwealth Attorney office to assure that everyone possible can be held and bonded for trial or at least assures that they will appear. There have been many challenging cases in the past few years. ICE is working very hard to make sure the Commonwealth Attorney office has bond information regarding whether an individual poses a threat to this community and the safety of the community. Local government can be very proactive in working with ICE to get the appropriate information to ensure those that are criminals are held accountable. The Commonwealth Attorney office and local law enforcement do not target anyone. We deal with criminals that come before us because of criminal activity.

Planning and Community Development Director Turner introduced a request from the City of Harrisonburg to modify roof mounted telecommunications equipment. The property, zoned B-1, Central Business District, is located at 101 North Main Street and can be found on tax map 34-P-1. She said Alltel has applied for a special use permit to modify unenclosed telecommunications equipment located on the roof of the Public Safety Building. She reviewed the surrounding uses in the area. VA Cellular was granted a special use permit in August 2005 from City Council to collocate three antenna panels, a two-foot communications dish and one equipment cabinet on the roof of the building. VA Cellular has since been sold to Alltel Communications, Inc., which is a private communications provider and not associated with functions of Emergency Communications Center (ECC). Alltel wants to modify the previously granted special use permit to allow for the replacement of the existing equipment cabinet with two smaller cabinets. The new design calls for two smaller cabinets to sit side by side on the existing platform. As with the old design, the existing parapet wall will screen this equipment from public view. Staff recommends that the request be approved with the following conditions: 1) If the telecommunications equipment ceases to be used for more than 12 months, it would need to be removed from the building. 2) Only the equipment as shown on the submitted drawings, or something smaller in size or weaker in transmission be approved. Installation of additional equipment, larger, equipment, or more powerful equipment will constitute a violation of the special use permit and make it null and void. 3) Placement of any advertising is prohibited and the antennas are to be a neutral color that blend in with their surroundings. 5) City staff may review this for compliance with the above conditions and if they are found to be in neglect then the property owner of the equipment will be contacted. She said that Planning Commission recommended approving the request.

At 7:25 p.m., Mayor Eagle closed the regular session temporarily and called the evening first public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 25, and Monday, October 2, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on October 10, 2006 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

***Special Use Permit – 101 North Main Street (Alltel)***

**Public hearing to consider a request from the City of Harrisonburg, with representative Alltel for a special use permit per Section 10-3-85(2) to allow Alltel to modify roof mounted telecommunications equipment. The property, zoned B-1, Central Business District, 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 hearings shall notify the City Manager at least five (5) days prior to the date of the meeting.**

**CITY OF HARRISONBURG**

**Roger D. Baker**

**City Manager**

Mayor Eagle called anyone desiring to speak for or against this special use permit request. Pete Caramanis an attorney representing Alltel reiterated this request is required because Alltel acquired VA Cellular and needs to use its own equipment. There being no others desiring to be heard, the public hearing was declared closed at 7:27 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Pace, and approved with roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request from Tarun Patel of Horizon Hospitality to allow telecommunications equipment on the Holiday Inn located at 1400 East Market Street. The Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in the area. T-Mobile wants to expand their coverage area and provide additional user capacity to reduce dropped calls from existing antennas in the area. The proposal calls for the mounting of three sectors of panels, consisting of a maximum of three panels per sector. These panels would be located on the top floor of the five-story structure and would be painted match the existing color of the walls. Three equipment cabinets would be located on the ground near the building within a secure fenced area. The panels would be connected to the cabinets through wires that would run up the side of the building. Staff recommended approving the special use permit with the same type of conditions as Alltel. She said that Planning Commission also recommended approving the special use permit request.

At 7:31 p.m., Mayor Eagle closed the regular session temporarily and called the evening second public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 25, and Monday, October 2, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold public hearings on October 10, 2006 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

***Special Use Permit – 1400 East Market Street (T-Mobile)***

**Public hearing to consider a request from Tarun Patel of Horizon Hospitality, with representative T-Mobile for a special use permit per Section 10-3-91 (4) to allow telecommunications equipment on the Holiday Inn building. The property is located at 1400 East Market Street and can be found on tax map 13-A-3.**

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

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

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

Mayor Eagle called anyone desiring to speak for or against this special use permit request. Vanessa Cooper of T-Mobile thanked staff for a very good presentation. She said at the Planning Commission meeting, Vice-Mayor Pace had requested to know who T-Mobile competitors were in this market. T-Mobile competitors in Harrisonburg are Verizon, Cellular One, Ntelos, Sprint, Nextel, Cingular, and Alltel. She did not have what their market share was in the community. There being no others desiring to be heard, the public hearing was declared closed at 7:33 p.m., and the regular session reconvened. Council Member Byrd offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Pace, and approved with roll call vote taken as follows:

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

Absent – None

John Serell requested that a scheduled public hearing be continued until the October 24<sup>th</sup> Council meeting. Vice-Mayor Pace offered a motion to continue this agenda item until the October 24<sup>th</sup> Council meeting. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request from Clover Leaf Shopping Center Corporation to subdivide one, 10.75-acre parcel into two lots, a 9.89 acre parcel, and a .85 acre parcel. The property is located between Carlton and Cantrell Streets and can be found on tax map 27-O-1. She reviewed the surrounding uses in the area. The subdivision request is for financial purposes not for the purpose of development. However, this request is subject to the requirements of the Design and Construction Standards Manual (DCSM), which requires construction of sidewalks to be located on any arterial street. The applicant; however, is asking for a variance to that section. Since East Market Street is classified as an arterial street, Cantrell Avenue a minor arterial street, and Reservoir Street a collector street, sidewalk construction must occur along their frontages. Carlton Street is classified as a local street and does not require sidewalk construction as a result of the subdivision. She reviewed the plan staff discussed regarding the sidewalk issue and reasonable compromise that has been reached. Staff supports the preliminary plat with the variance to sidewalk construction along Reservoir Street and Cantrell Avenue, but feels that the applicant should provide sidewalk along East Market Street. She said that Planning Commission recommended that the variances be granted, but that City Council include \$20,000 in the 2007 CIP to construct sidewalks from Carlton Street to Cantrell Avenue. Planning Commission recommended approval of the preliminary plat as requested.

Mark Callahan an attorney with the law firm of Clark and Bradshaw reviewed and explained the reason for the request. The applicant has refinanced the property, which requires a phase one environmental report. The report indicated there have been dry cleaning fluids leaking underneath Preston Cleaners and therefore the lender said they wanted that excluded from the deed of trust. That is the purpose of the request to subdivide the properties.

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

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

Absent – None

Planning and Community Development Director Turner introduced a request from Gary Turner to subdivide 14 townhouse lots from a 3.69-acre parcel located at 1620 Virginia Avenue. The property is located at 1620 Virginia Avenue and can be found on tax map 52-C-3. The Comprehensive Plan designates this area as Commercial. She reviewed the surrounding uses in

the area. In 1999, Mr. Turner, rezoned a lot to the north of the subject parcel from B-2 to R-3C and developed the site with 29 dwelling units. Then, in March of this year, Mr. Turner rezoned the property similar to what is on the adjacent site. The following proffers were approved with the rezoning: 1) Dwelling units may be occupied by a family or not more than two (2) unrelated persons. 2) The façade of fifty (50) percent of the structures shall be brick veneer and limited to two (2) stories and thirty-five (35') in height. 3) The property will be used for single-family detached homes or single family attached dwellings. The applicant has proposed to build the required sidewalk along Virginia Avenue when the commercial lot fronting on Virginia Avenue develops. If the variance is approved, the applicant cannot place a sign for the development on the street, nor any snow removal or trash pick-up. Stormwater management would be collected from the rear of the lot owned by the applicant. She said that Planning Commission recommended approving the request. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Chenault, and approved with a approved with roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request from Walt Trobaugh to subdivide 132 townhouse lots at 2151 Reservoir Street. The property is located at 2151 Reservoir Street and can be found on tax map 80-A-4 & 5. The Comprehensive Plan designates this area as Medium-Density Mixed Residential. She reviewed the surround uses in the area. The applicant has requested to re-subdivide two parcels into a development of 132 townhouse units, utilizing private internal streets and parking areas. A variance is required because many of the lots will not front on a public street. By utilizing private streets developers are able to get a higher density per acre. The intent is to create a development that would be attractive to the City's college student population, by offering four bedroom units with community amenities including a clubhouse, swimming pool, and open recreational areas. The property owner's association would maintain the private yards and common areas. Dumpsters located throughout the development would provide trash collection. The development would be constructed at the corner of Reservoir Street and Lucy Drive with a primary entrance located off of Lucy Drive. This request would require extending Lucy Drive and constructing a sidewalk. The applicant is working with the adjacent landowners to acquire the necessary right-of-way to design an alignment of the road extension to allow for a four-way intersection with Woodland Drive. The applicant and the City have had several meetings to discuss arrangements to exchange land to assist in the townhouse development and City road improvements in this area. The current preliminarily plat proposal shows two townhouse lots encroaching upon the existing City right-of-way. When the preliminarily plat for the Towns of Bluestone was approved it was intended that Bluestone Hills Drive be continued through the subject parcel and connected with Lucy Drive at some point in the future. The plan now is for Bluestone Hills Drive to end in a permanent cul-de-sac on the eastern boundary of this property. She said that Planning

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

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

Absent – None

The next item of business was a request by the American Legion Post 27 to close South Main Street at the Municipal Building to Gay Street on November 11<sup>th</sup> from 2:00 to 3:00 p.m., for the Veteran’s Day Parade. The certificate of insurance has been submitted. Vice-Mayor Pace offered a motion to approve this request. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

The next item of business was a request by T.E.N.T. (Together-Evil Never Triumphs) to close the 200 block of Kelley Street on November 4<sup>th</sup> from 2:30 to 5:30 p.m., for a two (2) hour community revival with choirs and ministries. The certificate of insurance has been submitted. Rain date is November 18<sup>th</sup>. Vice-Mayor Pace offered a motion to approve this request. The motion was seconded by Council Member Frank, 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 through a special awards grant to purchase equipment. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$20,257.50 chge. to: 1000-33541 Special Awards Grant

\$20,257.50 approp. to: 1000-310131-48211 Mach/equipment

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were received from a grant for overtime traffic task force. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$4,135.44 chge. to: 1000-33524 Federal DMV grant

\$1,958.24 approp. to: 1000-310231-41020 Salaries/Wages OT

2,177.20 approp. to: 1000-310631-41020 Salaries/Wages OT

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. These funds were received from state asset seizure money and will be used to build the new police training facility and to purchase equipment for the police command vehicle. Council Member Byrd offered a motion to approve this request for a first reading, and that:

\$30,000.00 chge. to: 1000-31010 Amount from fund balance

\$20,000.00 approp. to: 1000-310231-48234 Police training facility

10,000.00 approp. to: 1000-310231-48235 Police command vehicle

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

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

Absent – None

City Attorney Thumma said that it has been determined the reason Paula Cantleberry did not receive a delinquent person property tax notice was the City's mistake. The Treasurer's office has been asked to refund Ms. Cantleberry's interest, court costs and penalty.

At 8:22 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 and Harrisonburg Redevelopment and Housing 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 requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:40 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.

Vice-Mayor Pace offered a motion to accept the resignation of Transportation Superintendent Drew Williams and support his hiring by the Central Shenandoah Planning District. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council Members.

At 9:45 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

OCTOBER 24, 2006

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

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

Bucky Berry, a resident of Harrisonburg, reported that a pit bull dog had attacked him and asked Council to establish strict laws concerning these dangerous dogs.

Ralph Gettes complained about computerized voting equipment.

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes and second reading of several supplemental appropriations for the Police Department. The motion was seconded by Council Member Byrd, and approved with roll call vote taken as follows:

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

Absent – None

A scheduled public hearing to consider a rezoning request from John Serell was withdrawn.

City Attorney Thumma presented for Council’s consideration an ordinance enacting Section 1-1-14 and amending and re-enacting Section 17-1-3 of the Harrisonburg City Code. He said adoptions of these proposed ordinances will change the City Council and School Board elections from May to November. The first November General Election will be November 4, 2008 for the three incumbent City Council Members whose terms expire on June 30, 2008. The next November general election shall be November 2, 2010 for the two incumbent City Council Members whose terms expire on June 30, 2010. Adopting these two ordinances will make it necessary to enact a separate section to change the organizational meeting from July 1<sup>st</sup> until January 2<sup>nd</sup>.

At 7:08 p.m., Mayor Eagle closed the regular session temporarily and called the evening public hearing to order. The following notice appeared in the Daily News-Record on Friday, October 13, and Friday, October 20, 2006.

**NOTICE OF PUBLIC HEARING ON THE  
MOVING OF CITY COUNCIL AND CITY SCHOOL BOARD ELECTIONS  
FROM MAY TO THE NOVEMBER GENERAL ELECTION**

**The Harrisonburg City Council will hold a public hearing on October 24, 2006 at 7:00 P.M. in the City Council Chambers located in the Municipal Building, 345 South Main Street, Harrisonburg, Virginia, concerning moving the City Council and City School Board elections from May to the November general election.**

**Copies of the proposed ordinances moving the elections from May to November are available in the City Manager's Office, 345 South Main Street, Harrisonburg, Virginia, Monday through Friday, 8:00 A.M. to 5:00 P. M.**

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

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

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

Mayor Eagle called anyone desiring to speak for or against enacting, amending and re-enacting these ordinances. There being no one desiring to be heard, the public hearing was declared closed at 7:09 p.m., and the regular session reconvened.

The following discussion by Council Members included: Low voter turnout in May and hopefully changing the date to November should increase voter participation. Holding one election instead of two could save a small amount of money. It will prevent newly elected officials from inheriting budgets approved by previous Councils. Council prefers and encourages higher voter participation. Vice-Mayor Pace offered a motion to adopt these ordinances for a first reading. The motion was seconded by Council Member Byrd, and approved with roll call vote taken as follows:

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

Absent – None

The next item of business was an update on the City-County Emergency Communications System. Jim Junkins, Director of the Emergency Communications Center, reiterated the project goals, which includes enhancing the coverage area, adding performance/features, improving reliability, and creating interoperability. He said the project highlights to date include site acquisition completed, system administration training completed, factory testing completed, radio infrastructure staged, FCC re-banding negotiations completed, excavation completed at five sites, towers erected at four sites, and shelters placed at five sites. Work in process includes radio equipment installation at Elkton, Kaylor Hill, Tower Street, Stone Spring, Massanutten Peak excavation/tower/shelter, and Shank Hill excavation/tower. He reviewed finalizing the talk group structure and mobile/portable unit court accessories. The talk group structure will consist of approximately 196 channels. He reviewed the upcoming milestones and the radio project schedule.

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

**WHEREAS, the SAFETEA-LU legislature authorizes federal funding to be made available to the states for project programs and project implementation to provide Safe Routes to Schools; and**

**WHEREAS, the health and safety of our children is of highest concern to the citizens of Harrisonburg; and**

**WHEREAS, being able to walk or bike to school along safe routes to schools offers an opportunity to build healthful physical activity into daily routine and arrive at school ready to learn; and**

**WHEREAS, Safe Routes To Schools requires the formation of multi-disciplinary teams in each community to increase awareness of support for schools and students; and**

**WHEREAS, Safe Routes to Schools can contribute to a positive connection between schools and neighborhoods by creating beneficial interactions between children and adults; now**

**THEREFORE, BE IT RESOLVED, the Harrisonburg City Council hereby endorses the Safe Routes to Schools Program with support from their state and local partners, and that all schools be encouraged to participate in Safe Routes to School initiatives, gaining the benefits mentioned above and strengthening the quality of life for City of Harrisonburg students.**

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Mayor, Rodney Eagle

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ATTEST, Yvonne Ryan, MMC City Clerk

Transportation Superintendent Drew Williams said the department is working towards completing a Safe Routes to Schools grant program and project application. Funding is made available to this program through the Federal SAFETEA-LU Act and this specific grant requires no local match. He said that phase one of the project will focus on providing sidewalks on the South Avenue corridor from South Main Street to South High Street. He also reviewed other areas of the project. Council Member Byrd offered a motion to approve this resolution. The motion was seconded by Council Member Chenault, and approved with a unanimous vote of Council.

Vice-Mayor Pace offered a motion to recommend Earl A. Budd (for a one year term), L. Quinn Kaylor (for a two-year term), and Robert L. Hansbrough (for a three year term) to the Circuit Court for appointment to the Board of Equalization. The motion was seconded by Council Member Chenault, and approved with roll call vote taken as follows:

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

Absent – None

Parks and Recreation Director Foerster presented a request from the Parks and Recreation Department, Rockingham County Parks and Recreation Department and the Downtown Merchants Association to hold the annual Christmas parade. He explained that these groups are sponsoring the annual Christmas parade to be held on Friday, December 1<sup>st</sup> at 7:00 p.m. The parade will begin at the monument at the intersection of South Main Street and Liberty Street and end at the corner of Gay Street and North Main Street at the Rockingham County Administrative Complex. Streets should be closed at 6:00 p.m., and re-opened after the parade or approximately 8:30 p.m. Council Member Chenault offered a motion to approve this request. The motion was seconded by Council Member Frank, and approved with a unanimous vote of Council.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were reimbursed from Rockingham County through a state weed and seed grant for the gang task force. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$1,613.58 chge. to: 1000-32211 State weed and seed

\$ 607.20 approp. to: 1000-310131-41020 Salaries/wages overtime

1006.38 approp. to: 1000-310531-41020 Salaries/wages overtime

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

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

Absent – None

City Manager Baker announced that Firefighter Tom Moffett has been appointed by Virginia Governor Tim Kaine to serve on the Virginia Fire Services Board.

Vice-Mayor Pace noted that in August the US Housing Department of Housing and Urban Development's Audit Team reviewed and determined that the City handled the Community Development Block Grant funds appropriately. Their conclusion was an "absent of any findings". He commended Kim Alexander and City staff for having a no findings audit.

Vice-Mayor Pace encouraged everyone to vote on November 7th.

Council thanked Transportation Superintendent Drew Williams for making improvements to traffic problems during his years of service with the City.

Mayor Eagle acknowledged that a nice gift had been received from the Roberta Webb Child Chare Center thanking City Council for their support.

At 7:56 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 and Harrisonburg Redevelopment and Housing 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 requirements pursuant to Section 2.2-3711(A)(5) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 8:50 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 8:52 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

NOVEMBER 14, 2006

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

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

Bucky Berry, a resident of Harrisonburg, said more funds should be provided for homeless people in the City.

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes and second reading of a supplemental appropriation for the Police Department and enacting Section 1-1-14 and amending and re-enacting Section 17-1-3 of the Harrisonburg City Code. The motion also included referring an alley closing request by Funkhouser and Associates Properties to the Planning Commission. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

A.B. McHone and Sons requested that a scheduled public hearing be continued until the December 12<sup>th</sup> Council meeting. Vice-Mayor Pace offered a motion to continue this agenda item until the December 12<sup>th</sup> Council meeting. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

City Manager Baker presented for Council’s consideration adjusting the budgeting for the proceeds from the recently completed bond issue and the estimated interest that will be earned on

the investment of the bonds proceeds. Issued funds include \$5,250,000 for Linda Lane extended, \$3,500,000 for HRHA public housing rehabilitation, and \$43,000,000 for the new elementary/middle school.

At 7:04 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, November 7, 2006.

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

**A public hearing will be held by the Harrisonburg City Council on Tuesday, November 14, 2006 at 7:00 p.m., or as soon as the agenda permits, 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 2006-2007 budget in the net amount of \$51,750,000. This represents General Capital Projects Fund expenditures for the construction of Linda Lane extended, HRHA Rehabilitation of Public Housing and School Capital Projects Fund expenditures for the construction of the new elementary/middle school. These expenditures will be funded by proceeds from a 50 million dollar bond issue and the interest that will be received from the investments of the bond proceeds.**

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

**Revenues:**

<b>General Capital Projects Fund:</b>	
Bond Proceeds	<b>8,500,000.00</b>
Investment earnings	<b>250,000.00</b>
<b>School Capital Projects Fund:</b>	
Bond Proceeds	<b>41,500,000.00</b>
Investment earnings	<b><u>1,500,000.00</u></b>
<b>Total</b>	<b><u>51,750,000.00</u></b>

**Expenditures:**

<b>General Capital Projects Fund:</b>	
Linda Lane Extension	<b>5,250,000.00</b>
HRHA Rehabilitation of Public Housing	<b>3,500,000.00</b>
<b>School Capital Projects Fund:</b>	
Elementary/Middle School	<b><u>43,000,000.00</u></b>
<b>Total</b>	<b><u>51,750,000.00</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 Eagle called on anyone desiring to speak for or against this issue. There being no one desiring to be heard, the public hearing was declared closed at 7:05 p.m., and the regular session reconvened. Vice-Mayor Pace offered a motion for approval of the first reading to approve the request with the caveat that within the next six months there be a “true up” of whatever the actual interest income is and we make an appropriation to the budget once we see where it comes out, and that:

\$8,500,000.00 chge. to: 1310-34110 Bond proceeds  
250,000.00 chge. to: 1310-31513 Investment earnings  
\$41,500,000.00 chge. to: 1311-34110 Bond Proceeds  
1,500,000.00 chge. to: 1310-31513 Investment earnings

\$5,250,000.00 approp. to: 1310-910141-48696 Linda Lane Extension  
3,500,000.00 approp. to: 1311-910141-48696 HRHA Rehabilitation of Public Housing  
\$43,000,000.00 approp. to: 1311-910114-48700 Elementary/Middle School

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

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

Absent – None

The next item of business was a request to vacate Patterson Street and four existing alleys located between Warsaw Avenue and Grace Street. City Attorney Thumma said James Madison University requests that these alleys and Patterson Street be closed to construct a new fine arts center. He said JMU has assured him that if the street and alleys are vacated they will continue to be open until Kyger Funeral Home moves to a new location.

At 7:07 p.m., Mayor Eagle closed the regular session temporarily and called the evening second public to order. The following notice appeared in the Daily News-Record on Saturday, November 3, and Saturday, November 10, 2006.

**NOTICE OF INTENTION TO VACATE  
PATTERSON STREET AND FOUR (4) EXISTING ALLEYS  
LOCATED BETWEEN WARSAW AVENUE AND GRACE STREET  
IN THE CITY OF HARRISONBURG**

**City Council Chambers  
345 South Main Street**

**Harrisonburg, VA 22801  
Tuesday, November 14, 2006  
7:00 P.M.**

**The Harrisonburg City Council will hold a public hearing on Tuesday, November 14, 2006, 7:00 P.M., at City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider a proposed motion by the City Council to vacate Patterson Street containing approximately 0.635 acres and four (4) existing alleys containing 0.366 acres, all located between Warsaw Avenue and Grace Street in the City of Harrisonburg, Virginia.**

**A copy of the plat showing the street and alleys to be vacated are available in the City Manager's office, 345 South Main Street, Monday through Friday.**

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

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

Mayor Eagle called on anyone desiring to speak for or against vacating this property. There being no one desiring to be heard, the public hearing was declared closed at 7:08 p.m., and the regular session reconvened. Council Member Chenault offered a motion to vacate Patterson Street and four existing alleys between Warsaw Avenue and Grace Street. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Public Works Director Baker presented the following resolution for Council's consideration of approval:

**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 2006-2007 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 14th day of November in the year 2006.**

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**Rodney L. Eagle, Mayor**

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**Attest: Yvonne, Ryan, MMC, City Clerk**

Mr. Baker explained this resolution requests that VDOT allow Harrisonburg to participate in the "Revenue Sharing Program" for Fiscal Year 2006-07. The program will allow the City to apply for funding up to \$1,000,000.00 for the Stone Spring Road-Erickson Avenue project. Council Member Chenault offered a motion to adopt this resolution as presented. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Jim Baker, Director of Public Works, presented an overview of the proposed improvements to Reservoir Street from University Boulevard to the southern City limits in anticipation of Rockingham Memorial Hospital relocation. The City has chosen a consultant to start the design work, but have not signed any contracts. He said the roadway design is a conceptual idea, which will include informational meetings for the public. The plan includes a four lane facility with a center turn lane, multi use bicycle trail with sidewalks on one side. Mr. Baker reviewed the project to the east City limits and said the City is working with current development in the area. One big issue of the whole project is maintaining traffic flow while the project is built, and realignment of traffic signals. The estimated project cost includes \$2,700,000 for right-of-way acquisition, \$1,300,000 for engineering and \$4,700,000 for construction for a total of \$8,700,000. The tentative schedule begins in November, 2006, bid advertisement in July, 2008 with construction ending in November, 2009. Mr. Baker requested permission to move forward with the design process at a cost of approximately \$700,000 of the \$1,300,000 for engineering funds.

The following discussion by Council Members included: Has the City worked with the architect designing the new hospital to make sure the tie-in on that section of the project will meet a five-lane road at the City limits? Is there a master plan for the entire section? It is a lot of money for one mile of highway and could place a burden on Council on how to fund this project. It could involve at least half the proceeds of the sale of the old high school. Is there an opportunity to rethink this project and have the old three lane highway with the center left turn lane since the road will only provide transportation to residents living in the area as well as

provide a way for people to get to the new hospital? Is it necessary to continue from University Boulevard to Neff Avenue? Following further discussion and comments, Council Member Chenault offered a motion to approve a design study conducting an evaluation to determine current projected traffic volumes within the next five to twenty years in making decision on how to move forward with the project. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

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

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

**WHEREAS, Rockingham Memorial Hospital, a not-for-profit Virginia nonstock corporation (the “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 \$265,000,000; and**

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

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

**WHEREAS, the Project will consist of acquiring, constructing and equipping a replacement hospital facility for the Corporation containing approximately 234 beds to be located on 254 acres along Port Republic Road, between Reservoir Street and Boyers Road, in Rockingham County and may include the purchase of ordinary equipment, replacements and working capital related to the Project and the operations of the Corporation; and**

**WHEREAS, the Authority, on November 2, 2006, held a public hearing on the issuance of the Bonds; and**

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

**WHEREAS, the 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 2, 2006, 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 or Rockingham Health Care, Inc. 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.**

City Attorney Thumma said the Harrisonburg Industrial Development Authority held a public hearing at the request of Rockingham Memorial Hospital on November 10<sup>th</sup> to issue its bonds in an amount not to exceed \$265,000,000 to finance the construction of the new hospital and re-issuance of existing debt. Council Member Byrd offered a motion to approve this resolution as presented. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Abstained - Vice-Mayor Pace

Absent – None

The next item of business was a report from the Harrisonburg City Council Finance Committee consisting of Council Member Byrd and Vice-Mayor Pace. Council Member Byrd explained that the function of the committee will be: 1) To review all supplemental appropriations in excess of \$75,000 coming from the general fund balance in order to make a recommendation for or against to the full council. In addition, this committee will have the latitude to seek offsetting savings from current budgeted accounts. 2) To review all supplemental appropriations that will be continuing on an annual basis, (as an example, a new non-budgeted employee position). In addition, this committee will have the latitude to seek offsetting savings from current budgeted accounts. 3) To review all current returns from the City's investment accounts and present quarterly performance reviews to the full council. 4) To provide oversight for the sale of surplus property in which the individual asset value is in excess of \$100,000. 4) To monitor capital project funding to ensure any excess cash is reallocated to the general fund balance on a timely basis. 5) To review the Annual Financial Trends and Ratio Analysis provided by the Finance Department and provide the full Council with a summary of key observations. Following further discussion and comments, Council Member Chenault offered a motion to change the amount to review all supplemental appropriations in excess of \$75,000 to \$100,000 and eliminate items four and five from the committee functions. The motion was seconded by Council Member Frank, and approved with a unanimous vote of Council.

City Attorney Thumma presented for Council's consideration an ordinance amending and re-enacting a portion of Section 13-5-1 of the Harrisonburg City Code. This ordinance amends the definition for mopeds in order to bring the City's ordinance into compliance with amendments to the state statute. Council Member Byrd offered a motion to adopt this ordinance for a first reading. The motion was seconded by Vice-Mayor Pace, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Council Member Frank questioned the extended holiday schedule issued by the Governor. Assistant City Manager Hodgen noted that the previous Council adopted the state policy because the Commission of Revenue and Treasurer offices were closed on all state holidays. The constitutional offices have a lot more customers than the City Manager's office. The City does not have any control over constitutional offices.

Council asked the administrative staff to review the financial impact of pay incentives to retain employees, particularly on the police force. Council Member Chenault suggested factoring in \$2,000 to \$3,000 per classification increase in salary and also what the financial affect would be from offering a retention bonus. Also, he asked staff to factor in the savings a program would give the City by retaining the officers, instead of constantly training replacements.

Council Member Chenault offered a motion to approve the cancellation of the December 26, 2006 Council meeting. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

Council agreed to have a work session with Planning Commission on December 13<sup>th</sup> at 6:00 p.m.

At 8:21 p.m., Vice-Mayor Pace offered a motion that Council enter a closed session for discussion and consideration of personnel, and prospective candidates to be appointed to the Harrisonburg Parking Authority, Harrisonburg Transportation Safety Commission, Board of Viewers, Parks and Recreation Commission, Harrisonburg Planning Commission, Harrisonburg Electric Commission, Building Code Board of Appeals, and Harrisonburg Redevelopment and Housing Authority, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:05 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 James E. Huffman, 1214 Windsor Road, be appointed to a first term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2010. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that William K. Latham, 427 Mountain View Drive, be appointed to a second term on the Parks and Recreation Commission to expire on December 31, 2010. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that J.M. Snell, II, 580 Alleghany Avenue, be appointed to a second term on the Harrisonburg Planning Commission to expire on December 31, 2010. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Jared Burden, 460 Andergren Drive, be appointed to a second term on the Harrisonburg Planning Commission to expire on December 31, 2010. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Orden L. Harman, 650 Stone Spring Road, Leon Armentrout, 3031 South Main Street, and Henry Morris, 1926 Park Road, be appointed to second terms on the Building Code Board of Appeals to expire on November 30, 2010. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Malcolm Wilfong be appointed to another term on the Rockingham/Harrisonburg ASAP Commission to expire on December 31, 2011. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Ben Wyse, 324 East Rock Street, be appointed to the Harrisonburg Transportation Safety Commission. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

At 9:52 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

NOVEMBER 28, 2006

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

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

Council Member Byrd offered a motion to approve the consent agenda, including approval of the minutes and second reading of adjusting the budgeting for the proceeds from the recently completed bond issue and a supplemental appropriation for the Public Works Department, and amending and re-enacting Section 13-5-1 of the Harrisonburg City Code. The motion also included an ordinance closing Patterson Street and four (4) alleys located between Warsaw Avenue and Grace Street and setting a public hearing to review the Capital Improvements Program (CIP) FY 2007-2008 through FY 2011-2012. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Planning and Community Development Director Turner introduced a request from Craig Hertzler to close a 1,296 square foot alley between 154 and 166 West Wolfe Street. She said that the applicant first applied for the alley closing in September 2005. At that time, he only owned the undeveloped lot to the east of the right-of-way. During the review process, staff learned of an encroachment issue with the dwelling unit located at 166 West Wolfe Street. His options included an access easement or dividing the right-of-way between the two adjoining properties. Mr. Hertzler now owns both sides of the undeveloped alley, and is requesting to close the entire 1,296 square feet of undeveloped right-of-way. The applicant is interested in obtaining the additional right-of-way in order to correct the encroachment issue with the home at 166 West Wolfe Street. Closing the alley would then give Mr. Hertzler enough square footage to construct a triplex or similar building on the undeveloped lot to the east. She said that staff advises two conditions be placed upon this request and if approved, Mr. Hertzler bring the parcel at 166 West Wolfe Street into conformance with side setback requirements by creating a side property line at least five feet from the structure and create a shared access easement for the two properties so access is maintained to the detached garage at 166 West Wolfe Street. The City has no plans to construct this alley nor maintain it. She said that Planning Commission recommended approving the request.

At 7:05 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Saturday, November 18, and Saturday, November 25, 2006.

**NOTICE OF INTENTION TO VACATE  
A TWELVE (12) FOOT ALLEY LOCATED  
LOCATED BETWEEN 154 AND 166 WEST WOLFE STREET  
IN THE CITY OF HARRISONBURG**

**City Council Chambers  
345 South Main Street  
Harrisonburg, VA 22801  
Tuesday, November 28, 2006  
7:00 P.M.**

**The Harrisonburg City Council will hold a public hearing on Tuesday, November 28, 2006, 7:00 P.M., at City Council Chambers, 345 South Main Street, Harrisonburg, Virginia, to consider a request by Craig Hertzler to vacate and close a twelve (12) foot wide alley, containing 1,296 square feet, all located between 154 West Wolfe Street and 166 West Wolfe Street in the City of Harrisonburg, Virginia.**

**A copy of the plat showing the alley to be vacated and the recommendation of the City's Planning Commission are available in the City Community Development office, 409 South Main Street, Monday through Friday.**

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

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

Mayor Eagle called on anyone desiring to speak for or against this alley closing request. There being no one desiring to be heard, the public hearing was declared closed at 7:06 p.m., and the regular session reconvened.

City Attorney Thumma advised that it is not necessary to establish an easement since Mr. Hertzler owns both parcels. Following further discussion and comments, Council Member Chenault offered a motion to approve this alley closing as presented. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Mayor Eagle announced that a presentation of the City's CAFR, Comprehensive Annual Financial Report, will be presented at the December 12<sup>th</sup> Council meeting.

Dr. Christie Joy Brodrick and Laura Pagliarulo presented an overview on the Cool Cities Program. This program involves an effort to look at emissions and energy reduction and will start with scientific data, which will be presented to decision makers and the public in a fashion that it becomes useful to them. She reviewed various groups involved in the program. She requested that City Council endorse the SHENAIR Institute in cooperation with the ICLEI-321 class to participate in a service learning project regarding energy, waste, and air pollution of the City to determine the consumption and areas of conservation that could lead to cost savings. Harrisonburg would be joining a group of cities and localities that analyze and promote sustainability, membership in the group will cost \$600.00. Following further discussion and comments, Council Member Chenault offered a motion to participate in the ICLEI Program as presented and appropriate the \$600.00 fee for the acquisition of the tools to operate the program. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Miriam Dickler, Public Information Officer, presented an overview of the recently completed inaugural session of the Harrisonburg Citizen Academy. She said 15 people participated in the academy, which begin September 14 and ended on November 16, 2006. All sessions were held in City facilities. The program was an extraordinary success. She also reviewed activities and plans for future programs.

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. Council Member Byrd offered a motion to approve this request. The motion was seconded by Vice-Mayor Pace, and approved with a unanimous vote of Council.

Joan Strickler, Executive Director of First Night, presented a brief overview of the First Night activities. She explained that this would be the fifteenth year of entertainment and family fun for the citizens of Harrisonburg and surrounding area. Plans for this year are similar to those of past year's requests for street closing and sanitation crews. Council Member Byrd 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.

Parks and Recreation Director Foerster presented a request from the Parks and Recreation Department. These donated funds were received for costs incurred with the Camp Unali program. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$10,478.45 chge. to: 1000-31010 Amount from Fund Balance

\$10,445.58 approp. to: 1000-710471-45801 Camp Unali

32.87 approp. to: 1000-710171-45210 Postage

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

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

Absent – None

Parks and Recreation Director Foerster presented a request from the Parks and Recreation Department. These funds were received from a state grant from the Virginia Division of Conservation and Recreation for expenditures incurred in purchase of pet waste stations established in various park locations. Vice-Mayor Pace offered a motion to approve this request for a first reading, ant that:

\$2,700.00 chge. to: 1000-32531 Enhancing Stream Health Grant

\$2,700.00 approp. to: 1000-710971-46140 Other Operating Supplies

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

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

Absent – None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He said that these funds were reimbursed through a grant and will be used for a digital camera system. Council Member Chenault offered a motion to approve this request for a first reading, ant that:

\$5,000.00 chge. to: 1000-3524 Federal DMV grant

\$5,000.00 approp. to: 1000-310231-46140 Other Operating Supplies

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

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

Absent – None

Vice-Mayor Pace offered a motion to approve a supplemental appropriation of \$100,000 for a first reading for the Public Works Department budget to complete the study necessary for City Council to make a better decision on what to do with Reservoir Street, and that:

\$100,000 chge. to: 1000-31010 Amount from fund balance  
100,000 chge. to: 1310-34210 Transfer from General Fund

\$100,000 approp. to: 1000-990111-49216 Transfer to General Capital Projects  
100,000 approp. to: 1310-910141-48658 Reservoir Street Safety Project

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

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

Absent – None

At 8:06 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel, and prospective candidates to be appointed to the Harrisonburg Parking Authority, Board of Viewers, and Harrisonburg Electric Commission, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Chenault

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

Absent – None

At 10:10 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 10:15 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 12, 2006

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

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

Vice-Mayor Pace offered a motion to approve the consent agenda, including approval of the minutes and second reading of several supplemental appropriations for the Public Works Department, Parks and Recreation Department and Police Department. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

Norman Yoder, a representative from Brown, Edwards & Company, presented the 2005-2006 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 2007-2008 through 2011-2012 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 replacement of computer software, a fire engine replacement, and traffic light intervention system. Other department requests include replacing the boiler in the Municipal Building, making improvements to the Community Development Building, resurfacing basketball and tennis courts, Smithland Road development, restoring stream banks at Purcell Park, Community Activity Center expansion, pool renovations, and making improvements at the Ralph Sampson Park shelter. The Public Works Department has requested a vehicle and equipment storage building, office building renovations, Country Club Road bridge replacement, improvements to

Mt. Clinton Pike, Greendale Road, Port Republic Road Phase III, Reservoir Street, Stone Spring/Erickson Connector, safety and traffic signals improvement on East Market Street, Country Club Road Phase I and II, Linda Lane extension, and signal upgrades at various locations in the City. On going projects include the Western Raw Waterline and Eastern Source Development project and transit and school buses replacement. Mrs. Turner said that Planning Commission recommended adopting the Capital Improvement Program.

At 7:20 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Saturday, December 2, and Saturday, December 9, 2006.

### **NOTICE OF PUBLIC HEARING**

**The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 12, 2006, at 7:00 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 2007-2008 through 2011-2012. 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 Eagle called on anyone desiring to speak for or against adopting the Capital Improvement Program. There being no one desiring to be heard, the public hearing was declared closed at 7:21 p.m., and the regular session reconvened. Council Member Chenault offered a motion to adopt the Capital Improvement Program as presented including Vice-Mayor Pace's amendment regarding the re-evaluation of the Reservoir Street project. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd  
Council Member Frank

Vice-Mayor Pace  
Council Member Chenault  
Mayor Eagle

Absent – None

Planning and Community Development Director Turner introduced a request from Corolla Management Corporation for a special use permit to allow a flag pole, which exceeds the maximum structure height of 75 feet in the B-2 zoning classification. The property is located at 1515 Country Club Road. She said that in March 2006 City Council approved a request to rezone the subject parcel from M-1, General Industrial District to B-2, General Business District to allow for the construction of the National College of Business and Technology. The proposed structure would be a flagpole at a maximum height of 80 feet because the property is highly visible from Interstate 81. The Public Works Director spoke with a representative from the Virginia Department of Transportation, who referred to this scenario as a possible distraction for motorists. Concerns have been discussed regarding the flagpole height, distraction, and size and she said that Planning Commission has recommended approving the special use permit request.

At 7:25 p.m., Mayor Eagle closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 27, and Monday, December 4, 2006.

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

**The Harrisonburg City Council will hold public hearing on December 12, 2006 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:**

*Special Use Permit – 1515 Country Club Road (Flag Pole)*

**Public hearing to consider a request from Corolla Management Corporation, with representative James Mehringer for a special use permit per Section 10-3-91(12) of the Zoning Ordinance to allow an eighty-foot flag pole in the B-2, General Business District. The property is located at 1515 Country Club Road and can be found on tax map 13-A-1.**

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

Mayor Eagle called on anyone desiring to speak for or against this special use permit request. Jack Ekey, the Campus Director of the National College of Business and Technology said he was available to answer questions.

Vice-Mayor Pace questioned the elevation of the building on the site. “Why is it necessary to have a flagpole twice the size of the elevation of the building?”

Mr. Ekey said that one of the criteria that Mr. Frank Longaker, President of National College of Business and Technology, is visibility when building a new facility. There being no others desiring to be heard, the public hearing was declared closed at 7:29 p.m., and regular session reconvened. Following further discussion and comments, Council Member Chenault offered a motion to approve the special use permit as presented. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

No - Council Member Byrd  
Vice-Mayor Pace

Absent – None

Planning and Community Development Director Turner introduced a request from Lynn Griffith for a special use permit to allow occupancy at 426 and 438 South High Street. This property is currently zoned R-2, Residential Zoning District., which allows occupancy of two (2) or family as a use permitted by right. She reviewed the surrounding uses in the area. In 1989, ten rental units were constructed on this site; eight of the ten units were constructed in two-unit attached structures, with the remaining two units being stand-alone structures. In 1999, the property owner asked for an expansion of the group housing project designation for a proposal to construct five additional units on the site, with a special use permit to allow four persons per unit. Both the group housing project designation and special use permit were granted. The buildings were never constructed and the special use permit expired. The applicant would now like to modify the previous group housing project plan that was approved in 1999 and replace it with a more modest plan to construct just one, two-unit structure. Much of the Roosevelt Square development is within the Blacks Run flood plain. The structure would need to be constructed one foot above the base flood elevation. The applicant is again asking for a special use permit to allow increased occupancy in each unit. This neighborhood is comprised largely of rental properties. Because of the rental history of this area, the applicant will have to provide one parking space per occupant (four spaces per unit). Planning Commission recommends that the request be approved with the following conditions: 1) The property may be inspected on an annual basis by appropriate City staff to ensure compliance with zoning and building requirements. 2) 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. She said that Planning Commission recommended approving the request.

At 7:40 p.m., Mayor Eagle closed the regular session temporarily and called the evening's third public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 27, and Monday, December 4, 2006.

### **NOTICE OF PUBLIC HEARING**

The Harrisonburg City Council will hold public hearing on December 12, 2006 at 7:00 p.m., in the Municipal Building, City Council Chambers, 345 South Main Street, to consider the following:

***Special Use Permit – Roosevelt Square***

Public Hearing to consider a request from Lynn Griffith, with representative J.M. Snell for a special use permit per Section {10-3-40 (7)} to allow occupancy of not more than four (4) persons per unit for a proposed two unit structure within the Roosevelt Square development. The property is located at 426 & 438 South High Street and can be found on tax maps 24-Q-6 & 24-S-3&4.

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

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

CITY OF HARRISONBURG  
Roger D. Baker  
City Manager

Mayor Eagle called on anyone desiring to speak for or against this special use permit request. Dick Blackwell said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 7:42 p.m., and regular session reconvened. Following further discussion and comments, Vice-Mayor Pace offered a motion to approve this request as presented. The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

A request from Mohammad Aslam to preliminarily plat 80 townhouse lots at 705 Stonewall Drive was tabled until a future Council meeting.

The next item of business was a presentation by Don Driver, Director of Harrisonburg/Rockingham Social Services. He said the department has been impacted by immigration during the last five to ten years. This area offers employment opportunities, but has impacted staffing at the Social Services Department. He reviewed the population demographics for agency clients. Approximately 22% of the individuals serviced by the agency are of Hispanic

origin. In 2002, a comparison was done to determine the number of individuals receiving food stamps of the Hispanic group versus the general population. One of the most significant impacts on the agency has been the language issue. Some of the success during the last five years has been hiring bi-lingual staff members

The next item of business was a presentation by Harrisonburg Downtown Renaissance. Eddie Bumbaugh, Executive Director of Harrisonburg Renaissance, updated the progress and accomplishments for HDR. Applications have been received for the Façade Enhancement Grants to improve signage, building appearance, and landscaping and grants have been awarded to 11 businesses totaling approximately \$25,000. He announced that during the last quarter two new businesses and a restaurant opened in the downtown area. Vendors of the Farmers Market would like to make the municipal parking lot a permanent location. Many businesses participated in design improvements and holiday window decorations. Successful events held in the fall included the Museum & Gallery Walk, Howl-o-Ween on the Square, and Holidays on Main Street, and taking pictures with Santa in the Hardesty Higgins House.

Jeff and Beverly Evans, and Richard Martin, representatives of the Harrisonburg-Rockingham Historical Society, announced that a painting by Emma Lyon Bryan and titled “The Town of Harrisonburg, Virginia, 1867” was purchased and donated by Robert “Twig” Hopkins and Lorraine Strickler. This generous gift has been given to the Harrisonburg-Rockingham Historical Society and will be displayed for six-month periods in a number of venues throughout the area.

Kathy Frazier, owner of Frazier Associates of Staunton, presented a brief overview of the Wayfinding Sign System as part of the streetscape plan. The project has been one of the highest priorities for Harrisonburg Downtown Renaissance, business and property owners, potential investors, and the Jamestown 2007 Committee. The implementation of the Wayfinding Sign System will benefit local people and help travelers locate key attractions and destinations in the area.

Kim Alexander, Director of Special Projects and Grants Management, said the U.S. Department of the Interior, National Park Service, has awarded the City of Harrisonburg \$150,000 in Preserve America grant funding, to be used for the development and implementation of wayfinding signage, placing particular emphasis on historic downtown. The total project cost is \$646,575. Included in this amount is \$240,575 for Frazier Associates Streetscape & Wayfinding design work, which the City will pay for and \$150,000 of grant funding to be provided by Preserve America. The remaining \$256,000 is required matching funds that need to come from the City or other sources. The \$256,000 must be obtained and expended prior to October 31, 2008. Staff will work to secure this funding from sources other than City general funds; however, Council should be advised that by accepting the grant agreement if staff is unable to secure the additional funding from other sources, Council is committing to provide the funds. There is a possibility that the National Park Service may consider waiving this additional \$256,000 match, but there are no guarantees. Following further discussion and comments, Council Member Chenault offered a motion to accept the \$150,000 Preserve America Grant and appropriate the matching allocation funds. The motion also included allowing the Finance Committee to work with the City Manager to find other possible funding sources to help with the

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

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

Absent – None

City Attorney Thumma presented for Council’s consideration an ordinance repealing Section 15-3-2 of the Harrisonburg City Code. He recommended repealing this section because the ordinance as drafted is vague and unenforceable. Also, the ordinance as drafted interferes with private contracts or leases of real estate and does not provide for due process under the law and is in the opinion of the City Attorney unconstitutional. Vice-Mayor Pace suggested that City Attorney Thumma research other communities in the state having colleges and universities to determine whether there is any language available that might be useful to Harrisonburg before taking any action on repealing this section of the City Code.

Public Works Director Baker presented a request from the Public Works Department. These funds were received to partially off set the cost of the sidewalk installation from Carlton Street east along East Market Street. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$4,000 chge. to: 1310-31914 Recovered costs

\$4,000 approp. to: 1310-910141-48663 New sidewalk/trail plan

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

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

Absent – None

City Manager Baker presented a request from the Fire Department. He said that the first payment for this truck was budgeted; however, it is being delivered sooner than expected and we have not received bids on a loan. Since we have enough funds to pay for the total amount we would like to do that at this time. Vice-Mayor Pace offered a motion to approve this request for a first reading, and that:

\$242,194.00 chge. to: 1000-31010 Amount from fund balance

\$242,194.00 approp. to: 1000-32232-48165 Fire Truck

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

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

Absent – None

Vice-Mayor Pace offered a motion to transfer funds for the Fire Department, and that:

\$11,092.00 chge. to: 1000-980142-49118 Fire Truck lease/ purchase (principal)

77,975.00 chge. to: 1000-980142-49128 Fire Truck lease/ purchase (interest)

\$89,067.00 approp. to: 1000-32232-48165 Fire Truck

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

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

Absent – None

Vice-Mayor Pace offered a motion to allocate a portion of the interest income generated on the \$3.5 million loan for the Harrisonburg Redevelopment Housing Authority to the authority to fund their out of pocket cost for issuance of the bonds. The motion was seconded by Council Member Frank, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 9:35 p.m., Council Member Chenault offered a motion that Council enter a closed session for discussion and consideration of personnel, and prospective candidates to be appointed to the Harrisonburg Parking Authority, Board of Viewers, and Harrisonburg Electric Commission, exempt from the public meeting requirements pursuant to Section 2.2-3711(A)(1) of the Code of Virginia. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.2-3711(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 10:30 p.m., the closed session ended and the regular session reconvened. City 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 Donn E. Meyerhoeffer, 486 Andergren Drive, be appointed to a second term on Harrisonburg Electric Commission to expire on December 31, 2009. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Council Member Chenault offered a motion that Dennis L. Snyder, 964 Wren Way Drive, be appointed to a first term on Harrisonburg Electric Commission to expire on December 31, 2009. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

At 10:35 p.m., there being no further business and on motion adopted the meeting was recessed until December 14, 2006 at 3:30 p.m., at the Rockingham County Administration building at which time Council plans to meet with the Rockingham County Board of Supervisors.

The City Council meeting reconvened on December 14, 2006 at the Rockingham County Administration building. Vice-Mayor Pace offered a motion authorizing the City Manager to sign a Memorandum of Agreement with the City of Harrisonburg, Rockingham County and SRI International (“SRI”). The motion was seconded by Council Member Chenault, and approved with a recorded roll call vote taken as follows:

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

Absent – None

At 3:31 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