

REGULAR MEETING

NOVEMBER 24, 1998

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 Member John H. Byrd, Jr., Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan, CMC, and Chief of Police Donald Harper.

Council Member Byrd delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Human Resource Director Whistleman introduced six new City employees: Jason Griffin, Linda Helmick; Parks and Recreation Department; Darlene Gray, Jim Shifflett, Police Department; Tanya Cook, and Steve Powell, Fire Department.

Council Member Rogers 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 Fire Department. 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 Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request to amend Section 11-5-8 of the Sign Ordinance. She explained that this proposal would allow businesses in the I-81 overlay district the option of erecting a 35 foot sign as permitted under existing regulations or providing a spot elevation to gain additional height. To do this, it will be not be possible to put all businesses on a level playing field; however, if the topography is based on the bridge elevation plus 35 feet then it will be close. Planning Commission held a work session in July discussing topography, certain elevation, and reviewing what other localities allowed to create an "even playing field" for signs, because a representative from Cracker Barrel had expressed concern that its sign was not as tall as it needed to be to attract traffic from the interstate. Currently all businesses within B-2 and M-1 zoning classifications in the City are allowed to have a sign with a height of 35 feet. However, because of topography variances certain interstate businesses signs appear taller. Using elevation plus 35 feet will not make this precise because it cannot be unless everyone is using topography-based height. This will, however, make it more equal than using elevation plus 50 feet. She reviewed maximum sign height at each of the interstate interchanges. Each interstate interchange has different heights because of the topography difference in the elevation of the bridges. The interstate overlay currently allows for businesses located within those areas to have a large sign in the area, but not a sign that is greater in height. So these areas are already receiving a special consideration due to their interstate location. Planning Commission did discuss the implications of the interstate widening if something like this would be adopted, but decided to recommend the ordinance change and deal with the implication of the widening when it occurs. Crackle

Barrel said that these changes would allow their sign to be seven feet higher. Mrs. Turner also noted that the Sign Ordinance does not require a public hearing; however, Planning Commission suggested that Council might want to hold a public hearing.

At 7:42 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, November 9, and Monday, November 16, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 24, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Any business or industrial zoned property located within an eight hundred (800) foot radius of the center of any Interstate 81 exit ramp intersection with the closest boundary of an intersecting street shall be defined as the Interstate 81 overlay sign district. Within this Interstate 81 overlay sign district, the maximum height allowance for freestanding signs, other than directional signs, including pylon or post structures shall be limited to thirty-five (35) feet above average grade conditions or be determined by the nearest interstate exit number and based on an elevation above mean sea level as set out below:

Exit Number Maximum Business Sign Height (feet above mean sea level)

243 (Pleasant Valley Road) I299.6 ft

245 (Port Republic Road) I341.8 ft J47 (Market Street) I452.6 ft

Elevations must be determined by a licensed surveyor from a City Global Positioning System (GPS) point. Signs located within the Interstate 81 overlay sign district shall not project over any lot line and shall not exceed a sign area of three hundred (300) square feet for one sign or when more than one qualifying use is located on a single parcel within the Interstate sign overlay district, a single support structure may be erected which contains a combined sign area not to exceed five hundred (500) square feet provided no single sign size shall exceed three hundred (300) square feet.

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 the opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against amending this Sign Ordinance. There being no one desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion for a first reading to approve amending Section 11-5-8 of the

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

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - Council Member Byrd

Council Member Byrd commended Planning Commission for studying this issue. He also said that since he had some experience in enforcement, and interpretation of the rules and regulations of the sign ordinance, he felt it was not necessary to add another rule or regulation to the sign ordinance.

Planning and Community Development Director Turner introduced a request to amend Section 10-2-43 of the Subdivision Ordinance. She explained that this is a change in the subdivision regulations to require a 10-foot wide utility easement along front lot lines or any lot line adjacent to a public right-of-way. In addition, easements at least 10 feet wide, centered on the side or rear lot lines, shall be provided for utilities and drainage. Easements may also be required in, along or adjacent to natural watercourses as drains for sanitary sewers. City Staff has been working with the utility companies to resolve field construction conflicts. She noted that HEC had sent a letter in support of this amendment.

At 7:45 p.m., Mayor Eagle closed the regular session and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 9, and Monday, November 16, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 24, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

1. Request to amend Section 10-2-43, Easements, of the Subdivision Ordinance to state the following:

A 10 wide utility easement shall be provided along front lot lines and any lot line adjacent to a public right-of-way. In addition, easements at least 10 wide, centered on the side or rear lot lines, shall be provided for utilities and drainage. Easements may also be required in, along, or adjacent to natural water courses as drains for sanitary sewers and water diversion purposes.

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 the opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against this amendment. There being no one desiring to be heard, the public hearing was declared close at 7:46 p.m., and the regular session reconvened. Council Member Rogers offered a motion for a first reading to approve amending Section 10-2-43 of the Subdivision Ordinance. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request to consider removing Section 10-3-39(2) of the Zoning Ordinance and adding Section 10-3-40(7). She explained that residents in the R-2 zoning classification neighborhoods had expressed concerns about easing the parking crunch in their neighborhoods since most of the neighborhoods have permit parking areas only. She noted that after discussing this issue with Planning Commission, City Council, the City Attorney, and residents in these neighborhoods, it was determined that a possible solution to this problem might be dealt with by looking at the density issue and not trying to control density through parking. She also mentioned that when single-family homes have been converted into rental units, these conversions can add more people and their vehicles to neighborhoods without providing additional parking spaces. She noted that the R-2 zoning classification allows four unrelated people to live in the same house. Staff, working with the advice of the City Attorney, recommended to the Planning Commission removing the provision that allows four unrelated people to occupy a dwelling from the by right uses within the R-2 zoning classification and placing it in a special use category requiring a public hearing. This proposed ordinance would make occupancy by up to four unrelated persons a special use in the R-2 neighborhoods, unless otherwise permitted by right. It would also require that one off-street parking space per tenant be provided on site. With this proposal, Section 10-3-39(2) would be eliminated. She said that Planning Commission recommends removing Section 10-3-39(2) of the Zoning Ordinance and adding Section 10-3-40(7) into the Zoning Ordinance.

At 8:00 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 9, and Monday, November 16, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 24, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

1. Request to remove Section 10-3-39 (2) of the Zoning Ordinance and add Section 10-3-40 (7) to state the following:

(7) Occupancy, other than permitted by right, of not more than four unrelated persons (except that such occupancy may be superseded by building regulations), provided one off-street parking space per tenant is provided on site.

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 the opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against this change in the Zoning Ordinance. Pat Sweet, a resident of South Mason Street, stated that he favored these changes and had been working with the Planning Commission on some of these changes since June. There being no others desiring to be heard, the public hearing was declared closed at 8:02 p.m., and the regular session reconvened. Council Member Green offered a motion to approve these changes in the Zoning Ordinance. 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 Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart reminded everyone that all the Department Heads were present to answer any questions regarding the Capital Improvement Program and that adoption of the plan does not appropriate any funds for any of the projects.

Planning and Community Development Director Turner presented the 1999-2000 through 2003-2004 Capital Improvement Program. Mrs. Turner explained that the Capital Improvement Program is a five-year schedule of capital projects defined as being \$25,000 or greater. It is financial planning tool, but it is not the budget. She reviewed only the new projects with a priority one or two ranking in the report. The only new project for the Police Department is replacement of windows in the building. The Fire Department has only one new project in the CIP which is a thermal imaging camera giving firefighters sight inside a burning structure. There are several new projects in the Public Works Department including the East Market Street Safety Improvements study, a City wide "Two-Way Radio Communication System, and extending Burgess Road to a future connection to Evelyn Byrd Avenue. Also included are replacing several vehicles, a new traffic light at East Market Street and Evelyn Byrd Avenue, and renovation/rehabilitation to the Water Street Parking Deck.

The Parks and Recreation Department projects include replacing a trash truck, fencing replacement schedule, implementing a tennis court renovation, and a tractor and mower deck replacement schedule. Also, included is the construction of a third multi-use field and the installation of an in ground irrigation system at Smithland Road development. Mrs. Turner said that the School Board reviewed their Capital Improvement Program projects at the last Council meeting. Development of further surface water sources is the only project in the Water and Sewer Department. The only new project in the Sanitation Fund is the Solid Waste Management Plan for the City.

At 8:00 p.m., Mayor Eagle 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 Saturday, November 14, and Saturday, November 21, 1998.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, November 24, 1998, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider:

The proposed Capital Improvements Program, for fiscal years 1999-2000 through 2003-2004. The Capital Improvement Program is a multi-year projection and scheduling of capital projects of \$25,000 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 Improvements 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 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

There being no one desiring to be heard, the public hearing was declared closed at 8:01 p.m., and the regular session reconvened. Council Member Green offered a motion to accept the report but recommended waiting until the next Council meeting before approving the report. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration a request from the Retail Merchants Association. He explained that the association would like to hang banners on light poles on 33 East. This request is supported subject to HEC's approval; however, the Retail Merchants Association should keep the banners in good repair and the banners should not extend over the street. Council Member Rogers offered a motion to support this request. The motion was seconded the Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration a request from First Night for approval of a fireworks permit. He explained that the request is consistent with last year's street closings and the fireworks display will be the same. Council Member Byrd offered a motion to approve the request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request to consider a request by Ken Patterson for approval of a preliminary plat entitled "Erickson Avenue Medical Center." She explained that this preliminary plat shows a 2.5 acre parcel fronting on Erickson Avenue. The request is to subdivide the lot which is zoned B-2 into five separate lots to be used for doctors' offices. This request requires a variance to the subdivision regulation because three of the proposed lots will not front on a public street. This will require a permanent easement for the common areas and parking area to ensure access to Erickson Avenue for all lots. They would have perpetual easements to allow entrance and parking on each property. She said that Planning Commission recommended approval of the request. Council Member Green offered a motion to approve this request as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Planning and Community Development Director Turned introduced a request by Kevin Williams for approval of a preliminary plat entitled "Neff Avenue Apartments." She explained that the preliminary plat shows a 16.36 acre parcel located on Neff Avenue. A variance is being requested to the City's maximum cul-de-sac length. The site is zoned R-3 and is being developed for multi-family uses. She said that staff has expressed concern because a bus cannot go into a private apartment complex; therefore, the builders are proposing developing a public cul-de-sac extending into the private apartment development to allow students to get on and off of the bus. She also said that the developer is showing that a future connection can be made to other property owned by Horsley and Constable. Horsley and Constable have submitted a letter stating that they would be responsible for developing and extending the street in the future. She said that Planning Commission recommended approval of the request. Discussion included developing the cul-de-sac into a public street standard, emergency services, developing an internal loop with two entrances into the development, buses being able to pick up students in the apartment complex, rather than having a public street with a bus pull off, fine tuning the requirements of multi-family developments, engineering standards reviewed by City staff and Planning Commission, and no one complying with the ordinances. Vice-Mayor Lantz offered a motion to approve this request as presented. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration approval of the Charles McNulty Children and Families Center. Mayor Eagle explained that this facility was approved for a first reading at the November 10th meeting; however, because of many concerns expressed at that meeting it was removed from the consent agenda and is being considered for a second reading tonight. He said that he and other Council Members have reviewed alternate sites located in the City, discussed the issue with Department Heads, and Economic Development Director Shull had reviewed private land regarding prices and location. Mayor Eagle acknowledged that he had received a petition with 250-300 signatures of residents opposing construction of the facility on a two-acre site in the Ralph Sampson Park. Council Member Green commented that since some residents were concerned that this facility might encourage adolescent substance abuse and mental retardation problems that perhaps if the architect had mapped out the site like he suggested, then Council and other people could have a better understanding of what it would entail. He also suggested that it would be helpful for the architects to map out the site, clean it up, and save as much frontage as possible on Washington Street. Council Member Green offered a motion to approve for a second reading the site with the stipulation that Council would review the architect's mapped out site, regarding the location of the building. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Mayor Eagle

Abstained - Council Member Rogers

Council Member Byrd

At the December 15 meeting, Council Member Green stated that he wanted his comments clarified that were on page 8 and 9 of the November 24 minutes. He explained that he wanted it clarified that Mayor Eagle had received a petition containing approximately 300 signatures. He said his comment was that since some of the residents were concerned about encouraging the presence of more substance abuse people in that particular neighborhood off of Washington Street, his idea was to attempt to reach a compromise in which the Recreation Department Board has been concerned about infringement upon the property on Washington Street. He said that in an effort to reach some kind of compromise agreement that the neighborhood and Recreation Commission could accept in one way or another that we would reduce the size of the area that had been shown on the proposed map and utilize the 20 x 500 foot strip that is kind of no-man land that has been cleaned up now since it had a bunch of underbrush under there and we move the building as far east as possible. He also said that configuration of the building could be changed so that parking could extend down that alley if you will or the area that is not utilized by anybody and really don't need but since you have an 8,000 foot building 80 x 100 any you go at it, is about all the frontage you need off of Washington Street. If the building were restructured or changed so that it was length wise it would come out on the park property even less and that was what I was offering as a compromise idea about reviewing the site and the stipulation was that Council would review the architect's new mapped out site regarding the location of the building. I think that is what Hugh and I talked about when we made the motion.

Mayor Eagle announced that the resolution supporting the Rail/Highway Grade Crossing Safety Improvement project had been withdrawn.

City Manager Stewart presented for Council's consideration a resolution concerning voluntary working of prisoners. He explained that this resolution would allow prisoners to receive credit for good behavior for every eight hours worked toward their sentence. Council Member Rogers offered a motion to approve this resolution. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to approve refinancing a resolution for the Community Services Board. Carolyn Perry, attorney with the law firm of Wharton, Aldhizer and Weaver, explained that in 1988 the Community Services Board and the Harrisonburg Redevelopment and Housing Authority entered into a financial leasing arrangement. She also said that by refinancing these bonds now, it will allow Community Services Board to obtain a more favorable financing rate. There will be no liability on the City's part nor the Harrisonburg Redevelopment and Housing Authority. Vice-Mayor Lantz offered a motion to approve this resolution. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Byrd

Mayor Eagle

No - None

Abstained - Council Member Rogers

City Attorney Thumma presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-2-23(1) of the Harrisonburg City Code. Commissioner of the Revenue Hosaflook explained that ownership of real estate was changed from January 1 to July 1 when the City changed its taxable year. The current ordinance specifies that the ownership of the property for people applying for tax relief for the elderly and handicap shall be January 1. This amendment would change that date to July 1. Council Member Rogers offered a motion to approve amending this ordinance for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Attorney Thumma presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 4-2-24 of the Harrisonburg City Code. Commissioner of the Revenue Hosaflook explained that this amendment will provide aid to the elderly and handicap in applying for tax relief. When the ordinance was first written, it was in accordance with the state code which required that applicants applying for tax relief for the elderly and handicap sign an affidavit regarding their income and net worth. The affidavit required notarization by a notary public. However, now the state code has been amended to allow the elderly and handicap to simply sign a written statement verifying that the facts are true to the best of their knowledge. Most of the elderly that apply for tax relief have no change in their circumstances from year to year or their income source. To have this form notarized every year is quite a burden to the elderly. Council Member Rogers offered a motion to approve amending this ordinance for a first reading. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the School Board. Harrisonburg School Superintendent Ford explained that each year the School Board receives some revenues that are not anticipated in the budget process. This appropriation requires no new local dollars. Council

Member Green offered a motion to approve this request for a first reading, and that:

\$55,010.00 chge. to: 111114-32442 School Revenue - State

3,486.00 chge. to: 111114-33301 School Revenue - Federal

21,090.70 chge. to: 1311-34110 Bond Proceeds

15.32 chge. to: 1311-31513 Investment Earnings

\$58,496.00 approp. to: 111114-40610 Instruction

21,106.02 approp. to: 1311-48690 Repairs to Elementary Schools

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

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. Police Chief Harper explained that this money comes from drug forfeiture funds which will be used to purchase 37 night sights for those officers who do not currently have them on their weapons. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$2,747.00 chge. to: 1000-31010 Amount from fund balance

\$2,747.00 approp. to: 1000-310131-46100 Police Supplies

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

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. Police Chief Harper explained that these funds will reimburse the Police Department by the Division of Motor Vehicles for printing of safety educational materials. Council Member Green offered a motion to approve this request for a first reading, and that:

\$1,415.47 chge. to: 1000-32520 DMV grant

\$1,415.47 approp. to: 1000-310131-46010 Office supplies

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 Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the CISAT project. These funds are for interest earned on the bond proceeds that were borrowed on behalf of JMU to expand the Resource Recovery Facility. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$21,366.20 chge. to: 1324-30101 Amount from fund balance

2,013.98 chge. to: 1324-31513 Investments earnings

\$23,380.18 approp. to: 1324-910142-48683 Steam Plan for CISAT

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

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Economic Development Department. He explained that when RDC closed its books at the end of the fiscal year, it owed money to the City. This money will increase the current budget of the Economic Development Department and will be used for advertising. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$4,772.00 chge. to: 1000-31901 Recoveries and rebates

\$4,772.00 approp. to: 1000-810521-43600 Advertising

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

Vote: Yes - Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

No - None

Cathy Slusher

, president of Spotswood Elementary PTA, encouraged Council to move ahead with discussion about the renovations and actually appropriate funding toward them. The project needs to move ahead with full steam because the schools are in desperate need for the funding and it is time to approve a project that will actively renovate these schools. Because interest rates are lower, she said that there is solid argument for renovating these schools now over an 18 months period.

Les Bolt

stated that his fourth grader had not entered the school system when Council had first started discussing renovations to these elementary schools. Since that time he said "We have gone through a series of City Council members and School Board members." The question that we need to do some things has been answered. He said that renovations need to be done as quickly and as efficiency as we can.

Suzanne Obenshain

urged City Council to move forward with the renovation plan.

Nancy Faulkner

wanted clarification regarding the McNulty Children Center. She also expressed her appreciation for the acknowledge of the petition and the neighborhood concerns. She said the neighborhood association was frustrated by the inability to express their concern during Council's discussion of the issue regarding the center. Because this issue did not require a public hearing, there was no prior public notification to allow the neighborhood to express their concerns. She also requested that in the future, issues that directly impact neighborhoods should have some prior notification to allow citizens to speak.

Kathy Phillips

said that problems at the schools need to be fixed.

Dr. Gail Arthur

said that a lot of parents are concerned about the conditions of the schools.

Suzanne Thompson

said that now was the time for renovating all of the schools needing renovations. She insisted that children are being exposed to water in the hallways, peeling paint, lead ordinances, bats in the schools, in addition to the discomfort of not having air condition.

Carlton Banks

said that Council should not overlook the petitions and the voices in the community.

Cheryl Talley

commended Mayor Eagle for speaking privately to the president of the Northeast Community Association. She said that she understood the urgency of this project; however, she requested that Council consider the impact of the quality of life on the citizens who live in the neighborhood that may be impacted.

Naomi Thomas

said that the land for the CSB facility should not be considered as free land. She said that the City owns a lot of land that could have been used for this facility rather than using park land. She also said that Council Members abstaining from voting on an issue because of a conflict of interest should also refrain from discussing the issue.

Council Member Byrd expressed his appreciation to everyone involved with the Christmas decorating and lighting in the downtown area. He said that the downtown area is beautiful and it is a pleasure to drive through it.

Council Member Rogers reminded everyone to use safety while driving and shopping during the Christmas holidays.

City Manager Stewart said that he had attended the Social Services Administrative Board meeting today and at the end of the meeting a discussion was held regarding where the City is concerning the Comprehensive Services Act. He mentioned that probably next month Council will be receiving a formal request from the team requesting additional funding. If the trend continues for the remainder of the fiscal year, we will have a total City and State shortfall. The City's share will be approximately \$282,000. He reminded everyone that these funds are not in the budget.

At 9:03 p.m., Council Member Rogers offered a motion that Council enter an executive session for discussion and consideration of the acquisition of real estate to be used for economic development purposes and disposition of publicly owned real estate, all exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members concerning probable litigation and a contractual matter, requiring the provision of legal advice by the City Attorney, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of

the Code of Virginia, 1950, as amended.

At 11:50 p.m., the executive session was declared closed and the regular session reconvened. The following statement 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.

At 11:52 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR