

REGULAR MEETING

DECEMBER 15, 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 Rogers delivered the invocation and Mayor Eagle led everyone in the Pledge of Allegiance.

Human Resource Director Whistleman introduced four new City employees: Michael Sharp, Public Works Department; Rosalyn Davidson, Ladora Myers, and Debra Harper, Police Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes as amended, and the second reading of a supplemental appropriation for the Police Department, CISAT project, Economic Development Department and School Board. The motion also included amending Section 11-5-8 of the Sign Ordinance, amending Section 10-2-43 of the Subdivision Ordinance, and amending and re-enacting Section 4-2-24, 4-2-23(1) of the Harrisonburg City Code. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

Vice-Mayor Lantz explained that he had requested Item #5h regarding removing Section 10-3-39(2), and adding Section 10-3-40(7) of the Zoning Ordinance be removed from the consent agenda after receiving several telephone calls regarding this particular section being added to the zoning ordinance. He said that sometimes when these changes are made it can cause an economic hardship on someone who has made a contract to purchase a certain piece of real estate.

Berry Kelly

, a property manager for Funkhouser and Associates Property Management, said that his company represented several hundred properties in and around the City. This change in zoning ordinances will have an economic effect on many of these properties which are zoned R-2. He noted that he had served on the Parking Committee and that it was his fault he only became aware of this change. However, he explained that he had a contract which he could not get out of and it would be effected by this change. He requested that this change be tabled since it would create a hardship for some of his properties. It was pointed out that public discussion included the two public hearings held by Planning Commission and City Council, several committee meetings, legal notices, articles in the newspaper containing the discussion related to the proposed parking

changes, and that people involved in real estate should be aware of these changes in the ordinance. Mayor Eagle pointed out that Mr. Kelly would have the option of appearing before Council to request a special use permit and that this change will not prevent him from renting any property to a family of four or more. Following further discussion and comments, Council Member Green offered a motion to approve the amended minutes and the second reading of an ordinance Section 10-3-39(2) of the Zoning Ordinance and adding Section 10-3-40(7) of the Harrisonburg City Code. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request to amend Section 10-3-24, 10-3-34, 10-3-40 and 10-3-46 of the Zoning Ordinance and Section 11-5-4 of the Sign Ordinance. She explained that Dennis G. and Janice D. Fitzgerald are requesting several ordinance amendments that would allow bed and breakfast facilities to operate in R-1, R-2, and R-3 residential districts by a special use permit. Lodging facilities are currently limited to commercial and industrial districts, where non-transient occupancy is prohibited. Bed and breakfasts; therefore, cannot be categorized as typical hotels or motels because they also function as private residents. Roger Williams, the Fitzgerald's attorney, discussed the matter with City staff and worked to develop acceptable amendments which would make it possible to operate bed and breakfast facilities in the City while retaining some control over their size and location. She said that a definition of a bed and breakfast facility would be added into Section 10-3-24 of the Zoning Ordinance. It will read "A Bed and Breakfast Facilities is defined as a single-family dwelling (including the principal residence and related outbuildings), occupied by the owner or proprietor, in which accommodations limited to ten (10) or less guest rooms are rented for periods not exceeding ten (10) consecutive days per guests." However, Mrs. Turner said that at its November 4th Public Hearing meeting, Planning Commission recommended changing the time for staying at the Bed and Breakfast from 10 consecutive days to 14 days per guest. Mrs. Turner said that special use permit language should be inserted into the R-1, R-2, and R-3 zoning classifications, adding language that permits by special use permit, a Bed and Breakfast facility that (a) food service shall be limited to breakfast and light fare for room guests only and (b) having space available on premises for one parking space for each guest room. The sign language in Section 11-5-4 would be amended to allow permanent signs for nonresidential uses, including Bed and Breakfast Facilities and residential development identification signs to not exceed an aggregate of twenty-four (24) square feet in face area for each main building or use. Said signs shall not exceed six (6) feet in height above grade. No more than two (2) signs shall be permitted for each main building or use. Although this is the language proposed for signs in granting a special use, only City Council has the authority to impose certain conditions to ensure that the proposed use is acceptable. She said that Planning Commission recommended approval of the amendments and also to increase the length of stay from 10 consecutive days per guest to 14 consecutive days per guest.

At 8:01 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 30, and Monday, December 7, 1998.

## NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 15, 1998, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

Request by Dennis G. Fitzgerald and Janice D. Fitzgerald to amend the following:

(A) Sections 10-3-34, 10-3-40, and 10-3-46, of the Zoning Ordinance to add the following additional "Uses permitted only by special use permit":

Bed and Breakfast Facilities in which (a) food service shall be limited to breakfast and light fare for room guests only and (b) having space available on premises for one parking space for each guest room.

(B) Section 10-3-24 (Definitions) to add the following new definition of "Bed and Breakfast Facilities":

Bed and Breakfast Facilities a single-family dwelling (including the principal residence and related outbuildings), occupied by the owner or proprietor, in which accommodations limited to ten (10) or less guest rooms are rented for periods not exceeding ten (10) consecutive days per guest.

(C) Section 11-5-4 of the Sign Ordinance to substitute the following new subsection (1):

Permanent signs shall be limited to nonresidential uses, including Bed and Breakfast Facilities, and residential development identification signs. Said signs shall not exceed an aggregate of twenty-four (24) square feet in face area for each main building or use. Said signs shall not exceed six (6) feet in height above grade. No more than two (2) signs shall be permitted for each main building or 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 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 these sections in the Zoning Ordinance.

Roger Williams

, attorney for the applicant, stated that Harrisonburg has a lot of beautiful historically older homes in the community. He noted that bed and breakfasts have been increasingly popular over the last several years; however, there is nothing in the residential district permitting a bed and breakfast use. It can benefit the City by providing a financial incentive to people to restore older homes and encouraging the beautification of these old structures in the City. It can provide an interesting and attractive type of accommodation to people visiting

the City. He said that not every piece of property in the City will be suitable for the Bed and Breakfast; however, it does make a lot of sense that it be a special use permit only. The neighbors of the subject property will be protected because all adjoining owners will be notified and public hearings will be held allowing an opportunity for public input. These bed and breakfasts will look like residences because the owner or proprietor will have to live there. There being no others desiring to be heard, the public hearing was declared closed at 8:06 p.m., and the regular session reconvened. Discussion included preservation of older homes, special use permits, new buildings becoming a Bed and Breakfast, only older homes being Bed and Breakfast, and Planning Commission and City Council reviewing all special use permits on case by case basis. City Manager Stewart reminded Council that the recommendation from Planning Commission to change the length of stay from 10 consecutive days to 14 consecutive days could not be changed because the Public Hearing was advertised with the proposal of 10 days. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve amending Section 10-3-24, 10-3-34, 10-3-40 and 10-3-46 of the Zoning Ordinance and Section 11-5-4 of the Sign 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 Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request by MNY & C to rezone a 4.632 acres, located at 131 and 211 West Mosby Road, from B-2 General Business District (conditional) to R-3 Multiple Dwelling Residential District. She explained that the purpose is to allow for multiple residential use. The site is adjacent to an R-3 residential development and the requested zoning is consistent with the Comprehensive Plan's recommendation for the property. She said that Planning Commission recommended approval of the request.

At 8:15 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 30, and Monday, December 7, 1998.

#### NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 15, 1998, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

Request by MNY & C to rezone 4.632 acres, located at 131 and 211 West Mosby Road, from B-2 General Business District (conditional) to R-3 Multiple Dwelling Residential District. The property, identified as tax map parcel 7-A-5, is recommended for medium density residential use in the Comprehensive 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 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 rezoning request.

J.R. Copper

, representative for the property in question, said that he was the C in MNY & C and that his company has had the property for a number of years. We had it rezoned and had intended to build a new office on the site. However, his company is proposing to build a unit that would be treated as a condominium. The units themselves are in the neighborhood of 1200 square feet. These units can be owner occupied or investment/rental property and will be side by side and back to back. The main difference between these units and a townhouse is there will be no back door into the units since they back up to one another. There being no others desiring to be heard, the public hearing was declared closed at 8:17 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this rezoning request. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

Planning and Community Development Director Turner introduced a request for a special use permit to operate a Bed and Breakfast Facility on a 1.874 acre tract of land located at 491 Garber's Church Road. She explained that this request was from the Fitzgerald's who requested the ordinance amendments to accommodate the type of use that they are desiring to have at 491 Garber's Church Road. The site is 1.874 acres and the subject property and surrounding parcels are zoned R-1 Single Family Residential classification surrounded predominantly by single family uses. The main dwelling is a large, 3-story structure built in phases, beginning in the late 1790's. Records indicate that the house served as a hospital during the Civil War and as a meeting place for the Mennonite Church. The house and outbuildings are situated on a large lot, with ample area for parking to serve an 8-room facility. Although the site is bordered by single-family homes, the main dwelling is located at least 60 feet from property lines and outbuildings are located at least 30 feet from property lines. As a result, the proposed bed and breakfast is not likely to disrupt the residential character of the neighborhood. Instead, the surrounding area may benefit from the renovation of an older structure being used as a Bed and Breakfast facility. She said that Planning Commission recommended approval of the requested special use permit.

At 8:21 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 30, and Monday, December 7, 1998.

#### NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, December 15, 1998, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

Request by Dennis G. Fitzgerald and Janice D. Fitzgerald for a special use permit to operate a Bed and Breakfast Facility on a 1.874 acre tract of land located at 491 Garber's Church Road. The property is identified as tax map parcel 122-B-1 and is zoned R-1 Single-Family Residential 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 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 the special use permit.

#### Roger Williams

, attorney for the Fitzgeralds, said that the Fitzgeralds acquired this property in the spring of 1998. The site contains two acres of land and a three story structure with nine bedrooms. The Fitzgeralds are planning to convert their property for up to eight guest rooms, seven in the main structure and one in the outbuilding. There will also be plenty of off-street parking space. The property is a textbook example of some place you would like to have a bed and breakfast. There being no others desiring to be heard, the public hearing was declared closed at 8:22 p.m., and the regular session reconvened. No action can be taken until the ordinance changes are given final approval.

Planning and Community Development Director Turner introduced a request to add Section 11-5-9 variances to the Sign Ordinance. She explained that allowing variances for lots without road frontage in the B-2 Zoning District, businesses which locate on these lots face difficulties with signage. The ordinance does not allow off-premises signs in the B-2 classification; therefore, those lots without road frontage cannot have a sign on a roadway or access easement. Staff aided the applicant in creating language for a variance process to allow lots without road frontage, created by a variance already granted in the subdivision process, to have an off-premises sign. The proposed amendments reads as follows:

(1) Subject to the provisions of this article, the governing body shall have the authority to grant the following variance:

A variance allowing off-premises signs within the B-2 Zoning classification for uses on parcels having no road frontage due to a variance previously granted during the subdivision process. This sign

shall be the only freestanding sign permitted for the off-premises use(s) advertised. The area of such sign shall be determined by the governing body; provided that the area of the off-premises sign shall not exceed the amount of signage previously allowed for an on-premises sign on the same lot. In addition, the off-premises sign area shall not be calculated against the allowable signage for the lot on which it is situated, but shall be counted against the allowable signage for the lot served by the off-premises sign. At no time shall variances be granted to allow more than one off-premises sign for any parcel of land having no road frontage regardless of the number of uses.

(2) In authorizing a variance, the governing body may impose such conditions regarding the location, character, and other features of the proposed sign as it deems necessary in the public interest.

(3) Before approving any such variance, the governing body shall hold at least one public hearing thereon, pursuant to Public Notice as required by Code of Virginia Section 15.2-2204, as amended.

Mrs. Turner explained that the City currently allows signage in the B-2 classification at the rate of one square foot of signage per one lineal foot of street frontage for the parcel. She also said this change would allow Armada/Hoffler which is building a new Food Lion grocery store which has no street frontage off of Port Republic Road, to place a sign on the corner lot of Peach Grove and Port Republic Road. The off-premises sign could not exceed the size sign that the use located on that corner is already allowed under the zoning classification. Therefore, the lot where the off-premises sign is located would be allowed to have two times the amount of sign area currently permitted. The square footage on the corner lot would be subtracted from what Food Lion and the other uses on the Food Lion site are permitted by our ordinance. It would not be counted against the uses located on the corner. Because the language is recommending that before approving any variance the governing body should hold a public hearing on this request, Food Lion is not scheduled on the agenda. Following further discussion and comments, Vice-Mayor Lantz offered a motion for a first reading to approve adding Section 11-5-9 variance to the Sign Ordinance. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

Ken Huffman, a representative from Phibbs, Burkholder, Geisert & Huffman, presented the 1997-98 Comprehensive Annual Financial Report. He said that the City received a "Certificate of Achievement for Excellence in Financial Reporting" for the fiscal year ended June 30, 1997 which is awarded by the Government Finance Officers Association of the United States. He also said that the office of Auditor of Public Accounts in Richmond had received the Comprehensive Annual Financial Report. Council Member Rogers offered a motion to approve this report. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Bob Baldygo, Dean of Financial and Administrative Services, and Bonnie Moyers, Director of Training and Development, presented a request from Blue Ridge Community College. Mrs. Moyers explained that the new proposed Workforce, Economic & Community Center represents a very important step forward for the college as it expands the services to the employers, the citizens and to the community region that it serves. This new center will be used for economic, workforce, and community development. Besides the wide range of training services currently being offered, there is a growing need to provide additional and more comprehensive training services for existing, emerging, and developing small and medium-sized businesses and to provide special assistance to those starting new businesses. Additionally, in response to employer requests and needs, Blue Ridge Community College has established a WorkKeys Service Center. She reviewed some services that this multi-purpose room in the new facility can provide. Mr. Baldygo explained that Harrisonburg had been supporting the college through an annual donation and he requested that the donation be increased from \$20,000 to about \$24,000 over the next six years to help fund this new business technology center. The amount is based on the locality's population and share of students attending the state-owned college. The college plans to ask the General Assembly for the rest of the money. Council Member Rogers commented that Blue Ridge Community College has been a major player in the community by providing an education to help people seeking a better job. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

John Worth, representing the Harrisonburg Redevelopment and Housing Authority, requested that Council adopt a resolution endorsing the issuance of multi-family housing revenue bonds by the HRHA. The issuance of these private activity bonds is for a project in Stafford County. The authority has indicated that the issuance of these bonds in 1999 will not count toward the \$10,000,000 limit for the City concerning bank-qualified debt. Vice-Mayor Lantz offered a motion to approve this resolution as presented. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

City Manager Stewart explained that the Capital Improvement Program had been presented to City Council in October 1998. He said that the Planning Commission had reviewed the CIP projects and recommended approval. City Council held a public hearing on November 24, 1998. Council Member Green offered a motion to approve the Capital Improvement Program. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented the following resolutions for Council's consideration of approval:

## **PROJECT PROGRAMMING RESOLUTION**

### **RAIL/HIGHWAY GRADE CROSSING PROJECTS**

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

highway project in the City of Harrisonburg; now

THEREFORE BE IT RESOLVED, that the City of Harrisonburg, Virginia requests the Virginia Department of Transportation to establish a project for the improvement of Railroad Crossing with dual Flashing Lights and Gates for one way system and interconnect on Bruce Street, a distance of approximately .02 mile.

BE IT FURTHER RESOLVED, that the City of Harrisonburg hereby agrees to pay its share, 10.0%, of the total costs for preliminary engineering, right-of-way and construction of this project, and that if the City subsequently elects to cancel this project, the City hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1998

City of Harrisonburg, Virginia

\_\_\_\_\_

Rodney L. Eagle, Mayor

Attest:

\_\_\_\_\_

Clerk of City Council

**PROJECT PROGRAMMING RESOLUTION**

**RAIL/HIGHWAY GRADE CROSSING PROJECTS**

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

THEREFORE BE IT RESOLVED, that the City of Harrisonburg, Virginia requests the Virginia Department of Transportation to establish a project for the improvement of Railroad Crossing with Flashing Lights, Gates and interconnect on South Avenue, a distance of approximately .04 mile.

BE IT FURTHER RESOLVED, that the City of Harrisonburg hereby agrees to pay its share, 10.0%, of the total costs for preliminary engineering, right-of-way and construction of this project, and that if the City subsequently elects to cancel this project, the City hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 1998

City of Harrisonburg, Virginia

\_\_\_\_\_

Rodney L. Eagle, Mayor

Attest:

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Clerk of City Council

Assistant City Manager Baker explained that these projects are being developed as part of the Department of Transportation railroad safety enhancement improvements at South Avenue and Bruce Street. Besides flashing lights, automated gates will also be installed to close when a train approaches the area. The City is required to pay 10% of the costs for the improvements. Vice-Mayor Lantz offered a motion to approve this resolution. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Public Utilities Director Collins presented a "Consumer Confidence Report" for water quality in 1997. He explained that the 1996 reauthorization of the Safe Drinking Water Act (SDWA) added responsibilities to water suppliers. By October 19, 1999, the City will be required to distribute annually a consumer confidence report which is really a water quality report. He reviewed some specifics in the report including identifying sources of water, report contaminants at highest concentration detected, compare the maximum detected concentration with the maximum contaminant level, report violations and relevant information about health effects. In addition, the report must also include boilerplate language with standardized phrases which must be mailed to every customer using City water and to provide a good faith effort to those citizens of Harrisonburg who are not on public water. Mr. Collins reported that the City did not have any violations in water quality over the last year. He also said that he had included information in the report regarding the degree of hardness, chlorine levels, and fluoride levels in the City water. Mr. Collins noted that because of the drought, water flows were reduced in the North River and the release of water at Switzer Dam has been reduced. Information will be available concerning water conservation.

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

**RESOLUTION SUPPORTING**

**HB 599 Funding**

WHEREAS the General Assembly passed HB 599 in 1979 as part of a legislative package intended to direct additional state financial assistance to Cities in exchange for the loss of authority to annex land in surrounding counties; and

WHEREAS one type of state financial assistance included in HB 599 was payment to cities, towns and counties with police departments, which was intended to compensate for the disparity between state funding for local police departments and sheriffs' offices; and

WHEREAS the Virginia Code directs the Governor and the General Assembly to increase the total amount of HB 599 funds to be distributed each year by the anticipated percentage change in state general fund revenues; and

WHEREAS funding for HB 599 was reduced from \$80.5 million to less than \$67 million in fiscal year 1992, and has remain frozen at that level since 1992; and

WHEREAS, based on annual general fund growth rates, the total amount of HB 599 funding would have increased to \$151 million by fiscal year 1999 if the state had funded this program in accordance with state law; and

WHEREAS if the state had funded this program in accordance with state law, the City of Harrisonburg would currently be receiving \$1,162,268 per year from the state instead of the \$513,700 which it is currently receiving. If Harrisonburg were receiving the higher amount of funding, it would be able to better fund public safety and other essential services.

WHEREAS by fiscal year 2000 the total amount of funding that the state would have distributed to localities since the HB 599 program's inception if the law had been observed will be \$610 million; and

WHEREAS since the program's inception the total amount of funding that the state has failed to distribute to Harrisonburg totals \$3,968,131; and

WHEREAS the commonwealth benefits when the relationship between the state and its local governments is based on mutual trust and support;

NOW THEREFORE BE IT RESOLVED, that the Governor and General Assembly shall develop a plan to fully fund HB 599 by the year 2000, and that the amendments to the 1998-2000 budget enacted during the 1999 General Assembly should include a substantial increase in this program beginning in fiscal year 1999.

Adopted this the 15th day of December, 1998.

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Mayor

Attest:

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City Clerk

City Manager Stewart explained this resolution will consider supporting full funding of HB599. The General Assembly passed HB599 in 1979 as part of a legislative package intended to direct additional state financial assistance to cities in exchange for the loss of authority to annex land in surrounding counties. That funding was provided to local governments as promised in the legislation from 1979 to about 1991 and has remained frozen at that level since 1992. When the legislation was enacted in 1979, it was enacted with the language that the appropriation would increase to local governments as state general funds revenues increased. If the state had funded this program in accordance with state law, the City of Harrisonburg would currently be receiving \$1,162,268 per year from the state instead of the \$513,700 which it is currently receiving. This resolution would encourage the General Assembly to fully fund what it committed to in 1979 and the Virginia Municipal League is making this a top priority in its legislation package. Council Member Green offered a motion to approve this resolution. 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 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. This resolution is for the month of December. Mr. Stewart said he had requested that this resolution be adopted for twelve months rather than adopting a resolution every month. 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 for Council's consideration a resolution endorsing the borrowing of up to \$2,005,000 through the Virginia Public School Authority (VPSA) for renovation at Keister Elementary School. He said that the Harrisonburg School Board has adopted a resolution requesting Council to authorize the issuance of these bonds. This action is a part of an overall plan to provide for the renovations at Keister Elementary School with a commitment in the future for renovations at Spotswood Elementary and Waterman Elementary Schools as funds are available. He also noted that in January 1999 a formal resolution and public hearing will be held. Council Member Rogers offered a motion to approve this resolution as presented. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Comprehensive Services Act program. Don Driver, Chairman of the Community Policy and Management Team, explained that the CPMT has been active in its continual efforts to serve the children and families of Harrisonburg, while maintaining control over expenditures for this very difficult and dynamic program. He said that CPMT only serve those children who are mandated by state and federal law to receive services. He noted that he had included information in a report regarding some of the physical changes over the time this program has been in place and also some case examples. He reviewed some of the cost increases in fiscal year 1996-98. The most significant long-term problems and most costly treatment are for the children that are in residential programs. The Comprehensive Services Act program are based upon serving children with mental health problems, special education problems, child abuse, and neglect problems. Following further discussion and comments, Vice-Mayor Lantz offered a motion to approve this request for a first reading, and that:

\$282,258 chge. to: 1000-31010 Amount from fund balance

\$282,258 approp. to: 1000-910511-47071 Expenditure of Social Services District

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

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

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 would be used for salary of a police property clerk. Council Member Green offered a motion to approve this request for a first reading, and that:

\$17,334.00 chge. to: 1000-33508 Cops more Grant

\$14,550.79 approp. to: 1000-310131-41010 Salaries/Wages Reg.

937.97 approp. to: 1000-310131-42020 Retirement VRS

1,845.24 approp. to: 1000-310131-42010 FICA

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

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

City Manager Stewart presented a request for a supplemental appropriation for the Economic Development Department. He explained that these funds which were received from a grant will be used for a Labor Market Analysis. The money to fund this survey will come from RDC and the Valley Partnership. The City will administer the contract which has been awarded to The Wadley-Donovan Group. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$74,000 chge. to: 1000-31815 Labor Market and Training Survey

\$74,000 approp. to: 1000-810521-43134 Labor Market and Training Survey

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

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Council Member Green

Mayor Eagle

No - None

Warren Dillenbeck read the following letter concerning Y2K Computer Problems.

On August 21, 1998, I wrote to City Councilman Hugh Lantz, asking if the City was prepared to deal with the consequences of year 2000 computer problems. He replied to me verbally that the subject was discussed at the following City Council meeting, that all City department were addressing the problem and that City Council would have a report on the subject by July, 1999.

I have read extensively on this subject. Even the experts find it difficult to predict how widespread the problems may be, but most indicate that there will be some disruptions that will affect most Americans.

Most of us citizens of Harrisonburg don't realize how dependent we are on public services. Electric power, water supply, sewers, police, fire protection, food supply, transportation and banking. And most of us have no idea how deeply involved computers are in all these services as well as in commerce.

It is encouraging that all of the City's departments have been instructed to prepare to deal with Y2K. Hopefully they will be thorough and diligent in this effort.

But isn't it also important to promote some preparedness on the part of the citizens of Harrisonburg? If the Y2K problem falls on Harrisonburg with some fairly serious consequences, what will be the response of an uninformed, unprepared citizenry? History tells us that the response may be irrational, even panic.

Wouldn't it be well for City Council to take some initiative beginning now to inform the public of the possible effects of the Y2K problem in our community and to recommend some prudent preparations?

It would also be helpful to Harrisonburg Citizens to have some idea, before July 1999 of how the City services will be affected. For example, in the event of a loss of electric power from our supplier, Virginia Power, will Harrisonburg Electric have enough generating capacity to maintain water supply, sewage treatment, traffic lights and other essential services?

Without causing great alarm, it would be helpful if the City were pro-active in informing its citizens of the possible problems we may encounter and how we can prepare for them.

Mayor Eagle thanked Mr. Dillenbeck for the information and said that it would be considered.

#### David Smith

, a resident of 261 South Liberty Street, complained about James Madison University's students having loud parties that last late into the night. He requested that something be done to control these late parties. He encouraged City Council to conduct a study or develop a community task force to see how other communities or localities handle the situation. He noted that this is a concern in many neighborhood throughout the City. He said that an apartment complex next to his house has parties attended by 150 to 200 students on weekends. He indicated there is a possibility of under age drinking and said that parties held during the week keeping working people awake. He suggested that City Council takes some steps to levy sanctions against landlords or sanctions against the individuals conducting these parties. Discussion included parking problems, parties lasting late into the morning even during the week, landlords being uncooperative, and the Police Department having to respond several times before finally shutting down the party. City Manager Stewart pointed out that an article appearing in Virginia Town/City magazine said that the City of Lynchburg has recently starting a program for situation like this regarding problems with landlords. He noted that the City of Lynchburg has starting placing a sign in the City right-of-way listing a landlord's name and telephone number to call if anyone have a problem with anything at this location. Mayor Eagle suggested that perhaps Mr. Smith should work with the Planning Commission and Community Development Department to hopefully resolve some of

these problems.

Christina Rivera

, a resident of Spotswood Mobile Home Park, said that she was like others in the trailer park who have their money invested in their homes. She introduced Corina Kline Gable who would be interpreting in Spanish for those in the audience who could not speak or understand English. She said that she had only lived in the area for one year and had purchased a home in the park. She said that she was concerned about the Wal-Mart Supercenter that is proposed for the land where the trailer park is located on Country Club Road.

Deanna Salva

, a resident of Spotswood Mobile Home Park, explained that she would have a problem with child care if she had to move.

City Manager Stewart clarified that at this point the City has received a site plan which basically shows a plan of development for the Wal-Mart store. Mr. Stewart explained that the property is zoned for business and unless they ask for a variance from some standard that the City has in terms of how that property is developed, that project will not come before City Council for approval. The land is properly zoned and the property owners have to right to sell and Wal-Mart Inc. has the right to purchase the land if they desire.

Emilino Ayala

said that there are good trailers and bad trailers which are impossible to move. It poses one of the problems that we have and another problem is that we don't have another trailer park to move our trailer to. Some of the trailers cannot be sold and it is also very costly to move a trailer.

An unidentified speaker said that he was concerned about the situation in his neighborhood. He said that some people who did not have any money to move a trailer. He said that the women and children are crying about the situation.

Sanjo Arnrillo

insisted that the City should do something for the people as they had to pay taxes. He said that the people were only trying to make a good life.

Alegando

who said that he lives in Timberville and was concerned about the situation with these people.

Dale Diaz

, Director of Common Grounds, said that she was offended that these people had waited over two hours to speak during the public comment to City Council. She said that 130 people could be uprooted from their neighborhood at all one time. She noted that Stone Spring Elementary school would be effected by losing 60 students most of which are in ESL classes. She reminded Council that they represented everyone in the City. She said that the people were only asking for leadership and protection. She suggested since Wal-Mart made over 118 billion dollars last year, that they should provide relocation for these people.

Lance Kerns

said that his 22 year old daughter owned a trailer in the park and was proud to be a home owner. He said that his daughter could not afford to move the trailer. He also suggested that the City might have some problems with water run off on Country Club Road if Wal-Mart located their store in the area.

At 10:05 p.m., Vice-Mayor Lantz offered a motion that Council enter an executive session for discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(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 proposed contract, 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 11:42 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 11:45 p.m., there being no further business and on motion adopted the meeting was adjourned.

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MAYOR

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CLERK