

REGULAR MEETING

JUNE 10, 1997

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Rodney Eagle; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Earl Q. Thumma, Jr.; Vice-Mayor Hugh J. Lantz; Council Members John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan and Chief of Police Donald Harper.

Vice-Mayor Lantz delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes and the second reading of an ordinance amending and re-enacting Section 7-4-9 of the Harrisonburg City Code. The motion also included the second reading for a supplemental appropriation to meet budget deficits created by additions to a JMU contract after the budget was adopted. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

Planning and Community Development Director Turner introduced a request by William B. Holtzman to rezone 1.053 acres located on Port Republic Road, between Hillside Avenue and the southbound ramp of Interstate 81, from R-1 to B-2 (conditional). She explained that the applicant intends to construct a gas station with a car wash and convenience store. The surrounding zoning to the north of the property is James Madison University's campus which is currently zoned R-3. The property to the south is a JMU parking lot which is zoned R-1. A general business district zoning classification containing several restaurants, hotels and convenience store-gas stations is to the east which is zoned B-2 and to the west is an R-1 single family residential neighborhood. The comprehensive plan recommends this site for low density residential use. These areas consist of single-family dwellings with a maximum density of 1-4 units per acre designed to maintain the character of neighborhoods and to provide areas of traditional home ownership. This application is the fifth rezoning request for this site. City Council denied four of the previous requests and one was withdrawn by the applicant. Mrs. Turner reviewed the proffered conditions submitted and revised by the applicant and his attorney. These proffers are that the rezoning requested for the parcel is B-2 conditional and that the following uses would be the only uses under taken on the parcel proposed to be rezoned. Number one is mercantile establishment which promotes the show, sale, and rental of goods, personal service establishments, restaurants and other shops and stores customary to shopping centers and convenience outlets. Automobile service station designed for vehicular convenience or service, convenience store, and attached car wash on site or accessory buildings and uses customarily incidental to any of the above-listed uses. It also includes a proffer that none of the other uses permitted in the B-2 classification will consist of the parcel nor would any of the uses permitted by a Special Use permit be included in these permitted uses. The applicant has submitted a plan showing a layout of the development and has stated that they are willing to work with the City staff and traffic officials to decide the final location and make up of the site entrance onto Port

Republic Road. As such, they do not proffer the entrance as shown on the revised preliminary plan at this stage in the rezoning process. The revised preliminary plan is to supersede and replace the previously submitted preliminary plan. Mrs. Turner reviewed the exhibits submitted by the applicant which includes a revised preliminary plan, artist's rendering, a frontal elevation and preliminary floor plan. The applicant proffered the location of the building, canopy, pumps, designated landscaping, green area, setback and general layout of the paved areas. Although they are showing the parking on the site, they will develop the lot according to City Code standards. An artist's rendering of the building showing the exterior appearance of the building, canopy, pumps, and location, orientation of the building, canopy, and pumps on the site was reviewed. The applicant states that the rendering is merely conceptual in nature and is not meant to specifically proffer other specific design or use matters, including but not limited, signage, parking, lighting, specific content of designated green area. Clearly, they state that they will develop areas in conformity with City Code specification, but are not proffered as they may depict them on the rendering. With the front elevation/preliminary floor plan, they are proffering the exterior design, materials, appearance and dimensions of building, canopy, pump dimensions, configurations and clearance distances. The inside layout and design as shown on the preliminary floor plan previously submitted is not proffered as the interior layout; however, the canopy size and exterior dimensions and designs are proffered as submitted on said frontal elevation and preliminary floor plan. The building will be one story, consisting of a 50' x 70' retail area, a 18' x 30' attached car wash, and a 70' x 75' detached canopy over the fueling stations and the general appearance is described as modern colonial. The exterior walls are to be "handmade" brick with traditional detail elements such as brick quoins, watertable ledges, and indented brick pilasters. The applicant has also proffered that the northwest corner of the parcel at the intersection of Hillside Avenue and Port Republic Road will be designated as green area and the landscaping will be comparable with the JMU entrance on the opposite side of Port Republic Road. The applicant submitted a traffic study which was forwarded to VDOT for their comments. Basically, they do not advise an entrance onto Port Republic Road and they encourage moving the proposed Hillside entrance farther south to accommodate a right turn lane at the intersection. VDOT also predicts a 4% per year increase in traffic until the year 2000. Mrs. Turner said that although the property is not ideal for single-family homes, the applicant is requesting a rezoning to one of the most intensive commercial uses permitted in the City. Planning Commission recommended that the request be denied with a five to one vote with Mayor Eagle voting in favor of the request and Rudy Propst abstaining.

At 7:44 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 27, and Monday, June 2, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, June 10, 1997 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Rezoning:

1. **Request by William B. Holtzman, contract purchaser, to rezone 1.053 acres located on Port Republic Road, between Hillside Avenue and the southbound ramp of Interstate 81, from R-1 to B-2. The site is identified as lots 11-R-1, 11-R-2, and 11-R-12 on the City of Harrisonburg block maps. The Comprehensive Plan recommends the site for low density residential use.**

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 the Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least five (5) days prior to the time of the meeting.

**CITY OF HARRISONBURG
Steven E. Stewart
City Manager**

Mayor Eagle called on anyone to speak either for or against this rezoning request. Steve Weaver, attorney for Clark and Bradshaw, and representing Bill Holtzman and Holtzman Oil, introduced Mr. Holtzman, contract purchaser, and Tina Simmons who is a member of the firm of Wilbur Smith Associates from Richmond. Mr. Weaver explained that they knew there would be some concerns with the neighborhood close by and that there would still be some traffic concerns. This rezoning request has two things going for it that were not present in the numerous previous rezoning requests. Number one is that Port Republic Road has been completely rebuilt from South Main Street to the bridge at I-81 to handle traffic for the next couple of decades. Number two is that JMU has bought a lot of the land and installed a large multi-tier parking lot between this site and the neighborhood. Mr. Weaver noted that this lot is not a residential parcel. We proffered out everything that could be done by special use permit. We proffered 15 of the 18 permitted uses leaving in three, two of which we felt were totally unobjectionable, in the use of the recommended facility. We defined the scope of development and by doing this we proffered the exact design of the building to be built. This site is much lower than the rest of the neighborhood. By turning the canopy in and against the hillside, we try to eliminate any visual effects because it's down underneath the area. This provides a good curbside appearance from Port Republic Road in a facility that does not look like a convenience store/gas station. It also put the gas pumps on the side of Hillside to direct as much traffic conveniently as would be from the pumps onto Hillside Avenue because when they come out on Hillside Avenue, they come out to a lighted intersection. It will create minimal traffic off of the entrance onto Port Republic Road. The overall site plan was designed to maximize the green area and buffer the neighborhood. Mr. Weaver noted that the size of the building was limited, canopy size, gas pumps, facility size and that it will always be a single story facility with only one entrance onto Port Republic Road. He reviewed the streets in the neighborhood and noted that the nearest house was located 390 feet away. This parcel of land is really an island and is not associated with the neighborhood. Wilbur Smith Associates from Richmond was hired to conduct a traffic study. We had a series of memos that went between Jim Baker's office, our office, and Wilbur Smith Associates's office to determine the nature, size and the scope of the survey.

Tina Simmons stated that she was a civil engineer with Wilbur Smith Associates, Consulting Engineers and Planners. The firm was contracted to perform a traffic impact study of the proposed convenience market/service station and car wash. The purpose of this study is to evaluate the impact of the site in terms of projected traffic conditions on the existing and proposed roadway network. Wilbur Smith Associates conducted vehicle turning movement counts during the peak hours of a typical weekday (April 14, 1997) at the Port Republic Road, Hillside Avenue and Bluestone Drive intersection. It was determined that the traffic signal could handle the level of service with the addition of the development. The traffic study concluded that for the peak hours, the driver traveling through those intersection during that hour would average a 15.8 seconds delay in the morning and 23.8 seconds delay in the evening. The morning and evening peak hours are considered the two worst traffic conditions of the day. These two average levels of delay again projected to the year 2000 at full development equate to what's called a C level of service which based on criteria established by the federal government, state of Virginia, and most localities is considered a very acceptable level of service.

Steve Weaver commented that the issue of the Port Republic Road entrance will have to be solved if the rezoning is granted. He said that it was worthy to note that neither the local VDOT office nor the district office took any exception to any of the information that was made available. They did question whether or not the 3% or 50% of traffic was really right. But, in terms of acceptability of the intersection and lighting to handle the intersection, neither the City staff or VDOT has registered any objection to that information. Mr. Weaver presented a brief practical tour of the intersection. Going from the west and heading east, the site is on the right side of the road and we can turn into the site at the Hillside Avenue lighted interchange or at the entrance off of the site. There will be no oncoming traffic in our way and it should not be a problem. Hillside Avenue has an entrance and at the JMU campus, there is a traffic light. Since traffic coming from the east to the west will pass two or three convenience stores, they probably will not stop at this particular store. According to the consultants, there will be no adverse impact to the intersection. We have been in touch with JMU people from the very beginning on this project, and discovered that JMU conducted its own traffic impact study on their campus because some of their main roads were getting used extensively and showing signs of wear. The study showed no inherent inadequacy in the intersection. Mr. Weaver also noted that the parcel is surrounded by uses that are commercial. This lot should be for a commercial purpose and not a residential development. This parcel does not connect with the Purcell Park neighborhood. VDOT designed this parcel as a useable lot with an entrance accessible to Port Republic Road. If JMU acquired this parcel it will be removed from the tax roles, but the City will still have to provide services to it. We are asking for your approval of this request.

Bill Holtzman representing Holtzman Oil said that his company has other Chevron and Amoco convenience stores located in the City and if he is allowed to build this one, it will be a first class facility.

Judy Miller, a resident living at 1429 Valley Street, said that once again a proposal has been presented to focus on convenience and the interest of JMU and I-81 travelers. It is our understanding that at least 1,500 to 2,000 daily customers is needed to support such a facility. What about our safety? Port Republic Road suffers from extreme congestion already. A mom has to choose non peak hours to cross it now and a student has to dodge among the traffic to cross the highway. We don't need additional cut through traffic in the neighborhood. We don't need the additional potential accidents and hazards to pedestrians, bicycles and other vehicles along Port Republic Road. Our neighborhood has continually dealt with the ramifications of these changes to assure the protection

of our homes and the safety of our families. She suggested that perhaps JMU should purchase the property and make it part of the JMU complex. What we need is your assurance that good judgement will once again prevail. Just say 'no'. Thank you.

Eleanor Price, a resident living at 1310 Crawford Avenue, said that her property does face the lot. She said that she was concerned because all of the Greek row parking is located in Z lot. The student cross the highway in any kind of weather and having a convenient beer source will not help this situation. It is difficult to see the line of traffic on Port Republic Road from Hillandale Avenue. Because of the congested traffic and the many backups, the residences cannot get out of the neighborhood. The intersection gets blocked all times of the day, especially in the evenings from 4:00 - 5:00 p.m. Changing the lighting will make the line of traffic from I-81 longer, backups in the neighborhood, and even on Port Republic Road. She suggested that perhaps JMU should consider a visitors center at this location, and she encouraged Council to deny the rezoning request.

Jeff Landis, a resident living at 59 East Weaver Avenue, thanked Judy and Eleanor for their comments and asked members of the audience to stand in support for denying this request. A large group stood in support of denying this request.

Mary Otey, a resident living at 1350 Crawford Avenue, said that she walks to work every morning. She commented that she leaves her home at 6:30 a.m. and it is very easy to cross Port Republic Road at that time. But, in the afternoon at 3:30 p.m., she has to stand from 5-10 minutes to cross the street. The traffic has not decreased even though JMU is not in session at the present time. She also said that VDOT had to replace the original entrance that was on the lot.

Jean Foster Gearing, a resident living at 813 Oakhill Drive, said that although she lives in the Forest Hills section which is on the east side of I-81, some mornings in the winter it takes her ten minutes to get to the stoplight at the entrance to JMU. She noted that she could probably walk and get there faster in five minutes. The traffic and congestion at this interstate exchange is terrible and will only get worst if this type of business is located on the parcel. She said that since a traffic study was conducted in 1982, traffic has increase at least ten times. There being no others desiring to be heard, the public hearing was declared closed at 8:34 p.m., and the regular session reconvened. Council Member Rogers stated that after having the opportunity to review the site with Mr. Weaver, he was offering a motion to support Planning Commission's recommendation to deny this request. Council Member Byrd suggested further discussion was appropriate and said he was very familiar with the situation and has seen it for four or five times. He said that he has had very pleasant dealings with Mr. Holtzman and his company, but he did not feel comfortable with R-1 zoning of this property. He also said that he did not understand the total validity of out-of-town traffic experts telling us what most of us already know. Particularly when you have reason to wonder where their statistics are coming from. Also, however you define a "convenience store", it must be convenient to the people around it. He said that he could not see any justification for approval of this rezoning and that he supported Council Member Rogers. Vice-Mayor Lantz commented that this rezoning request is tough, because obviously at most interchanges there is a lot of commercial zoning. This particular land is buffered by JMU and he could understand the concerns of the surrounding residents. He suggested that perhaps JMU should purchase the land and build a 500 student dormitory or locate some offices on the lot. He also said that he was concerned about traffic problems. He agreed that it should not be R-1 zoning, but it needs some type of business with limited traffic. Today it might take 10 minutes to cross that street and maybe 10 years from now it might take 20 minutes. Council Member Green said that the presentation was good and that he agreed with Vice-Mayor Lantz. The City inherited this problem, but had very little choice in the matter. He noted that City Council had

requested a study from VDOT in September regarding suggestions to ease the situation on this street. The real problem is with the traffic on the east side of I-81 bridge. He said it really is a no win situation. Mayor Eagle commented that the City has spend a lot of money on Port Republic Road trying to improve the traffic conditions. Council Member Rogers offered a motion to deny this rezoning request. The motion was seconded by Council Member Byrd, and approved with a 4-1 vote with Mayor Eagle voting no.

Planning and Community Development Director Turner introduced a request by Erwin Michael to rezone 16.94 acres located on Stone Spring Road from R-1 Single Family Residential to R-2 (conditional). She explained that the property had been the subject of an earlier request to rezone it to R-3 Multiple-Dwelling Residential District from its current R-1 Single Family Residential. At that time Planning Commission recommended denial of the request because of the negative impact on transportation and schools. The applicant is now seeking approval of a conditional rezoning to R-2 with the following proffers: 1) The following uses permitted by right under Section 10-3-39, paragraph 1, and 10-3-33 of the Code of the City shall be the sole uses undertaken on the proposed re-zoned parcel: (1) Owner-occupied single-family dwelling, which may include rental space for occupancy by not more than two person, providing such rental space does not include new kitchen facilities. (2) Nonowner-occupied single-family dwellings, which may include rental of space for occupancy by not more than one person, providing such rental space does not include new kitchen facilities. (3) Home occupations, as defined. (7) Accessory building and uses clearly incidental to the above. This includes a proffer that none of the other uses in the R-2 zone shall be made of the parcel, nor shall any of the uses permitted by Special Use permit under Section 10-3-40 of the City Code be used in the rezoned parcel. They also proffered that all lots will have a minimum lot area of 10,000 square feet and a minimum frontage width of at least 60 feet. Also, they proffered that no more than 56 lots in the final plat of the subdivision and that a fifteen foot landscaped buffer would be established along lots bordering the HEC or VEPCO properties. The landscaping buffer shall be maintained by each of the residential property owners. This property is recommended for low density and medium density residential use in the Comprehensive Plan. Low density residential uses are characterized by single-family detached dwellings with a maximum density of 1 to 4 units per acre. Medium density ranging from 1 to 15 units per acre. The proposed rezoning with the proper 56 lots in the final plat would have a density of about 3.3 units per acre. This will give the applicant the flexibility of creating lots that are more narrow than the R-1 lot, but are not any different in total size. She said that Planning Commission has recommended approval of this rezoning request.

At 8:47 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 27, and Monday, June 2, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, June 10, 1997 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Rezoning:

2. **Request by Erwin Michael to rezone 16.94 acres from R-1, Single-Family Residential District to R-2 Residential District (conditional). The site is located on Stone Spring Road, approximately 1000 feet east of the intersection as parcel 93-B-5 on the City of Harrisonburg Block Maps. The Comprehensive Plan recommends the site for low and medium density residential use.**

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 the Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least five (5) days prior to the time of the meeting.

**CITY OF HARRISONBURG
Steven E. Stewart
City Manager**

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

Dick Blackwell representing the applicant, Erwin Michael, said that this proposed rezoning maintains the same square footage of the lot. Because of the topography, this allows a better design and better use of the property by allowing narrow width lots, but the same total acreage on the lots. There being no others desiring to be heard, the public hearing was declared closed at 8:49 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this rezoning request as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Turner introduced a request to consider proposed amendments to the City of Harrisonburg's Subdivision regulations. She said these amendments are really a house cleaning measure to streamline, simplify, process, and clarify. These amendments will link the subdivision ordinance to the Design and Construction Standards Manual. Also, the final plat process will become an administrative process. Planning Commissioners and City Council will no longer review final plats for approval. The final plats will no longer require the signature of the Planning Commission Chairman and the Mayor. The authority to sign off on final plats will rest with the Director of Planning and Community Development. Variances to the subdivision ordinance shall be reviewed for approval by the City Council after Planning Commission makes its recommendation on the same. Currently, variances to the subdivision ordinance are reviewed for approval or denial by the Planning Commission only. This will help make the process uniform and comparable to the variance request procedure for the Design and Construction Standards Manual. Other proposed changes are measures to bring the ordinance up-to-date.

At 8:52 p.m., Mayor Eagle closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, May 27, and Monday, June 2, 1997.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, June 10, 1997 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Amendment:

- 1. Amendments to Title 10, Chapter 2. Subdivision Regulations of the City Code. The proposed amendments will streamline the subdivision process and will link the regulations to the Design and Construction Standards Manual.**

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 the Public Hearing.

Any person requiring auxiliary aids, including signers, in connection with the Public Hearing shall notify the City Manager at least five (5) days prior to the time of the meeting.

**CITY OF HARRISONBURG
Steven E. Stewart
City Manager**

Mayor Eagle called on anyone to speak either for or against these amendments to the City's subdivision regulations.

Tim Lacey, stated that he had requested this change because after waiting for 30 days, he has to wait another one to two months to get a final plat signed by Planning Commission and City Council. This will help speed up the process. There being no others desiring to be heard, the public hearing was declared closed at 8:57 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this request for a first reading as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented for consideration an addendum to the Water and Sewer moratorium. He explained that in November, 1992, Council had enacted some amendments to the previous moratorium on water and sewer services to properties located outside the City. The amendments to the moratorium were very restrictive involving lots of record prior to November, 1992. There had to be an existing water and/or sewer main in front of the properties and basically only a residential tap could be made. Mr. Blackwell has requested that Council consider taking additional action to lesson the restriction on the moratorium involving property where the majority of the property is in the City. This addendum relates to proposed subdivisions on property of which at least 51% lies within the City of Harrisonburg but was severed by the City/County line in the 1983 annexation. Mr. Stewart strongly recommended that this item be referred to the City/County Liaison Committee before Council takes any action. Dick Blackwell explained that there are 23 undeveloped parcels of land of which more than 50% of the parcel lies within the City. The parcel which is in the County cannot be developed without water and sewer. He reviewed a study containing 23 parcels

of which the majority of the parcels are located in the City. He noted that approximately 14 parcels are zoned R-1, 1 parcel zoned R-2, 1 parcel zoned R-3, 2 parcels zoned B-2, and 5 parcels zoned M-1 in the City. He suggested that perhaps the City and County could conduct a study to determine how to provide water and sewer utilities to serve the entire parcel under certain conditions.

City Manager Stewart stated that due to the demolition of the Schewel's building, there are no longer facilities for hanging banners across Main Street. Several arrangements were made with the County on a temporary measure until a permanent solution could be made to either discontinue hanging banners or find another location. All of the commitment to hang banners have been completed. Following further discussion and comments, Vice-Mayor Lantz suggested that until another location could be found that the City was temporarily out of business in hanging banners.

City Manager Stewart presented for Council's consideration a resolution to distribute Regional Competitiveness Act funds to the Shenandoah Valley Partnership. The resolution establishes the distribution methodology for these funds. The resolution must be adopted by June 30 to make an application and to qualify for these state funds. He reviewed the formula used in approaching the distribution of these funds. Council Member Rogers presented some supportive data. Following further discussion and comments, Council Member Rogers offered a motion to adopt this resolution as presented. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart introduced a request to amend Section 5-1-10 of the Harrisonburg City Code. He explained that this request will allow the Police Department to have the FBI check fingerprints for concealed handgun permits. Vice-Mayor Lantz offered a motion to amend Section 5-1-10 of the City Code for a first reading. The motion was seconded by Council Member Byrd, and approved with a unanimous recorded vote of Council.

City Manager Stewart presented a request for a supplemental appropriation for the Fire Department. He explained that the Fire Department has received these funds from donations and services rendered. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$ 8,570.54 chge. to: 1000-31914 Recovered Costs
 12,314.05 chge. to: 1000-31809 Donations
 1,405.15 chge. to: 1000-32514 II for Life
 8,069.52 chge. to: 1000-32502 Department of Emergency Services

\$ 1,405.15 approp. to: 1000-350532-46155 II for Life
 27,954.11 approp. to: 1000-320132-48113 Equipment
 1,000.00 approp. to: 1000-320132-48114 Fire Hose

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

City Manager Stewart presented a request for a supplemental appropriation for the Commissioner of Revenue. He explained that funds were approved in the 1995-96 budget for an assessor's computer package for the Commissioner of Revenue's office. The package was not available last year, but now has been selected and installed. It will save the City money in reassessment by being done in-house. Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$55,000 chge. to: 1000-31010 Amount from fund balance

\$55,000 approp. to: 1000-121012-48141 Assessment software

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

Council Member Rogers commented on Mark Kilduff's visit on May 8, 1997. He said that Mr. Kilduff had expressed that it is very important for Harrisonburg to be ready for economic development and the various opportunities that we have to offer prospective businesses and industries. Other important points included affordable land available, strong Community Development Department involvement, and brochures to hand out to prospects. Mr. Kilduff also mentioned that it was his impression that Harrisonburg was not open for business.

Council Member Rogers commented on an article concerning the poultry industry which appeared in the Washington Post. The article referred to the putrid smell in the air and polluted water which has alarmed environmentalists and federal officials. It also notes that the concern doesn't stop at the West Virginia border, but drifts to Virginia's Shenandoah Valley - just over the mountains from where the industry has mushroomed around Moorefield - residents know what can happen if poultry farms aren't properly managed. Further comments included the poultry industry boom in the 1980's, severe pollution, levels of water contamination, fecal coliform, and also some valley waterways being little more than streams of animal waste.

Council Member Rogers reviewed some of the comments on Congressman Goodlatte's visit in January regarding the Virginia Department of Transportation study on a new exit on I-81.

City Manager Stewart commented that he received a telephone call from Judge McNulty inquiring about the status of the Lower Courts Facility and expressing his concerns with the existing crowded conditions. He explained that the judge would like to move forward with the Court Services offices. The bids are higher than what Council had recommended that the cost should exceed. The County had said that they will pay \$108,377.30 toward the costs if the City would contribute the \$50,000. The County will recover their investment on a prorata basis based on the original investment. Mayor Eagle stated that it is hard for him to accept the higher cost associated with this project. Following further discussion and comments, Council Member Green requested further explanation to support the higher cost associated with the project. Vice-Mayor Lantz offered a motion that someone (whether it is an architect, low or high bidder) attend a Council meeting to explain and justify the cost of the project. The motion was seconded by Council Member Green, and approved with a unanimous vote.

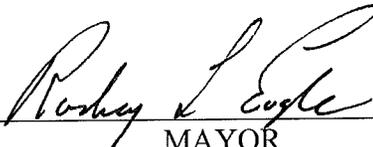
At 9:50 p.m., Vice-Mayor Lantz offered that Council enter an executive session for discussion and consideration of personnel and prospective candidates to be appointed to the Blue Ridge Community College Board of Trustees and Harrisonburg Transportation Safety Commission, exempt from the public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation, exempt from public meeting requirements pursuant to Section 2.1-344(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 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 11:26 p.m., the executive session was declared closed and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of the 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 executive or closed meeting were convened were heard, discussed or considered in the executive session by the City Council.

Council Member Rogers offered a motion for a first reading to authorize Public Works Director Baker to continue purchasing top soil and that \$60,000 be transferred into a capital projects budget for this purpose. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous recorded vote of Council.

Council Member Rogers offered a motion that Jane C. Prey, 28 Laurel Street, be appointed to a first term on the Blue Ridge Community College Board of Trustees to expire on June 20, 2001. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 11:28 p.m., there being no further business and on motion adopted the meeting was adjourned.

 _____ CLERK	 _____ MAYOR
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