

REGULAR MEETING

JANUARY 11, 2000

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/AAE, and Chief of Police Donald Harper.

Council Member Green 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 a supplemental appropriation for the Police Department, and amending and re-enacting Section 12-1-10(b)(5) of the Harrisonburg City Code. The motion also included the second reading of Capital Projects Fund for development of a golf course. 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

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Planning and Community Development Director Turner introduced a request by Harrisonburg Refrigeration Service, Inc., to close a portion of 4th Street and an alley at 800 Chicago Avenue. She explained that Harrisonburg Refrigeration is in need of additional space and would like to expand their building. They also wish to purchase the adjacent street and alley to provide space for an addition. The property is zoned B-2

General Business District and is located in an area surrounded by both business and single-family homes. She said that Staff has reviewed the request and does not object to the street and alley closing; however, the City must retain public utility easements and electric easements. Planning Commission recommended approval of the alley closing.

At 7:36 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 Monday, December 27, 1999, and Monday, January 3, 2000.

**NOTICE OF INTENTION TO CLOSE
PORTION OF 4TH STREET
LOCATED BETWEEN CHICAGO AVENUE AND GRANT STREET
AND AN ALLEY AT 800 CHICAGO AVENUE
IN THE CITY OF HARRISONBURG**

City Council Chambers, Municipal Building

Tuesday, January 11, 2000

7:30 p.m.

The Harrisonburg City Council will hold a public hearing on Tuesday, January 11, 2000, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Harrisonburg Refrigeration Service, Inc., to vacate and close a portion of 4th Street located between Chicago Avenue and Grant Street and 500 square feet of the alley located at 800 Chicago Avenue in the City of Harrisonburg.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the portion of the street and alley to be vacated and closed are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have the opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against the alley closing request.

Mark Callahan, attorney with the law firm of Clark and Bradshaw, representing the applicant said that Harrisonburg Refrigeration is a family business which was started in 1932. He also noted that all the preliminary plats have been completed showing the easements as requested by Planning Commission. There being no others desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this request 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 - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

City Manager Stewart said that Gene Cress, Civil Engineer, with the firm of Mattern & Craig would be presenting an updated report on the Erickson Avenue Corridor Study. Mr. Stewart reviewed the motion made by Council Member Green at the September 7, 1999 Council meeting which read: ATo accept the Major Street Plan as presented with the condition that the Erickson Avenue connector be moved as far south as possible away from the subdivision toward the north side of the hill, and directed that City staff conduct an engineering study that would determine just how much farther south the proposed road could be moved from what is shown on the 1999 Major Street Plan to ease the fears of residents and still be economically feasible, directed that a no through street be planned to connect the existing neighborhood with the proposed road, and directed that a buffer zone including sound and sight be considered to buffer the least impact going between the Hoak and Heatwole property. Mr. Stewart said that Mattern & Craig was directed to look at the conditions that Council placed on the study and since City Council has already approved the Major Street Plan, no action is being requested.

Gene Cress said that this project had been designed in accordance with the Virginia Department of Transportation as outlined in the Road and Bridge Standards and Specifications, Road Design Manual. The specific standards have been based on this facility being classified as an Urban Minor Arterial Street. The roadway has been developed as a four-lane facility with curb and gutter and a sidewalk on the north side. It also includes four foot bike lanes on each side. The road alignment has been developed in an attempt to be sensitive to concerns of the individual property owners and neighborhoods located adjacent to the new facility. As a result, an indirect route has been developed in order to address these concerns, and yet meet, to the extent possible, the design criteria established for the new street connection. The presence of two railroad crossings has also influenced the layout of this connecting street, particularly the proposed grades. The crossing of Interstate 81 and the existence of a cemetery located between I-81 and Beery Road on the south side of Stone Spring Road has also influenced the roadway layout. The significant difference in costs between the two options is the relocation of a section of the Chesapeake and Western Railroad tracks and the relocation of Pear Street near South High Street. He reviewed sight distances for both options, stopping sight distance, design speed, some potential environmental problems on the Imperial Oil Company property, Willow Hills subdivision, Hunter property, I-81 crossing, and meeting design criteria. The study has two nearly identical possible locations of the road that cost between \$11.9 million and \$12.7 million. Most of the difference in cost in the two projects includes earth work, pavement and two bridges.

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

RESOLUTION

WHEREAS, legislation will be introduced to the General Assembly of Virginia which would exempt the property of Valley Program For Aging Services, Inc., located in Waynesboro, Virginia with property in Harrisonburg, Virginia from taxation pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia; and

WHEREAS, Section 30-19.04 of the Code of Virginia requires the adoption of a resolution by the City Council of Harrisonburg supporting or refusing to support such exemption prior to consideration by the General Assembly; and

WHEREAS, a public hearing has been held as required; and

WHEREAS, the provisions of subsection B of Section 30-19.04 of the Code of Virginia has been examined and considered by the City Council; and

WHEREAS, Real Estate and personal property assessment and taxes for the year 1999 was as follows:

1999 Taxes

\$518.00

NOW THEREFORE, Be It Resolved, by the City Council of Harrisonburg as follows:

1. That the City Council has examined and considered the provisions of subsection B of Section 30-19.04 of the Code of Virginia with the reference to Valley Program For Aging Services; Inc., and

2. That a public hearing has been held this day at which citizens have had the opportunity to be heard; and

3. That the City Council of Harrisonburg, Virginia supports the exemption from taxation as a benevolent organization pursuant to Article X, Section 6(a)(6), of the property of Valley Program For Aging Services, Inc., located in Harrisonburg, Virginia.

4. That a certified copy of this resolution shall be forwarded by the Clerk of the City Council to the General Assembly for its consideration.

adopted _____

Date

Mayor

Attest:

City Clerk

Mr. Stewart explained that Valley Program for Aging Services is requesting to be exempt for their personal property. The Valley Program for Aging Services operates vans in the City to deliver meals to senior citizens. The amount paid to the City in 1999 was \$518.00. Delegate Landes has agreed to forward the adopted resolution from the Harrisonburg City Council to the General Assembly requesting this exemption. Council Member Rogers offered a motion to approve this request. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

David Moler, a Harrisonburg citizen, expressed several concerns regarding Adelphia Cable. He questioned why the Elkton area was receiving 54 channels compared to the City only receiving 44 channels for the same price. He also expressed concern about the latch key children in the City watching the BET channel (Black Entertainment Television) which is unscrambled. He said that every day the channel has rap video containing filthy language and showing dangerous behavior toward women and police officers.

Planning and Community Development Director Turner introduced a recommendation from the Planning Commission to develop a joint Comprehensive Plan in conjunction with Rockingham County. She explained that several members of the Planning Commission had attended a workshop conducted by Valley Conservation Council which focused on a booklet entitled A Better Models for Development in the Shenandoah Valley. She said that the Planning Commissioners who attended the workshop were impressed with the material presented on development patterns that could be models for our area. In connection with the workshop, Rockingham County did a presentation on their Comprehensive Plan. It was suggested since the City has endorsed a joint Harrisonburg Area Transportation Study. A motion was made by the Planning Commission to forward the idea to City Council for consideration. Council recommended that this item be referred to the City-County Liaison Committee.

Parks and Recreation Director Gucker presented for City Council's consideration an endorsement of a resolution supporting the Smithland Road Park Trail Grant application. She explained that the State Department of Conservation and Recreation has established a reimbursement grant program (80%, 20%) for the purposes of providing and maintaining recreational trails and trails related facilities. Parks and Recreation have prepared a grant application for constructing a 3,500 feet walking trail at the Smithland facility. The trail will circle the perimeter of the cleared areas and include trail head signs, distance markers, benches and landscaping. Council Member Green offered a motion to endorse this resolution supporting the application. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds in the current (1999-00) budget. He explained that these funds from the reserve for contingencies to the Economic Development budget will be used for rehabilitative tax relief for properties that have been developed in downtown Harrisonburg. Vice-Mayor Lantz offered a motion to transfer these funds:

\$11,927.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$11,927.00 approp. to: 1000-810521-45745 Property rehabilitation tax relief

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

City Manager Stewart presented a request for reallocation of current budget funds in Capital Projects for Road Improvement. He explained that these funds will be moved into the Stone Spring Road improvements and Erickson Avenue Extension programs to provide money for preliminary engineering work. The bulk of the reallocation involves the Park Road project which is in partnership with Eastern Mennonite University. Vice-Mayor Lantz offered a motion to approve this request for a first reading:

\$50,000 chge. to: 1310-910141-48607 East Side Road Improvements

\$165,594.35 chge. to: 1310-910141-48616 City Wide Drainage Program

\$25,000 approp. to: 1310-910141-48636 Stone Spring Road Improvements

\$25,000 approp. to: 1310-910241-48637 Erickson Avenue Extension

\$165,594.35 approp. to: 1310-910141-48609 Park Road project

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 Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Reg Foucar-Szocki a resident of the Willow Hill area thanked Council Member Green for his insistence in reviewing the drawing of the Erickson Avenue Corridor Study Report. He questioned since the proposed road would only be 520 feet from the Hunter s residence, what recommendations had been made to detract the noise. Mr. Cress said that additional study would be needed to determine whether they actually needed sound barriers. Mattern and Craig had looked at the potential cost of up to \$1.2 million based on 20 foot high walls at \$20.00 per square foot.

Warren Dillenbeck questioned how City Council could legitimately adopt the resolution authorizing the financing of the golf course without having a second reading. He said that he was present at the December meeting and didn't remember the adopted resolution being presented in the form that it appeared in the minutes of the meeting. He said, How could the resolution be dated and adopted on December 21, 1999. City Manager Stewart clarified that the resolution Mr. Dillenbeck was questioning was in the agenda packet which was sent to City Council on Friday, December 17, 1999, so it was very easy for it to have been dated December 21, 1999 because that is the date Council adopted the resolution and which the minutes reflect. Mr. Stewart said there is a section in the Code of Virginia which allows Council to use the general law of the code instead of charter provisions and in this case this financing can be approved on the date of introduction with one reading. City Attorney Thumma referred to 15.2-2601 and 15.2-2607 of the Code of Virginia.

Matt Conrad introduced himself to City Council and said that he was representing the student body of James Madison University. He said that he was available to accept any complaints, compliments or anything City Council wanted to bring to his attention.

City Attorney Thumma said that when City Council adopted the two hour free parking change in the parking ordinance at the December 21st meeting, he didn't draft it exactly as the Parking Authority had requested. Mr. Thumma said that the new drafted ordinance states that it shall be unlawful for a person to park in any space within a designated two hour free block for more than two hours in any twenty-four hour period. Council Member Rogers offered a motion to adopt 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 - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Mayor Eagle said that a letter had been written to Governor Gilmore requesting support funding for preliminary engineering for a loop road around the City; however, Governor Gilmore has not included this request in his budget. Mayor Eagle suggested that another letter should be written to our representatives in the General Assembly to encourage some funding for this project. Vice-Mayor Lantz offered a motion to send another letter to our representatives in the General Assembly. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 8:45 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Community Services (Chapter 10) Board, Social Services Advisory Board, Commission on Children and Youth, Harrisonburg Parking Authority, Harrisonburg Redevelopment and Housing Authority, Parks and Recreation Commission, Harrisonburg Planning Commission, and the Rockingham-Harrisonburg ASAP and the evaluation of a City Department, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Discussion concerning a prospective business locating within the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia, 1950, as amended. Discussion and consideration of the acquisition of real estate to be used for public purposes, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 12:14 a.m., the closed 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 the title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

At 12:15 a.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

cc: City Council

City Manager

Assistant City Manager

Director of Finance

Public Library

Charlene Rice

REGULAR MEETING

JANUARY 25, 2000

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/AAE, 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: Earl Anderson, Community Development Department; Victoria Frazier, Commissioner of Revenue Office; Ronald Good, Public Transportation Department; Mike Huffman, Jason Nutty, and John Puffenbarger, Public Works Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and the second reading reallocating current budget funds in capital projects for road improvements, and closing a portion of 4th Street and an alley at 800 Chicago Avenue. The motion also included amending and re-enacting City Code Section 13-1-96 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 Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

Absent: None

Carol Hamilton, President of Valley Microenterprise Alliance, Inc., presented an overview of a microenterprise development plan for Harrisonburg and Rockingham County. She explained that Valley Microenterprise Alliance, Inc., which is based in Harrisonburg, offers training, microloans, and technical support to encourage people to start or expand a business. Microenterprise is defined as a sole proprietorship, partnership or family business with fewer than five employees, annual sales of \$100,000 or less, and credit needs under \$25,000. Valley Microenterprise Alliance has received a \$10,000 grant from the Commonwealth of Virginia to assist in program development. Valley Microenterprise Alliance targets underemployed and low-moderate income individuals who demonstrate the drive and tenacity, but lack resources such as money, role models, and/or business skills.

At 7:40 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 Monday, January 10, and Monday, January 17, 2000.

CITY OF HARRISONBURG

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, January 25, 2000 at 7:30 p.m., or as soon thereafter as the matter may be heard. The hearing will be held in the City Council Chambers, 345 South Main Street, to solicit public input on local microenterprise development in relation to Community Development Block Grant funding for a planning project in the City.

Information on the amount of funding available, the requirements on benefit to low and moderate income persons, and eligible activities will be available. All interested citizens are urged to attend. For additional information contact Valley Microenterprise Alliance, Inc. 1840-A East Market Street, Monday through Friday, 10 a.m. to 2 p.m. at 540-433-5624.

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 desiring to speak for or against this development plan. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened.

June Brinkman, President of the Harrisonburg/Rockingham Convention and Visitors Bureau, and Ruth Deskins, Director of the Harrisonburg/Rockingham Convention and Visitors Bureau, showed a video produced by CNN. This video titled A Small Town America featured Harrisonburg at the beginning of the Millennium.

Mayor Eagle announced that the agenda item regarding a presentation by First Centrum, LLC had been tabled until the next City Council meeting.

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

APPLICATION RESOLUTION;

DECLARATION OF INTENT TO REIMBURSE

WHEREAS, the School Board of the City of Harrisonburg, Virginia (the School Board) has determined that a vital need exists for the acquisition, construction, and equipping of the public school facilities in the City of Harrisonburg, Virginia (the City) in order to meet the needs of present and future enrollments; and

WHEREAS, the Virginia Public School Authority (the VPSA) has been authorized by the Virginia General Assembly to purchase local school bonds from time to time for capital projects for school purposes; and

WHEREAS, it is anticipated that the VPSA will approve the purchase of local school bonds of the City in a sale in the Spring, 2000 to pay the costs of such acquisition, construction, and equipping of public school facilities in the City including, but not limited to, Spotswood Elementary School, Waterman Elementary School, and Harrisonburg High School Field House (all capital projects for school purposes within the City being designated collectively herein as the "Project"); and

WHEREAS, the School Board has requested the City Council of the City (the City Council) to (i) consent to and authorize an application to the VPSA to purchase such bonds and (ii) take such other actions as may be necessary to authorize the issuance of general obligation local school bonds of the City to be sold to the VPSA to provide funds to pay a portion of the costs of this essential Project; and

WHEREAS, the City also desires to make its declaration of intent to reimburse from the proceeds of one or more debt issuances in connection with the Project, all as required by federal tax laws in connection with the issuance of exempt bonds.

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

I. VPSA Application Resolution:

1. The City Council, acting on behalf of the City of Harrisonburg, Virginia, agrees that it is in the best interest of the City to consider participation in the 2000 Spring bond sale to the VPSA for the purchase of local school bonds.
2. The City Council hereby consents to and authorizes an application to the VPSA consistent with the intent of this Resolution, with respect to such general obligation school bonds of the City in an aggregate amount not to exceed \$5,100,000 (the Bonds) for the purpose of providing funds to pay a portion of the costs for this essential Project for school purposes in the City as described above.
3. The City Council calls for a public hearing on this issue at such time as may be advised by the VPSA in accordance with the VPSA financing schedule for the Bonds, and for such appropriate notices to be given and acts to be taken as may be required by law to consider the issuance of the Bonds.

II. Declaration of Intent to Reimburse From Proceeds of One or More Issuances:

4. The City or the School Board has paid/has caused to be paid, beginning no earlier than 60 days prior to adoption hereof and will pay/will cause to be paid, on and after the date hereof, certain expenditures (the "Expenditures"), in connection with the Project. Further, the City has determined that those moneys previously advanced no more than 60 days prior to the date hereof and to be advanced on and after the date hereof to pay the Project related Expenditures are available only for a temporary period and it is necessary to reimburse the City for the Expenditures from the proceeds of one or more issues of tax-exempt bonds, including the Bonds.

Accordingly, the City hereby declares its intent to reimburse the City with the proceeds of the Bonds for the Expenditures with respect to the Project made no earlier than 60 days prior to the adoption hereof. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds. Each Expenditure was and will be either (a) of a type properly chargeable to capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Bonds, (c) a nonrecurring item that is not customarily payable from current revenues, or (d) a grant to a party that is not related to or an agent of the City so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the City.

The City or the School Board, as the case may be, will make a reimbursement allocation, which is a written allocation that evidences the use of proceeds thereof to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The City recognizes that

exceptions are available for certain "preliminary expenditures," costs of issuance, and certain de minimis amounts.

This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED this 25th day of January, 2000.

Mayor, City Council, City of Harrisonburg, Virginia

CERTIFICATE

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the Authority), hereby certifies that the foregoing constitutes a true and correct copy of a Resolution entitled, AAPPLICATION RESOLUTION; DECLARATION OF INTENT TO REIMBURSE,≡ adopted by the City Council at a regular meeting duly held and called on January 25, 2000. A record of the roll-call vote by the City Council is as follows:

NAME		NAY AYE	ABSTAIN	ABSENT
Rodney L. Eagle, Mayor	X			
Hugh J. Lantz, Vice Mayor	X			
Dr. Walter F. Green, III	X			
Larry M. Rogers	X			
John H. Byrd, Jr.	X			

January 25, 2000

Date

[SEAL]

:TSETA

Clerk, City Council, City of

Harrisonburg, Virginia

Glenn Hodge, attorney with the law firm of Wharton, Aldhizer and Weaver, explained that approval of the proposed application resolution will allow the City to participate in the Virginia Public School Authority's spring bond sale. He said that these funds will be used for renovations at Spotswood Elementary and Waterman Elementary and improvements for air conditioning at the Harrisonburg High School Fieldhouse. Council Member Green 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 Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

Absent: None

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

CONCURRENCE RESOLUTION OF GOVERNING BODY

OF CITY OF HARRISONBURG, VIRGINIA

WHEREAS, the Industrial Development Authority of the City of Lynchburg, Virginia, (the Authority), on December 12, 1985, adopted an inducement resolution (the Resolution), a copy of which is attached hereto, for the benefit of VHA Central Atlantic, Inc., successor to VHA Mid-Atlantic States, Inc., a for-profit cooperative (AVHA) wherein the Authority has agreed to assist VHA in financing the acquisition of certain real and personal property, including the purchase of certain equipment and the acquisition and construction of certain improvements for lease or sale to various nonprofit hospitals throughout Virginia and for the financing of indebtedness previously incurred by nonprofit hospitals to acquire such real or personal property (collectively, the Facilities), through the issuance of its medical facilities revenue bonds; and

WHEREAS, the Authority has issued its \$61,000,000 Variable Rate Hospital Revenue Bonds (VHA Mid-Atlantic States Inc., Capital Asset Financing Program) 1985 Series A Through Series G (the Bonds); and

WHEREAS, Rockingham Memorial Hospital (sometimes referenced herein as the Hospital), located in the City of Harrisonburg, Virginia (City), has submitted an application to the VHA to request financing in the amount of \$10,000,000 from the proceeds of the Bonds for the reimbursement of the costs for Facilities, and payment of a portion of certain new Facilities of, the Hospital; and

WHEREAS, Section 15.2-4905 of the Code of Virginia of 1950, as amended, states that an industrial development authority may not finance facilities in another jurisdiction that has an industrial development authority unless the governing body of such county, city, or town in which the facilities are located or are proposed to be located, concurs with the inducement resolution adopted by the authority, and shows such concurrence in a duly adopted resolution; and

WHEREAS, the City Council of the City has been asked to express its concurrence, as required under Virginia law, with proceeds of the Bonds being used for the benefit of Rockingham Memorial Hospital in connection with the lease or sale of Facilities of the Hospital in accordance with VHA pooled bond requirements, all as described in this Concurrence Resolution.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY as follows:

(1) The City Council hereby concurs with the Resolution adopted by the Authority to the extent required by Section 15.2- 4905 of the Code of Virginia to allow the Authority to finance with the proceeds of the Bonds the Facilities of Rockingham Memorial Hospital, all as further described in the Resolution, that are to be located in the City.

(2) This Concurrence Resolution shall take effect immediately.

Approved January 25, 2000

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CERTIFICATE

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the Authority), hereby certifies that the foregoing constitutes a true and correct copy of a Resolution entitled, ACONCURRENCE RESOLUTION OF GOVERNING BODY OF CITY OF HARRISONBURG, VIRGINIA adopted by the City Council at a regular meeting duly held and called on January 25, 2000. A record of the roll-call vote by the City Council is as follows:

NAME		NAY AYE	ABSTAIN	ABSENT
Rodney L. Eagle, Mayor	X			
Hugh J. Lantz, Vice Mayor	X			

Dr. Walter F. Green, III	X			
Larry M. Rogers	X			
John H. Byrd, Jr.	X			

January 25, 2000

Date

[SEAL]

ATT

Clerk, City Council, City of

Harrisonburg, Virginia

Glenn Hodge, attorney with the law firm of Wharton, Aldhizer and Weaver, explained that City Council's approval will only constitute a concurrence, as required by law, with the financing to be provided by the Lynchburg Industrial Development Authority. The City will have no liability for this debt. Vice-Mayor Lantz offered a motion to approve this concurrence 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 Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

Absent: None

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

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HARRISONBURG, VIRGINIA APPROVING THE ISSUANCE

OF MULTIFAMILY HOUSING REVENUE BONDS TO FINANCE THE
HUNTINGTON VILLAGE APARTMENTS PROJECT

WHEREAS, pursuant to the Virginia Housing Authorities Law, Chapter 1, Title 36, Code of Virginia of 1950, as amended, the Harrisonburg Redevelopment and Housing Authority (the Authority) Multifamily Housing Revenue Bonds (Huntington Village Apartments Project) Series 2000 (the Bonds), the proceeds of which are to be used to make a loan to Huntington Village Associates L.P., a Virginia limited partnership (the Owner), to finance the acquisition, rehabilitation and equipping of a 266-unit apartment development (the Project) to be located on an approximately 27 acre parcel of land at 6001 Grammarcy Circle in Henrico County, Virginia (the County) and occupied in part (at least 40%) by persons of low or moderate income in order for the Project to qualify as a Aqualified residential rental project within the meaning of Section 142(d) of the Code (hereinafter defined); and

WHEREAS, the Owner has requested that the Authority issue its bonds in an amount not to exceed \$12,000,000 and make a loan of the proceeds thereof to the Owner for the purpose of financing the Project; and

WHEREAS, with respect to such proposed plan of financing, the Authority has caused a notice of public hearing to be published in newspapers of general circulation in the City of Harrisonburg, Virginia (the City) and the County, and has, on January 6, 2000, held a public hearing, all in accordance with the provisions of 147(f)(2) of the Internal Revenue Code of 1986, as amended, and the regulations, rulings and proclamations promulgated or proposed thereunder (collectively, the Code) and 15.1-1378.1, Code of Virginia, 1950, as amended, and other applicable laws of the Commonwealth of Virginia (the Commonwealth); and

WHEREAS, the Authority has recommended that the City Council of the City (the City Council) approve the issuance of the Bonds to comply with Section 147(f)(2) of the Code; and

WHEREAS, a copy of the Authority s January 6, 2000 Resolution recommending such approval by the City Council and approving the issuance of the Refunding Bonds, subject to terms agreed upon, a record of the public hearing and a Afiscal impact statement with respect to the Project have been filed with the City Council; and

WHEREAS, the Bonds shall not constitute a debt or a pledge of the faith and credit of the Commonwealth, or any political subdivision thereof, including but not limited to, the City, the Authority or the County, but shall be paid solely from the revenues of the Project.

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

1. The City Council approves the issuance of the Bonds by the Authority for the benefit of the Owner to the extent required by Section 147(f)(2) of the Code to permit the Authority to assist in the financing of the Project.
2. The approval of the issuance of the Bonds, as required by Section 147(f)(2) of the Code, does not constitute an endorsement of the Bonds or the creditworthiness of the Owner, but, as required by Section 36-29 of the Act, the Bonds (and such Bonds shall so state on their face) shall not be debt of the City, the County, the Commonwealth or any political subdivision thereof (other than the Authority) and neither the City, the County nor the Commonwealth or any political subdivision thereof (other than the Authority) shall be liable thereon, nor in any event shall the Bonds be payable out of any funds or properties other than those of the Authority specifically pledged thereto. The Bonds shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

3. This Resolution shall take effect immediately upon its adoption.

CERTIFICATE

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION OF THE CITY COUNCIL OF THE

CITY OF HARRISONBURG, VIRGINIA APPROVING THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS TO FINANCE THE HUNTINGTON VILLAGE APARTMENTS PROJECT"

taken at a regular meeting of the City Council held on January 25, 2000:

NAME AYE NAY ABSTAIN ABSENT

Rodney L. Eagle, Mayor X

Hugh J. Lantz, Vice Mayor X

Dr. Walter F. Green, III X

Larry M. Rogers X

John H. Byrd, Jr. X

Dated: January ____, 2000

[SEAL)

Mayor, City of Harrisonburg, Virginia

ATTEST: _____

Clerk, City Council of City of

Harrisonburg, Virginia

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the ACity Council) hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on January 25, 2000, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Harrisonburg, Virginia this ____ day of January, 2000.

Clerk, City Council of the City of

Harrisonburg, Virginia

City Manager Stewart explained that this financing would be through the Redevelopment and Housing Authority for up to \$12,000,000 for a project in Henrico County. The bonds will not be a debt or obligation of the City. Vice-Mayor Lantz offered a motion to approve this resolution issuing multifamily housing revenue bonds for a project in Henrico County. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

Absent: None

Planning and Community Development Director Turner introduced a request by Tim Lacey for approval of a preliminary subdivision plat, with variances, for ASpringfield Village, an R-1 subdivision proposed to be located on Garber's Church Road. She explained that Mr. Lacey has withdrawn his request to rezone this 8.8 acre site to Conditional R-2 and has modified his subdivision plat to reflect the existing R-1 zoning classification. This property, identified as tax map parcel 114-A-1, is proposed to be divided into 25 single family lots. The applicant is requesting variances from Section 10-2-42 of the Subdivision ordinance to create two flat lots which do not meet the minimum 80 foot lot width and variances to the Design and Construction Standards Manual. The applicant's proposed Springfield Drive has a 6% grade, a variance to the 4% City standard. There is also a request for a variance to the City standard for maximum length of a cul-de-sac. The City standard is 800 feet in length, serving a maximum of 20 units. The request is for an 850-foot long cul-de-sac serving 23 units. Staff recommended denial of the preliminary plat as it does not allow for future street connection to other undeveloped property in the area, as well as because there was not sufficient hardship to warrant the requested variances to grade and cul-de-sac length. Although it may take time for these adjacent properties to develop, once permanent cul-de-sacs are built, the opportunity for a connecting street and efficient traffic flow is lost forever. Planning Commission voted not to recommend approval of the plat, with four members voting not to approve and two members voting for approval.

Some discussion by Council Members, Tim Lacey, Stacy Turner, Steve Stewart, and Jim Baker included steep topographic conditions, traffic conditions, elevation, future street connections in other major developments, no connecting streets between the cul-de-sacs, buses going into cul-de-sac, existing private driveways, and developer building affordable homes while not losing any more lots in the subdivision. Vice-Mayor Lantz offer a motion to table this item until the next meeting. 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 by Harrisonburg Townhomes, L.L.C. for approval of a Preliminary Subdivision Plat with a variance, entitled Avalon Woods Subdivision, for a property off Ridgeville Lane. She explained that the request was to subdivide a 7.04 acre site off of Ridgeville Lane into 64 townhouse lots and that the applicant is requesting a variance to Section 10-2-42(d) of the Subdivision Ordinance, which requires that all lots front on a public street. She reviewed that the site and surrounding areas zoned R-3 Multiple Dwelling Residential District, with the exception of property located to the west, which is zoned R-1, Single-Family Residential. This R-1 area is a part of the Ashby Estates subdivision on Nelson. The area zoned R-3 has been zoned this way since it was annexed in 1983. She said that Planning Commission recommended approval of the request. Vice-Mayor Lantz offered a motion to

approve this request by Harrisonburg Townhomes, LLC. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

Absent: None

City Manager Stewart presented a request for a supplemental appropriation for the School Board's operating budget. He explained that these funds are unanticipated receipts from the Federal Government that were not known until recently. This ARefugee Children Impact Grant will be used to help AEnglish as a Second Language students. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$25,098.00 chge. to: 1111-33301 School Revenue - Federal

\$25,098.00 approp. to: 111114-40610 Instruction

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

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

Absent: None

City Manager Stewart presented a request for a supplemental appropriation for East Side Road Improvement Capital Project Fund. He explained that the City has received \$107,432.76 in interest on the \$7,330,000 road bonds which has not been appropriated. The \$7,330,000 has been spent but there are some interest earnings that have not been appropriated. Approval of this request will appropriate the remaining interest. Council Member Rogers offered a motion to approve this request for a first reading, and that:

\$65,727.60 chge. to: 1310-31010 Amount from fund balance

41,705.16 chge. to: 1310-31513 Investment earnings

\$107,432.76 approp. to: 1310-910141-48607 East Side Road Improvement

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

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

Absent: None

At 8:50 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Community Services (Chapter 10) Board, Social Services Advisory Board, Commission on Children and Youth, Harrisonburg Parking Authority, Harrisonburg Redevelopment and Housing Authority, Parks and Recreation Commission, Harrisonburg Planning Commission, and the Rockingham-Harrisonburg ASAP and the evaluation of a City Department, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Discussion concerning a prospective business locating within the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefing by staff members pertaining to pending litigation, 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 11:55 p.m., the closed 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 the title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

City Manager Stewart, Police Chief Harper and Human Resource Director Whistleman presented a brief overview of a proposed pilot compensation plan to be used in the Police Department known as broad-banding. This plan bases compensation on skill levels that would require the combination of several salary grades to create a broader salary range. The proposal is to create two bands - one to go from entry level Police Officer I to the top of the scale for sergeant and the second band to include Lieutenants and Captains. As a part of the implementation, it is requested to make lump sum salary adjustments from Police Officer I through Captains and to offer specialized training pay based on the following schedule:

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SPECIALIZED TRAINING PAY

This pay would be a supplement to the officer's annual base salary and would be comparable with extra disciplines or certifications that the officer has achieved through specialized training. The pay would become part of the officer's base salary. New, certified officers with disciplines from another police agency and recruits will not be eligible until completion of probation. The concept is to identify key areas of certification and attach a monetary reward to these disciplines. A maximum of three (3) disciplines will be identified for

each officer, with those greatest in value receiving compensation.

40 hour discipline \$ 200

80 hour discipline \$ 300

200 hour discipline \$ 400

400 hour discipline \$1,000

It is further proposed to offer a \$300 per year uniform cleaning allowance for all officers and dispatchers. The estimated cost for the balance of the fiscal year is approximately \$107,450. Grant funds are available to offset the cost of the lump sum salary increases of approximately \$53,550. Council Members expressed support for the concept of broad-banding and for increasing these compensation package based on skill levels. Council Member Green offered a motion to approve the broad-banding pilot program, specialized training pay and uniform cleaning allowance with necessary funds being made available from grant proceeds and reserve for contingencies. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Green offered a motion for the following people to be appointed to Commissions and Boards: Alcohol Safety Action Commission; Joe Lynch, 110 Newman Avenue, to a term; Harrisonburg Redevelopment and Housing Authority; Pat Sweet, 488 South Mason Street, to a first term to expire on November 29, 2003; Community Services (Chapter 10) Board; Wayne E. Heatwole, 530 Collicello Street, to a first term to expire on January 25, 2003; Harrisonburg Planning Commission; Todd Alexander, 271 Paul Street, to a second term to expire on December 31, 2003; and Parks and Recreation Commission; Robert E. Toohey, 520 West Gay Street, to a first term to expire on December 31, 2003.

At 12:16 a.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK MAYOR

REGULAR MEETING

FEBRUARY 8, 2000

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., and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan, CMC/AAE, and Chief of Police Donald Harper. Absent: Walter F. Green, III.

Council Member Rogers 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 a supplemental appropriation for the School Board, and the East Side Road Improvement Capital Project Fund. The motion also included referring a request to close a portion of an alley between Ash Tree Lane and Franklin Street to the Planning Commission. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

Absent: Council Member Green

Planning and Community Development Director Turner introduced a request by Heidelberg, LLC, for a Special Use Permit to allow four (4) unrelated persons to occupy a dwelling in the R-2 Residential District, per Section 10-3-40(7) of the Zoning Ordinance. The site is located at 433 West Market Street. She explained that the applicant is requesting this special use permit to allow four (4) unrelated persons to occupy a dwelling in the R-2 Residential District. The land use guide in the Comprehensive Plan recommends this site for neighborhood residential uses. In December 1998, the Zoning Ordinance was changed to require a special use permit for four unrelated individuals to occupy a dwelling in the R-2 Residential District. This property consists of approximately 14,000 square feet which is ample to allow a duplex dwelling unit in the R-2 zoning classification. Also, sufficient parking is available on this lot for eight parking spaces. Staff conducted a property maintenance inspection of the house and found minor problem requiring correction. This site has access to an alley that runs behind the property and to West Market Street in the front of the property. During the review process, it was noted there are a large number of existing rental properties in the area. Staff recommended approval of the request to have four unrelated tenants per unit in this duplex dwelling unit; however, at the Planning Commission meeting there were many neighbors from the area who spoke in opposition to the request. These neighbors expressed concern about traffic in the alley behind the property, that the alley is not maintained by City, alley only maintained for trash, and the use for unrelated occupants. Planning Commission after taking into consideration all of the public comments recommended approval by a vote of four to two with the following conditions: (1) Only four individuals shall reside in each of the two dwelling units. (2) Permanent off-street parking must be adequate to address the parking need of residents in the dwelling. The special use permit will require one parking space per tenant. (3) The owner or owner=s representative must schedule a yearly inspection, similar to the boarding house inspections to ensure building code requirements are met and the number of people residing on the premises meet the criteria of the permit. The permit shall be revoked by the Zoning Administrator if this inspection does not take place every 12 months. (4) Staff is authorized to review complaints received on the property on an on-going basis and based on their findings, to notify the landlord that the permit is being revoked unless they wish to reapply for a special use permit, going through the required public hearings. Otherwise the permit automatically expires one year from the date of approval by City Council and is renewable administratively on an annual basis provided the use is still permitted by the Zoning Ordinance. (5) Access to the alley at the rear of the property must be closed and access from Market Street installed in accordance with City Standards. (6) A change of use permit will be required prior to occupancy to ensure that building code requirements are met and all other provisions of the special use permit have been met. Mrs. Turner repeated that Planning Commission recommended approval of the request with a vote of four to two with the two people voting in opposition to the motion stating that they were concerned about the impact for this type of use on the neighborhood.

At 7:37 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, January 24, and Monday, January 31, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 8, 2000, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE B PUBLIC HEARING

Request by Heidelberg, L.L.C., for a Special Use Permit to allow 4 unrelated persons to occupy a dwelling in the R-2 Residential District, per Section 10-3-40(7) of the Zoning Ordinance. The site, located at 433 West Market Street, is identified as tax map parcel 35-U-4.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have the opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against approving this special use permit request.

Glenn Loucks said that he wanted to address some concerns expressed by surrounding neighbors at the Planning Commission meeting. The only way to reduce the traffic in the alley behind the property would be to block off other use of the property. The property is not in a residential neighborhood for families and it is on a busy street no longer suitable for families with children. He said that under the special use permit the City would be able to inspect the property on an annual basis and have tighter control over who lives on the property and how the property is maintained. James Butler said that if the City keeps issuing special use permits, it will just create more problems in the neighborhoods.

Norma Nair a resident and home owner in the area said that even though she does not live on Market Street, there are parking problems in the area because of student rental property. Most people do not have driveways or only a short driveway. Families living on her street which is only one block have already experienced the student over flow of parking.

There being no others desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened.

Discussion by Council Members included mixed neighborhood consisting of college students and families, special use permit being issued with a lot of proffers and conditions, rules being difficult for investors in real estate to understand, and continuing to issue special use permits under special condition will weaken the zoning ordinance. Members also discussed the control the City would have under the special use permit, annual inspections, and uses permitted by right without special use. Following further discussion and comments, Council Member Rogers offered a motion to deny the request for a special use permit. The motion was seconded by Council Member Byrd. A recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

No - Vice-Mayor Lantz

Mayor Eagle

Absent: Council Member Green

City Attorney Thumma clarified that the motion failed because of a tied vote.

Planning and Community Development Director Turner introduced a request to remove references to Aunrelated persons@ from the Zoning Ordinance by amending Section 10-3-40(7), 10-3-45(3), 10-3-51(2), 10-3-84(3), 10-3-24, and 10-3-39(1) of the Harrisonburg City Code. She explained that in December 1998, the Zoning Ordinance was amended to require a special use permit for four unrelated persons to occupy a dwelling unit in the R-2 Residential District. During a recent staff review for a special use permit, it was discovered that an applicant interpreted the ordinance as allowing two relatives and three other individuals to occupy a dwelling unit in the R-2 district. When the ordinance was drafted, staff intended the ordinance to allow either a family of related individuals or a group of four persons as distinguished from a family. To avoid future confusion and remove a potential loophole in the Zoning Ordinance, staff recommended removing all references to Aunrelated persons@ contained in the Zoning Ordinance. Removal of the references amends R-2, R-3, and R-4 Residential Districts. By still leaving in Aoccupy other than permitted by right@ allows a family of more than four people to occupy the dwelling unit. She said that Planning Commission recommended approval of the ordinance amendments.

At 8:09 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, January 24, and Monday, January 31, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 8, 2000, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

Consider amending an ordinance that stipulates a use permitted only by Special Use Permit in the R-2 Residential District. Section 10-3-40(7) of the Zoning Ordinance would read as follows:

(7) Occupancy, other than permitted by right, of not more than four (4) ~~unrelated~~ persons (except such occupancy may be superseded by building regulations), provided one off-street parking space per tenant is provided on site.

ORDINANCE AMENDMENT

Consider amending an ordinance that stipulates a use permitted by right in the R-3 Multiple Dwelling Residential District. Section 10-3-45(3) would read as follows:

(3) Dwelling units may be occupied by a family or not more than four (4) ~~unrelated~~ persons, except that such occupancy may be superseded by building regulations.

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ORDINANCE AMENDMENT

Consider amending an ordinance that stipulates a use permitted by right in the

R-4 Planned Unit Residential District. Section 10-3-51(2) would read as follows:

(2) Dwelling units may be occupied by ~~families~~ a family or not more than four (4) ~~unrelated~~ persons, except that such occupancy may be superseded by building regulations.

ORDINANCE AMENDMENT

Consider amending an ordinance that stipulates a use permitted by right in the

B-1 Central Business District. Section 10-3-84(3) would read as follows:

(3) Hotels, motels, and buildings used for dwelling units, CBD, as defined under article F. Dwelling units, CBD, may be occupied by a family or not more than four (4) persons, except that such occupancy may be superseded by building regulations.

ORDINANCE AMENDMENTS

Consider amending the following definitions contained in Section 10-3-24 of the Zoning Ordinance: AAccessory living unit@, AFraternity or sorority house@, AFraternity or sorority house in R-3 zones@, and ABoardinghouse or roominghouse in R-3 zones@. The purpose of the request is to remove references to unrelated persons. Also, consider removing the definition of AUnrelated person(s)@ from Section 10-3-24.

ORDINANCE AMENDMENT

Consider amending an ordinance that stipulates a use permitted by right in the

R-2 Residential District. Section 10-3-39(1) would read as follows:

(1) Any ~~dwelling~~ use permitted by right in the 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, shall 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 ordinances.

Barry Kelly said his family consists of four people and they live in an R-2 district. He questioned if it would be illegal to hire a maid? The answer was no.

There being no others desiring to be heard, the public hearing was closed at 8:10 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve Planning Commission's recommendation amending these ordinances 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 Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

Absent: Council Member Green

Planning and Community Development Director Turner presented for Council's consideration adopting an updated Bike Plan. Mrs. Turner explained that the City of Harrisonburg adopted its first Bicycle Plan in 1994. By generating an awareness of bicycling issues, the plan prompted the City to include bike lanes in the design and construction of a new street, Neff Avenue. It also promoted awareness of funding mechanisms the City has since used to obtain grant funds for changes to Port Republic Road. In 1999, the Harrisonburg Planning Commission recognized the need for the plan to be reviewed and updated. As many of the routes identified in the original plan still lacked improvements or signage, Planning Commission felt the base plan remained viable and appointed a relatively small committee to work on the plan. The committee consisted of Todd Alexander (Planning Commission), Jim Baker (Director of Public Works), Charles Chenault (Parks and Recreation Commission), Lee Foerster (Superintendent of Parks), Art Fovargue (Shenandoah Valley Bicycle Club), Paula Gucker (Director of Parks and Recreation), Ralph Smith (Transportation and Safety Committee), Stacy Turner (Director of Planning and Community Development), and Leonard VanWyk (Shenandoah Valley Bicycle Club). Mrs. Turner said that the committee tried to simplify the plan, consider bike routes with all future street improvements, increase bicycle safety awareness, and set reasonable goals with the most cost effective way to implement the plan. She said that Planning Commission, Parks and Recreation Commission, and the Transportation and Safety Commission has recommended approval of the updated Bike Plan.

At 8:15 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, January 24, and Monday, January 31, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 8, 2000, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

CONSIDER ADOPTION OF UPDATED BIKE 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, shall 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 adopting the updated Bike Plan.

Jessica Gallagher said that as a regular biker in the area, she rides to save on gas, health, and environmental reasons. She said this bike plan would be a great idea for the City.

Leonard VanWyk said that he served on the committee and as a bicyclist he knew a lot of people who would like to ride but were afraid to ride.

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 Byrd offered a motion to approve this updated bike plan. 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

Mayor Eagle

Abstained - Vice-Mayor Lantz

Absent: Council Member Green

At 8:20 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 Monday, January 24, and Monday, January 31, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, February 8, 2000, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia.

The Harrisonburg City Council will receive the views of citizens regarding the proposed use of funds paid under the Local Law Enforcement Block Grant as it relates to the Harrisonburg Police Department's entire budget. At this hearing, persons shall be given as opportunity to provide written and oral views to the City Council about the Department's budget and the relation of the Grant to the

entire budget.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against the local Law Enforcement Block Grant.

Colonel Don Harper stated that the United States Department of Justice issues the local Law Enforcement Block Grant to assist localities in improving public safety. A public hearing must be held to receive these funds which will be used to purchase in-car cameras for police vehicles and a software power point training aid.

There being no others desiring to be heard, the public hearing was declared closed at 8:21 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this block grant. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

Absent: Council Member Green

Jack Gordon, Manager of Development for First Centrum, presented an overview of a plan for an independent living seniors apartment project. First Centrum was formed in the late 1970's for the purpose of developing affordable multifamily housing, but was a for profit company. He explained that his company would like to build 50 two bedroom apartments on a 4.2 acre parcel on West Mosby Road. The land is zoned R-3 multi-dwelling. This project would be for independent living seniors, persons 55 and over. According to the Fair Housing and Housing for Older Person Acts, ages of all residents in the community would be limited to 55 and over. The project is designed to fulfill the needs of active seniors for security, companionship, and convenience without restricting independence. Each unit will feature fully equipped kitchen, bath, and an emergency call system. The community building will have senior-oriented services including 24-hour management presence, grocery and pharmacy delivery, monthly newsletters, a wellness program, organized activities and trips, an optional meal plan, optional hairdressing and barber services and optional housekeeping and linen service. The company plans to raise equity financing for the community through Federal low income housing tax credits which are allocated by the Virginia Housing Development Authority. He reviewed the rent restriction, age restriction, and household income limits. In order for the project to receive the financing, it must compete with other projects based on the criteria listed in Virginia's Qualified Allocation Plan. He said the project should be an asset to the City. Following further discussion and comments, Council Member Rogers said that he needed further information regarding this project and requested that City Manager Stewart make inquiries and present a recommendation to City Council at the next meeting. Vice-Mayor Lantz seconded the request.

City Manager Stewart introduced a request by Tim Lacey for approval of a preliminary subdivision plat, with variances, for ASpringfield Village, @ for R-1 subdivision proposed to be located on Garber's Church Road. He explained that this is the third meeting this request has been before City Council and staff did not have anything new to present.

Tim Lacey said the plans for the subdivision started as R-2 Conditional and had been changed to R-1 because of neighbor=s concern. He also said because staff had expressed concern about the 7% grade in the cul-de-sac, it had been reduced to 6% grade. The other variances include two flag lots, 850' long cul-de-sac grade, and 23 units on a cul-e-sac. Council Member Rogers offered a motion to approve the variances so Mr. Lacey could proceed with the subdivision. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Vice-Mayor Lantz

Mayor Eagle

No - Council Member Byrd

Absent: Council Member Green

Council Member Rogers offered a motion to approve a Certificate of Public Convenience & Necessity for Western Virginia Transportation Inc. (Yellow Cab) for five (5) years. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

Absent: Council Member Green

Vice-Mayor Lantz offered a motion to approve a Certificate of Public Convenience & Necessity for First Choice Transport, Inc. for five (5) years. 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

Mayor Eagle

Absent: Council Member Green

City Attorney Thumma introduced an ordinance for Council's consideration enacting Title 6, Chapter 1, Article E of the Harrisonburg City Code. He explained that when the Federal Government amended the telecommunications laws several years ago, the City had a franchise agreement with GTE to furnish telecommunication services. During the last several years two other companies has started to operate within the City. A new franchise agreement has not been negotiated with GTE based on the Federal legislation. The General Assembly has enacted a statute that allows localities to charge a public right-of-way user fee. The fee would be based on the number of access lines the company has in the public right-of-way and would be determined from a formula developed by the Virginia Department of Transportation. Public Works Director Baker suggested adding a penalty in the ordinance for users who may refuse to pay the bill. Mr. Baker estimated the proposed fee agreement could generate at least \$136,000 in annual revenue for the City. Council Member Rogers offered a motion to approve enacting Title 6, Chapter 1, Article E including adding the late fee 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 Rogers

Council Member Byrd

Vice-Mayor Lantz

Mayor Eagle

Absent: Council Member Green

City Manager Stewart presented for Council's consideration an amendment between the City of Harrisonburg and the Virginia Department of Health. He explained this is a written agreement between the City and the Health Department. This reflects the appropriation approved by City Council for fiscal year 1999-2000. Vice-Mayor Lantz offered a motion to approve this agreement. 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

Mayor Eagle

Absent: Council Member Green

City Manager Stewart presented a request to transfer funds to the Boys and Girls Club. He explained that the Harrisonburg Redevelopment and Housing Authority has notified the City they have to discontinue its financial support for the Boys and Girls Club. The amount is \$30,000. City Manager Stewart suggested that City Council transfer \$15,000 for the remainder of the year out of Reserve for Contingencies and then consider picking up the full amount for fiscal year 2000-2001. Vice-Mayor Lantz offered a motion to approve to transfer these funds:

\$15,000 chge. to: 1000-940111-49310 Reserve for contingencies

\$15,000 approp. to: 1000-910411-45669 Boys and Girls Club

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

Mayor Eagle

Absent: Council Member Green

Barry Hensley read the following statement: The recent somewhat difficult approval of the Lacey property on Garbers Church Road has caused me to have some reflection and discuss the process with my neighbors. He said, AThe City has developed a well conceived professional set of R-1 residential building codes and regulations. The purpose of these regulations are multiple, but certainly include the orderly and well controlled development of residential property. Codes are also designed to provide continued integrity of existing properties. R-1 codes are guaranteed to citizens, to both present and future property owners, that their investments are well placed and protected into the future. Property owners contribute a large part of tax revenues and have every right to expect that codes and regulations designed to protect investments do exactly that. At the last Council meeting discussion was heard concerning the number and types of variances allowed by the City in past R-1 developments. Projects under consideration in part were justified on the past deviations from R-1 regulations. It appears to me that deviation from the codes are not intended to foster optimum development of the community or to enhance existing developed property, but rather better designed for the short term needs of developers. This type of approach to development encourages future developers to request and expect similar considerations. Over an extended period of time, R-1 codes may become a point of departure to request change. The Garbers Church Road neighborhood is ripe for development. Development will occur in this area within the foreseeable future especially with the construction of the long anticipated municipal golf course. I would like for the Council to consider that the development of Garbers Church Road be implemented in a manner consistent with R-1 rules and regulations. In this manner the neighborhood will develop in a mode consistent with the long term needs of the City, future residents, and existing property owners. City staff has done a commendable job in creating an excellent set of standards. It is my opinion that they should be enforced. The voices of the community which were heard earlier tonight concerning granting a special use permit certainly reflect the need for consistent implementation and enforcement of these codes.

At 9:12 p.m., Council Member Rogers offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Commission on Children and Youth, and Harrisonburg Parking Authority, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Discussion and consideration of the acquisition of real estate to be used for a public purpose, namely utility easements, 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 briefing by staff members pertaining to pending litigation, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 11:30 p.m., the closed 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 the title 2.1 of the Code of Virginia, 1950, as amended, and (2) only such public matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

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

CLERK

MAYOR

REGULAR MEETING

FEBRUARY 22, 2000

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 A Bonnie Ryan, CMC/AAE, and Chief of Police Donald Harper.

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

Human Resource Director Whistleman introduced nine new City employees: James Cook, Patricia Justice, Charles Kimbrough, Mary Showalter, Robert Todd, Maurice Whiting, Public Works Department; David Gayhart, Christopher Rhodes, Fire Department; and Brain Moyers, Police Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and the second reading enacting Title 6, Chapter 1, Article E and amending Section 10-3-40(7), 10-3-45(3), 10-3-51(2), 10-3-94(3), 10-3-24, and 10-3-39(1) 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 Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

Absent: None

At 7:38, p.m., Mayor Eagle closed the regular session temporarily and called the evening=s public hearing to order. The notice appeared in the Daily News-Record on Saturday, February 5, and Saturday, February 12, 2000.

NOTICE OF PUBLIC HEARING

The City of Harrisonburg is presently preparing its annual grant application for Operating and Capital Funds for FY 00-01. This application is for Federal and State funds under the Federal Transit Administration 49 USC Section 5311 (formerly Section 18) Program.

A public hearing for this application will be held on Tuesday, February 22, 2000, at the City Council meeting. This meeting will be held in Council Chambers in the Municipal Building at 7:30 p.m. All interested citizens are encouraged to attend.

Comments and suggestions for the Transit System are encouraged and welcomed. Please contact Reggie Smith or Vickie Conley before February 18, 2000 at 540-432-0492; or mail comments to: Harrisonburg Public Transit, 475 East Washington Street, Harrisonburg, VA 22802.

Transportation Director Smith explained that this is the annual application for state and federal funds including capital funds for fiscal year 2000-2001. He said that capital projects for this fiscal year include purchasing three transit buses and two para transit vehicles. There being no one present to be heard, the public hearing was declared closed at 7:39 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this application for state and federal funds. 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

Absent: None

City Manager Stewart said that the request seeking Council's endorsement of an application by First Centrum, LLC had been postponed from the February 8 meeting. He said that additional comments from staff and additional information from Jack Gordon had been provided in the agenda packet. Jack Gordon, Manager of Development for First Centrum, explained that his company has changed the age requirement for independent living senior persons from 55 and over to 62 and over. He said that the company would like to build 50 two-bedroom apartments on a 4.2 acre parcel and believe there is significant unmet demand for moderate-income senior housing projects. He said that half of the units at the Lineweaver Apartments, operated by Harrisonburg Redevelopment Housing Authority, are tax credit apartments and they generally maintain a lengthy waiting list. He noted that First Centrum projects should not be compared to the Lineweaver Apartments. In order for the project to receive the financing, it must compete with other projects based on the criteria listed in Virginia's Qualified Allocation Plan. First Centrum will not be able to build this project without Federal low income housing tax credits and the state awarded points received from support by the local governing board. Mr. Gordon also said that he doubted the project would be built or

qualify for the tax credits if Council remained neutral.

City Manager Stewart reviewed three options for Council's consideration: (1) A support letter for the project which is worth 50 points on the application. (2) For Council to take no position and maintain neutrality which is worth 25 points. (3) A letter of opposition which means no points would be granted. The application due date is March 17; however, a letter from the City supporting the project must be received by May 1.

Council Member Rogers commented that the property, already zoned for apartment buildings, could become home to something less desirable which Council has opposed in the past. There is a need for retirement housing because of the lack of available spaces at other local facilities which are very expensive and have long waiting lists. Council Member Rogers offered a motion to approve the request and move forward with the project. The motion died for lack of a second. Council Member Rogers amended his motion to state, Move forward with the project with a neutral position. This motion died for lack of a second. Council Member Rogers offered another motion that Council approve this project with 100% support. This motion died for lack of a second.

Council Member Green commented that the information provided by Mr. Gordon did not contain statistics of how many people living in Harrisonburg needed this type of housing. He said that he was concerned people from outside the area would move into the proposed project and squeeze out local residents needing housing. Council Member Green offered a motion to table this request until the next meeting. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Economic Development Director Shull presented a brief overview of a Resolution and Consortium Agreement in preparation for a regional Workforce Investment Board formally known as the Shenandoah Valley Private Industry Council. This region Workforce Investment area includes all ten jurisdictions within the Central Shenandoah Planning District plus Page County. He explained the organizational steps for the Workforce Investment Act and how it will be implemented. The City will have an opportunity to appoint two private sector people in addition to an equal number of public people. Council Member Rogers offered a motion to approve this resolution as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Mayor Eagle announced that the agenda item adopting a resolution in support of a safety improvement project for the Harrison Street railroad crossing was tabled.

Council Member Green offered a motion that Jimmy E. Garber, 406 West Avenue, be appointed to a second term on the Industrial Development Authority to expire on April 24, 2004. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion directing the City Manager to provide an itemized statement at the next Council meeting of what it is costing the taxpayers of Harrisonburg for City Council to defend itself from

the lawsuit by the TAGS group. The motion included that the itemized statement should include all expenses, including salaries, attorney fees, time and material. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

At 8:20 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Commission on Children and Youth, Harrisonburg Parking Authority, Blue Ridge Disability Services Board, Board of Zoning Appeals, and the Industrial Development Authority, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Discussion concerning a prospective business locating within the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to pending litigation, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) 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 11:00 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

At 11:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

MARCH 14, 2000

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 ABonnie@ Ryan, CMC/AAE, 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 minutes on the consent agenda and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request by Ung Zei Oh to rezone property 1370 and 1380 North Main Street from M-1 General Industrial District to B-2 General Business District (conditional). She said that the site of the rezoning request consists of three vacant lots 16, 16A and 16B at the corner of North Main Street and Vine Street. These three vacant lots are adjacent to a mixture of zoning classifications. The property's M-1 zoning permits many intensive types of industrial uses. The Land Use Guide recommends the site for Planned Business Use, correlating to the B-2 conditional zoning designation. The site's proximity to residential development plays a role in the Land Use Guide's recommendation. In connection with the rezoning request, the applicant has proffered to remove several uses from the list of uses permitted in the B-2 General Business District including hotels, motels, theaters, bus terminals, animal hospitals, or parking garages. The applicant has submitted proffers that limit the uses to include mercantile establishments, personal service, restaurants establishments, other shops and stores customary to shopping centers, governmental, business/professional offices, financial institutions, religious, educational, charitable, or benevolent institutional uses, service stations, automobile, manufactured home and customary agricultural sales and service. Additional proffers by the applicant include automobile or truck sales, service and repair but not auto salvage, storage or sale of junk, general service or repair shops, pet shop, pet grooming establishment, radio and television stations, studios or recording studios, public utility, public service, public transportation uses or buildings, generating, purification or treatment plants, water storage tanks, pumping station, telephone exchange, warehousing and other storage facilities, funeral homes, accessory buildings, research development activities, plant nurseries, greenhouses, and public uses. Mrs. Turner said that the maximum sign height on the property would be limited to not more than twenty-five (25) feet. She said that Planning Commission recommended approval of the request with the proffers submitted and the sign height restriction.

At 7:39 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, February 28, and Monday, March 6, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 14, 2000, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

REZONING B PUBLIC HEARING

Request by Ung Zei Oh to rezone property at 1370 and 1380 North Main Street from M-1 General Industrial District to B-2 General Business District (conditional). The property is identified as tax map parcels 42(D) 16, 16A, and 16B, and totals approximately 44,822 square feet. The Land Use Guide recommends the site for Planned Business 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 interest will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

David Lee representing the agent for the current property owners said that he was available to answer any questions City Council may have about the rezoning request. There being no others desiring to be heard, the public hearing was declared closed at 7:40 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion to approve this request. 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

Council Member Byrd

Mayor Eagle

Absent: None

City Manager Stewart explained that Council had adopted a resolution on January 25, 2000 to file an application with the Virginia Public School Authority for school bond funding. Mr. Stewart also said that Glenn Hodge, attorney with the law firm of Wharton, Aldhizer and Weaver, would be introducing this item and following the public hearing, Council could consider approving the resolution authorizing the bonds. This action only requires one reading, pursuant to Section 15.2-2601 of the Code of Virginia 1950, as amended.

**RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND
AWARD OF NOT TO EXCEED \$5,100,000 GENERAL
OBLIGATION SCHOOL BONDS OF THE CITY OF
HARRISONBURG, VIRGINIA, SERIES 2000A, TO BE
SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, AND
PROVIDING FOR THE FORM AND DETAILS THEREOF.**

WHEREAS, the City Council (the "Council") of the City of Harrisonburg, Virginia (the "City"), has determined that it is necessary and expedient to borrow not to exceed \$5,100,000 and to issue its general obligation school bonds for the purpose of financing of certain capital projects for school purposes, to pay a portion of the costs of the acquisition, construction, reconstruction, renovation, expansion and equipping of public school facilities in the City including, but not limited to, additions to Spotswood Elementary School, Waterman Elementary School and Harrisonburg High School Field House (all capital projects for school purposes within the City being designated collectively herein as the AProject@).

WHEREAS, the School Board of the City (the ASchool Board@) has requested, by resolution dated December 7, 1999, the Council to authorize the issuance, sale and award of the Bonds.

WHEREAS, the Council has determined that it is necessary and appropriate to proceed to issue its bonds pursuant to the authority set forth in the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia 1950, as amended (the APublic Finance Act@), including but not limited to Section 15.2-2601 thereof, and for the Council, as the governing body of the City, to elect to issue bonds under such provisions of the Public Finance Act without regard to the requirements, restrictions or other provisions contained in the Charter of the City.

WHEREAS, the City held a public hearing, duly noticed, on March 14, 2000, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia, 1950, as amended.

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

1. Authorization of Bonds and Use of Proceeds. The Council hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$5,100,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes as described above. The Council hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution. Upon mature consideration, the Council has determined that it is necessary and appropriate to proceed to issue its bonds pursuant to the authority set forth in the Public Finance Act, as set forth above, and, accordingly, hereby elects to issue the Bonds under such provisions of the Public Finance Act without regard to the requirements, restrictions or other provisions contained in the Charter of the City.

2. Sale of the Bonds. It is determined to be in the best interest of the City to accept the offer of the Virginia Public School Authority (the "VPSA") to purchase, and the City to sell to the VPSA, the Bonds at a price, determined by the VPSA to be fair and accepted by the Mayor or Vice-Mayor and the City Manager that is not less than 98% of par and not more than 103% of par upon the terms established pursuant to this Resolution. The Mayor and Vice-Mayor of the Council, the City Manager and such officer or officers of the City as any of them may designate are hereby authorized and directed to enter into a Bond Sale Agreement to be dated as of April 3, 2000, with the VPSA providing for the sale of the Bonds to the VPSA in substantially the form submitted to the Council at this meeting, which form is hereby approved (the "Bond Sale Agreement").

3. **Details of the Bonds.** The Bonds shall be issuable in registered form in denominations of \$5,000 and whole multiples thereof; shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2000A"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 (each an "**Interest Payment Date**"), beginning July 15, 2000, at the rate or rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "**Principal Payment Date**") and in the amounts set forth on Schedule I attached hereto (the "**Principal Installments**"), subject to the provisions of Section 4 of this Resolution.

4. **Interest Rates and Principal Installments.** The City Manager is hereby authorized and directed to accept the interest rate or rates on the Bonds established by the VPSA, provided that no such interest rate shall be more than ten one-hundredths of one percent (0.10%) over the annual rate to be paid by the VPSA for the corresponding maturity of the bonds to be issued by the VPSA (the "**VPSA Bonds**"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further, that the true interest cost of the Bonds does not exceed seven percent (7%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of the VPSA. The City Manager is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of the VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by the VPSA and the Interest Payment Dates and the Principal Installments requested by the VPSA as having been so accepted as authorized by this Resolution.

5. **Form of the Bonds.** For as long as the VPSA is the registered owner of the Bonds, the Bonds shall be in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A. On twenty (20) days written notice from the VPSA, the City shall deliver, at its expense, Bonds in marketable form in denominations of \$5,000 and whole multiples thereof, as requested by the VPSA, in exchange for the temporary typewritten Bond.

6. **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:

(a) For as long as the VPSA is the registered owner of the Bonds, all payments of principal of, premium, if any, and interest on the Bonds shall be made in immediately available funds to the VPSA at or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next preceding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.

(b) All overdue payments of principal or interest shall bear interest at the applicable interest rate or rates on the Bonds.

(c) Crestar Bank of Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

7. **Prepayment or Redemption.** The Principal Installments of the Bonds held by the VPSA coming due on or before July 15, 2011, and the definitive Bonds for which the Bonds held by the VPSA may be exchanged that mature on or before July 15, 2011, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by the VPSA coming due after July 15, 2011, and the definitive bonds for which the Bonds held by the VPSA may be exchanged that mature after July 15, 2011, are subject to prepayment or redemption at the option of the City prior to their stated maturities in whole or in part, on any date on or after July 15, 2011, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

Dates Prices

July 15, 2011 through July 14, 2012 102%

July 15, 2012 through July 14, 2013 101%

July 15, 2013 and thereafter 100%

Provided, however, that while the VPSA is the registered owner of the Bonds, the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

8. **Execution of the Bonds.** The Mayor or Vice Mayor and the Clerk or any Deputy Clerk of the Council are authorized and directed to execute and deliver the Bonds and to affix the seal of the City thereto.

9. **Pledge of Full Faith and Credit.** For the prompt payment of the principal of, the premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the City are

hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the City subject to local taxation sufficient in amount to provide for the payment of the principal of, the premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the City to the extent other funds of the City are not lawfully available and appropriated for such purpose.

10. **Use of Proceeds Certificate and Certificate as to Arbitrage.** The Mayor or Vice Mayor of the Council, the City Manager and such officer or officers of the City as any of them may designate, are hereby authorized and directed to execute a Use of Proceeds Certificate and Certificate as to Arbitrage each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Council covenants on behalf of the City that the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Use of Proceeds Certificate and Certificate as to Arbitrage and that the City shall comply with the covenants and representations contained therein. Furthermore, the Council covenants on behalf of the City that the City shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludible from gross income for Federal income tax purposes.

11. **State Non-Arbitrage Program; Proceeds Agreement.** The Council hereby determines that it is in the best interest of the City to authorize and direct the City Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Mayor or Vice Mayor of the Council, the City Manager, the City Director of Finance and such officer or officers of the City as any of them may designate, are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the City, the other participants in the sale of the VPSA Bonds, the VPSA, the investment manager (Mentor Investment Advisors, L.L.C.), and the depository (Wachovia Bank, N.A.). Such Proceeds Agreement shall contain such terms and provisions as may be requested by the VPSA for the issuance, sale and award of the Bonds, and shall be in the general form as submitted to the City, which form is hereby approved.

12. **Continuing Disclosure Agreement.** The Mayor of the Council, the City Manager and such officer or officers of the City as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the City and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12 and directed to make all filings required by Section 3 of the Bond Sale Agreement should the City be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13. **Filing of Resolution.** The appropriate officers or agents of the City are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of Rockingham County, Virginia.

14. **Further Actions.** The members of the Council and all officers, employees and agents of the City are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance, sale and award of the Bonds and any such action previously taken is hereby ratified and confirmed.

15. **Consent to Representation.** The City hereby acknowledges that the law firm of Wharton, Aldhizer & Weaver, P.L.C. has represented the School Board as general counsel from time to time, and, at the request of the City, has agreed also to serve as the City's bond counsel, and hereby consents to such multiple representations in connection with the financing for capital projects for school purposes in the City and the transactions contemplated thereby.

16. **Effective Date.** This Resolution shall take effect immediately upon the approval by Council.

Date: March 14, 2000

[SEAL] Mayor, City Council,

City of Harrisonburg, Virginia

City Manager, City of Harrisonburg, Virginia

w/CERTIFICATE attached

SCHEDULE I - preliminary attached

EXHIBIT A - FORM OF TEMPORARY BOND w/ASSIGNMENT and SCHEDULE I,

preliminary, attached

Bond Sale Agreement (form)

CERTIFICATE of VOTES

Record of the roll-call vote by the City Council of the City of Harrisonburg, Virginia, taken after lawful notice therefor at the regular meeting of the City Council held on March 14, 2000, at which meeting the City Council, among other things, elected to comply with the authority provided under the Public Finance Act of 1991, Chapter 26, Title 15.2 of the Code of Virginia 1950, as amended, including but not limited to Section 15.2-2601 thereof, for the issuance of bonds under the provisions thereof without regard to the requirements, restrictions or other provisions contained in the Charter of the City, the undersigned hereby certify the voting of the City Council on the foregoing ARESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF NOT TO EXCEED \$5,100,000 GENERAL OBLIGATION SCHOOL BONDS OF THE CITY OF HARRISONBURG, VIRGINIA, SERIES 2000A, TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, AND PROVIDING FOR THE FORM AND DETAILS THEREOF@, as follows:

	AYE	NAY	ABSTAIN	ABSENT
Rodney L. Eagle, Mayor	X			
Hugh J. Lantz, Vice-Mayor	X			
Dr. Walter F. Green, III	X			
Larry M. Rogers	X			
John H. Byrd, Jr.	X			

Date: March 14, 2000

Rodney L. Eagle, Mayor

ATTEST: _____

Clerk, City Council of

City of Harrisonburg, Virginia

NO. TR-1 \$5,100,000

UNITED STATES OF AMERICA

COMMONWEALTH OF VIRGINIA

CITY OF HARRISONBURG

General Obligation School Bond

Series 2000A

The CITY OF HARRISONBURG, VIRGINIA (the "City"), for value received, hereby acknowledges itself indebted and promises to pay to the VIRGINIA PUBLIC SCHOOL AUTHORITY the principal amount of FIVE MILLION ONE HUNDRED THOUSAND DOLLARS (\$5,100,000), in annual installments in the amounts set forth on Schedule I attached hereto, payable on July 15, 2001, and annually on July 15 thereafter to and including July 15, 2020, (each a "Principal Payment Date"), together with interest from the date of this Bond on the unpaid installments, payable semi annually on January 15 and July 15 of each year, commencing on July 15, 2000, (each an "Interest Payment Date"; together with any Principal Payment Date, a "Payment Date"), at the rates per annum set forth on Schedule I attached hereto, subject to prepayment or redemption as hereinafter provided. Both principal of and interest on this Bond are payable in lawful money of the United States of America.

For as long as the Virginia Public School Authority is the registered owner of this Bond Crestar Bank of Richmond, Virginia, as bond registrar (the "Bond Registrar"), shall make all payments of principal, premium, if any, and interest on this Bond, without the presentation or surrender hereof, to the Virginia Public School Authority, in immediately available funds at or before 11:00 a.m. on the applicable Payment Date or date fixed for prepayment or redemption. If a Payment Date or date fixed for prepayment or redemption is not a business day for banks in the Commonwealth of Virginia or for the Commonwealth of Virginia, then the payment of principal, premium, if any, or interest on this Bond shall be made in immediately available funds at or before 11:00 a.m. on the business day next preceding the scheduled Payment Date or date fixed for prepayment or redemption. Upon receipt by the registered owner of this Bond of said payments of principal, premium, if any, and interest, written acknowledgment of the receipt thereof shall be given promptly to the Bond Registrar, and the City shall be fully discharged of its obligation on this Bond to the extent of the payment so made. Upon final

payment, this Bond shall be surrendered to the Bond Registrar for cancellation.

The full faith and credit of the City are irrevocably pledged for the payment of the principal of and the premium, if any, and interest on this Bond. The resolution adopted by the City Council authorizing the issuance of the Bond provides, and Section 15.2-2624, Code of Virginia 1950, as amended, requires, that there shall be levied and collected an annual tax upon all taxable property in the City subject to local taxation sufficient to provide for the payment of the principal, premium, if any, and interest on this Bond as the same shall become due which tax shall be without limitation as to rate or amount and shall be in addition to all other taxes authorized to be levied in the City to the extent other funds of the City are not lawfully available and appropriated for such purpose.

This Bond is duly authorized and issued in compliance with and pursuant to the Constitution and laws of the Commonwealth of Virginia, including the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia 1950, as amended, and resolutions duly adopted by the City Council of the City and a requesting resolution of the School Board of the City, respectively, to provide funds for capital projects for school purposes.

This Bond may be exchanged without cost, on twenty (20) days written notice from the Virginia Public School Authority, at the office of the Bond Registrar on one or more occasions for one or more temporary bonds or definitive bonds in marketable form and, in any case, in fully registered form, in denominations of \$5,000 and whole multiples thereof, and having an equal aggregate principal amount, having principal installments or maturities and bearing interest at rates corresponding to the maturities of and the interest rates on the installments of principal of this Bond then unpaid. This Bond is registered in the name of the Virginia Public School Authority on the books of the City kept by the Bond Registrar, and the transfer of this Bond may be effected by the registered owner of this Bond only upon due execution of an assignment by such registered owner. Upon receipt of such assignment and the surrender of this Bond, the Bond Registrar shall exchange this Bond for definitive Bonds as hereinabove provided, such definitive Bonds to be registered on such registration books in the name of the assignee or assignees named in such assignment.

The principal installments of this Bond coming due on or before July 15, 2011, and the definitive Bonds for which this Bond may be exchanged that mature on or before July 15, 2011, are not subject to prepayment or redemption prior to their stated maturities. The principal installments of this Bond coming due after July 15, 2011, and the definitive Bonds for which this Bond may be exchanged that mature after July 15, 2011, are subject to prepayment or redemption at the option of the City prior to their stated maturities in whole or in part, on any date on or after July 15, 2011, upon payment of the prepayment or redemption prices (expressed as percentages of principal installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

Dates

Prices

July 15, 2011 to July 14, 2012	102%
July 15, 2012 to July 14, 2013	101%
July 15, 2013 and thereafter	100%

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without the prior written consent of the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

All acts, conditions and things required by the Constitution and laws of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed in due time, form and manner as so required, and this Bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and laws of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the City Council of the City of Harrisonburg has caused this Bond to be issued in the name of the City of Harrisonburg, Virginia, to be signed by its Mayor or Vice Mayor, its seal to be affixed hereto and attested by the signature of its Clerk or any of its Deputy Clerks, and this Bond to be dated May 18, 2000.

CITY OF HARRISONBURG, VIRGINIA

(SEAL)

ATTEST:

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

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS, INCLUDING ZIP CODE, OF ASSIGNEE)

PLEASE INSERT SOCIAL SECURITY OR OTHER

IDENTIFYING NUMBER OF ASSIGNEE: _____

the within Bond and irrevocably constitutes and appoints

_____ attorney to exchange said Bond for definitive bonds in lieu of which this Bond is issued and to register the transfer of such definitive bonds on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

Registered Owner

Signature Guaranteed:

(NOTICE: The signature above

must correspond with the name

of the Registered Owner as it

(NOTICE: Signature(s) must be

appears on the front of this

guaranteed by an Aeligible guarantor

Bond in every particular,

institution@ meeting the requirements

without alteration or change.)

of the Bond Registrar which requirements will include Membership or participation in STAMP or such other Asignature guarantee program@ as may be determined by the Bond Registrar in addition to, or in substitution for, STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

VIRGINIA PUBLIC SCHOOL AUTHORITY

BOND SALE AGREEMENT

dated as of April 3, 2000

Name of Jurisdiction (the "Local Unit"): Harrisonburg, City of

Sale Date: Not earlier than April 17, nor later than May 3, 2000

Closing Date: On or about May 18, 2000

Principal Amount (Requested): \$5,100,000

Amortization Period: Up to Twenty (20) Years

1. The Virginia Public School Authority ("VPSA") hereby offers to purchase your general obligation school bonds at a price, determined by the VPSA to be fair and accepted by you, that is not less than 98% of par and not more than 103% of par (105% if a 10-year amortization is involved) in the Principal Amount set forth above (as authorized by your bond resolution) from the proceeds of the VPSA's bonds, the sale of which is scheduled to take place on the Sale Date.

2. You represent that on or before April 3, 2000, your local governing body will have duly authorized the issuance of your bonds by adopting a resolution in the form attached hereto as Appendix B (the "local resolution") and that your bonds will be in the form set forth in the local resolution. Any changes that you or your counsel wish to make to the form of the local resolution and/or your bonds must be approved by the VPSA prior to adoption of the local resolution by your local governing body.^[1]

The local resolution has been drafted for the issuance of bonds by a County. Bond Council will need to make appropriate changes in the local resolution for the issuance of bonds by a City or Town.

3. You hereby covenant that you will comply with and carry out all of the provisions of the Continuing Disclosure Agreement in the form attached hereto as Appendix F, which agreement is hereby incorporated by reference herein and expressly made a part hereof for all purposes. The VPSA has defined a Material Obligated Person (AMOP@) for purposes of the Continuing Disclosure Agreement as any Local Issuer the principal amount of whose local school bonds pledged under VPSA's 1997 Resolution compromise more than 10% of the total principal amount of all outstanding 1997 Resolution bonds. MOP status will be determined by adding the principal amount of your local school bonds to be sold to the VPSA and the principal amount of your local bonds previously sold to the VPSA and currently pledged under VPSA's 1997 Resolution and measuring the total against 10% of the face value of all outstanding bonds under VPSA's 1997 Resolution. If you are or may be a MOP, the VPSA may require that you file all the information described in the following paragraph prior to VPSA's mailing its Preliminary Official Statement, currently scheduled April 7, 2000.

You acknowledge that if you are a MOP following the issuance of your local school bonds that are the subject of this Bond Sale Agreement, the VPSA will incorporate by reference in its Preliminary Official Statement and final Official Statement the information respecting you ("Your Information") that is on file with the Nationally Recognized Municipal Securities Information Repositories ("NRMSIRs") and the Municipal Securities Rulemaking Board ("MSRB"). Accordingly, if it appears that you will be a MOP following the delivery of your local school bonds to the VPSA in connection with this sale, you hereby represent and covenant to the VPSA that you will file such additional information, if any, as is required so that Your Information, as of each of (i) the date of the VPSA's Preliminary Official Statement (expected to be April 7, 2000), (ii) the date of sale of the VPSA's final Official Statement (expected to be April 19, 2000) and (iii) the date of delivery of VPSA's bonds (expected to be May 18, 2000), will be true and correct and will not contain any untrue statement of a material fact or omit to state a material fact which should be included in Your Information for the purpose for which it has been filed or which is necessary to make the statements contained in such information, in light of the circumstances under which they were made, not misleading. You further agree to furnish to the VPSA a copy of all filings you make with NRMSIRs and the MSRB subsequent to the date of this Agreement. Such copy will be furnished to the VPSA on the same day that any such filing is made.

The VPSA will advise you within 60 days of the end of each fiscal year if you were a MOP as of the end of such fiscal year. Upon written request, the VPSA will also advise you of your status as a MOP as of

any other date.

4. VPSA's commitment to purchase your bonds is contingent upon (i) VPSA's receipt on the Closing Date of (a) your bonds which shall include and otherwise meet the Standard Terms and Conditions contained in Appendix A hereto, (b) certified copies of the local resolution (see Appendix B attached hereto) and the school board resolution (see Appendix E attached hereto), (c) an executed agreement, among VPSA, you and the other local units simultaneously selling their bonds to VPSA, Wachovia Bank, N.A. and its successors and assigns, and Mentor Investment Advisors, LLC, the depository and the investment manager, respectively, for the State Non-Arbitrage Program ("SNAP"), providing for the custody, investment and disbursement of the proceeds of your bonds and the other general obligation school bonds, and the payment by you and the other local units of the allocable, associated costs of compliance with the Internal Revenue Code of 1986, as amended, and any costs incurred in connection with your participation in SNAP (the "Proceeds Agreement"), (d) an executed copy of the Use of Proceeds Certificate in the form attached hereto as Appendix C, (e) if you will be a MOP on the date of delivery of your local school bonds, your certificate dated the date of the delivery of the VPSA's bonds to the effect that Your Information was as of the date of the VPSA's Preliminary and final Official Statements, and is as of the date of the certificate, true and correct and did not and does not contain an untrue statement of a material fact or omit to state a material fact which should be included in Your Information for the purpose for which it has been filed or which is necessary to make the statements contained in such information, in light of the circumstances under which they were made, not misleading, (f) an approving legal opinion from your bond counsel in form satisfactory to VPSA as to the validity of the bonds and the exclusion from gross income for federal and Virginia income tax purposes of the interest on your bonds, the conformity of the terms and provisions of your bonds to the requirements of this Bond Sale Agreement including the appendices attached hereto, and the due authorization, execution and delivery of this Bond Sale Agreement, Continuing Disclosure Agreement and the Proceeds Agreement, and the validity of the Continuing Disclosure Agreement and the Proceeds Agreement, (g) a transcript of the other customary closing documents not listed above, (h) the proceeds of VPSA's bonds, (ii) if you will be using the proceeds of your bonds to retire a bond anticipation note, certificate of participation or other form of interim financing (the "Interim Security"), receipt by VPSA of (A) an opinion of your bond counsel that, as of the Closing Date, the Interim Security will be defeased according to the provisions of the instrument authorizing the Interim Security or it will no longer be outstanding (in rendering such opinion bond counsel may rely on a letter or certificate of an accounting or financial professional as to any mathematical computations necessary for the basis for such opinion) and (B) an executed copy of the escrow deposit agreement/letter of instruction providing for the retirement of the Interim Security and (iii) your compliance with the terms of this agreement. Two complete transcripts (one original) of the documents listed above shall be provided by your counsel to the VPSA on the Closing Date or, with VPSA's permission, as soon as practicable thereafter but in no event more than thirty (30) business days after the Closing Date.

5. This Bond Sale Agreement shall take effect on April 3, 2000.

Virginia Public School Authority

By: _____

By: _____

Authorized VPSA Representative

Name: _____

Title: _____

Glenn Hodge, attorney with the law firm of Wharton, Aldhizer and Weaver, explained that on December 7, 1999, the Harrisonburg School Board requested City Council's approval to apply to the Public School Authority for funds not to exceed \$5,100,000 for renovations at Spotswood Elementary and Waterman Elementary and adding air conditioning at the Harrisonburg High School Fieldhouse. On January 25, 2000, City Council approved the School Board's application to VPSA and declared its intent to reimburse itself for expenses from proceeds of the bond sale. He reviewed prepayment, penalty if pre-paid, interest rates, and tax exempt bonds. Interest is payable semi-annually and the first interest payment will commence July 15, 2000. A notice of this hearing was published in the Daily News-Record and a copy of the proposed resolution has been on file in the City Manager's office.

At 7:44 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 Tuesday, February 29, and Tuesday, March 7, 2000.

NOTICE OF PUBLIC HEARING WITH RESPECT TO THE ISSUANCE, SALE AND AWARD OF GENERAL OBLIGATION SCHOOL BONDS BY THE CITY OF HARRISONBURG, VIRGINIA, IN THE MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED \$5,100,000 TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY A PORTION OF THE COSTS OF CAPITAL PROJECTS FOR SCHOOL PURPOSES WITHIN THE CITY OF HARRISONBURG, VIRGINIA.

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia, will hold a public hearing pursuant to the provisions of Section 15.2-2606 of the Code of Virginia (1950), as amended, with respect to the adoption by the City Council of a Resolution authorizing the issuance, sale and award of the principal amount not to exceed \$5,100,000 of General Obligation School Bonds of the City of Harrisonburg, Virginia, to be sold to the Virginia Public School Authority, for the purpose of providing funds to pay a portion of the costs of the acquisition, construction, reconstruction, renovation, expansion and equipping of public school facilities in the City including, but not limited to, Spotswood Elementary School, Waterman Elementary School, and Harrisonburg High School Field House (all capital projects for school purposes within the City being designated collectively herein as the "Project").

The public hearing which may be continued or adjourned will be held at 7:30 p.m. on March 14, 2000, before the City Council in the City Council chambers, Municipal Building, located at 345 South Main Street, Harrisonburg, Virginia. Any person interested in the issuance, sale and award of the Bonds may appear at the hearing and present his or her views. A copy of the proposed Resolution is on file and open for inspection at the office of the City Manager located at 345 South Main Street, Harrisonburg, Virginia, from 8:00 a.m. to 5:00 p.m. Monday through Friday.

City of Harrisonburg, Virginia

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against approving the funding for the school bond.

Dr. Don Ford, Superintendent of Harrisonburg City School, said that he was in favor of issuing the bonds.

Carolyn Frank questioned how would borrowing this bond money effect the City's bond rating or the per capita debt? City Manager Stewart answered divide 34,000 people into \$5,100,000 and it will provide the answer on the amount of debt it added per capita. There being no others desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session reconvened. Council Member Green offered a motion to approve this bond resolution authorizing the issuance, sale and award of not to exceed \$5,100,000 General Obligation School Bonds of the City of Harrisonburg, Virginia, Series 2000A to be sold to the Virginia Public School Authority, and providing for the form and details thereof. 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

Council Member Byrd

Mayor Eagle

Absent: None

Jim Werner and Adolph Cave representing the Veterans of Foreign Wars Post 632 presented a plaque to the Harrisonburg City Council. He said that an old German cannon, a local landmark, sitting in front of the Harrisonburg High School had been restored to its original luster. He thanked the City for helping with permits and providing a new concrete pad. Mr. Werner also said the restored cannon had been fired at precisely 11:00 a.m., on November 11th, At the 11th hour of the 11th day of the 11th month. @ Mayor Eagle

thanked the Veterans of Foreign Wars Post 632 for the plaque.

City Manager Stewart said that the request seeking Council=s endorsement of an application by First Centrum, LLC had been postponed from the February 8 and February 22 Council meetings. Jack Gordon, Manager of Development for First Centrum, said that his company would like to build 50 two-bedroom apartments on a 4.2 acre parcel for a project called AThe Meadows of Harrisonburg Senior Apartments.@ It is an independent living senior persons project 62 and over. He noted that First Centrum projects should not be compared to the Lineweaver Apartments. All units will contain approximately 840 square feet and will feature fully equipped kitchens and an emergency call system. He said that First Centrum would need the City=s support for this project. Following further discussion and comments, Council Member Rogers offered a motion to approve this request by First Centrum, LLC and authorized writing a letter supporting this project. The motion was second by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

No - Vice-Mayor Lantz

Absent: None

Council Member Green offered a motion to adopt the 1999 Planning Commission Annual Report. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart explained that the Harrisonburg Parks and Recreation Department and Rockingham County have requested blocking certain streets for the annual Spring in the Valley Parade on May 21, 2000 at 3:00 p.m. which is also being sponsored by Wal-Mart and WVPT honoring the young heroes in the community. The parade will follow last year=s route beginning at the Municipal Building on South Main Street and ending at the Rockingham County office building on Main Street. Council Member Rogers offered a motion to approve this request. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart reported on the cost of the TAGS lawsuit. City Manager Stewart explained that at the last Council meeting, Council Member Rogers had asked for an itemized statement concerning the costs associated with the lawsuit. These figures are the cost to defend TAGS lawsuit as of March 10, 2000.

Mays & Valentine	\$48,292.20
Harrison, Thumma & Carr	8,159.00
City Staff (205.5 hours)	7,693.78
City supplies (20,611 copies of documents)	<u>149.32</u>
Total through March 10, 2000	\$64,294.30

Mayor Eagle presented the following resolution for Council=s consideration of approval:

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
VIRGINIA, AUTHORIZING THE CITY MANAGER
TO NEGOTIATE AND EXECUTE A CONTRACT WITH THE LOWEST
RESPONSIVE AND RESPONSIBLE BIDDER FOR THE CONSTRUCTION
OF THE MUNICIPAL GOLF COURSE**

WHEREAS, the City is in the process of reviewing bids, which were taken on March 8, 2000, for the construction of the proposed municipal golf course; and

WHEREAS, the City Council wishes to let the contract to the lowest responsive and responsible bidder:

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

1. The City Manager is directed to review all bids taken on March 8, 2000, for the construction of the municipal golf course.

2. After the review of all bids, the City Manager is directed to negotiate with any contractor and to then execute a contract for the construction of the municipal golf course with the lowest responsive and responsible bidder.

Approved: March 14, 2000

MAYOR

ATTEST:

CLERK OF THE COUNCIL

City Manager Stewart said that bids were taken on March 8 and W.R. Love and Associates are in the process of reviewing and analyzing all of the bids. This resolution will authorize the City Manager to negotiate and execute a contract with the lowest responsive and responsible bidder for the construction of the municipal golf course. It appears that Turf Drain Inc. has submitted the lowest bid. Turf Drain has been in business for 13 years and has built and/or renovated 450 golf courses. The company works only on golf courses. Vice-Mayor Lantz offered to adopt this resolution authorizing the City Manager to negotiate and execute a contract with the lowest responsible and responsive bidder for the construction of the municipal golf course. 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

Council Member Byrd

Mayor Eagle

Absent: None

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

RESOLUTION

REGARDING

THE SHENANDOAH VALLEY DETENTION CENTER COMMISSION

CITY OF HARRISONBURG, VIRGINIA

WHEREAS, on December 21, 1999, the City Council of the City of Harrisonburg, Virginia, adopted the Concurrent Resolution and Ordinance regarding the Shenandoah Valley Juvenile Detention Center Commission (Member Jurisdictions) (the AResolution@);

WHEREAS, the Resolution approved withdrawal from membership in the Shenandoah Valley Juvenile Detention Center Commission (the ACommission@) by the City of Charlottesville and Albemarle County, effective on July 1, 2001; and

WHEREAS, the Commission, the City of Charlottesville and Albemarle County have agreed that the effective date of such withdrawal shall be April 1, 2000, subject to approval of such earlier date by the other member jurisdictions in accordance with the Commission=s Bylaws;

NOW THEREFORE BE IT RESOLVED that April 1, 2000, is approved as the effective date for withdrawal of the City of Charlottesville and Albemarle County from membership in the Commission.

This Resolution shall take effect on the date of its adoption.

Approved: _____, _____

CERTIFICATE

The record of the roll-call vote by the City Council of Harrisonburg, Virginia, on a Resolution of the City Council entitled, A Resolution Regarding The Shenandoah Valley Juvenile Detention Center Commission@ at its regular public meeting held on March 14, 2000 is hereby certified as follows:

AYE NAY ABSTAIN ABSENT

Hugh J. Lantz X

John H. Byrd, Jr. X

Dr. Walter F. Green, III X

Larry M. Rogers X

Rodney L. Eagle X

Mayor, City of Harrisonburg, Virginia

(SEAL)

ATTEST: _____

Clerk, City Council, City of

Harrisonburg, Virginia

Assistant City Manager Baker explained that Council adopted a concurrent resolution on December 21, 1999 releasing Charlottesville and Albemarle County from the Commission effective July 1, 2001. However, Charlottesville and Albemarle County have indicated they will be leaving the commission by April 1, 2000. A new resolution needs to be adopted changing the effective date of withdrawal. Council Member Rogers offered a motion to approve the resolution. 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

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Assistant City Manager Baker introduced an ordinance granting City property to the Virginia Quilt Museum. He explained that the Board of the Virginia Quilt Museum would like to make some improvements to the Virginia Quilt Museum including adding air-conditioning in the building to protect the quilts. The board would like to apply for grants; however, ownership of the building is needed before they can apply for the grants. Mr. Baker noted that adoption of this ordinance would only grant the property to the Quilt Museum as long as the Warren-Sipe house is used as a Quilt Museum. Mr. Baker also said that the General Assembly House and Senate have unanimously declared the Virginia Quilt Museum as the state quilt museum. Vice-Mayor Lantz offered a motion to approve this ordinance giving the Warren-Sipe house to the Virginia Quilt Museum for a first reading. 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 Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Council Member Rogers commented that the Virginia Quilt Museum organization has done an excellent job with the quilt displays including exhibiting contemporary quilts from the Grand Duchy of Luxembourg and he had enjoyed meeting the Ambassador of Luxembourg. He noted that Virginia Quilt Museum is a great asset to the downtown area.

City Manager Stewart presented a request to authorize the Finance Department to set up a Public Transportation Capital Projects Fund. He explained that the City's Transportation Department is in the process of enlarging their building. Since this project will exceed \$200,000 and won't be completed until next fiscal year, 2000-2001, it is requested that City Council authorize the Finance Department to set up this fund. Council Member Green offered a motion to transfer these funds. 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

Council Member Byrd

Mayor Eagle

Absent: None

City Manager Stewart presented a request to increase the Sanitation budget. He explained that these funds are the City's share of the Rockingham County's landfill. Vice-Mayor Lantz offered a motion to approve this request for a first reading:

\$182,185.00 chge. to: 2014-31010 Amount from fund balance

\$143,882.00 approp. to: 2014-982042-49160 County landfill development note-Principal

38,303.00 approp. to: 2014-982042-49180 County landfill development note-Interest

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

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

School Superintendent Donald Ford presented a request for a supplemental appropriation for the School Division. He explained that these funds are from unanticipated receipts and carry-over funds from the Federal and State Government. No additional local dollars are required from the City. Council Member Rogers offered a motion to approve this request for a first reading.

\$6,424.00 chge. to: 1111-33301 School Revenue-Federal

7,859.00 chge. to: 1111-32442 School Revenue-State

\$14,283.00 approp. to: 111114-40610 Instruction

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

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

City Manager Stewart presented a request for a supplemental appropriation for Sanitation Fund. He explained that these funds would be used to adjust the sanitation fund=s budget for additional revenue anticipated to be received from JMU and to budget the use of funds to cover expenditures for water treatment chemicals and salaries. Mr. Stewart said there has been a significant turn over of employees at the Resource Recovery Plant during the last year and the City has been working with JMU to create a plan based on pay for skill. JMU is willing to share costs in the plan so the City can attract and retain quality employees. Council Member Green offered a motion to approve this request for a first reading:

\$12,000.00 chge. to: 2014-31915 Reimbursement from JMU CISAT operations

\$6,400.00 approp. to: 2014-912242-41010 Salaries & Wages

5,600.00 approp. to: 2014-912242-46180 Chemicals

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

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent: None

City Manager Stewart presented a request for a supplemental appropriation and to transfer funds for a Materials Recovery Facility (MRF). He explained that this a joint venture between the City of Harrisonburg and Rockingham County. An application was submitted to the Shenandoah Valley Partnership Regional Competitiveness Program last year. Funding was received to conduct a feasibility study with Rockingham County for a Materials Recovery Facility (MRF). Council Member Rogers offered a motion to approve this request for a first reading:

\$5,000.00 chge. to: 2014-31010 Amount from fund balance

\$5,000.00 approp. to: 2014-992042-49216 Transfer to Sanitation Capital Projects Fund

\$5,000.00 chge. to: 1324-34270 Transfer from Sanitation Fund

5,000.00 chge. to: 1324-31817 County Share MRF

15,000.00 chge. to: 1324-32526 MRF Grant

\$25,000.00 approp. to: 1324-910142-48685 Recycling Development

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 Rogers

Council Member Byrd

Mayor Eagle

Absent: None

Dorn Peterson wanted to know if a copy of the costs associated with the lawsuit was available in the City Manager=s office. He also questioned the money paid to Mays & Valentine (bond counsel attorneys for the City). He thanked Council Member Rogers for requesting an itemized statement of what it is costing the taxpayers of the City for City Council to defend itself from the lawsuit by the TAGS group. He also asked Council Member Rogers to request a similar report of the accounting costs to date that Harrisonburg officials have incurred in the development of the golf course. Council Member Rogers answered that information is always available at the City Manager=s office.

George Rontopoulos questioned why the steam plant was losing employees and whether it was due to competition or other reasons.

Carolyn Frank made comments about TAGS and about how taxpayers=s money is spent.

William Goldberg said that he had been exercising his right to free speech and had written his share of editorials concerning the golf course. He questioned whether a majority of the people in the community were in favor of the golf course and suggested a mediation meeting between representatives from both sides should

be held. It was pointed out that Mr. Goldberg is a Rockingham County resident.

Mayor Eagle commented that it is not necessary to hold a mediation meeting. The Parks and Recreation Commission recommended that the City proceed with building a golf course. Mayor Eagle said, A City Council voted to build a golf course and we are building a golf course. Mr. Eagle also said that City Council was elected by the citizens to make decisions for the City and he pointed out that City Council had also made a decision tonight to approve a \$5,100,000 school bond which no one commented about. @

Tom Moyers said that since the TAGS group lost the lawsuit they should reimburse the City for the cost to defend itself.

Sandra Rose said that she was a Rockingham County resident but owned property in the City. She said that she didn't support the golf course with her tax money. She also questioned when was the City designated as a Bird Sanctuary. @ City Manager Stewart said that several years ago the Rockingham Bird Club, JMU Arboretum, and Norlyn Bodkin had requested establishing a bird sanctuary in the City and an ordinance relating to the establishment was approved. He also said that a bird sanctuary covers the entire City, not one particular area.

James Miller questioned whether destroying walking paths, youth memories, running cross country and playing soccer in Hillendale Park would be worth the money spent on the golf course. Mayor Eagle commented that hopefully the area Mr. Miller referred to which is not a park will be used by a lot more of the citizens of the City than its present use.

Council Member Byrd offered a motion that Edward (Jud) Baldwin, 66 Middlebrook Street, be appointed to a third term on the Blue Ridge Disability Services Board to expire on February 1, 2003. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 8:46 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Commission on Children and Youth, Harrisonburg Parking Authority, Blue Ridge Disability Services Board, Board of Zoning Appeals, Shenandoah Valley Workforce Investment Board, and the Industrial Development Authority, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Discussion concerning a prospective business locating within the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to pending probable litigation, and two proposed contracts, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) 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 11:30 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

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

CLERK

MAYOR

REGULAR MEETING

MARCH 28, 2000

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/AAE, and Chief of Police Donald Harper.

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

Assistant City Manager Baker introduced two new City employees: Teresa Breeden and Thomas Landis, Fire Department.

Council Member Rogers offered a motion to approve the consent agenda, including approval of the minutes, and second reading of a supplemental appropriation for the School Division, Materials Recovery Facility (MRF), and a Sanitation Fund. The motion also included a second reading to increase the Sanitation budget and granting property to the Virginia Quilt Museum. 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 Rogers

Council Member Byrd

Mayor Eagle

Absent - None

Planning and Community Development Director Turner introduced a request by Wayne B. and Karen B. Rothery for a special use permit. She explained that this request is for a special use permit to reduce the sideyard setback of a structure to zero feet at 1751 South Main Street. The site is zoned B-2 General Business District which allows zero setback with a special use permit. The purpose is to remove the existing structure's Northeast section and rebuild the section to create a 4,588 square foot retail sales area for the Mi Mercadito Retail Market. The existing building is currently built with zero setback along the Northeast property line. The developer is proposing to remove the old building and build along the same wall line. According to the design layout provided by the developer, the site will meet the minimum parking requirement. The Zoning Ordinance requires one parking space for each 200 square feet of floor area, for a total of 23 spaces. Staff recommended approval of the special use permit if the dumpster site is screened from view. Staff also noted that the proposed wall along the Northeast property line will have to be built to a greater standard because of the zero setback. According to the Building Code, any wall within 10 feet of the property line will have to be a firewall. She said that Planning Commission recommended approval of the special use permit.

At 7:37 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, March 13, and Monday, March 20, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 28, 2000, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE PERMITS

Request by Wayne B. and Karen B. Rothery for a special use permit to reduce the sideyard setback of a structure at 1751 South Main Street to zero feet, per Section 10-3-91(9) of the Zoning Ordinance. The site, identified as tax map parcel 10-B-15, is zoned B-2 General Business District

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

Wayne B. Rothery

said that he would like to remove the existing wall and replace it with another wall to improve the property. There being no others desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve the recommendation made by the Planning Commission. 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 Rogers

Council Member Byrd

Mayor Eagle

Absent - None

Planning and Community Development Director Turner introduced a request by Wayne Engel, LLC for a special use permit to operate a Bed and Breakfast in the R-2, Residential District at 547 East Market Street. She explained that the request is to convert an existing rooming and boarding house into a bed and breakfast establishment. The subject property and surrounding parcels are zoned R-2 Residential District and single-family homes are located adjacent to the site and across the street. The Land Use Guide recommends the property for "Professional" use, which encourages the development of service-oriented businesses along major thoroughfares and areas adjacent to the Central Business District. This designation is intended to promote the use of older homes that are no longer practical to maintain as housing units. The current boarding and rooming house are considered a legal non-conforming use in the R-2 district and are allowed to remain unless its normal operation is discontinued for a period of 24 consecutive months. Since 1991, this house has been used as a boarding and rooming house with six guestrooms. The house is inspected on an annual basis and was last inspected on January 11, 2000. At the time, the property passed inspection and the permit was renewed for another year. Mr. Engel is now applying for a special use permit to change the house from a boarding and rooming house to a bed and breakfast facility. The Zoning Ordinance defines a bed and breakfast facility as a "single-family dwelling (including the principal dwelling and related buildings) occupied by the owner or a proprietor, in which accommodations limited to ten (10) or less guest rooms are rented for periods not exceeding ten (10) consecutive days per guest." Mrs. Turner said it had been explained to Mr. Engel that if the bed and breakfast use were approved, the boarding and rooming house use would cease. After operating as a bed and breakfast for a 24-month period, the property could not revert to a boarding and rooming house due to the loss of its nonconforming status. At the public hearing held by Planning Commission, staff recommended that outside amenities (such as a pool, patio, or gazebo) be screened from view by the adjacent residences. Planning Commission recommended approval provided that a six-foot buffer be installed to block the view of the parking area from the adjacent residents.

At 7:42 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, March 13, and Monday, March 20, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, March 28, 2000, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE PERMITS

Request by Wayne Engel, LLC, for a special use permit to operate a Bed and Breakfast in the R-2 Residential District, at 547 East Market Street. The site is identified as tax map parcel 27-F-24.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

Wayne Engel

said that he was available to answer any questions City Council may have about the special use permit. There being no others desiring to be heard, the public hearing was declared closed at 7:43 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve the recommendation made by Planning Commission. 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

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent - None

Planning and Community Development Director Turner introduced a request to close a portion of an alley between Ash Tree Lane and Franklin Street. She explained that Mr. Barry Kelley is requesting to close a 1,000 square foot section of an alley that runs North-South between Ash Tree Lane and Franklin Street. It is an undeveloped alley serving as a driveway to adjacent properties, but there is an area for access from Ash Tree Lane to Franklin Street. The purpose of Mr. Kelley's request is to increase the size of his lot in order to tear down an existing dwelling at 260 Ash Tree Lane and build a new single-family home on the site. The existing frame structure has deteriorated and Mr. Kelley has indicated that he intends to construct a single-family home that would be owner-occupied. Since the property is in an R-2 Zoning Classification and doesn't have enough square footage to be a duplex unit, it can only be used as a single-family home now or in the future. The Public Works Department has also noted that drainage along this property should be improved by grading the drive entrance and installing larger driveway pipes. She also said that the applicant is aware that he is required to contact the Public Utilities Department when planning and building a new structure, to ensure compliance with all utility sections of the City Code especially the section requiring sewer testing whenever a new building proposes to use an old sewer. She said that Planning Commission recommended approval of the request.

At 7:50 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, March 13, and Monday, March 20, 2000.

NOTICE OF INTENTION TO CLOSE

PORTION OF ALLEY LOCATED BETWEEN

FRANKLIN STREET AND ASH TREE LAND

IN THE CITY OF HARRISONBURG

City Council chambers, Municipal Building

Tuesday, March 28, 2000 at 7:30 p.m.

The Harrisonburg City Council will hold a public hearing on Tuesday, March 28, 2000, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of an alley located between Franklin Street and Ash Tree Lane in the City of Harrisonburg.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the portion of the street and alley to be vacated and closed are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have the opportunity to express their views at the public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone desiring to speak for or against approving this alley closing request.

Barry Kelley

owner of the property said he wanted to close the alley to remove the existing frame structure which has deteriorated. He said he wanted to build a new structure to blend into the area which would be similar to the carriage house formally owned by Dr. Deyerle.

Marshall Ross

said that he has a house directly to the East of this property which fronts on Franklin Street. He said that his neighbors frequently block the driveway and he has had situations where in order to get out of the back where he parks his car, he needs to go out the alley. He also said that he has a long term plan to build a covered garage on his property. In order to do that it would be in the back part and he would need to get down the alley and out to Ash Tree Lane. Mr. Ross suggested that the alley should remain as a public alley.

Jim McKee

, a resident living at 270 Campbell Street, said that he was concerned about the future development of the property. The house is in disrepair, but as a home owner living in Old Town, he would like to have more information about Mr. Kelley's plan for the property.

Kevin Rose

said that he was opposed to closing the alley. He said that although the neighborhood is zoned R-2 several houses on Campbell Street have college students living in the houses which generate a lot of traffic on Ash Tree Lane.

There being no others desiring to be heard, the public hearing was declared closed at 7:59 p.m., and the regular session reconvened. Vice-Mayor Lantz offered a motion to appoint a Board of Viewers to consider this request and provide a recommendation to City Council. 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

Council Member Byrd

Mayor Eagle

Absent - None

Dr. Donald Ford, Superintendent of Harrisonburg City Schools, presented the School Board's proposed 2000-2001 budget. He said the proposed school budget has been developed taking into consideration both the needs of the school division and the understanding that available revenues are limited. He reviewed the budget revenue estimates which the School Board adopted at its March 27th meeting. The budget is based on a projected average daily membership (ADM) which next year is projected to be approximately 3,580. The total budget is \$33,921,936. Of that amount, City revenues total \$19,761,902 which includes an increase of \$916,960. The new positions included in the budget have been determined by the school board on administrative recommendation and public input. Many other requested positions are not included. The budget includes a projected average 6% increase for teachers, a 6% salary increase for cafeteria workers, and a 4% salary increase for all other personnel. The maintenance and operations fund includes projected expenditures for next year's projects identified in our five-year maintenance/special projects schedule, as well as ongoing routine maintenance costs. Dr. Ford expressed his appreciation to City Council for the good communication that has been occurring for the last several years between the School Board and City Council. The Liaison Committee has been a real positive step in improving communications.

Planning and Community Development Director Turner introduced a request by Harrisonburg Electric Commission to subdivide tax map parcel 75-C-1 located on East Market Street at the City-County line and a variance to the subdivision requirement that all lots subdivided front onto a public street. She explained that HEC is desiring to carve out a lot to be used for a substation. HEC indicates that the variance is warranted due to the shape of the property and its location to public access. Limited access is desirable due to the nature of the use. Staff recommended approval of the subdivision and variance. Access to the lot is through a gravel driveway, which serves the mini storage facility located in the County. The driveway lies on the City-County line and would serve only the HEC substation and the mini storage buildings. Staff supports the variance because the driveway would serve only two users. Steep topography would hinder extension of the driveway. She said that Planning Commission recommended approval of the request. Council Member Rogers offered a motion to approve this request as presented. 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 Rogers

Council Member Byrd

Mayor Eagle

Absent - None

Betty Hedrick representing Kensington Garden Club presented a request from the garden club that the entrances into Harrisonburg should become more attractive. The Kensington Garden Club feels that enhancing these entrances into the City could be done at a minimum cost and within the City's budget. She also said that Bridgewater, Dayton and Staunton are outshining Harrisonburg and suggested planting some redbud trees and flowers.

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

CENSUS 2000 RESOLUTION

STATE OF VIRGINIA

Partnering entity

and the

United States Bureau of the Census

Charlotte Region

WHEREAS, the City of Harrisonburg understands that this is a unique opportunity to participate in and have influence on CENSUS 2000;

Now therefore, BE IT RESOLVED that in order to accomplish the goal of a more accurate and cost efficient Census in Census 2000, the Harrisonburg City Council does herein take the following action:

1. Promoting Census 2000 to all of our People; and
2. Encourage every resident to accurately complete the Census questionnaire and promptly return it by mail; and
3. THAT April 1, 2000, BE DESIGNATED - CENSUS DAY IN AMONG ALL CITIZENS.

Adopted by the Harrisonburg City Council in a meeting duly assembled on the 28th day of March, 2000, at which a quorum was present and voting.

Mayor

Attest:

Clerk of City Council

Greg Moon representing the Census Bureau thanked City Council for their support in designating April 1, 2000 "Census Day" in the City of Harrisonburg. Council Member Green offered a motion to adopt the

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

Mayor Eagle announced that the agenda item to consider a recommendation from Planning Commission to change Lois Lane to Devon Lane was removed from the agenda.

City Manager Stewart explained that the John D. Eiland Company has again requested sponsoring Fundfest concert series. The concert series will be held on alternating Wednesday evenings and will again provide fund raising opportunities for a number of local charities. The Fundfest concert series will begin May 10, 2000 and end on August 30, 2000. Over the years the annual Fundfest events have contributed more than \$38,000.00 to local charities within the community. He said that the City would be working with the volunteer organization to possibly block a portion of Warren alley to provide for additional space. Council Member Rogers offered a motion to approve the concert series. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

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

RESOLUTION

WHEREAS, the Harrisonburg Area Transportation Study (HATS) was developed under the direction of the Virginia Department of Transportation (VDOT) in an effort to address short-and long-range concerns of the City of Harrisonburg and a radius of five miles around the City in Rockingham County; and

WHEREAS, the short-range component identified problems that can be addressed without the need for large-scale design efforts, searching for funding sources and preparing additional planning, study, or permit-type documents while the long-range component addresses problems of a large scale to the year 2015; and

WHEREAS, the recommendations are the result of VDOT's roadway network modeling coupled with the land use recommendations of the Rockingham County and City of Harrisonburg Comprehensive Plans; and

WHEREAS, during 1994 public hearings were held to present HATS to the community and to receive comments; and

WHEREAS, in 1994 the City of Harrisonburg endorsed the HATS plan, while on October 26, 1994, the Rockingham County Board of Supervisors adopted Resolution No. 94-22 concurring that HATS was a good plan that should be used as a guide for transportation planning in conjunction with the County's long-range land use plans; and

WHEREAS, the Chamber of Commerce supported the efforts of the City and County to jointly endorse the plan; and

WHEREAS, on a number of occasions, County and City representatives met to jointly devise a transportation strategy that would better address local transportation needs; and

WHEREAS, at its meeting held on July 28, 1999, the Board of Supervisors approved and endorsed the Harrisonburg Area Transportation Study (HATS) map, showing a revision to the eastern connector based on discussions between staff and VDOT officials, and including all of the projects previously prioritized by the Board and the Harrisonburg City Council; and

WHEREAS, at its meeting held on October 13, 1999, the Board of Supervisors approved the original Harrisonburg Area Transportation Study (HATS) map, with modifications as recommended by VDOT staff, which include the revised eastern loop road, the extension of the collector roads to meet the revised loop road, and a new east/west collector route as recommended by the County; and

WHEREAS, at its meeting held on November 9, 1999, the Harrisonburg City Council approved the modified plan as presented by VDOT.

NOW, THEREFORE, BE IT RESOLVED, that the Harrisonburg City Council reaffirms its approval and endorsement of the Harrisonburg Study (HATS) map.

Date Mayor

Attest:

Clerk of City Council

City Manager Stewart explained that the Chamber of Commerce is asking Harrisonburg and Rockingham County to reaffirm their support of the Harrisonburg Area Transportation Study (HATS) by endorsing this resolution. Rockingham County has already approved a similar resolution. Mr. Stewart also noted that through the successful efforts of Delegate Weatherholtz and Senator Miller funding has been provided to start the process for a portion of the HATS study. Vice-Mayor Lantz offered a motion to approve the resolution. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

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

RESOLUTION

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

1. Collector/local streets to be deleted, totaling 2.87 centerline miles (5.74 lane miles).
2. Collector/local streets to be added, which meet the requirements of Sections 33.1-41.1 of the Code of Virginia as of February 22, 1985, there are eligible for maintenance payments totaling 5.77 center line miles (14.99 lane miles). Said street being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.
3. Principal/Minor Arterial streets to be deleted, totaling 1.8 centerline miles (3.6 lane miles).
4. Principal/Minor Arterial streets to be added, which meet the requirements of Section 33.1-41.1 of the Code of Virginia as of February 22, 1985, that are eligible for maintenance payments totaling 1.8 center line miles (7.0 lane miles).

miles). Said streets being listed on accompanying U-1 (7-1-85), Virginia Department of Transportation form and shown in red on City map.

NOW, THEREFORE, BE IT RESOLVED THAT, The City of Harrisonburg respectfully requests the Virginia Department of Transportation to make maintenance payments effective July 1, 2000.

Adopted by the Harrisonburg City Council the _____ day of March 2000.

Mayor

Attest:

Clerk of City Council

Public Works Director Baker said that this resolution will add newly developed streets to VDOT Urban Street Inventory. By adding these streets to the inventory the City will be reimbursed from the State and will receive future urban maintenance funding. Council Member Green offered a motion to approve this resolution adding these streets to the VDOT inventory. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented for Council's consideration approval of a lease agreement for parking for District Courts and Jail facility. He explained that Rockingham County who is the lead agent in providing fiscal support for the jail and court has asked that both the City and County approved the lease agreement with Ottobine United Methodist Church since the City is responsible for half the rent. Council Member Green offered a motion to approve this lease agreement. 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

Council Member Byrd

Mayor Eagle

Absent - None

City Manager Stewart presented a request to transfer funds from the Public Transportation Fund and Central Garage Fund to the Public Transportation Capital Projects Fund. He explained that these funds will be used to construct a transportation building addition, etc., which will not be completed until next fiscal year. Vice-Mayor Lantz offered a motion to transfer these funds:

\$512,391.00 chge. to: 1323-34260 Transfer from Public Transportation Fund

10,000.00 chge. to: 1323-34240 Transfer from Central Garage Fund

\$522,391.00 approp. to: 1323-911381-48661 Transit building addition

\$510,672.00 chge. to: 2013-872081-48181 Buildings and grounds

1,719.00 chge. to: 2013-872081-48121 Furniture and fixtures

10,000.00 chge. to: 2111-672141-48111 Machinery and fixtures

\$512,391.00 approp. to: 2013-892081-49216 Transfer to capital projects

10,000.00 approp. to: 2111-692141-49216 Transfer to capital projects

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 Rogers

Council Member Byrd

Mayor Eagle

Absent - None

City Manager Stewart presented a request to transfer and appropriate funds for a new fire truck. He explained that the funds for this fire truck were included in the 1999-2000 budget and is scheduled to be delivered this month. Vice-Mayor Lantz offered a motion to approve this request for a first reading:

\$49,350.34 chge. to: 1000-980142-49118 Fire truck lease/purchase - Principal

6,995.37 chge. to: 1000-980142-49128 Fire truck lease/purchase - Interest

\$56,345.71 approp. to: 1000-320132-48165 Fire Truck

\$153,184.00 chge. to: 1000-31010 Amount from Fund Balance

\$153,184.00 approp. to: 1000-320132-48165 Fire Truck

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 Rogers

Council Member Byrd

Mayor Eagle

Absent - None

City Manager Stewart presented a request from the Finance Department to transfer cash from the Central Garage Fund and Sewer Fund to the Central Stores Fund. He explained that the City's Central Stores fund is supported by charges to other City departments and agencies for the sale of materials and supplies and transfers from other funds. Council Member Rogers offered a motion to approve this request for a first reading:

\$160,000.00 chge. to: 2111-31010 Amount from fund balance

\$160,000.00 approp. to: 2111-692141-49260 To Central Stores Fund

\$160,000.00 chge. to: 2112-34240 Transfer from Central Garage Fund

\$160,000.00 approp. to: 2112-31010 Amount from fund balance

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

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent - None

Parks and Recreation Director Gucker presented an overview of the clearing operation and a report from the forester regarding the golf course property. She pointed to a map and noted that the golf course property was designated in yellow which is adjacent to Hillandale Park designated in red. Hillandale Park was established as a public park in 1968 and will remain untouched during this project. The golf course property and Hillandale Park are two separate pieces of property. The boundaries of the property have been clearly marked. North-Fork Lumber Company is responsible for the clearing operation on the golf course property. The forester's report indicates that the actual number of marketable trees marked for sale on the golf course property are 1,620. Distribution of this number by diameter class is from 6 inches to 28 inches. Distribution of this number by product class is 1,212 pulp wood trees and 408 saw timber trees. The report also indicates that during a systematic sample of 650 trees within the timber sale area 60% of the trees sampled were in good shape, 32% of the trees sampled were in poor shape, and 8% of these trees sampled were dead or close to being dead. She said that "Marking of the trees for removal on the golf course property was done carefully, making sure as many specimen trees were kept as possible. If there was any question at all whether to keep or remove the tree, the decision was made to keep the trees in question even though they might have to be removed at a later date." Clearing will only be done on the golf course property as necessary. Hillandale Park will remain untouched. Vice-Mayor Lantz questioned how long will it take to clear the trees from the golf course property. Mrs. Gucker answered that the contract allows 30-60 days.

Ben Fordney

suggested that City Council delay further cutting of the trees in Hillendale Park and any construction of the golf course until after the May 2 election.

At 8:38 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Commission on Children and Youth, Harrisonburg Parking Authority, Board of Zoning Appeals, Shenandoah Valley Workforce Investment Board, and the Industrial Development Authority, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Discussion concerning a prospective business locating within the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to pending probable litigation, and two proposed contracts, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) 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 11:30 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

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

CLERK MAYOR

REGULAR MEETING

APRIL 11, 2000

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/AAE, and Chief of Police Donald Harper.

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

Council Member Green offered a motion to approve the consent agenda, including approval of the minutes, and second reading transferring funds for a new fire truck and transferring funds from the Central Garage Fund and Sewer Fund to the Central Stores Fund. 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

Absent - None

City Manager Stewart presented an overview of the proposed 2000-2001 budget to the City Council. A public hearing will be held on April 25 with final approval suggested on May 9th. There are no tax rates or fee increases in the proposed 2000-2001 budget. This is the seventh straight year with the same real estate and personal property tax rates. The City currently enjoys the second lowest real estate rate among all independent cities in Virginia. Also, a 1% unemployment rate is the second lowest in the entire state. For the fourth consecutive year the City has received the "Certificate of Achievement for Excellence in Financial Reporting" presented by the Government Finance Officers Association of the United States and Canada. The City continues to be a growth situation indicating a 13.3% population increase since the 1990 census. The proposed 2000-2001 budget in total net expenditures is approximately \$83 million. The General Fund revenues has increased by nearly \$2.5 million. The primary increases (based on growth, not rate increases) will occur in property taxes, sales tax, lodging taxes, meal taxes and an additional contribution from the Harrisonburg Electric Commission. No increases in tax rates or fees are proposed to balance the General Fund budget. City Manager Stewart explained that in terms of expenditures the budget focuses on three primary functions, which include education, public safety and infrastructure. He said that since 1996-1997 through proposed 2000-2001 local funding for the school system will total approximately \$93 million. In addition, bonds issued for renovations during this time period equals \$7,105,000. The proposed appropriation to the School's operating budget is \$19,761,902 in local funds which is a 4.2 % increase. This recommended appropriation represents 100% of the School Division's budget request! For the City to again grant 100% funding increase speaks loudly as to the priority placed on schools. It also reflects the School Division's cooperative spirit in working

with Council to insure adequate funds for a quality educational experience for every student. In addition, the City has already approved the issuance of \$5,100,000 in bonds for the Spotswood and Waterman renovations, and air conditioning of the High School fieldhouse. With Council agreeing to fund both school renovation projects at one time, rather than one a year as previously agreed to, the School Division has done its part in the reasonableness of its request for new operating funds. The City's total projected 2000-2001 revenue from all property taxes (real estate and personal), including penalties and interest is \$16,524,580. The City's proposed 2000-2001 appropriation to the Schools is \$19,761,902. In addition, another \$290,000 is proposed in the Public Transportation budget for the purchase of four (4) new school buses. He pointed out that the increase in student population from 1996-1997 projected through 2000-2001 school year is an increase of approximately 28 students or 0.7%. Also, during that same time period the local funding from the City based on the average daily membership has increased from \$4,609 per student to \$5,520 per student while adding approximately 73 new teachers and teachers' assistants positions to the school division budget. The Police Department's proposed budget has increased by 48.6% when compared to the 1996-1997 budget. In addition, the \$4,471,870 includes hiring two (2) additional investigators, one assigned specifically to narcotics investigations and the other to general investigations, and other civilian support positions. The Fire Department budget has increased by 51% since 1996-1997 primarily due to additional personnel. Six new firefighter positions are proposed in order to complete the City's commitment to the OSHA requirement of the "Two-In-Two-Out" rule. Since 1996-1997 through 2000-2001, 18 new firefighters have been added to the Fire Department. Maintaining the City's infrastructure includes an on going bridge replacement including the Chesapeake Avenue Bridge, Port Republic Road improvement, resurfacing nearly 11 miles of City streets, replacing deteriorated sidewalks, replacing various construction equipment, steam plant renovations, feasibility study for the material recovery facility (MRF), renovating and improving the resource recovery facility, sanitation equipment replacement, closing and monitoring the City's existing landfill, upgrading the recycling building, and the City's share of developing the County landfill. The Parks and Recreation's budget includes tennis and basketball court renovations, playground equipment replacement, softball field renovations, railroad crossing safety improvement program, school and transit buses. The Water Fund budget includes development of an eastern water supply, next phase of water treatment plant expansion, and water tank repairs. Mr. Stewart said the Sewer Fund includes an on going Blacks Run sewer interceptor, replacing aging water lines, and infiltration and inflow abatement in various sections of the City. Council Member Rogers questioned how much had the Police Department salaries increased during the last four years. City Manager Stewart answered approximately 30%. Council Member Green questioned if the General Fund supplemented the Sanitation Fund. Mr. Stewart said that the City supplemented the Sanitation Fund by \$2.5 million because the refuse collection fee only recovered a small percentage of what it cost to pick up and dispose of residential and commercial garbage. Vice-Mayor Lantz commented that the Shenandoah River project was an on going project and he didn't want anyone to get a false impression that the City was low on water. City Manager Stewart noted that the Shenandoah River project is a long term planning project. The City has been very successful in planning a water supply for the residents of the City. A successful plan has existed since the late 1800's when the Rawley Springs line was installed by pick and shovel. The Shenandoah River project will allow the City to meet build out demands and land use planning and will allow the City to lessen the dependency on the North River. A good water supply requires long term planning.

Chad Layman, representing the Chamber of Commerce, issued an invitation to City Council to participate in "Spring Cleanup Week." He explained that the chamber has set Wednesday, April 19th as the day for its spring clean up. This year businesses in the community are encouraged to clean an area around or near their business on that day between 1:00 and 3:00 p.m. He also challenged the Council to participate on Wednesday, April 19th to pick up trash.

Brenda Spencer, Court Service Unit Supervisor, presented a Virginia Juvenile Community Crime Control Act Plan. She explained that the Virginia Juvenile Community Crime Control Act was developed to ensure sanctions and services to juvenile offenders to deter crime and reduce repeat juvenile offenders before the court. Harrisonburg and Rockingham County will receive a total of \$246,822 for each year of each biennium.

The plan calls for the two jurisdictions to collaborate under this act, with the City serving as the fiscal agent. She briefly reviewed the plan. Council Member Rogers offered a motion to approve the plan as presented. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Economic Development Director Shull presented a request to authorize the City Manager or his designee to have approval and signatory power in Workforce Investment Act matters. He explained that effective July 1st, the Shenandoah Valley Work Force Investment Board will replace the Private Industry Council. This board will meet annually. Council Member Green offered a motion to authorize the City Manager or his designee to have approval and signatory power for this board. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart reviewed a letter received from the Sheriff, Clerk of Circuit Court, Commonwealth's Attorney, Brenda Spencer and other people. He explained that these people are concerned about security at the District Court and Circuit Court buildings primarily at the building entrances. They have suggested that a metal detector should be installed and a court security officer placed at the main entrance of each building. Mr. Stewart suggested that since these buildings involve state offices our local delegation should be invited to a meeting to discuss these issues with the City and County to determine if there is any state funding available to address some of these concerns. Council Member Green offered a motion authorizing the City Manager to work with the Rockingham County Administrator to schedule a meeting to discuss these issues. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

City Manager Stewart presented a request from the library for additional funding. He explained that the City has already committed \$1.1 million to the library expansion in addition to creating a parking lot directly across from the library as a contribution to the project. The library has been looking at a potential short-range shortfall in completing its building project. They have approached the City and County about a loan as opposed to going through banking institutions. Rockingham County has approved a loan to the library up to a maximum of \$375,000. Mr. Stewart requested that City Council provide a loan up to an additional \$375,000 for a total between the City and County of \$750,000. This is a very important project to the library and a key part to the continued work and renovation of downtown Harrisonburg and will be a major anchor in downtown. Council Member Rogers offered a motion to approve this request as presented. 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

Absent - None

George Rontopoulos

commented that as taxpayer and business owner in Harrisonburg, he has been concerned about some articles appearing in the Daily News-Record. He said that he had researched some information on golf on the Internet. He said "I am not a golfer, but I do pay taxes and I am very interested in the way people treat other people." He reviewed information that he had researched disputing information provided about public golf courses in Virginia. He said that the State of Virginia has 319 to 325 golf courses which include private courses,

semi-private courses, military courses, and resorts. Virginia has approximately 100 public golf courses averaging between 25,000 and 60,000 rounds of golf depending on the area. He noted that Front Royal has two 18 holes municipal golf courses and one 9-hole public golf course giving the public a lot of fun and golfing experience. The two golf courses in Front Royal average 40,000 rounds of golf per year. Mr. Rontopoulos said that when City Council decided to build a golf course, it was a very good decision, because Harrisonburg is a good community with good people and golf will be good for the City.

At 8:25 p.m., Council Member Rogers offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Commission on Children and Youth, Harrisonburg Parking Authority, Board of Zoning Appeals, Shenandoah Valley Workforce Investment Board, and the Industrial Development Authority, and the evaluation of a City department, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, amended. Consultation with the City Attorney and briefings by staff members pertaining to contractual matters, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. Discussion concerning a prospective business locating within the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 10:45 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Byrd offered a motion for the following people to be appointed to Commissions and Boards: Shenandoah Valley Workforce Investment Board; Bonnie Keppel, 3330 Willow Spring Road, to a two year term to expire in 2002, David Holsinger, 210 Stone Spring Road, to a three year term to expire in 2003, Industrial Development Authority; Stanley H. Gray, 924 Mockingbird Drive, to a first term to expire on April 24, 2004, and Douglas Andersen, 871 College Avenue, to a term on the Commission on Children and Youth. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

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

CLERK MAYOR

REGULAR MEETING

APRIL 25, 2000

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 A Bonnie Ryan, CMC/AAE, and Chief of Police Donald Harper.

Mayor Eagle delivered the invocation and Matthew L. Wright from the Asbury United Methodist Church Troop #40 led everyone in the Pledge of Allegiance.

Vice-Mayor Lantz offered a motion to approve the minutes on the consent agenda and to dispense with the reading of the minutes from the previous meeting. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

City Manager Stewart presented the proposed 2000-2001 budget to the City Council. There are no tax rates or fee increases in the proposed 2000-2001 budget. This is the seventh straight year with the same real estate and personal property tax rates. The City currently enjoys the second lowest real estate rate among all independent cities in Virginia. Also, a 1% unemployment rate is the second lowest in the entire state. For the fourth consecutive year the City has received the ACertificate of Achievement for Excellence in Financial Reporting@ presented by the Government Finance Officers Association of the United States and Canada. The City continues to be a growth situation indicating a 13.3% population increase since the 1990 census. The proposed 2000-2001 budget in total net expenditures is approximately \$83 million. The General Fund revenues has increased by nearly \$2.5 million. The primary increases (based on growth, not rate increases) will occur in property taxes, sales tax, lodging taxes, meal taxes and an additional contribution from the Harrisonburg Electric Commission. No increases in tax rates or fees are proposed to balance the General Fund budget. The proposed budget is based upon a 62 cent real estate rate which is the third lowest real estate rate among all independent Cities in Virginia. City Manager Stewart explained that the budget focuses on three primary functions, which include education, public safety and infrastructure. The school board budget represents approximately 41% of the total budget. The proposed funding by the City for the School s operating budget represents a 4.9 % increase over the current year funding and represents 100% of the School Board request. For the City to again grant 100% funding increase speaks loudly as to the priority placed on schools. It also reflects the School Division s cooperative spirit in working with Council to insure adequate funds for a quality educational experience for every student. In addition, the City has already approved the issuance of \$5,100,000 in bonds for the Spotswood and Waterman renovations, and air conditioning of the High School fieldhouse. With Council agreeing to fund both school renovation projects at one time, rather than one a year as previously agreed to, the School Division has done its part in the reasonableness of its request for new operating funds. The City s total projected 2000-2001 revenue from all property taxes (real

estate and personal), including penalties and interest is \$16,524,580. The City's proposed 2000-2001 appropriation to the Schools is \$19,761,902. In addition, another \$290,000 is proposed in the Public Transportation budget for the purchase of four (4) new school buses. He pointed out that the increase in student population from 1996-1997 projected through 2000-2001 school year is an increase of approximately 28 students or 0.7%. Also, during that same time period the local funding from the City based on the average daily membership has increased from \$4,609 per student to \$5,520 per student while adding approximately 73 new teachers and teachers= assistants positions to the school division budget. The Police Department's proposed budget has increased by 48.6% when compared to the 1996-1997 budget. In addition, the \$4,471,870 includes hiring two (2) additional investigators, one assigned specifically to narcotics investigations and the other to general investigations, and other civilian support positions. The Fire Department budget has increased by 51% since 1996-1997 primarily due to additional personnel. Six new firefighter positions are proposed in order to complete the City's commitment to the OSHA requirement of the ATwo-In-Two-Out@ rule. Since 1996-1997 through 2000-2001, 18 new firefighters have been added to the Fire Department. Maintaining the City's infrastructure includes an on going bridge replacement including the Chesapeake Avenue Bridge, Port Republic Road improvement, resurfacing nearly 11 miles of City streets, replacing deteriorated sidewalks, replacing various construction equipment, steam plant renovations, feasibility study for the material recovery facility (MRF), renovating and improving the resource recovery facility, sanitation equipment replacement, closing and monitoring the City's existing landfill, upgrading the recycling building, and the City's share of developing the County landfill. The Parks and Recreation's budget includes tennis and basketball court renovations, playground equipment replacement, softball field renovations, railroad crossing safety improvement program, school and transit buses. The Water Fund budget includes development of an eastern water supply, next phase of water treatment plant expansion, replacing aging water lines, and water tank repair. Mr. Stewart said the Sewer Fund includes an on going Blacks Run sewer interceptor upgrade, and infiltration and inflow abatement in various sections of the City.

At 7:50 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 Monday, April 17, 2000.

CITY OF HARRISONBURG, VIRGINIA

PROPOSED BUDGET FOR FISCAL YEAR ENDED JUNE 30, 2001

For information and fiscal planning purposes only

A public hearing will be held by the Harrisonburg City Council on Tuesday, April 25, 2000 at 7:30 p.m. in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. Interested citizens are encouraged to attend and express their views.

2000-01

1999-00

As

As

Revenue-By Funds

Proposed

Amended

General	49,357,061	49,265,400
School	33,921,936	32,561,804
Friendship Industry Grant	-	700,000
General Capital Projects	1,085,000	10,368,483
School Capital Projects	-	2,830,265

Water Capital Projects	1,900,467	3,591,791
Sewer Capital Projects	1,421,807	3,329,777
Public Transportation Capital Projects	50,000	-
Sanitation Capital Projects	1,535,027	3,752,521
Parking Authority Capital Projects	-	52,060
Golf Course Capital Projects	-	6,410,000
Water	5,671,369	5,816,181
Sewer	6,003,711	5,962,473
Public Transportation	3,294,594	4,707,867
Sanitation	8,066,153	7,224,331
Parking Authority	235,143	246,683
Central Garage	599,141	505,939
Central Stores Operating	<u>82,644</u>	<u>94,888</u>
Gross	113,224,053	137,420,463
Inter fund transfers	<u>(29,687,263)</u>	<u>(29,943,548)</u>
Net	<u>83,536,790</u>	<u>107,476,915</u>

Expenditures - By Funds

General	49,357,061	49,265,400
School	33,921,936	32,561,804
Friendship Industry Grant	-	700,000
General Capital Projects	1,085,000	10,368,483

School Capital Projects	-	2, 830,265
Water Capital Projects	1,900,467	3,591,791
Sewer Capital Projects	1,421,807	3,329,777
Public Transportation Capital Projects	50,000	-
Sanitation Capital Projects	1,535,027	3,752,521
Parking Authority Capital Projects	-	52,060
Golf Course Capital Projects	-	6,410,000
Water	5,671,369	5,816,181
Sewer	6,003,711	5,962,473
Public Transportation	3,294,594	4,707,867
Sanitation	8,066,153	7,224,331
Parking Authority	235,143	246,683
Central Garage	599,141	505,939
Central Stores Operating	<u>82,644</u>	<u>94,888</u>
Gross	113,224,053	137,420,463
Inter fund transfers	<u>(29,687,263)</u>	<u>(29,943,548)</u>
Net	<u>83,536,790</u>	<u>107,476,915</u>

Copies of the proposed budget in its entirety are available for public review in the City Manager's office, 345 South Main Street, Harrisonburg, Virginia and the Rockingham Public Library, 45 Newman Avenue, Harrisonburg, Virginia.

Steven E. Stewart

City Manager

City of Harrisonburg, Virginia

Mayor Eagle called on anyone present desiring to speak either for or against the 2000-2001 budget. John Whitfield, Blue Ridge Legal Services Executive Director, presented a request to include \$5,277 into the budget for Blue Ridge Legal Services. He explained that Blue Ridge Legal Services is a non-profit charitable organization serving as the legal aid society for the Shenandoah Valley. The primary office is located in Harrisonburg. Blue Ridge Legal Services mission is to provide free legal assistance to low income people who have civil problems not criminal problems. He said that since 1977 the Federal Government has decreased funding to legal services to the poor. He said that several years ago Congress made a very significant cut in legal services for the poor.

Sally Strickler, a resident living at 1017 Smithland Road, requested that more funding be added to the budget to provide water and sewer to the Smithland Road area. She said that this area was annexed into the City in 1981 yet it remains without water and sewer. She strongly urged City Council to increase the amount of money going toward the Smithland Road project so the residents of the area can have the same benefits as everyone else within the City of Harrisonburg. There being no others desiring to be heard, the public hearing was declared closed at 8:07 p.m., and the regular session reconvened.

Vice-Mayor Lantz commented that education is the biggest part of the budget and he thanked Superintendent Ford for bringing a realistic budget to City Council. He also said that the Liaison Committee positive step in improving communications and the School Division's cooperative spirit in working with Council has insured adequate funds for a quality educational experience for every student. Mayor Eagle commented that it is a realistic budget focusing on three primary functions education, public safety and infrastructure. Vice-Mayor Lantz offered a motion that the 2000-2001 budget be approved for a first reading with the stipulation that the City Manager look into providing some funding for Blue Ridge Legal Services to be included in the second reading of the budget. The motion was seconded by Council Member Rogers, 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

Jim Costie representing the Stonewall Jackson area Boy Scout Council presented a Certificate of Appreciation to Mayor Eagle thanking him for his support of the Friends of the Scouting program. He said that Mayor Eagle held a luncheon inviting many of his friends to participate in the scouting program and raised approximately \$5,000 for the program. The money will be used to support the youth and volunteers in the Harrisonburg/Rockingham area.

Planning and Community Development Director Turner introduced a request by Myrtle Shifflett for approval of a preliminary plat entitled ADivision of Lot 4 of the F. E. Mathias Plat. She explained that a variance is being requested to the subdivision regulation which states that all lots front on a public street. The variance was requested because the rear lot would front an alley, not a public street. She said that the purpose is to take the existing single-family home lot currently fronting on Collicello Street and subdivide it so that the rear of the lot can be developed with a duplex dwelling. There is ample area for both lots to exist and still meet the minimum zoning district requirements. The side of the lot will front on Jackson Street and City services including water, sewer, trash pick up, and emergency access can be provided from this street. She said that Planning Commission recommended approval of the request. Council Member Byrd offered a motion to approved this request 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 Byrd

Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

City Manager Stewart presented a request from the Public Utilities Department to increase petty cash from \$300 to \$600. He explained that the distribution of responsibilities to accept Awalk-in@ customers by more than one employee requires the establishment of additional cash drawers. Council Member Green offered a motion to approve this request. The motion was seconded by Council Member Rogers, 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

City Manager Stewart presented a request for a supplemental appropriation for the Police Department. He explained that these funds will increase the Police Department s budget to pay for tests for the position of police officers. This money was recovered from applicants taking the police test on April 8, 2000. Vice-Mayor Lantz offered a motion to approve this request for a first reading.

\$537.50 chge. to: 1000-31901 Recoveries and Rebates

\$537.50 approp. to: 1000-310131-46140 Other Operating Supply

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

School Superintendent Ford presented a request for a supplemental appropriation for the School Division. He explained that these funds are from interest received on school bonds and funds from the Federal Immigrant Grant. Council Member Green offered a motion to approve this request for a first reading.

\$ 5,121.77 chge. to: 1311-31010 Amount from fund balance

65,328.61 chge. to: 1311-31513 Investment earnings

8,019.00 chge. to: 1111-33301 School revenue - Federal

\$70,450.38 approp. to: 1311-910114-48690 Repairs to elementary schools

8,019.00 approp. to: 1111-111114-40610 Instruction

The motion was seconded by Council Member Rogers, 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

Warren Dillenbeck representing the TAGS (Taxpayers Against Golf Spending) group read the following statement: The following questions relate to apparent irregularities in various procurement and financial management processes in the golf course project. Reference is made to the City Purchasing and Contracting Manual, hereafter called the AManual.@

1. Is the contract with Turf Drain Inc. a valid contract?

The contract which was let to Turf Drain Inc. dated April 3, 2000 is not the one which was put out in the Request for Bid of January 26, 2000 and Addenda 1 and 2, published before the bid opening date.

The Supplementary Conditions in the original Project Manual refer to EJCDC Document 1910-8, 1990 Edition. The Project Manual also includes the required contract forms.

The contract which was let used AIA Document A101-1997 as the Agreement form and AIA Document A201-1997 as the General Conditions. The General Conditions were further modified by addendum between the City and Turf Drain dated April 3, 2000, long after bid opening. Among the modifications in this addendum is Par. 14.4.3. relating to cancellation of the contract by the Owner, which says, A...the contractor shall be entitled to receive ... liquidated damages in the amount of \$200,000 for consequential damages.@

Thus it appears that the City modified the contract in many respects from that which was bid, in violation of the intent of the Manual (See 4-3-14, 16b, 25b) and in particular, in a manner to benefit the contractor with an illegal golden parachute worth \$200,000, which was not offered to other bidders.

In addition, the City awarded the contract in an amount greater than the low bidder's base bid. His base bid was \$2,862,105. The contract was awarded for \$2,889,855, an increase of \$27,750. Turf Drain's bid showed in a note that this was the price of their payment/performance bond, not included in the base bid. The contract documents clearly indicated that this bond was to be included in the base bid.

Paragraph 4-3-25b of the Manual allows negotiation after bid opening only to lower the price of a bid to obtain a contract within available funds. In the two instances cited the City added value to the contractor, in violation of the Manual. Paragraph 4-3-12 of the Manual says, "Any purchase order or contract made contrary to the provisions hereof is not approved and the City shall not be bound thereby."

QUESTION: Why can't we verify the legality of the City's contract with Turf Drain?

2. Was trucking service to haul dirt obtained competitively?

Regarding the trucking of dirt onto the golf course site, Mr. Stewart in a letter of March 31, 2000 to Attorney Steven Blatt said that private hauling costs of \$174,944 were spent from the Public Works budget. The hourly rate paid was from \$35 to \$39 per hour.

This procurement was well over the \$25,000 limit for non-competitive purchases allowed in the Manual, Paragraph 4-3-44. Thus one of two procurement methods were allowed: (1) Advertise for hauling services with a Request for Proposals and award the work on the basis of lowest sealed bids. (Article D) or lowest negotiated bidder (Article F). or (2) Purchase the services from any qualified supplier who matches or lowers the state contract pricing for that service. Paragraph 4-3-45 (6).

We were informed that this work was not advertised on a Request for Proposal. The prices paid were higher than the State contract price for hauling at that time, which was \$32 per hour.

QUESTION: Why did the City violate the Manual in this procurement?

3. Where is the accounting for dirt hauling expenditure?

(1) Mr. Stewart, in his letter of March 31 to Mr. Blatt, said that the Public Works Department also provided dirt hauling services in the amount of \$68,009. So the total Public Works Department funds spent to haul dirt for the golf course were \$174,944 plus \$68,009, or \$242,953.

Although these funds came from the Public Works budget, according to Mr. Stewart, there appears to be no budget item for them in the annual budget. So where did they come from?

QUESTION: Is there some Public Works slush fund that gives ready access to a quarter million dollars?

(2) The golf course budget furnished by W. R. Love in the Concept Plan of November, 1999, showed a line item of \$125,000 for fill material. We've nearly doubled that figure and construction has just begun! And the contract documents anticipate that more fill may be required.

QUESTION: Where is this expenditure being charged? To the golf course? If not, why were we promised that no tax money would be spent on the golf course?

Mayor Eagle commented that developers and contractors traditionally haul dirt and stockpile it especially when it is free. He said that this dirt will be used for various projects in the City and until it is used it will not be charged to the project.

Vice-Mayor Lantz said that since Mr. Dillenbeck had asked so many questions relating to apparent irregularities in various procurement and financial management processes including referring to technical paragraphs, provisions and certain sections of the City's Purchasing and Contracting Manual, he proposed that Mr. Dillenbeck meet with City Manager Stewart and City Attorney Thumma to discuss these questions.

City Attorney Thumma commented that he knew of no violations of procurement practices and knew of no legal problems with the execution of the contract with Turf Drain Inc.

At 8:35 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of personnel and prospective candidates to be appointed to the Social Services Advisory Board, Harrisonburg Parking Authority, and Board of Zoning Appeals, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation and a proposed contract, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. Discussion concerning a prospective business locating within the City, exempt from public meeting requirements pursuant to Section 2.1-344(A)(5) 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 10:30 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:31 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

MAY 9, 2000

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/AAE, and Chief of Police Donald Harper.

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

Vice-Mayor Lantz offered a motion to approve the consent agenda, including approval of the minutes, and the second reading of a supplemental appropriation for the School Division and the Police Department. The motion also included a second reading of the 2000-2001 Appropriation Ordinance. 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 Rogers

Council Member Byrd

Mayor Eagle

Absent - None

APPROPRIATION ORDINANCE

OF THE CITY OF HARRISONBURG, VIRGINIA

For the Fiscal Year Ending June 30, 2001

AN ORDINANCE MAKING APPROPRIATION OF SUMS OF MONEY FOR NECESSARY EXPENDITURES TO THE CITY OF HARRISONBURG, VIRGINIA, FOR THE FISCAL YEAR ENDING JUNE 30, 2001. TO PRESCRIBE THE TERMS, CONDITIONS, AND PROVISIONS WITH RESPECT TO THE ITEMS OF APPROPRIATION AND THEIR PAYMENTS; AND TO REPEAL ALL ORDINANCES WHOLLY IN CONFLICT WITH THIS ORDINANCE, AND ALL PARTS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE TO THE EXTENT OF SUCH INCONSISTENCY.

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

SECTION I - GENERAL FUND (1000)

That the following sums of money be and the same hereby are appropriated for general government purposes herein specified for the fiscal year ending June 30, 2001:

Paragraph One - City Council and Clerk (110111)

For the current expenses and capital outlays of the CITY COUNCIL AND CLERK, a division of the Legislative Department, the sum of one hundred thousand, three hundred ninety-nine dollars (\$100,399) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$40,726
- (2) Other Operating Expenses 54,173
- (3) Capital Outlays 5,500

Paragraph Two - Office of City Manager (120111)

For the current expenses of the OFFICE OF CITY MANAGER, a division of the General and Financial Administration, the sum of two hundred ninety-seven thousand, five hundred seventy dollars (\$297,570) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$204,926
- (2) Other Operating Expenses 92,644

Paragraph Three - Office of City Attorney (120411)

For the current expenses of the OFFICE OF THE CITY ATTORNEY, a division of the General and Financial Administration, the sum of fifty-two thousand, four hundred forty-two dollars (\$52,442) is appropriated from the General Fund to be apportioned as follows:

- (1) Other Operating Expenses \$52,442

Paragraph Four - Department of Human Resources (120511)

For the current expenses and capital outlays of the DEPARTMENT OF HUMAN RESOURCES, a division of the General and Financial Administration, the sum of one hundred seventeen thousand, one hundred ninety-four dollars (\$117,194) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$86,189
- (2) Other Operating Expenses 29,245
- (3) Capital Outlays 1,760

Paragraph Five - Independent Auditor (120811)

For the current expenses of the INDEPENDENT AUDITOR, a division of the General and Financial Administration, the sum of thirteen thousand one hundred dollars (\$13,100) is appropriated from the General Fund to be apportioned as follows:

- (1) Other Operating Expenses \$13,100

Paragraph Six - Commissioner of Revenue (120912)

For the current expenses and capital outlays of the COMMISSIONER OF REVENUE, a division of the General and Financial Administration, the sum of two hundred seventy-five thousand, five hundred sixty-three dollars (\$275,563) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$185,205
- (2) Other Operating Expenses 82,358
- (3) Capital Outlays 8,000

Paragraph Seven - Board of Real Estate Assessors (121012)

For the current expenses and capital outlays of the BOARD OF REAL ESTATE ASSESSORS, a division of the General and Financial Administration, the sum of one hundred thirty-nine thousand, two hundred nineteen dollars (\$139,219) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$85,614
- (2) Other Operating Expenses 50,605
- (3) Capital Outlays 3,000

Paragraph Eight - Board of Equalization (121112)

For the current expenses of the BOARD OF EQUALIZATION, a division of the General and Financial Administration, the sum of four thousand, five hundred dollars (\$4,500) is appropriated from the General Fund to be apportioned as follows:

- (1) Other Operating Expenses \$4,500

Paragraph Nine - City Treasurer (121313)

For the current expenses and capital outlays of the CITY TREASURER, a division of the General and Financial Administration, the sum of three hundred sixty-seven thousand, nine hundred fourteen dollars (\$367,914) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$222,615
- (2) Other Operating Expenses 138,799
- (3) Capital Outlays 6,500

Paragraph Ten - Department of Finance (121511)

For the current expenses and capital outlays of the DEPARTMENT OF FINANCE, a division of the General and Financial Administration, the sum of three hundred one thousand, six hundred thirty-nine dollars (\$301,639) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$203,595
- (2) Other Operating Expenses 95,544

(3) Capital Outlays 2,500

Paragraph Eleven - Retirement Board (121711)

For the current expenses of the RETIREMENT BOARD, a division of the General and Financial Administration, the sum of fifteen thousand, seventy-one dollars (\$15,071) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$14,000

(2) Other Operating Expenses 1,071

Paragraph Twelve - Data Processing (122011)

For the current expenses and capital outlays of DATA PROCESSING, a division of the General and Financial Administration, the sum of one hundred seventy-three thousand, one hundred seven dollars (\$173,107) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$75,653

(2) Other Operating Expenses 71,454

(3) Capital Outlays 26,000

Paragraph Thirteen - Purchasing Agent (122211)

For the current expenses of the PURCHASING AGENT, a division of the General and Financial Administration, the sum of ninety-four thousand, seven hundred eighty-two dollars (\$94,782) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$68,685

(2) Other Operating Expenses 26,097

Paragraph Fourteen - Electoral Board and Officials (130114)

For the current expenses and capital outlays of the ELECTORAL BOARD AND OFFICIALS, a division of the Board of Elections, the sum of one hundred eighteen thousand, three hundred fifty-five dollars (\$118,355) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$70,778

(2) Other Operating Expenses 41,577

(3) Capital Outlays 6,000

Paragraph Fifteen - Police Department (310131)

For the current expenses and capital outlays of the POLICE DEPARTMENT, a division of the Department of Public Safety, the sum of four million, four hundred seventy-one thousand, eight hundred seventy dollars (\$4,471,870) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$3,006,719
- (2) Other Operating Expenses 1,281,251
- (3) Capital Outlays 183,900

Paragraph Sixteen - Emergency Operations Center (310432)

For the current expenses and capital outlays of the EMERGENCY OPERATIONS CENTER, a division of the Department of Public Safety, the sum of five hundred thousand, three hundred forty-seven dollars (\$500,347) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$335,838
- (2) Other Operating Expenses 148,809
- (3) Capital Outlays 15,700

Paragraph Seventeen - Fire Department (320132)

For the current expenses and capital outlays of the FIRE DEPARTMENT, a division of the Department of Public Safety, the sum of three million, two hundred thirty-nine thousand, three hundred eighty-one dollars (\$3,239,381) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$2,093,343
- (2) Other Operating Expenses 997,481
- (3) Capital Outlays 148,557

Paragraph Eighteen - City and County Jail (330231)

For the current expenses of the CITY AND COUNTY JAIL, a division of the Department of Public Safety, the sum of sixty-one thousand dollars (\$61,000) is appropriated from the General Fund to be apportioned as follows:

- (1) Other Operating Expenses \$61,000

Paragraph Nineteen - Building Inspection (340121)

For the current expenses and capital outlays of BUILDING INSPECTION, a division of the Department of Public Safety, the sum of four hundred forty-four thousand, one hundred forty-four dollars (\$444,144) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$284,158
- (2) Other Operating Expenses 117,186
- (3) Capital Outlays 42,800

Paragraph Twenty - Animal Control (350131)

For the current expenses of ANIMAL CONTROL, a division of the Department of Public Safety, the sum of seventy-six thousand, five hundred forty-five dollars (\$76,545) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$22,780
- (2) Other Operating Expenses 53,765

Paragraph Twenty-One - Coroner (350331)

For the current expenses of the CORONER, a division of the Department of Public Safety the sum of nine hundred dollars (\$900) is appropriated from the General Fund to be apportioned as follows:

- (1) Other Operating Expenses \$900

Paragraph Twenty-Two - Emergency Services (350532)

For the current expenses of EMERGENCY SERVICES, a division of the Department of Public Safety, the sum of one hundred seventy-nine thousand, twenty-four dollars (\$179,024) is appropriated from the General Fund to be apportioned as follows:

- (1) Other Operating Expenses \$179,024

Paragraph Twenty-Three - General Engineering/Administration (410121)

For the current expenses and capital outlays of GENERAL ENGINEERING ADMINISTRATION, a division of the Department of Public Works, the sum of six hundred ten thousand, nine hundred nine dollars (\$610,909) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$398,775
- (2) Other Operating Expenses 163,134
- (3) Capital Outlays 49,000

Paragraph Twenty-Four - Street Inspection, Repairs & Maintenance (410241)

For the current expenses and capital outlays of STREET INSPECTION REPAIRS AND MAINTENANCE, a division of the Department of Public Works, the sum of three million, five hundred seventy-three thousand, three hundred ninety-two dollars (\$3,573,392) is appropriated from General Fund to be apportioned as follows:

- (1) Personal Services \$963,788
- (2) Other Operating Expenses J,267,934
- (3) Capital Outlays 341,670

Paragraph Twenty-Five - Street Lights (410441)

For the current expenses of STREET LIGHTS, a division of the Department of Public Works, the sum of four hundred thousand dollars (\$400,000) is appropriated from the General Fund to be apportioned as follows:

- (1) Other Operating Expenses \$400,000

Paragraph Twenty-Six - Snow and Ice Removal (410541)

For the current expenses and capital outlays of SNOW AND ICE REMOVAL, a division of the Department of Public Works, the sum of one hundred forty-three thousand, six hundred five dollars (\$143,605) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$46,080
- (2) Other Operating Expenses 87,525
- (3) Capital Outlays 10,000

Paragraph Twenty-Seven - Traffic Engineering (410741)

For the current expenses and capital outlays of TRAFFIC ENGINEERING, a division of the Department of Public Works, the sum of seven hundred nineteen thousand, five hundred eighty-eight dollars (\$719,588) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$262,524
- (2) Other Operating Expenses 337,064
- (3) Capital Outlays 120,000

Paragraph Twenty-Eight - Highway/Street Beautification (410841)

For the current expenses and capital outlays of HIGHWAY/ STREET BEAUTIFICATION, a division of the Department of Public Works, the sum of two hundred seventy-one thousand, six hundred seventy-two dollars (\$271,672) is appropriated from the General Fund to be appointed as follows:

- (1) Personal Services \$114,030
- (2) Other Operating Expenses 107,642
- (3) Capital Outlays 50,000

Paragraph Twenty-Nine - Street Cleaning (420241)

For the current expenses and capital outlays of STREET CLEANING, a division of Public Works, the sum of two hundred eighty-one thousand, two hundred sixty-four dollars (\$281,264) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$106,496
- (2) Other Operating Expenses 95,768

(3) Capital Outlays 79,000

Paragraph Thirty - Insect and Rodent Control (420641)

For the current expenses and capital outlays of INSECT AND RODENT CONTROL, a division of the Department of Public Works, the sum of forty-three thousand, four hundred sixty-six dollars (\$43,466) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$26,815
(2) Other Operating Expenses 13,651
(3) Capital Outlays 3,000

Paragraph Thirty-One - General Properties (430221)

For the current expenses and capital outlays of GENERAL PROPERTIES, a division of the Department of Public Works, the sum of two hundred eighteen thousand, four hundred thirty dollars (\$218,430) is appropriated from the General Fund to be apportioned as follows:

(1) Personal Services \$21,344
(2) Other Operating Expenses 114,086
(3) Capital Outlays 83,000

Paragraph Thirty-Two - Local Health Department (510111)

For the current expenses of the LOCAL HEALTH DEPARTMENT, a division of the Health and Welfare Department, the sum of two hundred seventy-four thousand, one hundred thirty-one dollars (\$274,131) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$274,131

Paragraph Thirty-Three - Community Services Board (520511)

For the current expenses of the COMMUNITY SERVICES BOARD, a division of the Health and Welfare Department, the sum of one hundred one thousand, nine hundred sixty-seven dollars (\$101,967) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$101,967

Paragraph Thirty-Four - Tax Relief for Elderly (530611)

For the current expenses of TAX RELIEF FOR ELDERLY, a division of the Health and Welfare Department, the sum of twenty-six thousand dollars (\$26,000) is appropriated from the General Fund to be apportioned as follows:

(1) Other Operating Expenses \$26,000

Paragraph Thirty-Five - Parks and Recreation Administration (710171)

For the current expenses and capital outlays of PARKS AND RECREATION ADMINISTRATION, a division of Parks, Recreation and Cultural, the sum of one million, six hundred forty-five thousand, four hundred thirty-four dollars (\$1,645,434) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$755,937
- (2) Other Operating Expenses 593,824
- (3) Capital Outlays 295,673

Paragraph Thirty-Six - Recreation Centers and Playgrounds (710471)

For the current expenses and capital outlays of RECREATION CENTERS AND PLAYGROUNDS, a division of Parks, Recreation and Cultural, the sum of three hundred sixty-four thousand, five hundred twenty-seven dollars (\$364,527) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$228,770
- (2) Other Operating Expenses 133,757
- (3) Capital Outlays 2,000

Paragraph Thirty-Seven - National Guard Armory (710571)

For the current expenses of the NATIONAL GUARD ARMORY, a division of Parks, Recreation and Cultural, the sum of sixty-nine thousand, seven hundred forty-seven dollars (\$69,747) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$30,956
- (2) Other Operating Expenses 38,791

Paragraph Thirty-Eight - Simms Recreation Center (710671)

For the current expenses and capital outlays of the SIMMS RECREATION CENTER, a division of Parks, Recreation and Cultural, the sum of six hundred dollars (\$600) is appropriated from the General Fund to be apportioned as follows:

- (1) Other Operating Expenses \$ 600

Paragraph Thirty-Nine - Westover Swimming Pool (710771)

For the current expenses and capital outlays of the WESTOVER SWIMMING POOL, a division of Parks, Recreation and Cultural, the sum of two hundred sixty-five thousand, six hundred forty-six dollars (\$265,646) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$145,233
- (2) Other Operating Expenses 93,413
- (3) Capital Outlays 27,000

Paragraph Forty - Athletic Complex (710871)

For the current expenses and capital outlays of the ATHLETIC COMPLEX at the old landfill, a division of Parks, Recreation and Cultural, the sum of one hundred fifteen thousand, five hundred forty-four dollars (\$115,544) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$18,174
- (2) Other Operating Expenses 32,370
- (3) Capital Outlays 65,000

Paragraph Forty-One - Planning Commission (810121)

For the current expenses and capital outlays of the PLANNING COMMISSION, a division of the Department of Community Development, the sum of one hundred thirty-five thousand, one hundred twenty-three dollars (\$135,123) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$88,683
- (2) Other Operating Expenses 44,090
- (3) Capital Outlays 2,350

Paragraph Forty-Two - Zoning Administration (810221)

For the current expenses of ZONING ADMINISTRATION, a division of the Department of Community Development, the sum of seventy-eight thousand, six hundred thirty-five dollars (\$78,635) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$58,526
- (2) Other Operating Expenses 20,109

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

For the current expenses of the BOARD OF ZONING APPEALS, a division of the Department of Community Development, the sum of four thousand, five hundred ninety-two dollars (\$4,592) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$1,200
- (2) Other Operating Expenses 3,392

Paragraph Forty-Four - Economic Development (810521)

For the current expenses and capital outlays of the DEPARTMENT OF ECONOMIC DEVELOPMENT, the sum of one hundred eighty-six thousand, three hundred dollars (\$186,300) is appropriated from the General Fund to be apportioned as follows:

- (1) Personal Services \$ 60,796

- (2) Other Operating Expenses 125,004
- (3) Capital Outlays 500

Paragraph Forty-Five - Non-Departmental - Contributions (910411)

For aiding the activities of independent, civic, charitable, and other organizations, the sum of six hundred ninety-three thousand, sixteen dollars (\$693,016) is appropriated from the General Fund to be apportioned as follows:

43850 Central Shenandoah Planning District	\$8,043
45639 Office of Youth Services	6,333
45642 Local Chamber of Commerce	3,000
45644 Salvation Army	4,400
45645 Rescue Squad-Gas and Oil	20,000
45647 Shen Val. Soil & Water Conservation Dist.	3,500
45648 Blue Ridge Community College	3,000
45649 Rockingham County Historical Society	2,000
45650 Valley Program for Aging Services	20,600
45652 First Step, Inc.	21,000
45653 Non-Departmental CATV	5,000
45654 Convention & Visitors Bureau	50,470
45656 BRCC-Site Improvement	33,200
45658 Greener Harrisonburg	1,000
45659 Blue Ridge Legal Services	1,000
45660 Other Non-departmental	24,000
45664 Woodbine Cemetery	1,500
45669 Boys and Girls Club	45,000
44883 First Night	5,000
47010 Rockingham County Library-Operating	304,440
47020 Upper Valley Regional Park Authority	30,000

47030 Juvenile Detention Home 100,530

Paragraph Forty-Six - Non Departmental - Joint Operations (910511)

For the payment of joint expenses, the sum of two million, two hundred sixteen thousand, one hundred eight dollars (\$2,216,108) is appropriated from the General Fund to be apportioned as follows:

47070 Expense of Sheriff, Courts, etc. \$1,342,439

47071 Expense of Social Service District 873,669

Paragraph Forty-Seven - Non Departmental Subscriptions/Contribution (910611)

For the payment of Airport Expenses, the sum of forty-five thousand dollars (\$45,000) is appropriated from the General Fund to be apportioned as follows:

47040 Airport - Operating \$45,000

Paragraph Forty-Eight - Non Departmental Dues to Municipal Organization (910711)

For the payment of dues to Municipal Organizations. The sum of fifteen thousand dollars (\$15,000) is appropriated from the General fund to be apportioned as follows:

45810 Dues and Memberships \$15,000

Paragraph Forty-Nine - Indebtedness Requirement General Fund (980142)

For the payment of interest and principal on bonds and lease purchases and bank handling charges of the City of Harrisonburg, Virginia, the sum of one million, six hundred seventy-nine thousand, seven hundred nine dollars (\$1,679,709) is appropriated from the General Fund to be apportioned as follows:

(1) Serial Bonds and Interest \$1,676,109

(2) Bank Handling Charges 3,600

Paragraph Fifty - Transfers to Other Funds (990111)

For supplementing the revenue of other funds the sum of twenty-three million, nine hundred thirty-three thousand, five hundred ninety dollars (\$23,933,590) is appropriated from the General Fund to be apportioned as follows:

(1) General Capital Projects Fund \$1,085,000

(2) School Fund 19,761,902

(3) Central Garage Fund 82,872

(4) Central Stores Fund 5,772

(5) Public Transportation Fund 558,960

- (6) Sanitation Fund 2,436,660
- (7) Parking Authority Fund 2,424

Paragraph Fifty-One - Reserve for Contingencies (940111)

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

- (1) Reserve for Contingencies \$200,000

S U M M A R Y

Expenditures and Revenues

Total General Fund Appropriation for the

Fiscal Year Ending June 30, 2001 \$49,357,061

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

Amount from Fund Balance	\$ 833,724
General Property Taxes	16,524,280
Other Local Taxes	20,563,609
Permits, Privilege Fees and	
Regulatory Licenses	427,000
Fines and Forfeitures	349,000
Revenue from use of Money & Property	984,800
Charges for Services	245,700
Miscellaneous Revenue	3,700,363
Recovered Costs	40,000
Non-Categorical Aid	2,166,848
Shared Expenses (Categorical-Aid)	284,697
Other Categorical-Aid State	2,494,372
Transfers from other Funds	<u>742,668</u>
Total General Fund Revenue	

for the Fiscal Year Ending June 30, 2001 \$49,357,061

SECTION II - SCHOOL FUND (1111)

That the following sums of money be and the same hereby are appropriated for school purposes specified for the fiscal year ending June 30, 2001:

Paragraph One - Instruction (40610)

For the current expenses of INSTRUCTION OF THE DEPARTMENT OF EDUCATION, the sum of twenty-three million, five hundred eighty-one thousand, seven hundred thirty-three dollars (\$23,581,733) is appropriated from the City School Fund to be apportioned as follows:

(1) Instruction \$23,581,733

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

For the current expenses of ADMINISTRATION/ATTENDANCE & HEALTH SERVICE OF THE DEPARTMENT OF EDUCATION, the sum of one million, six hundred ninety-eight thousand, seven hundred five dollars (\$1,698,705) is appropriated from the City School Fund to be apportioned as follows:

(1) Administration/Attendance & Health Service \$1,698,705

Paragraph Three - Public Transportation Services (40630)

For the current expenses of PUPIL TRANSPORTATION SERVICES OF THE DEPARTMENT OF EDUCATION, the sum of eight hundred thirty-six thousand, one hundred thirteen dollars (\$836,113) is appropriated from the City School Fund to be apportioned as follows:

(1) Pupil Transportation Service \$836,113

Paragraph Four - Operations & Maintenance (40640)

For the current expenses of OPERATIONS AND MAINTENANCE OF THE DEPARTMENT OF EDUCATION, the sum of two million, nine hundred twenty-nine thousand, five hundred ninety-seven dollars (\$2,929,597) is appropriated from the City School Fund to be apportioned as follows:

(1) Operations and Maintenance \$2,929,597

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

For the current expenses of SCHOOL FOOD SERVICES AND OTHER NON INSTRUCTIONAL OPERATIONS OF THE DEPARTMENT OF EDUCATION, the sum of one million, seven hundred twenty-four thousand, nine hundred eight dollars (\$1,724,908) is appropriated from the City School Fund to be apportioned as follows:

(1) School Food Services & Other

Non Instructional Operations \$1,724,908

Paragraph Six - Facilities (40660)

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

(1) Facilities \$2,000

Paragraph Seven - Indebtedness Requirements School Fund (40670)

For the payment of interest and principal on bonds, etc., of the School System of the City of Harrisonburg, Virginia, the sum of three million, one hundred forty-eight thousand, eight hundred eighty dollars (\$3,148,880) is appropriated from the City School Fund to be apportioned as follows:

(1) Serial Bonds and Interest \$3,148,880

S U M M A R Y

Expenditures and Revenues

Total School Fund Appropriations for

Fiscal Year Ending June 30, 2001 \$33,921,936

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

Receipts from State School Funds \$10,970,585

Revenue from Federal Funds 1,859,927

Receipts from other Funds 1,329,522

Transfers Receipts from City's General Fund 19,761,902

Total School Fund Revenue

for the Fiscal Year Ending June 30, 2001 \$33,921,936

SECTION III - GENERAL CAPITAL PROJECTS FUND (1310)

That the following sum of money be and the same hereby are appropriated for General Capital Projects purposes herein specified for the fiscal year ended June 30, 2001:

Paragraph One - Capital Projects (910141)

For the payment of capital expenditures of the General Capital Projects Fund, the sum of one million eighty-five thousand dollars (\$1,085,000) appropriated as follows:

48608 Chesapeake Avenue Bridge \$ 80,000
48610 2-way Communication System 500,000
48617 Port Republic Road Street Improvement 300,000
48620 Burgess Road Extension 205,000

S U M M A R Y

Expenditures and Revenues

Total General Capital Projects Fund Appropriation
for the Fiscal Year Ended June 30, 2001 \$1,085,000

To be provided from the following estimated revenues which are as follows:

34210 Transfer from General Fund \$1,085,000

Total General Capital Projects Fund Revenue
For the fiscal Year Ending June 30, 2001 \$1,085,000

SECTION IV - Water Capital Projects Fund (1321)

That the following sum of money be and the same hereby are appropriated for Water Capital Projects purposes herein specified for the fiscal year ended June 30, 2001:

Paragraph One - Capital Projects (910161)

For the payment of capital expenditures of the Water Capital Projects Fund, the sum of one million, nine hundred thousand, four hundred sixty-seven dollars (\$1,900,467) is appropriated as follows:

48621 Western Raw Water Line \$ 340,000
48622 Garbers Church/Silver Lake Pump Station 25,000
48627 Washington Street Tank Repair 168,000
48628 WTP Expansion Project 340,000
48630 Central Stores Building Project 50,000
48631 Park View Water Improvement 25,000
48633 Smithland Road 25,000
48634 Water Main Oversize/Extend 40,700
48635 Water Main Upgrades 86,767

48654 Eastern Source Development 800,000

SUMMARY

Expenditures and Revenues

Total Water Capital Projects Fund Appropriations

for the Fiscal Year Ended June 30, 2001 \$1,900,467

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

34220 Transfer from Water Fund \$1,900,467

Total Water Capital Projects Fund Revenue

for the Fiscal Year Ended June 30, 2001 \$1,900,467

SECTION V - Sewer Capital Projects Fund (1322)

That the following sum of money be and the same hereby are appropriated for Sewer Capital Projects purposes herein specified for the fiscal year ended June 30, 2001:

Paragraph One - Capital Projects (911161)

For the payment of capital expenditures of the Sewer Capital Projects Fund, the sum of one million, four hundred twenty-one thousand eight hundred seven dollars (\$1,421,807) is appropriated as follows:

48630 Central Stores Building Project \$ 50,000

48641 Blacks Run Interceptor 400,000

48642 Park View Sewer Improvement 322,307

48645 PHR&A I&I 400,000

48647 HRRSA WWTP Expansion 50,000

48649 Smithland Road 75,000

48650 Sewer Main Oversize/Extension 100,000

48651 Sewer Main Upgrades 24,500

SUMMARY

Expenditures and Revenues

Total Sewer Capital Projects Fund Appropriation

for the Fiscal Year Ended June 30, 2001 \$1,421,807

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

34230 Transfer from Sewer Fund \$1,421,807

Total Sewer Capital Projects Fund Revenue

for the Fiscal Year Ended June 30, 2001 \$1,421,807

SECTION VI - Public Transportation Capital Projects Fund (1323

)

That the following sum of money be and the same hereby are appropriated for Public Transportation Capital Projects purposes herein specified for the fiscal year ended June 30, 2001:

Paragraph One - Capital Projects (911381)

For the payment of capital expenditures of the Public Transportation Capital Projects Fund, the sum of fifty thousand (\$50,000) is appropriated as follows:

48661 Transit Building Addition \$50,000

SUMMARY

Expenditure and Revenue

Total Transit Capital Projects Fund appropriation

for the Fiscal Year Ended June 30, 2001 \$50,000

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

34260 Transfer from Public Transportation Fund \$50,000

Total Public Transportation Capital Projects Fund Revenue

for the Fiscal Year Ended June 30, 2001 \$50,000

SECTION VII - Sanitation Capital Projects Fund (1324)

That the following sum of money be and the same hereby are appropriated for Sanitation Capital Projects purposes herein specified for the fiscal year ended June 30, 2001:

Paragraph One - Capital Projects (910142)

For the payment of capital expenditures of the Sanitation Capital Projects Fund, the sum of one million, five hundred thirty-five thousand twenty-seven dollars (\$1,535,027) is appropriated as follows:

48681 Landfill closure and monitoring	\$423,000
48682 Retro-Fit Steam Plant	200,000
48683 Steam Plant for CISAT	250,000
48684 County Landfill Dev & Closure	292,027
48685 Recycling Development	370,000

SUMMARY

Expenditure and Revenue

Total Sanitation Capital Projects Fund appropriation

for the Fiscal Year Ended June 30, 2001 \$1,535,027

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

34270 Transfer from Sanitation Fund \$1,535,027

Total Sanitation Capital Projects Fund Revenue

for the Fiscal Year Ended June 30, 2001 \$1,535,027

SECTION VIII- WATER FUND (2011)

That the following sums of money be and the same hereby are appropriated for water purposes herein specified for the fiscal year ending June 30, 2001:

Paragraph One - Administration (312061)

For the current expenses of ADMINISTRATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of two hundred nineteen thousand, six hundred fifty-five dollars (\$219,655) is appropriated from the Water Fund to be apportioned as follows:

- (1) Personal Services \$124,093
- (2) Other Operating Expenses 95,562

Paragraph Two - Pumping, Storage and Monitoring (322061)

For the current expenses of PUMPING, STORAGE AND MONITORING OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of four hundred twenty-five thousand, two hundred twenty-seven dollars (\$425,227) is appropriated from the Water Fund to be apportioned as follows:

- (1) Personal Services \$55,443

(2) Other Operating Expenses 369,784

Paragraph Three - Transmission and Distribution (332061)

For the current expenses of TRANSMISSION AND DISTRIBUTION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of six hundred sixty-one thousand, seven hundred nine dollars (\$661,709) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$384,012

(2) Other Operating Expenses 277,697

Paragraph Four - Utility Billing (342061)

For the current expenses of UTILITY BILLING OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred fifty-four thousand, seventy-two dollars (\$154,072) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$90,000

(2) Other Operating Expenses 64,072

Paragraph Five - Miscellaneous (352061)

For the current expenses, depreciation and payment of taxes, the sum of one million, one thousand, one hundred sixteen dollars (\$1,001,116) is appropriated from the Water Fund to be apportioned as follows:

(1) Other Operating Expenses \$10,000

(2) Depreciation 805,932

(3) Taxes, etc. 185,184

Paragraph Six - Water Purification (362061)

For the current expenses of WATER PURIFICATION OF THE WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of six hundred eighty-eight thousand, four hundred fifty-nine dollars (\$688,459) is appropriated from the Water Fund to be apportioned as follows:

(1) Personal Services \$415,454

(2) Other Operating Expenses 273,005

Paragraph Seven - Capital Outlay (372061)

For the capital outlays of the WATER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred seventy-four thousand dollars (\$174,000) is appropriated from the Water Fund to be apportioned as follows:

(1) Capital Outlays \$174,000

Paragraph Eight - Transfers (392061)

For sharing the costs of operation in other funds for the benefit of the Water Fund, the sum of two million, three hundred forty-seven thousand, one hundred thirty-one dollars (\$2,347,131) is appropriated from the Water Fund to be apportioned as follows:

(1) General Fund-Share of

Accounting, Collecting &

Data Processing \$357,288

(2) Water Capital Projects Fund 1,900,467

(3) Central Garage Fund 18,300

(4) Central Stores Fund 71,076

SUMMARY

Expenditures and Revenues

Total Water Fund Appropriations for

the Fiscal Year Ending June 30, 2001 \$5,671,369

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

Permits, Privilege Fees and

Regulatory Licenses 173,000

Revenue from use of Money & Property 204,000

Charges for Services 4,350,337

Recovered Costs 138,100

Transfers of depreciation 805,932

Total Water Fund Revenues

for the Fiscal Year Ending June 30, 2001 \$5,671,369

SECTION IX - SEWER FUND (2012)

That the following sums of money be and the same hereby are appropriated for sewerage purposes herein specified for the fiscal year ending June 30, 2001.

Paragraph One - Administration (412061)

For the current expenses of ADMINISTRATION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of two hundred eighty-five thousand, four hundred four dollars (\$285,404) is appropriated from the Sewer Fund to be apportioned as follows:

- (1) Personal Services \$167,293
- (2) Other Operating Expenses 118,111

Paragraph Two - Treatment and Disposal (422061)

For the current expenses of TREATMENT AND DISPOSAL OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of nine hundred eighteen thousand, twenty-four dollars (\$918,024) is appropriated from the Sewer Fund to be apportioned as follows:

- (1) Other Operating Expenses \$ 918,024

Paragraph Three - Collection and Transmission (432061)

For the current expenses of the COLLECTION AND TRANSMISSION OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of six hundred fifty-four thousand, five hundred eighty-nine dollars (\$654,589) is appropriated from the Sewer Fund to be apportioned as follows:

- (1) Personal Services \$390,391
- (2) Other Operating Expenses 264,198

Paragraph Four - Miscellaneous (442061)

For the current expenses, depreciation and the payment of taxes, the sum of eight hundred fifty thousand, five hundred eight dollars (\$850,508) is appropriated from the Sewer Fund to be apportioned as follows:

- (1) Other Operating Expenses \$3,500
- (2) Depreciation 686,268
- (3) Taxes, etc. 160,740

Paragraph Five - Utility Billing (452061)

For the current expenses of UTILITY BILLING OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of one hundred seventy thousand, seven hundred twelve dollars (\$170,712) is appropriated from the Sewer Fund to be apportioned as follows:

- (1) Personal Services \$83,497
- (2) Other Operating Expenses 87,215

Paragraph Six - Pumping & Monitoring (462061)

For the current expenses of PUMPING AND MONITORING OF THE SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of fifty-eight thousand, nine hundred sixty dollars

(\$58,960) is appropriated from the Sewer Fund to be apportioned as follows:

- (1) Personal Services \$33,596
- (2) Other Operating 25,364

Paragraph Seven - Capital Outlay (472061)

For the capital outlays of the SEWER DEPARTMENT, a division of the Department of Public Service Enterprises, the sum of two hundred seventy-five thousand dollars (\$275,000) is appropriated from the Sewer Fund to be apportioned as follows:

- (1) Capital Outlays \$275,000

Paragraph Eight - Indebtedness Requirement - Sewer Fund (482061)

For the payment of the City's share of interest and principal on HRSA debt, the sum of one million, twelve thousand, seven dollars (\$1,012,007) is appropriated from the Sewer Fund to be apportioned as follows:

- (1) Serial Bonds, Interest, etc. \$1,012,007

Paragraph Nine - Transfers to Other Funds (492061)

For sharing the cost of operation of other funds for the benefit of the Sewer Fund, the sum of one million, seven hundred seventy-eight thousand, five hundred seven dollars (\$1,778,507) is appropriated from the Sewer Fund to be apportioned as follows:

- (1) General Fund - Share of Accounting, Collecting, & Data Processing Costs \$345,372
- (2) Sewer Capital Projects Fund 1,421,807
- (3) Central Garage Fund 5,532
- (4) Central Stores Fund 5,796

SUMMARY

Expenditures and Revenues

Total Sewer Fund Appropriations for the Fiscal Year Ending June 30, 2001 \$6,003,711

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

Permits, Privilege Fees and

Regulatory Licenses	\$ 70,000	
Revenue from use of Money & Property		206,443
Charges for Services	5,012,000	
Recovered Costs	29,000	
Transfers of depreciation	<u>686,268</u>	
Total Sewer Fund Revenues		
for the Fiscal Year Ending June 30, 2001		<u>\$6,003,711</u>

SECTION X - PUBLIC TRANSPORTATION FUND (2013)

That the following sum of money be and the same hereby are appropriated for Public Transportation purposes herein specified for the fiscal year ending June 30, 2001:

Paragraph One - Transit Buses (812081)

For the current expenses and depreciation of the TRANSIT BUSES, a division of the Public Transportation Fund, the sum of one million, six hundred eighty-one thousand, four hundred forty-one dollars (\$1,681,441) is appropriated from the Public Transportation Fund to be apportioned as follows:

- (1) Personal Services \$878,770
- (2) Other Operating Expenses 727,671
- (3) Depreciation 75,000

Paragraph Two - School Buses (822081)

For the current expenses and depreciation of the SCHOOL BUSES, a division of the Public Transportation Fund, the sum of nine hundred fifty-one thousand, six hundred twelve dollars (\$951,612) is appropriated from the Public Transportation Fund to be apportioned as follows:

- (1) Personal Services \$532,780
- (2) Other Operating Expenses 358,832 (3) Depreciation 60,000

Paragraph Three - Field Trips & Charters (832081)

For the current expenses of FIELD TRIPS AND CHARTERS, a division of the Public Transportation Fund, the sum of one hundred twelve thousand, two hundred fourteen dollars (\$112,214) is appropriated from the Public Transportation Fund to be apportioned as follows:

- (1) Personal Services \$83,800
- (2) Other Operating Expenses 28,414

Paragraph Four - Miscellaneous (842081)

For the current expenses and depreciation of MISCELLANEOUS, a division of the Public Transportation Fund, the sum of sixty-four thousand, three hundred twenty-seven dollars (\$64,327) is appropriated from the Public Transportation Fund to be apportioned as follows:

- (1) Personal Services \$11,000
- (2) Other Operating Expenses 3,325
- (3) Depreciation 50,002

Paragraph Five - Capital Outlay (872081)

For the capital outlays of the PUBLIC TRANSPORTATION DEPARTMENT, a division of the Public Transportation Fund, the sum of four hundred thirty-five thousand dollars (\$435,000) is appropriated from the Public Transportation Fund to be apportioned as follows:

- (1) Capital Outlays \$435,000

Paragraph Six - Transfers (892081)

For transfers to Capital Projects for transit building addition costs of the Public Transportation Fund. The sum of fifty thousand dollars (\$50,000) is appropriated from the public transportation fund to be appropriated as follows:

- (1) Transfers to Public Transportation Capital Projects \$50,000

S U M M A R Y

Expenditures and Revenues

Total Public Transportation Fund Appropriations

for the Fiscal Year Ending June 30, 2001 \$3,294,594

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

Charges for Services \$1,718,375

Recovered Costs 2,000

Categorical Aid-Commonwealth 310,000

Categorical Aid-Federal 480,000

Use of Money and Property 40,597

Transfers from General Fund and depreciation 743,622

Total Public Transportation Fund Revenues

for the Fiscal Year ending June 30, 2001 \$3,294,594

SECTION XI - SANITATION FUND

That the following sums of money be and the same hereby are appropriated for Sanitation purposes herein specified for the fiscal year ending June 30, 2001:

Paragraph One - Co-Generation Facility (912142)

For the current expenses of the CO-GENERATION FACILITY, a division of the Sanitation Fund, the sum of one hundred forty-seven thousand, nine hundred sixty-six dollars (\$147,966) is appropriated from the Sanitation Fund to be apportioned as follows:

- (1) Personal Services \$ 41,155
- (2) Other Operating Expenses 106,811

Paragraph Two - CISAT Facility (912242)

For the current expenses of the CISAT FACILITY, a division of the Sanitation Fund, the sum of one million, eight hundred sixty-eight thousand, eight hundred ninety-one dollars (\$1,868,891) is appropriated from the Sanitation Fund to be apportioned as follows:

- (1) Personal Services \$646,504
- (2) Other Operating Expenses 972,387
- (3) Transfer to Capital Projects 250,000

Paragraph Three - Refuse Collection (922041)

For the current expenses of the REFUSE COLLECTION, a division of the Sanitation Fund, the sum of four hundred sixty-one thousand, three hundred fifty-five dollars (\$461,355) is appropriated from the Sanitation Fund to be apportioned as follows:

- (1) Personal Services \$275,890
- (2) Other Operating Expenses 185,465

Paragraph Four - Sanitary Landfill (932042)

For the current expenses of the SANITARY LANDFILL, a division of the Sanitation Fund, the sum of seven hundred sixty-four thousand, four hundred ninety-eight dollars (\$764,498) is appropriated from the Sanitation Fund to be apportioned as follows:

- (1) Personal Services \$ 20,459

(2) Other Operating Expenses 744,039

Paragraph Five - Miscellaneous (942042)

For depreciation, bonds issue cost and the payment of taxes of MISCELLANEOUS, a division of the Sanitation Fund, the sum of three hundred forty-seven thousand, seventy-six dollars (\$347,076) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Depreciation \$298,872
(2) Bond Issue cost 21,660
(3) Land and steam agreement 26,544

Paragraph Six - Sanitary Recycling (952042)

For the current expenses of the SANITARY RECYCLING, a division of the Sanitation Fund, the sum of five hundred twenty-two thousand, one hundred sixty-six dollars (\$522,166) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Personal Services \$264,240
(2) Other Operating Expenses 257,926

Paragraph Seven - Capital Outlay (972043)

For the capital outlays of the SANITATION DEPARTMENT, a division of the Sanitation Fund, the sum of three hundred forty thousand dollars (\$340,000) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Capital Outlays \$340,000

Paragraph Eight - Debt Service (982042)

For the payment of interest and principal, etc., on bonds of the Sanitation Fund, the sum of two million, three hundred twenty-nine thousand, one hundred seventy-four dollars (\$2,329,174) is appropriated from the Sanitation Fund to be apportioned as follows:

(1) Serial Bonds and Interest \$2,329,174

Paragraph Nine - Transfers (990242)

For transfers to Capital Projects for landfill closure and monitoring costs of the Sanitation Fund. The sum of one million, two hundred eighty-five thousand, twenty-seven dollars (\$1,285,027) is appropriated from the Sanitation Fund to be apportioned as follows.

(1) Transfers to Sanitation Capital Projects

Fund \$1,285,027

S U M M A R Y

Expenditures and Revenues

Total Sanitation Fund appropriations
for the Fiscal Year Ending June 30, 2001 \$8,066,153

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

Amount from Fund Balance \$745,805
Revenue from use of Money & Property 200,216
Licenses Permits and Privilege Fees 200
Charges for Services 2,355,000
Recovered Costs 2,123,840
Miscellaneous Revenues 60,000
Transfers from General Fund, depreciation, etc. 2,581,092

Total Sanitation Fund Revenues
for the Fiscal Year Ending June 30, 2001 \$8,066,153

SECTION XII - PARKING AUTHORITY FUND (2015)

That the following sums of money be and the same hereby are appropriated for Parking Authority purposes herein specified for the fiscal year ending June 30, 2001:

Paragraph One - Parking Authority (410641)

For the current expenses and capital outlays and transfers of the PARKING AUTHORITY, a division of the Parking Authority Fund, the sum of two hundred thirty-five thousand, one hundred forty-three dollars (\$235,143) is appropriated from the Parking Authority Fund to be apportioned as follows:

(1) Personal Services \$72,904
(2) Other Operating Expenses 112,231
(3) Capital Outlay 10,000
(4) Transfers 40,008

SUMMARY

Expenditures and Revenues

Total Parking Authority Fund Appropriations

for the Fiscal Year Ending June 30, 2001 \$235,143

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

Amount from Fund Balance	\$33,464
Fines and Forfeiture	70,000
Revenue from use of money and property	25,000
Charges for Services	104,255
Transfers from General Fund	<u>2,424</u>

Total Parking Authority Fund Revenues

for the Fiscal Year Ending June 30, 2001 \$235,143

SECTION XIII - CENTRAL GARAGE FUND (2111)

That the following sums of money be and the same hereby are appropriated for Central Garage purposes herein specified for the fiscal year ending June 30, 2001:

Paragraph One - Operating (612141)

For the current expenses of the CENTRAL GARAGE, a division of the Central Garage Fund, the sum of five hundred forty-one thousand, one hundred forty-one dollars (\$541,141) is appropriated from the Central Garage Fund to be apportioned as follows:

- (1) Personal Services \$391,190
- (2) Other Operating Expenses 149,951

Paragraph Two - Capital Outlay (672141)

For the capital outlays of the CENTRAL GARAGE, a division of the Department of Central Garage Fund, the sum of fifty-eight thousand dollars (\$58,000) is appropriated from the Central Garage Fund to be apportioned as follows:

- (1) Capital Outlays \$58,000

SUMMARY

Expenditures and Revenues

Total Central Garage Fund appropriations

for the Fiscal Year Ending June 30, 2001 \$599,141

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

Amount from Fund Balance \$ 64,625

Use of Money and Property 15,000

Charges for Services 412,812

Transfers 106,704

Total Central Garage Fund Revenue

for the Fiscal Year Ending June 30, 2001 \$599,141

SECTION XIV - CENTRAL STORES OPERATING FUND (2112)

That the following sums of money be and the same hereby are appropriated for Central Stores purposes herein specified for the fiscal year ending June 30, 2001:

Paragraph One - Operating (712141)

For the current expenses of the CENTRAL STORES, the sum of eighty-two thousand, six hundred forty-four dollars (\$82,644) is appropriated from the Central Stores Fund to be apportioned as follows:

(1) Personal Services \$47,940

(2) Other Operating Expenses 34,704

S U M M A R Y

Expenditures and Revenues

Total Central Stores Fund Appropriations

for the Fiscal Year Ending June 30, 2001 \$82,644

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

Transfers from other Funds \$82,644

Total Central Stores Fund Revenue

for the Fiscal Year Ending June 30, 2001 \$82,644

TOTAL APPROPRIATIONS MENTIONED WITHIN SECTIONS I THROUGH XIV

IN THIS ORDINANCE

FOR THE FISCAL YEAR ENDING JUNE 30, 2001

RECAPITULATION

Section I General Fund \$49,357,061

Section II	School Fund	33,921,936
Section III	General Capital Projects Fund	1,085,000
Section IV	Water Capital Projects Fund	1,900,467
Section V	Sewer Capital Projects Fund	1,421,807
Section VI	Public Transportation Capital Projects Funds	50,000
Section VII	Sanitation Capital Projects Fund	1,535,027
Section VIII	Water Fund	5,671,369
Section IX	Sewer Fund	6,003,711
Section X	Public Transportation Fund	3,294,594
Section XI	Sanitation Fund	8,066,153
Section XII	Parking Authority Fund	235,143
Section XIII	Central Garage Fund	599,141
Section XIV	Central Stores Fund	<u>82,644</u>
TOTAL APPROPRIATIONS		<u>\$113,224,053</u>

SECTION XV

All of the monies appropriated as shown by the contained items in Sections I through XIV are appropriated upon the terms, conditions and provisions herein before set forth in connection with said items and those set forth in this section and in accordance with the provisions of the official code of the City of Harrisonburg, Virginia, Edition 1979, now in effect or hereafter adopted or amended, relating hereto.

That the rate of taxation of Real Estate be fixed at \$0.62 (Sixty-two cents), collectible one half on or before December 5, 2000 and one half on or before June 5, 2001, and that the rate of taxation on Tangible Personal Property and Machinery and Tools, as defined by Chapter 35 of Title 58.1 of the Code of Virginia, 1950, as amended, and on all boats or watercraft under five (5) tons burthen used for business or pleasure, as defined by Section 58.1-3503 of said Code, and on all vehicles without motive power used or designed to be used as mobile homes or offices or for other means of habitation, as defined by Section 58.1.3503 of said Code, be fixed at \$2.00 (Two Dollars and No Cents) on each one hundred dollars assessed valuation for the year 2000; it being expressly provided, however, that the provisions of this Ordinance shall not apply to household goods and personal effects as enumerated in Section 58.1-3504 of said Code, if such goods and effects be owned and used by an individual or by a family or household incident to maintaining an abode, which goods and effects are hereby declared wholly exempt from taxation.

That the rate of fee or service charge imposed on Real Estate Property exempt from regular taxation shall be twenty percent (20%) of the real estate tax rate levied by the City Council in the above paragraph, which applies to the real estate for which the City furnished police and fire protection and for the collection and disposal of refuse, and where such real estate are exempt from taxation under Sections 58.1-3606 through

58.1-3608 of the Code of Virginia. Pursuant to Section 58.1-3400 through 58.1-3407 Code of Virginia, as amended, rate of service charge shall be Twelve Cents (\$0.12) per annum per \$100.00 of assessed valuation, payable one half on or before December 5, 2000 and one half on or before June 5, 2001. The above service charge shall apply to all real property except those specifically exempted from the service charge as provided in such section. (Such as property owned by the Commonwealth, hospitals, cemeteries, churches, etc.)

That the salaries, wages and allowances set out in detail in the budget statement and in the documents entitled "A Positions Grouped By Pay Grade-Effective 7/1/00", and "A Salary Schedule as of July 1, 2000", and adopted by the City Council for the fiscal year beginning July 1, 2000, and ending June 30, 2001, both dates inclusive, be, and they are hereby authorized and fixed as the maximum compensation to be allowed officers and employees for the services rendered, unless otherwise directed by the City Manager and that the City Manager is authorized to make such re-arrangements of salaries in the several departments within and between funds herein named as may best meet the needs and interest of the City and to transfer parts of salaries from one department to another when extra work is transferred from one department to another and that positions not specifically listed in the Budget document may not be filled without prior written approval of the City Manager.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall become effective July 1, 2000.

Given under my hand this _____ day of _____, 2000.

MAYOR

CLERK

City Manager Stewart presented an overview of the cost incurred to date for the golf course and also the anticipated cost to be incurred between May 10 and June 30, 2000. When City Council authorized proceeding with the development of the golf course in April 1999, it was discussed using City staff and equipment to hold down the direct cost of the golf course. This approach has been used over the years on many other City projects. Mr. Stewart reviewed the following information:

Estimated Golf Course Costs

Purpose	<u>To Date</u>	<u>M/10 - 6/30 Costs</u>	
1999 NGF Study	13,955.40	0	
WEG Preliminary Studies	23,172.33	0	
W.R. Love Concept Plan	5,199.97	0	
W.R. Love-design and engineering	K04,400.00	49,250	
Turf Drain	160,000.00	1,390,000	

Turf Drain-contract cancellation*	J00,000.00	0
Stockpiled dirt**	174,944.00	0
Mays & Valentine	29,000.00	9,000
Public Finance Consultants	5,000.00	5,000
BB&T Underwriters	500.00	38,000
Superintendent contract	53,825.00	0
Vehicle	20,798.51	0
Lawsuit***	28,480.32	0
Forester	2,612.74	0
Supplies	2,615.56	unknown
Clearing costs	15,159.66	24,840
Stabilization of property if stopped		unknown

Estimated Total Direct Costs \$1,039,633.49*** \$1,516,090***

Estimated Total Direct Costs through June 30, 2000 - \$2,555,753.49

Lawsuit-staff time	7,693.78	0
Stockpiled dirt-time and equipment	68,009.00	0
Staff support services	62,580.88 (5/6/00)	unknown
Police overtime	26,419.44 (4/29/00)	unknown

Estimated Total Indirect Costs \$164,703.10 unknown

Estimated Total Costs \$1,204,366.59 \$1,516,090

Estimated Total Direct and Indirect Costs through June 30, 2000 - \$2,720,456.59

* Cost for the City to cancel the contract is \$200,000 at any time before completion.

** Initially purchased through Public Works budget, but intent is to reimburse from Golf Course Construction Fund-contractor estimates entire stockpile is needed for golf course.

*** Total excludes insurance payments.

**** Direct costs associated with Williamsburg Environmental Group (WEG), W.R. Love, Turf Drain, stockpiled dirt, Mays & Valentine, Public Finance Consultants, BB&T, Superintendent contract, vehicle, clearing costs and forester are to be paid from the bonds issued for this project. The bonds are to be paid back from revenues from the golf course. If the project is cancelled, these costs must be paid by the City.

NOTE

: Logging company paid \$26,127.39 to the City for timber. Funds are planned to be used for planting new trees.

Barry Hensley

read the following statement: On behalf of myself and a number of friends and neighbors, I wish to thank the Council for the efficient and professional manner in which you have managed the City for the past four years. As a Council and individuals you have demonstrated excellent judgement and foresight and anticipated well the current and projected needs of the City. Under your guidance the City has grown and prospered. Any objective analysis of your performance would indicate that you have served admirably and that the City is far better for having you at its helm. You have been confronted with a number of significantly difficult and perplex issues and have approached and solved these problems with the judgement and wisdom expected of mature, reflective, concerned, and generally interested persons. Because of your efforts the City is in an excellent position to meet the needs of the citizenry both now and in the foreseeable future. Your efforts are respected and appreciated. Change is inevitable and has occurred. Change must be appreciated and embraced but it almost inevitably leads to continued growth and development. I am sure that all of you have a far better appreciation of that than those of us who have never or wish to occupy your seats. Continuity is; however, equally important and must also be welcomed and not cast aside because change has occurred. Continuity is the hallmark of stability and provides direction especially during periods of transition. It is vitality important that the City of Harrisonburg continue with the tradition of excellent government established by your predecessors and maintained and enhanced by you. The citizens of Harrisonburg expect no less. Continuity and change are not incompatible, but rather they represent opposite poles of the same phenomena. As we approach the upcoming transition in City government we must keep in clear perspective the absolute need to accept change without disrupting the tradition and continuity which has allowed the City to develop into one of the finest small municipalities in America. No one would disagree that Harrisonburg offers an exemplary range of services and opportunities for all its citizens. As current City Council members you have guided and directed that process and have much to offer newly elected members as they assume responsibility. I am confident that you will engage this process with the same intensity and integrity you have demonstrated as Council members.

The continued construction of the Harrisonburg Municipal Golf Course has been threatened by recent changes. The citizens of Harrisonburg now face a very real dilemma and must rely on the goodwill, integrity, intelligence, and creativity of newly elected City Council members to develop an equitable, fair and reasonable solution to this problem. A careful analysis reveals that there is no simple solution to the problem. Monies have been expended, landscapes altered, and commitments, both legal and ethical, made. It is irresponsible to simply break these commitments and does not maintain the continuity or respect of well managed government processes for which the City has stood for many years. Simultaneously, to ignore the expressed consent of the voting majority of the City residents is also irresponsible, unethical and simply unacceptable. A compromise should and must be developed. The citizens of Harrisonburg are well-educated, well-informed and aware of this dilemma. Also, the more they become aware of the scope and implications of the problem, the more they will require a compromise solution.

The City Council must in the future authorize continued expenditures of funds for the golf course. Obviously there are those who are opposed. However, to discontinue work on the course creates a variety of legal, ethical and monetary problems, that the citizens of Harrisonburg are simply not aware nor have been properly informed. To stop the construction of the golf course exposes the City to significant financial liability and leaves taxpayers exposed for cost, fees and possible penalties for which they will receive absolutely nothing. It also violates the legal and ethical commitments made by the City to vendors and to providers. To violate these commitments could possibly have significant repercussions for future City contracts. It also leaves the land in question quite vulnerable and creates an even more tempting environment for untoward behavior which has occurred on this property for the past several years. As a resident of this neighborhood I can say to you without reservation that this behavior is totally unacceptable and it was the expressed hope of the citizens who live in this neighborhood that the construction of the golf course would solve this problem. It is clear that many of the citizens of Harrisonburg have reservations about what they perceive as a utilization of public funds for golf course construction. Consequently, I and many of my neighbors and friends would like to propose that the City not violate its contracts and commitments, but rather continue to build the golf course and immediately begin to develop alternative non-public funding sources to build and operate the facility. It is ludicrous not to complete what has been started and for taxpayers to have to assume these costs. City development of the land for alternative uses will also be costly, controversial, and may require an increase in taxes. The problem can be solved with the efforts of the existing City Council and members newly elected. Cooperative and creative efforts need to be applied so that the solution heals rather than continues to divide. A municipal golf course is a good concept. A municipal golf course built and maintained by private sources perhaps is a better concept. A municipal golf course built and maintained by private sources which provides the City revenue without risk is a compromise solution which I feel that all parties should explore and develop. Mr. Mayor, I would like to see how much interest there is in these ideas by asking folks to stand if they support these concepts. A majority of people in the room stood and clapped.

Mayor Eagle thanked Mr. Hensley for his comments and said that when City Council voted more than a year ago to build a golf course, it was a good idea. He also noted that he was elected to a four-year term, not a three-year, ten month term.

Ruth Deskins, representing the Convention & Visitors Bureau, presented a request for a Summer Feast on June 17, 2000. She explained that this is fourth year for the event and will give residents and visitors a chance to familiarize themselves with the taste of many restaurants which now exist in the area. She also said as before, we are partnering with the annual Shenandoah Valley Bach Festival and working with the Rockingham Public Library on this year's event. Emergency routes will be maintained and Main Street will remain open. Council Member Rogers offered a motion to approve this request as presented. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

Economic Development Director Shull presented a request for an endorsement of Harmony Shenandoah Valley LLC's application to the U.S. Dept. of Agriculture for a loan guarantee. He explained that Harmony Shenandoah Valley LLC previously announced its intention to construct a \$5.8 million facility in the Pleasant Valley area of the City. Council Member Green offered a motion to endorse this application. 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

Council Member Byrd

Mayor Eagle

Abstained - Council Member Rogers

Absent - None

City Manager Stewart presented a certified receipt of 2000 Council election results provided by City Registrar Long.

Carolyn W. Frank K,172 Walter F. Green, III J,006

Joseph Gus Fitzgerald J,981 C. Robert Heath 4

Dorn W. Peterson J,876 Paul Cline 2

V.R.

ARudy Propst, Jr. J,334 Robert Roberts 1

Rodney L. Eagle J,169 John Neff 1

Public Works Director Baker presented a request for a supplemental appropriation for a traffic signal. He explained that these funds will be used for the design and installation of a traffic signal light at the intersection of Pleasant Valley Road and Early Road. The City has conducted several warrant studies at this intersection during the last five years and noticed that traffic is continuing to increase in volume in the area. He also said that VDOT will be assisting with this project. Council Member Green offered a motion to approve this request for a first reading:

\$95,000 chge. to: 1000-31010 Amount from fund balance

\$95,000 approp. to: 1000-410741-48111 Machinery & Equipment

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

Council Member Byrd

Mayor Eagle

Absent - None

City Manager Stewart presented a request to transfer funds from Black s Run Interceptor Capital Project Fund to Infiltration/Inflow Abatement Capital Projects Fund. He explained that these funds will be used for an infiltration/inflow project currently underway. Council Member Rogers offered a motion to transfer these funds:

\$150,000 chge. to: 911161-48641 Black s Run Interceptor Capital Project Fund

\$150,000 approp. to: 911161-48645 Infiltration/Inflow Abatement Capital Project Fund

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

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Council Member Byrd

Mayor Eagle

Absent - None

City Manager Stewart presented a request authorizing the City Attorney to revise Section 7-1-9 of the City Code to improve the efficiency of utility billing in managing delinquent accounts. He explained that customers in a delinquency status will be provided notification on their bill rather than to receive a bill addressing current charges and a mailer addressing delinquency status. The minimum allowance for mail delivery, to notify customers of their status, will be increased from two (2) days to five (5) working days. Council Member Green offered a motion to approve this request for a first reading. 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

Council Member Byrd

Mayor Eagle

Absent - None

Vern Sequin

, a resident living at 453 Cardinal Drive, commended Mr. Hensley for a well-thought out presentation. However, he questioned how sunk costs could be considered in future decision concerning the City especially the golf course. He suggested that the immediate task should be to minimize the costs associated with shutting down the project and noted that money already wasted on cutting down trees could not be recovered.

Carolyn Pence

, a resident living at 960 Chicago Avenue, said that she had been a teacher for 32 years in the City of Harrisonburg. She said she has appeared before City Council as a teacher and resident interested in recreation in the City. She suggested that the City should provide some additional recreational facilities for senior citizens and noted that she was not too old to play golf. However, she said she didn't want to drive three or four hours to play golf. She encouraged City Council to consider the young people in the community who

don't like contact sports. As a senior citizen, she said that she would like to have the privilege of playing on the land that she has watched grow and develop.

Joe Fitzgerald

, a Council Member-elect, said that the Council members he would be serving with would probably find we have more in common than not. He said that it might be rough going at first; however, once things settle down we will find that our shared concern for what is best for this City will unite us more often than it divides us. He said, "To those of you who won't be serving with us, I am sorry I didn't get a chance to get to know you in a less exciting environment. I hope once we get past this golf course, your wisdom, your judgement and your knowledge of the City's history will be available to us as we lead the City into a new century. So that there will not be any misunderstanding, he said that on July 1st, we will begin to terminate the golf course project. We will negotiate our way out of the contract and accept as losses any money spent on the project by that date. Since numbers can be interpreted differently perhaps some of the money can be recovered through liquidating some assets associated with the course. We balance that against the \$17 million the course will ultimately cost the City and believe it is an acceptable cost although a regrettable one. The cost between now and July 1st can be as much as a million dollars or more. That money if it is spent would be wasted. It will be money down the drain and money that returns nothing to the people of Harrisonburg. It will be good money after bad. As to the contract with Turf Drain, we believe it to be an invalid contract for reasons outlined by Mr. Dillenbeck and included in the minutes of April 25, 2000. We have been meeting with Turf Drain and think they are willing to negotiate a way out of this contract. If Turf Drain stops work and any legal action commences against them, then we will stop that legal action on July 1st. Mr. Fitzgerald urged Council not to think we will continue this project if you sink enough money into it between now and July 1st. The belief would be wrong. We have a contract with the people of Harrisonburg who made a decision last week by signing the contract and mailed it back. It is a binding contract and we will not break it. Last summer we asked City Council to stop work on this project or at least delay the project for a month giving us enough time to talk about it more to hopefully prevent a serious wound in the community. He said, "I am renewing that request tonight, the City is hemorrhaging money into this project, the division of the election season are still with us and it is time to begin healing and binding the wounds."

George Toliver

said that the day after the election when he returned to his home, he noticed the kids in the neighborhood hitting golf balls from one yard to the next yard and onto the next yard. When the golf course project was started, he said now, I won't have to deal with kids hitting golf balls around in my yard. Now the City has come to an interesting crossroad. The youth did not vote last week and, he said that he would like to represent them. He said that in his neighborhood there are kids who want the golf course, in our school system there are teachers who want to teach the course and he said referring to the lady who spoke earlier this evening there are senior citizens who want to play golf. A municipal golf course represents the venue to take all of those things. Our community is always going to have young people and students going through the middle school. The next major issue may be whether to build a new middle school because of the population. People in this room understand that not everybody can run up and down the basketball court, can't kick the soccer balls around forever, or can't play football after you reach a certain age. Golf provides an opportunity for everyone. When I came to Harrisonburg in 1969, Leggett's was up the street, if you wanted something to eat late at night, go to Jess's because the mall didn't exist and JMU was only on one upper part of the campus. In more than 30 years, I have seen tremendous progress in our business and corporate side but also in the recreational side. For 14 years, I was the director of recreational activities at James Madison University and I saw a tremendous growth in terms of opportunity for the people at that university. My philosophy was there is something for everyone because I realized we just didn't serve the students on campus, we served the facility, staff, and their families. Over the last five years, I have been involved with youth basketball in the City. A clinic was conducted last year at the Boys/Girls Club for kids that don't have an opportunity to go to camp.

The same is true about golf in this community. Every kid can't afford to go to a local golf course that is not a municipal golf course. Some kids can probably do that but on a limited basis because the courses are overcrowded. He said, I support the golf course, for the kids growing up and then hopefully when I am a senior citizen it will be there for me. Don't back off on July 1st, whoever is on this Council stand strong, and if you need a 100 or 1,000 to stand strong with you, I will see that they are there.

Edward W. Garrison

said that he voted for change, but he did not vote to stop the golf course. He said that a lot of people want to see a more open government but not stop the golf course. He noted that you cannot please everyone, people have tried and did not succeed.

Charles Chenault

said that he believes in recreation as a legitimate municipal function and to analysis issues from a non-political perspective. It would be naive to not believe that politics do not enter into these equations but I try to keep them as a tool of last resort. I know that we have every valid argument in the book for and against the golf course; however, this project has become lost in political cynicism, contested procedures, and contested decision making processes across both sides of the aisle. I have never embraced the profit making motive as a rationale for this golf course, but have embraced that this course will pay for itself over the life of its financing and leave us with a recreational asset that does what few others do. This golf course provides a recreational resource serving the broadest spectrum of citizens. Few municipal functions accomplish this goal with the exception of public utilities. The environmental sensibilities of the golf course again fall into this political area. The environmental soundness of this type of facility is acknowledged even by most of its financial and procedural opponents. Yes, those who voted in the Council election have spoken for them, but let's be sure we heard the real message. Whenever I have addressed this body, I have always expressed my respect for the opposition and I reiterate my respect for my fellow citizens and neighbors tonight because that is what we are in the final analysis. As a resident of the City, I encourage Council to hold your course and to make the hard decision about what is best for the City in the future and not what may be politically expedient. Several of you have yielded your governmental positions, fortune and piece of mind for this cause. I urge you to celebrate your legacy and the legacies of your City and continue the construction of this facility.

Tom Dawson

said that as a citizen of Harrisonburg, he urged the current City Council to continue with plans to complete the municipal golf course. He said, I voted four and two years ago for the current Council Members and I have faith in their decisions. If the newly elected Council Members wish to halt the development of the golf course or consider other options for that property than they should consider their actions after they are seated July 1st. These three people Frank, Fitzgerald and Peterson publicly proclaimed open and responsive government, not stopping the golf course as their primary electoral platform. If this is truly, the case shouldn't they provide an opportunity for a referendum on or after July 3rd on whether the citizens of Harrisonburg wish to stop the golf course. Stopping the golf course now is very likely to cost the taxpayers; however, with the completion and opening of the golf course, revenues generated will sustain it. Demanding that the golf course be stopped at this point without formal citizen input, Frank, Fitzgerald and Peterson are guilty of a non-responsive closed government that they falsely accused the current City Council of demonstrating.

Dorn Peterson

said that the current Council should stop building the current golf course so that a study of several different alternatives can be presented for the use of the property. He suggested that an Ad-Hoc study commission should be appointed to present several plans for the future that would include alternative sizes and places for a

golf course and then lets go back to the citizens of Harrisonburg and ask if they want to spend the money on a full scale golf course, an executive par 60 course, or a par three course. Suggestions and input should come from citizens at open town meetings. If the current Council continues spending money on the golf course as it is, all they will be trying to do, is short circuit that sort type of collaborative government and trying to force one of those choices on the citizens of Harrisonburg. The citizen of Harrisonburg said one week ago they don't want to be govern in this manner.

Tim Lacey

said that he was part of the process four years ago when a master plan was developed for the Lineweaver/Straite property. That plan met with more objection and more people wanting different things; however, that plan produced a large petition with several hundred signatures endorsing the concept of a golf course on that property. He said that I think a golf course on that property with the existing neighborhoods is ideally suited. My biggest concern is that the City will break an existing contract which both parties entered with good faith sending a ripple effect for future projects such as schools, roads and an emergency operation center project. He encouraged Council to hold the course and move forward with the golf course.

Stan Jones

said that he did not live in the City, but in 1974 he came to Harrisonburg to attend James Madison University and graduated in 1978. He said that he has spent a lot of time in the community and did own a maintenance landscape business in the City. He said that he was speaking for the people in golf course industries who are professional people. He said these people know what they are doing are not reckless with a golf course budget, nor do they just throw chemicals on a golf course. He said that he recently played in a tournament which had a 79-year-old lady playing and making it into the finals. He suggested that we should be looking at long term plans and not short term plans to build something for the future of Harrisonburg. He said that he had recently accepted the position of director of development for the Boys/Girls Club for Harrisonburg and Rockingham County. He said that he wanted to give something back to the community because it is a great place to live. Having grown up in a poor neighborhood, he said that he understood integrity and being honest. The opportunity for this community to have a First Tee program will be a missed opportunity. He requested that everybody consider the children in the community. Harrisonburg is a planned community and he suggested healing the wounds and getting the community back together.

Pat Sweet

said that he has attended more Council meetings and been involved in more City issues than the three new Council Members elect. The change on City Council has kept the City moving in a forward fashion. He said that he had never experienced a new Council Member coming in who wanted to undermine or second guess a past Council's decision. Granted we need some changes in the City, but the changes starting, July 1st should not be a golf course. There are other things that need to be done and we don't need to go back and second guess other Council's decisions. All Councils have built on prior Council's great work and this next Council should continue that work.

William Smith

said that more public comment time has been spent at this Council meeting discussing the golf course decision than any other past Council meeting. This is the reason several Council Members lost their seats because of perceived lack of public input regarding the golf course.

Carolyn Frank

said that she has learned more about golf than she ever wanted to learn. She said people would be able to play golf, but the taxpayers of Harrisonburg have said that we don't want you to play on our money. It is a shame in order to save our children we are going to teach them to play golf. We should not continue to put City revenues into this golf course project. She said that she spent some time at the new City golf course looking around and had also toured Packsaddle Ridge in Keezletown. She said that 27,500 rounds of golf at \$36.81 per round will have to be played at the Harrisonburg golf course during the first year. People will not be able to play cheap golf. She said that she had a met with the president of Turf Drain who is a reasonable man who wants to end this thing as quickly as we do.

Richard Tysinger

said that he has already been active in recreation in the City. At one time the only place to play anything was at Memorial Stadium. The City had enough foresight to purchase property from the Purcell family for a park which at the time received a lot of opposition. Now, everybody thinks that Purcell Park is a great park. The same opposition occurred when the City purchased land for Hillandale Park. Hillandale Park is still there and in 1997 when the Master Plan was created it was suggested that people didn't want lighted ball fields or soccer fields in the park because of the lateness of some games. The surrounding community of Hillandale Park wanted a golf course. He encouraged the City Council to continue with the golf course project.

Hank Dunton

said that four years ago he moved his family to Harrisonburg although they took a tremendous cut in salary, it remains one of the best decisions he has every made in his life. He also said that the election was not a referendum on the golf course, but rather a request for change. While some may feel we don't need a golf course, many of us feel we don't need any more soccer fields, softball fields, or play grounds. If a poll was conducted on many of the parks and recreation projects, I doubt that a majority would have voted in favor of most of the parks and recreation projects completed during the past years. Everyone will not approve of every action. The City has provided play grounds for the children, a swimming pool, soccer fields, tennis courts and many other small recreational activities. Council researched and deliberated over the construction of the golf course, obtained public input, and represented the people as they saw fit. Council did their jobs. Construction of the golf course should provide a place for all of us to golf at reasonable prices and when I say all of us I mean, all nationalities, all religion, all faiths, all incomes and all citizens of Harrisonburg. Yes, we have other golf courses available, we also have other soccer fields available, other tennis courts, other swimming pools, other play grounds, but that didn't stop our Council from providing for its citizens better accessibility to all citizens. The City has a responsibility to the citizens to complete the course and to continue to explore other similar projects that will serve all of our citizens. Mr. Eagle, Dr. Green, Mr. Byrd and other Council Members, I thank you for your dedication, for your vision, and especially for the many personal sacrifices that you and your families have made in your endeavor to serve all of our citizens. Council Members-elect, I charge you to live up to your platform of open and responsive government or have you already proclaimed Done Deal.

George Tanis Rontopoulos

said that he was happy citizen participating in the election whether they voted for or against current Council Members. He said, I don't believe the three new people were elected because of the golf course, I believe it was an election. He said to be a business owner in Harrisonburg, I look at what is going to happen down the road to all of us. My father came to this town in 1919, he built a business, worked hard, served the people and he gained friendship between the people. Over the years, I have seen the town grow and witnessed a lot of smaller businesses go out of business. This is a good town with good people. He said that the current Council Members deserve a feather in their cap because during the last four years the town has really prospered and done well. He said, AI wish these new City Council representatives all the luck in the world because they have some big shoes to step into, you folks have done a whale of a job. When there was a bank controversy

several years ago, Council had to make some tough decisions. He said that he had researched and provided some information on public golf courses in Virginia to City Council. City Council has made a decision and Mr. Rontopoulos urged Council to stand by that decision. He said AI hope the new City Council will give us a chance to do business and prosper as the past City Councils have done.

Sandra Rose

said there are several references to healing wounds. This diversely spirit that has prevailed during the last several months in the City has adversity trickled out into the county. A positive step to take would be to end rumors. She said that some people are under the impression that this golf course will end deviant behavior in the Hillandale area.

Janice Fitzgerald

, a resident of 491 Garbers Church Road, said that she was about as political savvy as her greyhound Jackson. As a caring person, she said that she need to come forth and say what was in her heart. We moved from Annapolis, Maryland to the valley in 1990 and know about political struggles. We came to Harrisonburg in 1998 and opened a Bed and Breakfast facility. She said that they have visitors from everywhere and when they informed the visitors there would be a golf course close by, they were very happy because other golf courses are over crowded. A City that is as dynamic, growing and at the same time some what backward as Harrisonburg needs this golf course. She said she wouldn't let her daughter cross the field through her neighbor's yard or walk in the park because of some of the things that have been exposed there. She also mentioned that she listened to a local radio station the day after the election and was appalled at some of the comments made by the call in listeners. She commented that an open government has always existed in Harrisonburg. As a citizen of the City she demanded that a referendum should be held concerning continuing to build the golf course.

Jim Rush

urged the two remaining Council Members along with the new Council Members to hold some public meetings in July or August. Perhaps some compromise could be reached.

Horace Mann Reichenbach

passed out several pages from a typical economics textbook which contained information regarding public goods and a shutdown process for any enterprise. He suggested that any sunk cost shouldn't have any bearing on the decision about further operation of an enterprise.

Mayor Eagle

commented that during his three years and ten months on Council, he has seen a lot of changes in the City. This Council has a commitment to the taxpayers and he would hate to see a project scraped that everyone has worked so hard on. He said that he did not hear anyone speak about just what is the cost and quality of life which is very important. Most prospective businesses ask the question What does Harrisonburg have to offer. Maybe the golf course is not the answer to everything, but we were unanimous in our decision over a year ago to proceed with the golf course project.

Council Member Green

commented that he felt obliged to state his reasons for supporting a municipal golf course. He said that he grew up during the depression living in the Denton's apartments in downtown Harrisonburg. He enlisted in

the Navy following graduation from Harrisonburg High School at age 17 and returned to his apartment in 1946 at the end of the war. Harrisonburg did not have any swimming pools, no ball fields except multiple land around the high school and main street, two clay tennis courts, no recreation center, no City parks, no soccer fields and in short very limited recreational facilities. He said that he hoped his children, grandchildren and their friends would have better recreational facilities. He said that he has always supported all of the recreational endeavors that the City enjoys. Most of the facilities were opposed including the purchase of Hillandale Park with proposed additions and the recreation center complex. Prior Planning Commissions, City Councils and Recreation Commissions have all envisioned a park land golf course connecting Westover Park to Hillandale Park since the purchase of the Lineweaver/Straite property in the 1980's. This Council has made every attempt to thoroughly investigate all aspects of this golf course from environmental studies, design concepts by a person who is a true believer in protecting the land, and improving the habitat, the use of non-portable water so that no burden is placed on our water supply. Financial planning has been used so that no tax dollars will be needed while the golf course matures. If you go to the private investors you lose all scheduling control by doing so. It has always been the concept of supplying golf for children, families of modest incomes, and senior citizens who have long contributed to other facilities with their tax dollars. It can also become the home course of our high school and college teams. Please don't deny our people this opportunity to participate in a wonderful family-oriented recreational program. There have been no tax dollars expended to date except for contributory aide by various City departments to decrease costs and this has been done on every project for the past 30 years. But, to walk in and stop contracted work in progress will indeed cost over a million tax dollars as well as placing a question mark on the fiscal responsibility and the integrity of the City of Harrisonburg. The compromise is to give the plan a chance to work. All of these facts have been previously presented to the public, but TAGS has simply ignored the presentation and the Daily News-Record has chosen not to repeat them in any detail for clarification. He said that, I have never served on any past or present Councils that have ever sought to do anything to hurt this community. There is no responsible choice at this time but to move forward with the golf course.

Vice-Mayor Lantz

commented that he wasn't going to address some of the issues spoken tonight but after comments have been made sometimes there are a lot of perceptions out there and perceptions get started by individuals who maybe don't know what is going on. He said that Mr. Smith stated tonight that there has been more discussion on the golf course tonight than ever before. Mr. Lantz said that he was starting into his seventh year on City Council and he doesn't remember Mr. Smith ever being in the Council Chambers. Mr. Smith is relying on somebody to tell him what is going on and this is about the sixteenth time the golf course has been addressed in this room. He said that he started studying the golf course in 1994. The report said that it should be studied at a later date. He said that he did not have any intention of doing something to this City that is irresponsible, that will cost the taxpayers a lot of money or that they won't receive a benefit. Also, he said that he was disturbed to hear the new candidates for Council say that they were against the golf course, but to assume that all the taxpayers (even though we have said that taxpayers dollars will not be used), but to say they want to stop it at all costs. It is being irresponsible and being closed minded. I hope we can get beyond this issue because it is dividing the City and we need to move on. The new candidates campaigned that they were not going to be one issue candidates. He also said that even if this golf course cost the citizens \$500,000 dollars, it is money well spent because we spent almost that much on soccer fields. It is time to move on to the more important things that the taxpayers' money will go toward, education, public safety and maintaining infrastructure in the City of Harrisonburg. Mr. Lantz said that the City has invested \$1.2 million in the golf course and within six to eight weeks according to Turf Drain and the rest of the contractors, the City will have spent \$2.5 million on the golf course and this figure does not include any taxpayers dollars. This is a bond issue that will be paid back from revenues of the golf course, but if we stop this golf course at \$1.2 million or \$2.5 million, it will absolutely be a loss of taxpayer dollars. He reviewed some figures and raised concern about not honoring the contract. He said a 10.12 percent real estate tax increase would be needed to pay for the more than \$1 million in direct costs to the City. This is a lot of money that is not available in the current budget, nor can it be

recovered from education, public safety, or infrastructure. The only way to recover a \$1 million is to increase the taxes for every resident and business in the City. City Council is not wasting tax dollars because the money spent so far is coming out of the bond and people playing golf will pay it back. Mr. Lantz said that the average price of a house sold in 1999 was \$128,000. At a 62 cent tax rate that the City currently has, the average individual in the City is paying \$793.60 in real estate taxes. If we have to recoup this \$1 million from the real estate tax it means that the \$793.60 in taxes will increase to \$873.91. A million dollars is not easy to come by and to frivolously say we are going to scrape it because it is not a waste, it is a waste and it will be a taxpayer dollars waste. He said, I cannot put that kind of burden on the taxpayers of the City and that's why I am recommending to go forth with the golf course. Our experts are the best knowledgeable people that we can get to determine and they have said that this will be a money making proposition over the life of the golf course.

Council Member Larry Rogers

commented that a reason this Council has been successful is because we are different but we all have the same goal. He said that when he went to school he couldn't go swimming at a local pool or play golf because he was black. A public golf course will provide an opportunity for everyone to play golf. We teach our children integrity and since the City has a signed contract with Turf Drain, we should honor our commitment. Mr. Rogers said, I am not signing a contract and backing out of it, because I want everyone to remember that in all the years I served on City Council I had integrity. In 1968, my grandfather was the first African-American elected to City Council in Bluefield, Virginia. My grandfather told me to always be honest and have integrity.

Council Member Byrd

commented that all of the remarks have been properly presented tonight without a great deal of indicative tone. He said that he did not want to be redundant but for all that has been said tonight whether he agrees or disagrees, the real challenge will be to see what is published in the Daily News-Record tomorrow and what is on television and he hoped everyone feels that they received a fair shake. Regardless of what has been said tonight or how well it has been said, City Council has a responsibility to all the people of Harrisonburg including the other 70% of registered voters and residents who paid taxes in the City. He said, I was raised to honor contracts and I will stand behind good credibility and integrity of the City's fathers and support this project at the present time.

At 9:30 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Social Services Advisory Board, Harrisonburg Parking Authority, and Board of Zoning Appeals, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation two (2) proposed contracts and one (1) existing contract, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) 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 11:04 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

At 11:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK MAYOR

REGULAR MEETING

MAY 23, 2000

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/AAE, and Chief of Police Donald Harper.

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

Council Member Green offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for a traffic signal. The motion also included the second reading amending and re-enacting Section 7-1-9 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 Green
 Council Member Rogers
 Council Member Byrd
 Vice-Mayor Lantz
 Mayor Eagle

Absent - None

✓ Mayor Eagle announced that a Public Hearing scheduled to hear a request by F. Rita Kaslow and Avra B. Kaslow-Leigh to rezone 23.732 acres, located at the intersection of Neff Avenue and Port Republic Road, from R-1 Single-Family Residential District to B-2 General Business District (Conditional) had been withdrawn.

Planning and Community Development Director Turner introduced a request by Ashby LLC for a special use permit to reduce the required sideyard setback of two structures to zero feet, per Section 10-3-91(9) of the Subdivision Ordinance. She explained that the property zoned B-2 General Business District, is located at 560 and 590 Neff Avenue. The applicant has submitted this request to construct an enclosed breezeway that would connect two buildings located on separate lots. One lot already has an existing structure which is used for a professional office. The proposed building is compatible with the surrounding land uses and will accommodate professional office space. The reduction in the required side yard setback to zero would allow the proposed building to connect to the existing building next door. She said that staff will review the site plan before development begins. Also, the applicant has been reminded that a fire door would be required for one side of the breezeway to be completed during construction and if the lots were ever conveyed separately, maintenance of the enclosed breezeway would need to be resolved. She said that Planning Commission recommended approval of the request.

At 7:34 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 Monday, May 8, and Monday, May 15, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, May 23, 2000, at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

Request by Ashby LLC for a special use permit to reduce the required sideyard setback of two structures to zero feet, per Section 10-3-91(9) of the Subdivision Ordinance. The property, zoned B-2 General Business District, is located at 560 and 590 Neff Avenue and is identified as tax map parcels 84-J-2 and 84-J-6.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this public hearing.

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

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

Mayor Eagle called on anyone desiring to speak for or against this request. There being no one desiring to be heard, the public hearing was closed at 7:35 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this request. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows.

Vote: Yes - Council Member Green
Council Member Rogers
Council Member Byrd
Vice-Mayor Lantz
Mayor Eagle

Absent - None

✓ Council Member Rogers presented a proposal to add 48 acres to Hillendale Park. He explained that adding acreage to the park will provide more green space, walking trails and provide more recreational family activities. Vice-Mayor Lantz said that any time a municipality has an opportunity to acquire additional land next to an existing park, it shouldn't hesitate to purchase the land. He also said that the property owner has indicated that it could become development property since it is currently zoned R-1. Council Member Rogers offered a motion to refer this opportunity

to purchase additional park land to the Parks and Recreation Commission for their review and present a recommendation to City Council at a later date. The motion also included that once City Council has received a recommendation from the Parks and Recreation Commission they would refer it to the Planning Commission. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

✓ Mayor Eagle introduced for Council's consideration Item Number 9 on the agenda which is to consider adopting a resolution authorizing the issuance by the City of Harrisonburg, Virginia of its public recreational facility general obligation and revenue bonds, Series 2000, in a principal amount not to exceed \$6,410,000. He explained that this is a resolution contained in the May 23rd agenda packet as an attachment to the agenda item action request form for agenda item number nine. Mayor Eagle then turned the item over to City Manager Stewart.

City Manager Stewart said that Sandi McNinch, bond counsel with the law firm of Mays and Valentine, Chip Bassett with BB&T Capital Markets, and Bob Fowler, President of Public Finance Consultants were present and Sandi McNinch would be introducing this item to City Council and present a brief review as a follow-up to action Council took on December 21, 1999. He also said that following Ms. McNinch presentation the consultants will be available for questions before City Council takes any action.

Sandi McNinch, bond counsel with the law firm of Mays and Valentine, said that the Harrisonburg City Council was being asked to consider the adoption of a bond resolution which would authorize the issuance by the City of its public recreational facility general obligation and revenue bonds Series 2000 in a principal amount not to exceed \$6,410,000. The bonds will be used to retire the short term notes that were issued in December 1999 to provide short term financing for the project, thereby providing long-term financing for the golf course. The bonds will be fixed rate long term bonds secured by the general obligation of the City and the net revenues of the golf course. Also, it is expected that there will be a municipal bond insurance policy issued to secure the bonds. The bonds will be dated June 1 and will mature no later than December 1, 2029. The aggregate principal amount of the bonds will not exceed \$6,410,000 and the weighted average maturity of the bonds no more than 25 years. The true interest cost will not exceed 6.95% and the bonds will be subject to optional redemption provisions. She said that using the 6.36% anticipated true interest costs on the bonds, the net debt service amount payable on the bonds will be about \$12.925 million over twenty-nine years. The resolution also acknowledges that the bonds will be bank qualified which is an important distinction because it will get the City a better interest rate in the market. In addition to authorizing the issuance of the bonds the resolution also authorizes the documents pursuant to which the bonds will be issued. She referenced indenture of trust, the bond purchase agreement which is the contract between the City and BB&T Capital Markets, continuing disclosure certificate and the preliminary official statement. She acknowledged that the resolution also authorizes any further actions necessary or appropriate to complete the issuance of the bonds.

✓ City Manager Stewart noted that the resolution before Council does indicate that Council elects to issue the bonds under the provisions of the Public Finance Act of 1991 and not under the provisions of the City Charter. Therefore, the resolution may be finally approved at tonight's meeting. Council Member Rogers offered a motion that Council approve the adoption of the resolution contained in the May 23, 2000 Harrisonburg City Council agenda packet as an attachment

to the agenda item action request number nine authorizing the issuance by the City of Harrisonburg, Virginia of its public recreational facility general obligation and revenue bonds, Series 2000, in a principal amount not to exceed \$6,410,000. The motion was seconded by Council Member Green. Following the motion Mayor Eagle stated that Council Member Rogers has moved and Council Member Green has seconded a motion to approve the adoption of the resolution authorizing the issuance by the City of Harrisonburg, Virginia of its public recreational facility general obligation and revenue bonds, Series 2000 in a principal amount not to exceed \$6,410,000. Mayor Eagle called for a roll call vote. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Green
 Council Member Rogers
 Council Member Byrd
 Vice-Mayor Lantz
 Mayor Eagle

Absent - None

✓ Mayor Eagle presented a request by John A. Sowers, resident of 25 Maplehurst Avenue, to consider a change in the residential permit parking zone. Mr. Sowers explained that Maplehurst Avenue is an R-1 single-family neighborhood. He also said that the neighborhood is surrounded by JMU, South Main Street, and Port Republic Road and has been experiencing parking problems. The neighborhood is currently in the blue zone permit parking area and would like to be placed in the red zone permit parking area. This change is vital to the preservation of the integrity of the Maplehurst neighborhood. Occupants from other neighborhoods which include R-2 designation and inhabited primarily by people other than single families are parking their vehicles in the Maplehurst blue zone permit neighborhood. Other people which might be in the blue zone are parking temporarily or part-time in the Maplehurst neighborhood. He also said non-residents of the neighborhood are parking on a full-time basis on Maplehurst Avenue. Mr. Sowers requested that neighborhood be changed from a blue permit parking zone to a red parking permit zone and presented a petition containing signatures of the residents of the neighborhood. Council Member Rogers offered a motion to change the color of the parking permit for a first reading. The motion was seconded by Council Member Green, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green
 Council Member Rogers
 Council Member Byrd
 Vice-Mayor Lantz
 Mayor Eagle

Absent - None

✓ City Manager Stewart presented a request to consider closing a portion of an alley between Ash Tree Lane and Franklin Street. He explained that a public hearing was held at the March 28 City Council meeting and a Board of Viewers appointed. He said that the Board of Viewer's have reported that in their opinion closing a portion of the alley would create a great inconvenience for

the adjoining properties owners and recommended that the alley be left open for the convenience of the property owners. Council Member Green offered a motion to accept the Board of Viewer's report which recommends that the alley be left open. The motion was seconded by Council Member Byrd, and approved with a unanimous vote of Council.

George Toliver said that he had been attending a banquet honoring and recognizing student athletes and he believed one day this community could recognize a student athlete as "Golfer of the Year." He said that he was not on one side or the other, but it was time to focus about what is right. It is okay to disagree but ultimately you have to get back to the issue of what is right. He said that building the golf course was the right thing to do because it would be for the children and future generations. Our community is always going to have young people and students going through the schools and they can expect to play golf more than any other sport into their later years. Golf provides an opportunity for everyone. He said that he had been talking to a lot of people during the last several weeks trying to find out how he could be of assistance to this controversy. There is a lot of confusion in this community including saving the trees, preserving the land and then selling the land to build houses on it. What happened to the trees that were supposed to be saved? The election is over. The politics is over, and let's start telling the truth. This golf course project will not mandate that anyone in this room ever has to go and use it. Nevertheless, by providing a golf course it will mean that those people who choose to play and use the golf course, will be paying for it. Are we willing to dump \$2.5 million because we are not willing to give people an opportunity to go and do what they want to do and pay for the golf course and ensure that it is there for generations and generations? It is not about me or you but it is about what goes on forever. A golf course is not any different from any other recreational facility in the City and should not be excluded from this community. If the golf course project is delayed, it could lead to problems for the City. Stopping the golf course could open Harrisonburg to lawsuits from the contractor and subcontractors who are working on the project. There is clearly a negative air that has gripped the community and it is painful to hear people at other golf courses laughing at the situation in this City. Mr. Toliver offered any service he could provide to help and said that he had been in contact with PGA. He said that people now and for generations to come will reap the benefit of a new recreational opportunity. As the old Council Members and new Council Members move toward your legacy please consider this, nobody remembers yesterday's headlines, the applause will die, the words will tarnish, achievements will be forgotten, and the certificates will be buried with you. The people remembered are the ones that did well, the ones who cared. All we ask is that you do the right thing because it's not about who is right, but it's about what is right.

Mr. Toliver read the following Parks and Recreation Mission Statement: The mission of the Harrisonburg Department of Parks & Recreation is to enhance the quality of life and meet the needs of every citizen by providing comprehensive leisure service opportunities. The department's mission is also to develop and maintain a safe system of open spaces and public facilities for the use and enjoyment by the community.

Kyle Sherman said that he played golf with other friends in his neighborhood and would enjoy an inexpensive place to play golf because the other golf courses in the area are too expensive.

Jeremy Briggs said that he has lived in Harrisonburg for 11 years. He said that he has played baseball, tennis, basketball and soccer through the City's recreation programs. He said that by the

time he graduates from high school, he will have earned eight varsity letters; however, four of the letters will be in golf. He said, "I didn't learn to play golf through any City programs or course because there weren't any programs or courses. I learned how to play golf because my parents gave me the opportunity. I have played golf with college professors, doctors, lawyers, politicians, business leaders, parents, friends, and I hope I can play golf with future business partners, my children, and my grandchildren." It is a wonderful game that can be played for a lifetime with persons from many professions. He said that he enjoys playing other sports but they will not be life time sports. There are hundreds of young people in this City that will never have the opportunity to learn to play golf because they will not have the opportunity. A City owned golf course with sponsored programs will provide an opportunity for all of the young people in the City. He said that, "I know that this golf course issue is centered on money and politics, but I urge you to look at the potential good that this course holds for so many kids in the City."

Economic Development Director Shull presented a request to hold a public hearing to consider adopting a resolution creating the Harrisonburg Crossing Community Development Authority. He explained that the City has received a petition from four landowners in the City to create a Community Development Authority to enable the landowners to secure financing for off-site improvements for \$4.2 million. In accordance with the Virginia state code they are requesting that a public hearing be scheduled to consider the creation of this authority. The recommended public hearing date is June 27, 2000. This property consists of approximately 66 acres of land in the City located east of Interstate 81 and north of Country Club Road. Vice-Mayor Lantz offered a motion to schedule a public hearing on June 27, 2000 to consider this request. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

City Manager Stewart explained that the Retail Merchants Association has requested blocking certain streets around Court Square and a portion of North Main Street on August 26 for an Arts and Craft Show and Cruise-In. The street will be closed from 9:00 a.m. until 3:00 p.m. He explained that this request is similar to other requests in recent years with one exception. There is an additional request to close Main Street from East Market to Elizabeth Street. The appropriate staff members reviewed the request and supported closing the street around Court Square, but recommended that Main Street from East Market Street to Elizabeth Street not be closed because it will create traffic problems. Council Member Green offered a motion to accept Staff's recommendation to close a portion of Court Square on August 26. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Manager Stewart presented a request to transfer funds from Traffic Engineering to General Capital Projects. He explained that these funds will be used to make some improvements to the traffic signal at Burgess Road and East Market Street. Vice-Mayor Lantz offered a motion to transfer these funds:

\$100,000 chge. to: 1000-410741-48111 Machinery & Equipment
 \$100,000 approp. to: 1000-990111-49216 Transfer to Capital Projects

\$100,000 chge. to: 1310-34210 Transfer from General Fund
 \$100,000 approp. to: 1310-910141-48620 Burgess Road Extension

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

School Superintendent Ford presented a request to transfer funds for the School Division. He explained that at the conclusion of some school years, unanticipated expenses are received. These funds will be used for instruction, operation and maintenance and will not cost the City any additional local dollar. Vice-Mayor Lantz offered a motion to transfer these funds:

\$163,500 chge. to: 11114-40610 Instruction
 \$163,500 approp. to: 11114-40640 Operation & Maintenance

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

School Superintendent Ford presented a request for a supplemental appropriation for the School Division. He explained that the bids for the Waterman Elementary and Spotswood Elementary school renovation projects are over budget. The School Division estimates they can provide some funds from year-end funds using the unappropriated fund balance and some other savings, however, they need an additional \$300,000 from the City so they can proceed with the projects. If using these funds is not necessary, then they can return them to the City. Council Member Rogers offered a motion to approve this request for a first reading:

\$300,000 chge. to: 1311-34210 Transfer from General Fund
 \$300,000 approp. to: 1311-910114-48690 Repairs to Elementaries

\$300,000 chge. to: 1000-31010 Amount from Fund Balance
 \$300,000 approp. to: 1000-990111-49225 Transfer to School Capital Projects

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

Vote: Yes - Council Member Green
 Council Member Rogers
 Council Member Byrd
 Vice-Mayor Lantz
 Mayor Eagle

Absent - None

School Superintendent Ford presented a request for a supplemental appropriation for the School Division. He explained that these funds will be used to purchase year-end food services, supplies, kitchen equipment and the Keister Elementary School renovation.

\$100,000 chge. to: 11114-31691 School Revenue - Other
 \$100,000 approp. to: 11114-40650 School Food Service

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

Vote: Yes - Council Member Green
 Council Member Rogers
 Council Member Byrd
 Vice-Mayor Lantz
 Mayor Eagle

Absent - None

City Manager Stewart presented a request for a supplemental appropriation for Parks and Recreation. He explained that the Parks and Recreation and Big Brothers/Big Sisters jointly applied for and developed the "Building Bridges" Sports Buddies Program grant. This grant provided for sports activities at the Community Center in mentoring, baseball, basketball, swimming and general recreational activities. Vice-Mayor Lantz offered a motion to approve this request for a first reading:

\$1745.00 chge. to: 1000-34010 Revenue
 \$1745.00 approp. to: 710471-46130 Recreational Supplies

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

Vote: Yes - Council Member Green
 Council Member Rogers
 Council Member Byrd
 Vice-Mayor Lantz
 Mayor Eagle

Absent - None

City Manager Stewart presented a request for a supplemental appropriation for the Fire Department. He explained that these are funds received from donations and costs recovered since July 1, 1999. Vice-Mayor Lantz offered a motion to approve the transfer of these funds:

\$ 3,685.12 chge. to: 01-10001809 Donations
 19,560.37 approp. to: 01-320132-48181 Buildings & Grounds

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

Vote: Yes - Council Member Green
 Council Member Rogers
 Council Member Byrd
 Vice-Mayor Lantz
 Mayor Eagle

Absent - None

City Attorney Thumma presented for Council's consideration of a first reading an ordinance amending and re-enacting Section 13-1-3 of the Harrisonburg City Code. He explained that each year Council is asked to amend this ordinance to adopt the state motor vehicle laws. Council Member Rogers offered a motion to approve this ordinance for a first reading. The motion was seconded by Council Member Byrd, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Council Member Green
 Council Member Rogers
 Council Member Byrd
 Vice-Mayor Lantz
 Mayor Eagle

Absent - None

Joe Carioff said that because of two knee operations the only sport he could play was golf. Golf provides an opportunity for young people to enjoy a sport while teaching etiquette, competing, and proper manners.

Paul Riner said that he was a senior at Harrisonburg High School and would be attending the University of South Carolina in the fall to pursue a degree in sport administration. He said, "I am here tonight requesting that the construction continue of the City's Municipal Golf Course for four main reasons: 1) If the golf course is stopped, the bond issued or the money already spent for construction will come from another City budget or cause a tax increase for everyone. However, if the golf course is completed, the golfers who use this recreational facility will pay back the loan or bond issued because of the green fees they will be charged. 2) The City provides many recreational activities such as tennis, swimming, baseball, football and soccer. All of these activities are funded by all of the City residents who pay taxes. Although no one in my family participates in any of these activities, they are an asset to our City and my family supports these activities with tax dollars. Golf is a sport just like any other sport and it can be played by everyone, male or female, young or old. Maybe one day I can take my children and grandchildren to play golf and not leave our City to spend my dollars in Rockingham County. 3) The election was about change, that what the campaign signs all read, but there is a huge difference between being opposed to a golf course and trying to stop something that began more than ten years ago. If the golf course is stopped the City taxpayers instead or the golfers will pay for dumping all of this money down the hole. 4) Please do not sell City park or recreational land. Don't sell away our future. If this is done we lose everything, the golf course, park land and a lot of taxpayers money. Listen to George Toliver, not so much as to what he had to say, but to the truth that needs to be heard." Students at Harrisonburg High School and adults in the community have no idea who to believe. Everyone needs to hear the truth.

Brian Lacey said that he was a senior at Harrisonburg High School and next year he planned to continue his education at Shenandoah University and play on the football team. He said since he was 13 years old he has played golf and has played on many local courses. He noted that the prices at local golf courses are too high and too crowded. Continuing to build this golf course will provide a great opportunity for the youth and everyone in the community who wants to, can play golf. He

also said that selling park land would be a wrong thing to do because the park land was designated for recreational use.

John Gu said that he was a senior at Harrisonburg High School. He said that as a youth of the City not paying taxes or allowed to vote, his voice should still be heard because he is an active member of the City Government. The golf course should continue to be built providing an opportunity for the youth to learn a new sport. Most courses in the area are either too expensive or too crowded for the average family's income. All parks in the City should be used for recreational uses and since the City already funds other sports, it should also support and fund the golf course.

Mike Lee said that he was a senior at Harrisonburg High School and captain of the varsity golf team. He said years ago Harrisonburg High School used Lakeview Golf Course, but because two county high schools are now using Lakeview, it is too crowded for three high schools to use the golf course for practice. Harrisonburg High School now uses Spotswood; however, because of the cost many students cannot play on the course. The team can only practice during a scheduled team time. A public golf course that would be more accessible to the youth of the community would be a wonderful idea and give many advantages to students and the golf program. It would definitely encourage golf as a sport to be played in addition to the other sports that they are currently playing.

Josh Sundquist, a sophomore at Harrisonburg High School, said very enthusiastically that it was great to live in America and in a democracy which allows free speech. He also said that last week he had been in Hillandale Park holding a golf club and had been informed by TAGS members that unless he paid taxes, the golf course issues did not concern him. He said, "I am only 15 years old and I personally believe this is an issue about golf which makes it an issue for me. They are people who believe that just because we are young we do not count, but my opinion does count because I am the future. One of my favorite bible verses says (Do not let anyone look down upon you because you are young.) If you don't believe in us then you don't believe in the future, and if you don't believe in the future then we should forget this whole golf thing and move to Broadway. Today, I am here to talk about the future, the day when I will be old enough to take my kids and play golf at a money making City operated golf course. There is only one side of this issue that is truly important. That is the debate between the guy that says 'I love golf' and between the guy that says 'I hate golf.' It is my dream for this City that we can unite around this core issue that this is a golf course and more importantly that we will together believe in the future of this City."

Dale Metzler said that the City voted for change and change will happen whether we like it or not. Change is in the wind and it is not just about a golf course or anything else. It is about the Council of this City being open, responsive, listening, and hearing the voices of the public.

Vern Sequin read the following statement: A few months ago a member of the City Council was asked to hold off on the proposed golf course funding and construction until the voters had a chance to voice their approval in a referendum vote. The response was that since the proposed financing was a revenue bond, no referendum vote was required because the repayment would be made from the course income and citizens would not be obligated for the debt.

Since then, the Council approved application for a bond issue in the amount of \$6.4 million which will accrue an additional \$7 million of interest over its 30 year life. In order to obtain a more favorable interest rate, Council agreed to obligate the Harrisonburg taxpayers as the equivalent of co-signers by guaranteeing the good faith of the City to underwrite any default on the repayments. The bond issue states that a tax surcharge will be levied to cover any insufficient golf course revenue. Thus, this bond issue now puts the taxpayers in much the same position as a general obligation issue and they have not been made aware of the scope of this burden.

The City Charter is greatly remiss if it does not require taxpayers' approval for an encumbrance of over \$13 million upon themselves, their children, and grandchildren over the 30 years term.

Because of their temporary tenure, the present lame duck City Council has a moral obligation to defer its withdrawal of funds from the golf course bond issue. They should reconsider and agree to leave it to the newly elected Council to determine how otherwise to proceed and thereby defer or avoid the expected cost of over \$60,000 required to issue the bonds now.

Vince Hedger said that he has lived in the City for three years. He said there is another issue concerning whether golf is a good game or not a good game. The real question is about process and the fact that times are changing and although in the past we have been comfortable with the idea that there is an issue coming before us. We struggle to become the winner. One thing sometimes we forget regardless whether we are on the winning side or losing side, we have to live with each other. We are all members of this community and whether we build or not built the golf course, if we can't come together and seek a solution that works for all of us then everyone will suffer. If we need evidence, then look at the way the North treated the South during the Civil War and we are still paying for that. The best way for everyone to live together is to work together and not against each other.

Michael Haines said that he wrote a letter to the editor of the Daily News-Record critical of the objectivity of the newspaper and was surprised that they did not print it. When the matter of truth is an issue, when an election is based on the truth and the newspaper did not report the facts then it is misleading. He said, "I believe that a great deal of the information presented to the people was substantially misinformed. He said that he was not for or against a golf course, but that he wished people could have read the right information in the newspaper."

Carolyn Frank said that on July 1st, she would be a City Council Member and she would like to make intelligent decisions which were not based on emotions. She questioned whether the golf course would have enough golfers to pay for the golf course and not leave the taxpayers with a big debt. She said that, "I am willing to listen to the people and to the other two Council Members to determine what is best for the citizens of Harrisonburg." She said that she needed facts and how much could the City subsidize golf.

Carolyn Pence requested that Council Members provide some background information regarding The First Tee program to those people who usually don't attend the Council meetings.

Council Member Rogers said that The First Tee program would provide a place for children to learn to play golf, and a continuum of practice and play that offer kids the chance not just to swing a golf club a few times, but an opportunity to advance their skills. He also said that President George Bush serves as Honorary Chairman of The First Tee program which is a non-profit organization to change the face of golf making it affordable and accessible to youth regardless of income, race or tongue. Mr. Rogers reiterated that City Council has spent between \$300,000 and \$500,000 for soccer fields so the children of the City could have decent soccer fields. He also said that he was glad the North won the Civil War or he probably wouldn't be a City Council Member.

Vice-Mayor Lantz commented that based on all of the information received from the best experts that the City could hire, the golf course will not be a burden on the taxpayers of the City. Whether this golf course will pay for itself or not, nobody has that answer until it is given a chance, but if you cut it off we will never know.

Shawn Douglas said that he was president of the Debate Team at Harrisonburg High School. He said that as a newly elected member he didn't get to choose the students or what they bring to the school. The students either come with school spirit or the lack of school spirit. He said that as newly elected members we should work with what we are given and not try to change what has been done in the past.

At 9:32 p.m., Vice-Mayor Lantz offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Social Services Advisory Board, Harrisonburg Parking Authority, and Board of Zoning Appeals, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to probable litigation and a proposed contract, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) 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 11:04 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Rogers offered a motion that William (Hank) Dunton, 314 Franklin Street, should be recommended to the Circuit Court for a first term on the Board of Zoning Appeals to expire on March 20, 2005. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion to transfer funds from Reserve for Contingencies to Capital Improvements Building/Grounds fund.

\$25,000 chge. to: 1000-940111-49310 Reserve for Contingencies
\$25,000 approp. to: 1000-710171-48181 Capital Improvements Building/Grounds

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

✓ Council Member Green offered a motion to transfer funds from Reserve for Contingencies to the SPCA.

\$2,989.00 chge. to: 1000-940111-49310 Reserve for Contingencies
\$2,989.00 approp. to: 1000-350131-45657 SPCA

The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 11:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

Lysanne Ryan McCLANE
CLERK

Richard L. Eagle
MAYOR

REGULAR MEETING

JUNE 13, 2000

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/AAE, and Chief of Police Donald Harper.

Council Member Green 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 supplemental appropriations for the School Division, Fire Department, and Big Brothers/Big Sisters. The motion also included the second reading amending and re-enacting Section 13-1-3 and Section 13-1-60.01 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

Absent - None

Council Member Rogers presented a request from the Chamber of Commerce to consider televising the Council meetings. He also said that a Council Member-elect had approached City staff questioning whether the City Attorney was under a contract because they were considering making some changes. Council Member Rogers said that he believed the action was in retaliation because City Attorney Thumma had defended the City in a lawsuit by the TAGS group. He said, I think that it is very important that the citizens of the City know what is going on in our City and at these Council meetings. Council Member Rogers offered a motion to explore the cost and method of the broadcasts with the help of the Chamber of Commerce and present a plan at the next meeting. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Richard Yancey

, a resident of 247 Fairway Drive, presented a brief report to City Council concerning financial issues related to the municipal golf course. He said that there are some misconception and misrepresentation about the true cost of the golf course. He explained that he has attended several Council meetings, discussed the golf course with City residents, and Council Members; however, some information printed in the Daily News-Record has been inaccurate. Various figures have been publicized and discussed ranging from \$6 million to \$17 million. This project will be operated as a separate enterprise fund and can be looked at from a business approach. He said What is the correct cost of the golf course? The project needs to be divided into two categories, an acquisition and construction phase and the operational costs. He reviewed the costs associated with the golf

course including purchasing the land, construction costs, moving dirt costs, net operating income, current financing arrangement, and revenue expectations. He also said that he was confident that even if the City's municipal golf course did not live totally up to revenue expectations the burden to taxpayers would likely be small.

Ben Fordney

read the following report: In a little more than two weeks, the new City Council will take office. To obtain as much information as possible to enable them to make conscientious and responsible decisions, they have organized an ad hoc citizens committee to advise them. Unfortunately, several prominent citizens, who represented both sides of the golf course issue were approached and declined to participate. These business and professional leaders could have a very positive contribution to the discussions but said it was too political and that the City Council electees just wanted to use the committee to justify their actions. It was, in effect called a Trojan Horse.

Has the atmosphere become so poisoned in our community that public servants about to assume office cannot ask for advice from responsible people? If so, we are in a sorry state. Fortunately, six citizens are willing to serve despite the public politicizing of the proposal.

Mr. Fordney said, I believe the Council persons elect wanted advice and not necessarily advice they wanted to hear, but an honest presentation of different views. I believe that all issues will be on the table when this committee meets. I do not speak for them and they will resign from the TAGS

= Board and Steering Committee effective June 30th. This is appropriate, as they will represent everyone in the community when they assume office, not just the people and organizations who supported them.

The problem as I see it is the distrust and antagonism that threatens to interfere with the welfare of our community. We are in a zero-sum game. What is good for us is bad for you. What is bad for you is good for us, this is where we are. TAGS has not been totally innocent of this fact because the proposal made by Council Member Rogers and Vice-Mayor Lantz to add an additional 48 acres to Hillandale Park deserved more scrutiny than the TAGS members gave it. However, it is time to end this adversarial atmosphere.

We have tried for months to look for negotiation and compromise, long before the contract with Turf Drain was signed, but we were stonewalled. Even after the election when the voters put three new members on City Council, there is practically no attempt for a reasonable transition. When the Council persons elect wanted to meet with the new appointed golf superintendent, they were rebuffed. Does this make any sense? In fact for months, City employees have been forbidden to answer questions about the golf course. This is particularly unfortunate now as we will have a new Council in a little more than two weeks. Why cut the new Council members elect off now from information they will need.

Decisions will be made by the new Council of great importance, the golf course being the most urgent. Every day that goes by makes that decision more difficult. Work continues at the site, even on weekends and holidays. This is a time for reasoned discussion from both sides. It is not a time for recriminations and demonizing those who hold another opinion. There are options. The new Council, both electees and incumbents should be meeting now to seek compromise, for the best interest of the City.

He said, I am sure that the outgoing Council members do not want to leave office with this train wreck on the horizon. They have served the City too long to want that.

The new Council will examine all possibilities when they assume office. All options must be considered based on facts, not rhetoric. Mr. Fordney suggested that it is time to cease fire and exchange information.

Barry Hensley

read the following statement: I speak to you tonight as a representative of a newly formed coalition of City residents. The name of the organization I represent is Citizens Advocating Responsibility In Government or CARING. My comments tonight represent the considered concerns and perceptions of this newly formed group. It is not the intent of CARING to cast dispersions on any group or individual. Rather, CARING exists for the sole purpose of studying and evaluating community issues and to disseminate the results of our efforts to the community. CARING is non-partisan and has no political motives.

CARING is concerned that the City of Harrisonburg has recently become the focus of negative statewide comment. CARING fears that the City is likely to be embarrassed by the perceptions that other localities have concerning recent developments in our City. This organization was formed by concerned citizens to promote and support an assortment of family oriented issues that will have a positive impact on the quality of life that families in our community enjoy. CARING wishes to ensure that all citizens are well informed about community issues and problems. CARING members come from a broad cross section of the community and represent diverse interest. There is wide spread interest in the organization and membership is increasing daily. CARING members believe that many of the problems currently facing the City of Harrisonburg are the result of poor communication patterns concerning certain issues and the exploitation of this communication by certain groups and individuals to derive political advantage. One of CARING's primary goals is to provide a balanced perspective and to support positive growth and development of the City.

Specifically CARING would like to address this Council and the three newly elected Council Members. As most City residents are aware, the election of the three new members and the premature attempts to chart a different direction for the City have created an unsavory and unproductive atmosphere which needs to be resolved immediately. Attempts to resolve this dilemma to date have apparently been unproductive and Mr. Fitzgerald has indicated a train wreck is imminent. The question this group CARING would like to ask is Who benefits from a train wreck? Another question CARING would like to ask Who was elected to City Council? Was it Dorn Peterson, Carolyn Frank, and Joe Fitzgerald or was it a political action committee? Will a PAC control the City Council or will the newly elected members perceive themselves as individuals representing all citizens? Communication patterns since the election strongly suggests that PAC's remain in firm control of the newly elected members. CARING feels the need to focus this issue and to request that the newly elected Council Members have the insight, judgement and political courage to consider all phases and all aspects of problems rather than to follow without question the political persuasions of a non-elected few.

Without question the abortion of the municipal golf course is the most divisive issue to face the citizens of Harrisonburg within recent memory. CARING is distressed by this conflict and the threatened potential outcomes of the possible melee. Unless this problem is resolved rationally, unwanted consequences will ensue and all citizens, in one way or another, will be negatively affected. CARING members would like to avoid the projected train wreck and offer the following information and opinions concerning disposition of this matter.

1. The concept of a municipally owned golf course is not novel or certainly unique. We are not inventing the wheel. Currently 20 or more local governments operate golf courses as part of their comprehensive recreational program. These courses have met an ever increasing public need and are economically efficient.
2. The primary reason that citizens in Harrisonburg have opposed the golf course has nothing to do with the golf course. The reason that some citizens opposed the golf course was the perceived inflexible manner in which it has been developed. Opposition was a clear response to elected officials, not to the golf course. Large numbers of citizens who voted for change want the golf course to be built. It is a grievous error to assume that opposition to the City

Council is synonymous with opposition to the golf course.

3. The National Golf Foundation study and now an independent economic analysis reveals that the golf course is economically viable and will not be a burden to taxpayers. As with any economic enterprise the course will pay for itself over a period of time and constitute an economic asset to the City. Even with the most conservative projections, the golf course breaks even.

4. There is another side to the economic coin that has not been shared with City residents. This side of the coin is where City residents should focus and be concerned. If the course is unfinished the cost to City taxpayers will be two and one-half million dollars.

5. To reconstruct the work already performed on the golf course to place it in an environmentally stable condition will be very expensive. This money has not been budgeted and must come from funds appropriated from other purposes or a possible tax increase. The property cannot be left as it is.

6. Once the land is reconstructed and placed in an environmentally stable condition, the land remains undeveloped and approximately two and one-half million to two and three quarter million dollars has been expended for absolutely nothing except a larger pond. It will be the most expensive pond in the history of the United States.

7. Finally the answer to developing the property remains unattainable and future funds will be required to plan and develop future projects.

CARING want City residents to understand that the abortion of the golf course is the only scenario likely to place additional tax burdens on City residents. If you stop it, it will cost us money. Groups opposed to the golf course have done an excellent job to avoid public awareness of this reality. CARING want City residents to be aware and cognizant of both sides of the economic coin surrounding the golf course.

In summary to abort the municipal golf course in this late stage of development is not in the best economic interest of the City. Late term abortion of this project also reflects an arrogant and entitled attitude similar to the accusations leveled at the current council. There is simply no place in government for an entitled attitude whether it be with existing or future Councils. Entitlement rests with the people, not elected officials. The lesson has been learned once. Does it need to be learned again?

Council Member Green commented that when said he and two other people were first elected to City Council in 1970, there were many more issues at stake than a public golf course. The City school system administrative problems had so divided the public that many people would not conduct business with various merchants in town. Teachers, students and their families were horribly upset. In addition, the City's Police Department was being taken to task in a most unjust fashion. He said that a very positive campaign was run that year, free of antagonism and malice, and three new people were elected which constituted a majority. He said, We met to decide our course of action and decided to continue supporting Roy Erickson as mayor and also to allow the sitting City Attorney to continue to serve. None of the City Council Members sitting at that time, or indeed the City Attorney, supported us during the election. We did this for several reasons including that we had no experience in municipal government and were acting in the best interest of the citizens of Harrisonburg in stopping the diverseness that was gnawing at this community. Our action proved to be correct and we have enjoyed the fruit for the past 30 years. I would urge the Council Members elect to at least think about that history and please do not ignore the valuable input potential from Larry Rogers and Hugh Lantz.

Mayor Eagle commented that in reflecting back to when he was elected to City Council in 1996, he realized his lack of public relations has damaged the chances for the golf course. He also said that he took the time to visit other golf courses in Virginia and after speaking with other municipalities, decided the golf course is a positive project for the City.

City Manager Stewart presented an application for fireworks display at Spotswood Country Club on July 4, 2000. He explained that Skyfire Fireworks displays has completed the appropriate application and they have met all Fire Department requirements. Vice-Mayor Lantz offered a motion to approve this request. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion to endorse a resolution of support of the draft management plan for the Shenandoah Valley Battlefields National Historic District Commission. The motion was seconded by Council Member Byrd, approved with a unanimous vote of Council.

Mayor Eagle announced that an agenda item to charge back outstanding/uncashed checks issued by the City between 1995 & 1998, an agenda item charging off 1994 property taxes and 1979 Real Estate Taxes, and a request from the City Treasurer to charge off delinquent business licenses for 1997 and 1998 will be considered at another Council meeting.

City Manager Stewart presented a request to transfer funds. He explained that the City has already been billed and paid for more than was originally budgeted in the current budget for court appointed attorneys and a coroner. These are mandated expenses and the City has no control over these expenditures. Council Member Rogers offered a motion to transfer these funds:

\$7,520.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$6,820.00 approp. to: 1000-330231-43151 Court appointed attorney

700.00 approp. to: 1000-350331-43110 Coroner

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

City Manager Stewart presented a request to transfer funds. He explained that these funds will be used for curb, gutter, and storm drain work on Dogwood Drive (Park View) from Park road to College Avenue in conjunction with completion of Park road project. Council Member Green offered a motion to transfer these funds:

\$64,048.64 chge. to: 1000-410241-48106 Sidewalks

\$64,048.64 approp. to: 1000-990111-49216 Transfer to Capital Projects

\$64,048.64 chge. to: 1310-34210 Transfer from General Fund

\$64,048.64 approp. to: 1310-910141-48609 Park Road projects

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

City Manager Stewart presented a request to transfer funds. He explained that these funds will be used for capital projects for automatic meter enforcement equipment as part of deck rehabilitation process. Vice-Mayor Lantz offer a motion to transfer these funds:

\$18,000 chge. to: 2015-410641-48111 Machinery & Equipment

\$18,000 approp. to: 2015-410641-49216 Transfer to Capital Projects

\$18,000 chge. to: 1325-34275 Transfer from Parking Authority

\$18,000 approp. to: 1325-910641-48653 Rehabilitation Parking Deck

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

City Attorney Thumma presented for Council's consideration of a first reading an ordinance amending and re-enacting Article 6, Section 4-2-86 - 4-2-95 of the Harrisonburg City Code. He explained that the General Assembly this year enacted legislative that requires every political locality in the state that has a meals tax to adopt a uniform tax state wide by July 1, 2000. He also said that the Commissioner of Revenue has reviewed these changes. Vice-Mayor Lantz offered a motion to approve this ordinance for a first reading. 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

Absent - None

City Manager Stewart presented a request for a supplemental appropriation for Data Processing. He explained that the City is in the process of planning and implementing a computer system software upgrade. This upgrade is based on using the City's current software provider. Changing providers would greatly increase the cost. This upgrade will take approximately thirty-one months to complete based upon current information. Council Member Green offered a motion to approve this request for a first reading:

\$20,000 chge. to: 1000-31010 Amount from fund balance

\$20,000 approp. to: 1000-122011-48173 Software

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

Absent - None

City Manager Stewart presented a request for a supplemental appropriation. He explained that funds will be used for the Fire Department E-911 funds which have been held in reserve.

\$34,827.00 chge. to: 1000-31010 Amount from fund balance

\$34,827.00 approp. to: 1000-350532-45240 E-911

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

Absent - None

City Manager Stewart presented a request for a supplemental appropriation for capital projects. He explained that these funds from the Sanitation fund will provide funding for the CISAT project in conjunction with JMU and additional funding for the County landfill development and closure. The second portion of the supplemental appropriation reflects interests earning from the golf course capital projects fund which will be used to make interest payments on the BANS s. Council Member Rogers offered a motion to approve this request for a first reading:

\$12,477.48 chge. to: 1324-31010 Amount from fund balance

30,219.70 chge. to: 1324-31513 Investments earnings

1,790.28 chge. to: 1324-34112 Loan proceeds

160,255.44 chge. to: 1326-31513 Investment earnings

26,427.39 chge. to: 1326-31908 Sale of timber

\$12,512.48 approp. to: 1324-910142-48683 Steam plant for CISAT

31,974.98 approp. to: 1324-910142-48684 County landfill development and closure

186,682.83 approp. to: 1326-910771-48660 Golf course construction

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

Absent - None

City Manager Stewart presented a request for a supplemental appropriation from unappropriated fund balance to reserve for contingency. He explained that these funds will be used to cover unforeseen year end expenses. Council Member Rogers offered a motion to approve this request for a first reading:

\$110,000.00 chge. to: 1000-31010 Amount from fund balance

\$110,000.00 approp. to: 1000-940111-49310 Reserve for contingencies

The motion was seconded by Vice-Mayor Lantz, 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

Absent - None

Vern Seguin

questioned some of the information presented by Richard Yancey and Barry Hensley and then he read the following statement: Mr. Mayor: To paraphrase Ronald Reagan, Mr. Mayor, Tear Down the wall of closed government now. The voters will have it down in three weeks, anyway. The orange barrier fence in the park, may go, as well. Rescind the motion you passed at your last meeting to issue bonds for the golf course. There is still time to do so. After that meeting, the young lady who presented financial facts of the bond issue to Council told me that the issuing cost would be about \$140,000. She estimated that \$60,000, could be saved by the newly elected Council if they have the opportunity to review the matter before the bonds are issued. When the new Council takes over at the beginning of July, they will have to pick up the pieces of this project. It was never approved by the taxpayers. In fact, it was rejected by the voters in the last election, along with closed government. Even after adding a million dollars in interest to extend the loan to thirty years, it will still be a loser. The largest private U.S. golf course consortium recently declared bankruptcy. Some cities have sold off their courses to make ends meet. If you incumbents don't do the right thing and suspend the project now, then the newly elected Council should make it a first priority of business. Toss in the losing hand and cut our losses. The grass can then rest over the scars that you have slashed across Hillandale Park and the taxpayers will rest more easily, as well.

At 8:37 p.m., Council Member Rogers offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Social Services Advisory Board, and Harrisonburg Parking Authority, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to two proposed contracts, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 10:00 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Green offered a motion that Elroy Miller, 1401 North College Avenue, be appointed to a second term on the Social Services Advisory Board to expire on July 1, 2004. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Green offered a motion that Alan Miller, 1160 Nelson Drive, be appointed to a first term on the Social Services Advisory Board to expire on July 1, 2004. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

Council Member Green offered a motion that Michael A. Haines, 298 Franklin Street, be appointed to a first term on the Harrisonburg Parking Authority to expire on November 28, 2004. The motion was seconded by Council Member Rogers, and approved with a unanimous vote of Council.

At 10:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK MAYOR

REGULAR MEETING

JUNE 27, 2000

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; Vice-Mayor Hugh J. Lantz, Walter F. Green, III, and Larry M. Rogers; City Clerk Yvonne Bonnie Ryan, CMC/AEE, and Chief of Police Donald Harper. Absent: John H. Byrd, Jr., and Earl Q. Thumma, Jr.

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

Council Member Green offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for Reserve for Contingency, capital projects, and Data Processing. The motion also included the second reading amending and re-enacting Article 6. Section 4-2-86 and Section 4-2-95 of the Harrisonburg City Code. 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

Absent - Council Member Byrd

City Manager Stewart presented a request to increase the School Capital Projects Fund. He explained that these funds will appropriate the City's proceeds from the Spring VPSA bond sale and will be used to renovate the Spotswood and Waterman Elementary Schools and to add air conditioning to the Harrisonburg High School field house.

At 7:35 p.m., Mayor Eagle closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 19, 2000.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, June 27, 2000 at 7:30 p.m. in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's School Capital Projects Fund budget in the amount of \$5,104,295.23. These funds are the City's proceeds from the Spring VPSA bond sale. It is proposed that these funds be used to renovate Spotswood and Waterman Elementary Schools and to add air conditioning to the Harrisonburg High School field house.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

Mayor Eagle called on anyone present desiring to speak for or against increasing the School Capital Projects Fund. There being no one desiring to be heard, the public hearing was declared closed at 7:35 p.m., and the regular session reconvened. Council Member Green offered a motion to approve issuing the VPSA bonds 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 - Vice-Mayor Lantz

Council Member Green

Council Member Rogers

Mayor Eagle

Absent - Council Member Byrd

Mayor Eagle introduced a resolution authorizing the creation of the Harrisonburg Crossing Community Development Authority. Bonnie France, attorney with the law firm of McGuire, Woods, Battle & Boothe, explained that the proposed resolution authorizes the creation of the Harrisonburg Crossing Community Development Authority. She also said that this would be the first step to finance some of the public improvements associated with a proposed commercial development in the City. The CDA proposes to issue bonds for off-site road improvements. The City will not issue the bonds and will not be liable for the repayment of the bonds.

At 7:37 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 Thursday, May 25, Thursday, June 1, and Thursday, June 8, 2000.

NOTICE OF PUBLIC HEARING ON

PROPOSED RESOLUTION

CREATING THE HARRISONBURG

CROSSING COMMUNITY

DEVELOPMENT AUTHORITY

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia (the City) will hold a public hearing in accordance with Section 15.2-5156 of the Code of Virginia of 1950, as amended on a resolution (the Resolution) creating the Harrisonburg Crossing Community Development Authority (the CDA). The Resolution authorizes the creation of the CDA for the purpose of financing various infrastructure improvements in connection with development of a shopping center known as Harrisonburg Crossing and establishes certain other details with respect to the CDA. A complete copy of the resolution and a copy of the Petition to create the CDA are on file in the City Manager's office at the address shown below. The public hearing, which may be continued or adjourned, will be held at 7:30 p.m. or as soon thereafter as the matter may be heard on June 27, 2000 in the Council Chambers, 345 South Main Street, in the City of Harrisonburg,

Virginia.

Mayor Eagle called on anyone present desiring to speak for or against this resolution.

Mark Mancuso

, vice-president of CBL & Associates Properties, Inc., said that his company was a real estate investment trust company listed on the New York Stock Exchange. He said during the last year he had been working in the City in an attempt to redevelop the property known as the Frazier Quarry. The property is currently zoned for industrial use and he reviewed the businesses currently on the property. Council Member Green questioned if the Council Members-elect had approved for the current Council to approve this request and move forward with the project. City Manager Stewart explained that this project had been discussed with CBL and Associates and the Council Members-elect and they had indicated that the current Council should proceed with the public hearing and the establishment of the Community Development Authority. Mr. Stewart also pointed out that another public hearing will be held for the rezoning, but not for the process of establishing the Community Development Authority structure.

There being no others desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. 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 Rogers

Mayor Eagle

Absent - Council Member Byrd

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

A RESOLUTION TO TELEVISION ALL REGULAR MEETINGS

OF THE CITY COUNCIL FOR THE CITY OF HARRISONBURG

WHEREAS, the Harrisonburg-Rockingham Chamber of Commerce has previously requested that the regular meetings of the City Council for the City of Harrisonburg, Virginia, be televised so that more citizens of the City would be aware of the issues and problems facing their local government; and

WHEREAS, the City Council after considering the request and the costs involved in televising the regular meetings, finds that it is in the best interests of the City and its citizens to televise its regular meetings;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg, Virginia, that the City Manager is directed to enter into the necessary agreements to televise the regular meetings of the City Council; and

BE IT FURTHER RESOLVED that all agreements to televise said regular meetings shall be similar to the proposals presented to the City Council at its regular meeting held on June 27, 2000; and

BE IT FURTHER RESOLVED that said televised meetings shall begin as soon as possible.

ADOPTED AND APPROVED, this 27th day of June, 2000, by the City Council.

WHEREAS, the City Council after considering the request and the costs involved in televising the regular meetings, finds that it is in the best interests of the City and its citizens to televise its regular meetings;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisonburg, Virginia, that the City Manager is directed to enter into the necessary agreements to televise the regular meetings of the City Council; and

BE IT FURTHER RESOLVED that all agreements to televise said regular meetings shall be similar to the proposals presented to the City Council at its regular meeting held on June 27, 2000; and

BE IT FURTHER RESOLVED that said televised meetings shall begin as soon as possible.

ADOPTED AND APPROVED, this 27th day of June, 2000, by the City Council.

MAYOR

ATTEST:

CLERK OF THE COUNCIL

Council Member Rogers presented a brief report concerning televising the Council meetings. He explained that a contract with Telemedia has been arranged to produce two City Council meetings per month at a cost of \$200 per Council meeting for a total cost of \$4,800 per year. This fee includes set up, taping and equipment. The contract begins July 1, 2000 and ends June 30, 2004. Council Member Rogers offered a motion to approve this contract. 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

Council Member Rogers

Mayor Eagle

Absent - Council Member Byrd

Barry Hensley

read the following statement: Last evening the citizens of Harrisonburg had the benefit of a professional analysis of the issues concerning the Harrisonburg Golf Course. Community response was quite favorable and clarity concerning this issue appears to be evolving slowly. The members of CARING within the past two months have undertaken a careful and detailed analysis of the community and the issues concerning the golf

course and have offered a possible solution to the dilemma. CARING has also realized that significant problems loom in the very near future if an immediate solution is not forthcoming. The undisputed issue in this matter are:

- (1) The Harrisonburg Municipal Golf Course is 50-60% completed and to date about \$2.5 million has been expended.
- (2) Political rhetoric and partisan posturing have failed to resolve any problems and have created animosities and a lack of trust in the community.
- (3) The golf course, if it is to be completed and operated successfully needs to be removed from the political process and placed in an objective management status.
- (4) Consequently, CARING has called for the City Council to appoint a commission to manage the golf enterprise in much the same way that HEC is managed and operated.
- (5) There is certainly not now, and has never been a citizen mandate to stop construction. The only mandate was to place new persons on the Council.

The process of planning, developing, and constructing the golf course has been involved and detailed. A review of all the pertinent documents clearly reveals the depth and degree of the planning and consideration given this project by both City staff, City Council and paid professional consultants. Conversely, however there appears to have been little, if any, planning done to suspend or terminate this golf course. Our research has clearly shown that the citizens of our City face ominous legal, environmental, and financial problems if this project is terminated prematurely. Experts have outlined that the citizens of Harrisonburg face probable long-term litigation, financial stress, and environmental deterioration of park land if the project is terminated on July 1 or shortly thereafter as promised. Perhaps these are the hard times that have recently been referred to.

Therefore, tonight CARING, on behalf of the citizens of Harrisonburg request that the City Council prior to the suspension or termination of the Golf Course contract authorize the City Manager and his staff to undertake a comprehensive study to determine both the short and long term environmental, legal, and financial consequences of closing down the golf course temporarily or permanently and that this project be made public prior to any City Council action in this matter. The report should address specifically the following issues and concerns:

- (1) The total costs to suspend or terminate the contract with Turf Drain, Inc. The costs should include, but not be limited to, penalties, funds already expended or billed, amounts necessary to restore the property, and actual and projected litigation costs.
- (2) To identify the revenue sources from which these funds are to be derived. Are these funds to be taken from schools, outlays for other capital improvements, operational costs, or will taxes need to be raised and by how much? It is my understanding you cannot use the bonds to pay off this debt if the project is not completed.
- (3) How long will be needed to pay these debts and will additional money needed to be borrowed? Where does that money come from?

(4) What are the plans for the Straite/Lineweaver property? How much will it cost to develop and implement these plans? Have we been there and done that?

The issues concerning termination of the project are actually more complicated than the original development of the golf course was. It is more difficult to get out of commitments than to make commitments. The citizens of Harrisonburg have a right to full disclosure of these matters before any City Council action is taken. The citizens of Harrisonburg have clearly not issued a mandate to stop this project and are in no mood to tolerate any arbitrary action by the City Council. CARING is confident that City Council members both old and new can feel this pulse in the community. Citizens believe, as does CARING, that the City Council is elected to serve them. Part of the City Council's assignment is to keep citizens informed. CARING is requesting you do so in a timely and professional manner so that as citizens we can assess your performance and be better informed as to how our taxpayers dollars are to be spent. We expect that wise decision will not succumb to political promises and postures.

City Manager Stewart noted that City staff will soon update its projection of the anticipated investment in the project through June 30, 2000. He said that he anticipated the updated projection will be close to the earlier estimate of about \$2.7 million, in direct and indirect costs. Following further discussion and comments, Vice-Mayor Lantz offered a motion to have the City Manager gather information and present a report to City Council before any action is taken on suspension or termination of the golf course. The motion was seconded by Council member Rogers, and approved with a unanimous vote of Council Members present.

Cecil Gilkerson

presented a plaque to City Attorney Earl Thumma who was absent at the meeting and expressed his personal thanks for the endless hours of hard work for more than 14 years. He also mentioned the number of times Mr. Thumma defended the City never losing a case, the enormous amount of paper work, and the professional manner in which he carried out his task. Mr. Gilkerson expressed his personal thanks and thanks from the CARING group and wished Earl Thumma the very best in the future. Mr. Gilkerson presented a plaque to Mayor Rodney Eagle, Council Member Green, and Council Member Byrd who was also absent at the meeting. He said that the many citizens of Harrisonburg and especially CARING wanted to express their thanks for the dedicated services given to the citizens of Harrisonburg. The thousands of telephone calls, hundred of meetings some lasting into the early hours of the morning, sleepless nights, many written letters, and the thousands of handshakes, Mr. Gilkerson said that the citizens appreciate this type of dedication. He said, You have performed in a professional way in serving us, and to your wives who showed a lot of patience, while waiting on dinner and the late meetings and to the children who are all very proud of their father's accomplishments on City Council. We offer our thanks and appreciation for your dedication to our great City.

Parks and Recreation Director Gucker presented for Council's consideration a recommendation from the Parks and Recreation Commission to purchase 48 acre tract of land bordering Hillandale Park. She explained that the Parks and Recreation Commission met on June 19th and unanimously made a motion to recommend to City Council to purchase the property currently owned by Bridgewater College for future park land. Council Member Rogers offered a motion to refer this recommendation to the Planning Commission. The motion was seconded by Council Member Green, and approved with a unanimous vote of Council Members present.

Economic Development Director Shull presented the following resolution for Council's consideration of approval:

RESOLUTION

INDUSTRIAL ACCESS ROAD PROJECT

BLACKS RUN INDUSTRIAL PARK II

At a regularly scheduled meeting of the City of Harrisonburg held on June 27, 2000, on a motion by Council Member Green, seconded by Vice-Mayor Lantz, the following resolution was adopted by a vote of three to zero with Council Member Rogers abstaining:

WHEREAS, Harmony Shenandoah Valley, LLC has purchased property located in the City of Harrisonburg and has entered into a firm contract to construct its facilities on that property for the purpose of producing high-grade fertilizer; and

WHEREAS, this new facility is expected to involve a new private capital investment in land, building, and manufacturing equipment of approximately \$7.2 million and Harmony Shenandoah Valley, LLC is expected to employ 25 persons at this facility; and

WHEREAS, manufacturing operations are expected to begin at this new facility on or about January, 2001; and

WHEREAS, the property on which this facility is located has no access to a public street or highway and requires the construction of a new roadway which would connect with Route 988; and

WHEREAS, the City of Harrisonburg hereby guarantees that the necessary right-of-way for this roadway and utility relocations or adjustments, if necessary, will be provided at no cost to the Virginia Department of Transportation;

NOW, THEREFORE, BE IT RESOLVED THAT: The City Council of Harrisonburg hereby requests that the Commonwealth Transportation Board provide Industrial Access Road funding to provide an adequate road to this new manufacturing facility; and

BE IT FURTHER RESOLVED THAT: The City Council of Harrisonburg hereby agrees that the new roadway so constructed will be added to and become a part of the road system of the City of Harrisonburg and will therefore be maintained by the City of Harrisonburg.

Rodney L. Eagle, Mayor

Attest:

City Clerk

Economic Development Director Shull explained that Council had unanimously endorsed a similar resolution November 23, 1999 for a bonded project in Blacks Run Industrial Park II in southern Harrisonburg. Since then, Harmony Shenandoah Valley LLC has committed to build a \$7.2 million manufacturing facility in the park and take advantage of the road. This request will amend the November 23, 1999 resolution and release the City from any bond commitment. Council Member Green offered a motion to approve this resolution. The motion was seconded by Vice-Mayor Lantz, and approved with a recorded roll call vote taken as follow:

Vote: Yes - Vice-Mayor Lantz

Council Member Green

Mayor Eagle

Abstained - Council Member Rogers

Absent - Council Member Byrd

City Planner Anderson presented an overview of the Landscape Committee's conceptual proposal. He explained that Planning Commission had formed a committee to look at landscaping options in the City. The Landscape Committee consisted of Kathy Whitten, Lee Foerster, Rudy Propst, Chad Layman, J.R. Copper, and Ken Patterson supported by staff members Carolyn Noel and Earl Anderson. Mr. Anderson said that the committee had reviewed the LEAF project in the City of Lynchburg. The LEAF project had a goal to raise \$380,000 in corporate and individuals donations to create a public-private agreement to landscape the Lynchburg Expressway. Benefits the committee observed were of economic development, tourism, encouragement for business landscaping, and promoting civic pride. The Lynchburg committee used several implementations tactics including identifying sources of funding, making contact and securing those sources. As well as, designing a system of incentives and recognition and working out a landscape design with a professional landscape architect. The City of Lynchburg supported the project by funding the master landscaping plan, providing public relations, organizing the committee and providing support staff, besides maintaining the landscape areas once installed. Signage designed for the project consisted of wood engraved signs with the sponsoring business name in each bed. All of the beds contained various plantings of flowers, bushes, grasses, and trees. In addition, the beds were placed along major areas of traffic circulation. The LEAF project also was awarded the Virginia Municipal League's 1995 Achievement Award for their design.

Mr. Anderson also reviewed some of landscaped beds in the City including Washington Street and North Main Street, Cantrell Avenue bridge and where the Landscape Committee is proposing to plant a bed dedicated by the City, along East Market Street in front of the K-Mart Shopping Center. Mr. J.R. Copper, a committee member, explained that the committee came up with the idea to have a joint public-private venture, similar to Lynchburg. The project would give the City a well-maintained, manicured area sponsored by private business. The committee explored this possibility rather than passing an ordinance and having a cookie-cutter type development. The committee is proposing having businesses in the City sponsor a bed that will cost \$5,000 to \$10,000. The committee is suggesting a maintenance cost of 50/50 or so much per year to keep their sign there, or it will be sold to another business. The committee has worked out some general guidelines including hiring an individual, starting with a part-time person, but leading to a full-time person in charge with some City staff support. Mayor Eagle commented that the City had worked on a similar project with the VFW. The VFW came to City Council and wanted to redo the island where the cannon and flags are in front of the high school. Many businesses participated either monetarily or by providing services to redo the monument. Council Member Rogers offered a motion to refer this request to the City Manager including his staff and members of the Landscape Committee for their consideration and to present a report to City Council at a later meeting. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

City Treasurer Neal presented a request to charge off delinquent business licenses for 1997 and 1998. City Treasurer Neal explained that delinquent notifications and court notifications (both by mail and Sheriff door service) have been sent to all businesses on the list. In some cases, when possible, a judgement has been placed against the business and the judgement will remain in place and effect future credit of said business for 20 years. Council Member Green offered a motion to approve this request. 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

Council Member Rogers

Mayor Eagle

Absent - Council Member Byrd

City Treasurer Neal presented a request to charge off 1994 personal property taxes and 1979 real estate taxes. City Treasurer Neal explained that her office has tried to collect these severely delinquent taxes. The office has had marginal success participating in the debt set off program through the Commonwealth of Virginia. Vice-Mayor Lantz offered a motion to approve this request. 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 Rogers

Mayor Eagle

Absent - Council Member Byrd

City Treasurer Neal presented a request to consider charging back outstanding/uncashed checks issued by the City between 1995 & 1998. City Treasurer Neal explained that these checks were issued in 1995 through 1998 and all checks were either mailed to the vendor or given to the employee through normal departmental pay processes. However, none of the checks were returned through the mail as deliverable or for some unknown reason they were never cashed. Vice-Mayor Lantz offered a motion to approve this request. 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

Absent - Council Member Byrd

City Manager Stewart presented a request to change the definition of a Capital Improvement from \$20,000 to \$25,000. He explained that approval of this request will change the City's Financial Management Policies Manual's Asset Maintenance, Replacement and Enhancement Policies. Council Member Green offered a motion to approve this request. 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

Council Member Rogers

Mayor Eagle

Absent - Council Member Byrd

City Manager Stewart presented a request to change definition of a Capital Item and a Fixed Asset. He explained that currently the City's definition of a Capital Item or a Fixed Asset says it must be an item that cost \$1,000 or more. It is requested that City Council consider increasing this amount to \$5,000 or more July 1, 2000. Approval of this request will change the City's Purchasing and Contracting Manual. Vice-Mayor Lantz offered a motion to approve this request. 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 Rogers

Mayor Eagle

Absent - Council Member Byrd

City Manager Stewart presented a request to transfer funds. He explained that the City had received a bill from Mays and Valentine for \$23,665.00. This bill represents the charge for legal services, regarding the TAGS lawsuit, that was not paid for by the City's insurance. Vice-Mayor Lantz offered a motion to transfer these funds:

\$23,665.00 chge. to: 1000-940111-49310 Reserve for contingencies

\$23,665.00 approp. to: 1000-110111-43100 Professional services

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

Absent - Council Member Byrd

City Manager Stewart presented a request to transfer funds. He explained that some budgeted funds in the Sewer Capital Project Fund have been identified for reallocated to over sizing and extensions based upon the department's projected work plan. Council Member Green offered a motion to transfer these funds:

\$180,000.00 chge. to: 1322-911161-48647 HRRSA WWTP Expansion

15,000.00 chge. to: 1322-911161-48607 East Side Road Improvements

5,730.51 chge. to: 1322-911161-48646 VDOT West Market Street

\$200,730.51 approp. to: 1322-911161-48650 Oversizing & Extensions

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

Absent - Council Member Byrd

City Manager Stewart presented a request to transfer funds. He explained that several budgeted Water Fund Capital outlays items won't be completed prior to June 30, 2000. This request will not increase the current year's budget. Council Member Green offered a motion to transfer these funds:

\$ 2,981.76 chge. to: 2011-372061-48291 Engineering & Mapping

34,385.00 chge. to: 2011-372061-48295 Work in annexed area

\$37,366.76 approp. to: 2011-392061-49216 Transfer to Capital projects

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

Absent - Council Member Byrd

Hank Dunton

said that he has had the honor and privilege of knowing and working with Mayor Eagle, Council Member Green and Council Member Byrd. He said that he has benefited daily from the current Council's dedication and foresight. It is indeed a sad occasion that we bear witness to this changing of the guards, but as Mayor Eagle, Council Member Green, Council Member Byrd, and City Attorney Thumma depart the service of our City, let us celebrate the many contributions that each has made. We should already remember that when a

battle is lost because men refuse to compromise their principles these men have already won the alternate battle. In that war truth and integrity honor and faith will always rein victoriously. He said that, I would like to think that seventy-five years from now when they mention the names of Rodney Eagle, Walter F. Green, III, John Byrd, and Earl Thumma that it will be the good and contributions they have made to this town that will be remembered. Thank you and God bless each of you.

Kathy Whitten

speaking on behalf of the Planning Commission presented a Certificate of Recognition to Rodney Eagle in appreciation for his service as a member of the Harrisonburg Planning Commission from July 10, 1996 to July 1, 2000. She said that during this time he attended 52 regular meetings of the commission, many workshops, and participated in the 1998-1999 update of the Comprehensive Plan, the adoption of the Major Street Plan, and the annual reviews of Capital Improvement Programs. Mrs. Whitten also said, We will truly miss you and wish you success.

Dick Blackwell

said that he has appeared before City Council many times and that although sometimes there wasn't complete agreement on some of the decisions, he had always appreciated the way they have conducted the affairs of the City. This current City Council has represented the City very well, especially Mayor Eagle by working 20 to 35 hours per week and wearing out the batteries of his cell phone. He noted that Mayor Eagle always made himself available to anybody in the City who needed to talk to him. He said, We will miss you.

Carolyn Pence

expressed her personal thanks to Mayor Eagle, Council Member Green and Council Member Byrd for the way they have looked out for the needs and interest of everyone in the City.

George Rontopoulos

said that once the sign issue in downtown was presented to City Council, through the cooperation of the downtown business owners and Council the area has improved. He also said the City is a lovely place to live.

Don Kidd

said that he has lived for 20 years in the City. He thanked Rodney Eagle, Walter Green, and John Byrd for all they had done for the City. He encouraged the new Council Members to listen to the people and keep Harrisonburg a great place to live.

Stan Jones

said that he did not live in the City, but is the director of development for the Boys/Girls Club for Harrisonburg and Rockingham County. He said that in 1970, he came to Harrisonburg to play little division three football at Madison College. To play football, he needed to have a physical and one of the first persons he met in the community was Dr. Walter F. Green. He said that not only was Dr. Green available for healing him physically but shared his wisdom as a person. He said Dr. Green, you have touch the hearts of a lot of young people including myself and I doubt if anyone in this community ever again will have the opportunity to touch the lives of so many young people.

Vice-Mayor Lantz said that he had the opportunity to visit Chattanooga, Tennessee with a group from JMU to visit their recreation department and athletics facility. Chattanooga owns a football stadium, a three million

dollars women s softball stadium, and three municipal golf courses. Mr. Lantz also commented that Harrisonburg has one of the finest Parks and Recreation Department in the state of Virginia. For the past year, Council has been negotiating with the Strate family on the possible purchase/lease of some land next to the Lineweaver/Strate property for a golf driving range. He presented a lease/purchase agreement and deed of easement until July 31, 2008 to provide a driving range for the City s golf course. Anywhere during the eight-year lease, the City has the option of purchasing the land. The payment for the lease agreement is that the City will install a sewer line through the golf course property up to the Strate property and providing a deed of easement for the Straite s to hook into the sewer line in Hillandale Park. Vice-Mayor Lantz offered a motion authorizing the City Manager and Mayor to sign the two lease agreements with the Straite family. 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

Absent - Council Member Byrd

Council Member Rogers said that it has been a pleasure to get to know and work with Council Member Green, Council Member Byrd, and Mayor Eagle. Mr. Rogers said that in 1996, he and Hugh Lantz decided after adding the ages of Dr. Green, Mr. Byrd, and Mr. Eagle that if they provided some warm milk at 8:30 p.m. they could get them to go to sleep. However, they soon discovered these men really made them work and they were very tired on Wednesday. Mr. Rogers said that it has been an honor to get to know these men and he really appreciated everything they have done for the City.

Mayor Eagle commented that it has been a great experience and he has learned a lot about the City.

Council Member Green said that he has enjoyed working with everyone including City staff, the City Clerk and City employees. He also suggested that TAGS and other groups should perhaps watch the British Open on television on July 17th because they will play it on the oldest golf course in the world and it is in the City park of St. Andrews, Scotland.

At 8:37 p.m., Council Member Rogers offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Social Services Advisory Board, and Harrisonburg Parking Authority, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, as amended. Consultation with the City Attorney and briefings by staff members pertaining to two proposed contracts, exempt from public meeting requirements pursuant to Section 2.1-344(A)(7) of the Code of Virginia, 1950, as amended. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

At 10:00 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Rogers offered a motion to adopt a resolution providing severance pay to the City Attorney and transferring these funds:

\$40,000 chge. to: 1000-940111-49310 Reserve for contingencies

\$40,000 approp. to: 1000-120411-43155 Severance pay

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

Council Member Rogers

Mayor Eagle

Absent - Council Member Byrd

Resolution Providing Severance Pay for City Attorney

Be it resolved by the Council of the City of Harrisonburg that Earl Q. Thumma be paid a lump sum severance in the amount of \$40,000 if he is not reappointed as City Attorney on July 1, 2000. This severance pay is based on the annual retainer paid to the City Attorney and is in recognition of the years of service provided to the City. The City Manager is directed to have the check prepared no later than June 30, 2000 and is directed to present the check to Mr. Thumma following the July 1, 2000 Council meeting if he is not reappointed City Attorney. \$40,000 is to be transferred from the reserve for contingencies to the City Attorney budget for this severance pay.

Adopted this the 27th day of June, 2000.

Mayor

Attest:

City Clerk

Council Member Rogers offered a motion that Margaret W. Sheridan, 518 East Market Street, be appointed to fill the unexpired term of Bill Boyd to expire on November 28, 2002 on the Harrisonburg Parking Authority. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Donna C. Finnigan, 878 Stuart Street, be appointed to a first term on the Harrisonburg Parking Authority to expire on November 28, 2005. The motion was seconded by Vice-Mayor Lantz, and approved with a unanimous vote of Council.

Council Member Rogers offered a motion that Brian Shull, 213 Quince Drive, be appointed to a term on the Shenandoah Valley Partnership Board to expire on June 30, 2002. The motion was seconded by Vice-Mayor

Lantz, and approved with a unanimous vote of Council.

At 10:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK MAYOR

REORGANIZATION MEETING

SATURDAY, JULY 1, 2000

At a reorganization meeting held in the Council Chamber today at 10:00 a.m., there were present: City Manager Steven Stewart, Assistant City Manager Roger Baker; Council Members Carolyn W. Frank, Joseph Gus Fitzgerald, Hugh J. Lantz, Dorn W. Peterson, and Larry M. Rogers; City Clerk Yvonne "Bonnie" Ryan, CMC/A&E and Chief of Police Donald Harper.

The following special meeting call was presented:

An emergency existing, there will be a special meeting of the City Council, required by Section 42 of the City Charter, to be held in the Council Chamber on Saturday, July 1, 2000 at 10:00 a.m., to consider the following matters and take necessary action thereon:

1. Call to order.
2. Oath prescribed by Law, Section 42 of the City Charter:
3. Re-organization of City Council:
 - a. Election of MAYOR, 2 year term (Section 7 City Charter).
 - b. Election of VICE-MAYOR, 2 year term (Section 7 City Charter).
 - c. Appoint CITY ATTORNEY, 2 year term (City Code Section 3-2-1).
 - d. Appoint one member of Council to Planning Commission, (City Code Section 10-1-2(c)).
 - e. Appoint one member of Council to Parks and Recreation Commission (City Code Section 9-1-1).
 - f. Liaison to Social Services Advisory Board, City/County Liaison Committee, Central Shenandoah Planning District Commission, Chamber of Commerce, Greener Harrisonburg, Deer Population Task Force, and School Board Liaison.
4. Designate regular meeting time and dates (Currently 2nd and 4th Tuesday of each month at 7:30 p.m.) Changing the time and/or date requires an amendment to City Code Section 2-2-5.
5. Consider report from golf course committee.
6. Discussion and potential action concerning golf course.
7. Other Matters (as agreed to by all members of Council).

✓ City Clerk Ryan reported that she was in receipt of Oaths of Office, duly taken by Carolyn W. Frank, Joseph Gus Fitzgerald and Dorn W. Peterson.

Under Item #3 of today's agenda, "Re-organization of City Council, Section a through f, the following actions were taken:

Council Member Rogers offered a motion that Mr. Joseph Gus Fitzgerald be appointed as Mayor of the City of Harrisonburg. The motion was seconded by Council Member Lantz; however, the motion failed with a three to two recorded roll call vote taken as follows:

Vote - Yes - Council Member Lantz
Council Member Rogers

No - Council Member Frank
Council Member Fitzgerald
Council Member Peterson

Council Member Peterson offered a motion that Mrs. Carolyn Frank be appointed as Mayor of the City of Harrisonburg. The motion was seconded by Council Member Fitzgerald, and approved with a three to two recorded roll call vote taken as follows:

Vote - Yes - Council Member Frank
Council Member Fitzgerald
Council Member Peterson

No - Council Member Lantz
Council Member Rogers

Council Member Fitzgerald offered a motion that Mr. Dorn Peterson be appointed as Vice-Mayor of the City of Harrisonburg. The motion was seconded by Council Member Lantz, and approved with the following recorded roll call vote taken as follows:

Vote - Yes - Council Member Rogers
Council Member Lantz
Council Member Fitzgerald
Council Member Peterson
Mayor Frank

No - None

Council Member Rogers offered a motion that Mr. Earl Q. Thumma, Jr., be appointed as the City Attorney. The motion was seconded by Council Member Lantz; however, the motion failed with a three to two recorded roll call vote taken as follows:

Vote - Yes - Council Member Rogers
Council Member Lantz

No - Council Member Fitzgerald
Vice-Mayor Peterson

Mayor Frank

Vice-Mayor Peterson offered a motion that Mr. Thomas H. Miller, Jr., be appointed as the City Attorney. The motion was seconded by Council Member Fitzgerald, and approved with a three to two recorded roll call vote taken as follows:

Vote - Yes - Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

No - Council Member Lantz
 Council Member Rogers

Newly appointed City Attorney Miller joined the City Council meeting.

Council Member Rogers offered a motion that Dorn Peterson be appointed to a term on the Harrisonburg Planning Commission. The motion was seconded by Council Member Lantz, and approved with the following recorded roll call vote taken as follows:

Vote - Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Vice-Mayor Peterson offered a motion that Carolyn Frank be appointed to a term on the Harrisonburg Parks and Recreation Commission. The motion was seconded by Council Member Fitzgerald, and approved with the following recorded roll call vote taken as follows:

Vote - Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Vice-Mayor Peterson offered a motion that Joe Fitzgerald be appointed to serve on the Social Services Advisory Board. The motion was seconded by Council Member Lantz, and approved with the following recorded roll call vote taken as follows:

Vote - Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald

Vice-Mayor Peterson
Mayor Frank

Absent - None

Vice-Mayor Peterson offered a motion that Council Member Lantz and Council Member Rogers be appointed to the City/County Liaison Committee. The motion was seconded by Council Member Fitzgerald, and approved with the following recorded roll call vote taken as follows:

Vote - Yes - Council Member Rogers
Council Member Lantz
Council Member Fitzgerald
Vice-Mayor Peterson
Mayor Frank

Absent - None

Council Member Rogers offered a motion that Mayor Carolyn Frank be appointed to the Central Shenandoah Planning District Commission. The motion was seconded by Vice-Mayor Peterson, and approved with the following recorded roll call vote taken as follows:

Vote - Yes - Council Member Rogers
Council Member Lantz
Council Member Fitzgerald
Vice-Mayor Peterson
Mayor Frank

Absent - None

Vice-Mayor Peterson offered a motion that Council Member Joe Fitzgerald be appointed to the Chamber of Commerce. The motion was seconded by Council Member Lantz, and approved with the following recorded roll call vote taken as follows:

Vote - Yes - Council Member Rogers
Council Member Lantz
Council Member Fitzgerald
Vice-Mayor Peterson
Mayor Frank

Absent - None

Council Member Fitzgerald offered a motion that Vice-Mayor Dorn Peterson be appointed to Greener Harrisonburg. The motion was seconded by Council Member Lantz, and approved with the following recorded roll call vote taken as follows:

Vote - Yes - Council Member Rogers

Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

✓ Council Member Fitzgerald offered a motion that Council Member Lantz be appointed to the Deer Population Task Force. The motion was seconded by Council Member Rogers, and approved with the following recorded roll call vote taken as follows:

Vote - Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

✓ Council Member Lantz offered a motion that Mayor Carolyn Frank be appointed as the Harrisonburg School Board Liaison. The motion was seconded by Council Member Rogers, and approved with the following recorded roll call vote taken as follows:

Vote - Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Council Member Lantz offered a motion that City Council meet each month on the 2nd and 4th Tuesday of each month at 7:30 p.m. The motion was seconded by Council Member Fitzgerald, and approved with a recorded roll call vote taken as follows:

Vote - Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

✓ Bob Heath, former Mayor of Harrisonburg, and Chairman of the Citizens' Advisory Committee, which the three new members of Council had created to advise them on the golf course presented a preliminary report to City Council. Mr. Heath said that including himself the committee consisted of Mike Layman, Julius Roberston, Dean Elders, Eric Gordon, John Sellers, Kathy

Whitten, Rudy Propst, Warren Dillenbeck, and Wayne Alley. The committee met ten times to discuss this issue, walked over the golf course and discussed the finances of the proposed golf course. Mr. Heath said that all ten of the committee members agreed with the conclusion. Mr. Heath read the following conclusion: The issue is not whether the golf course should have been built but whether it should be completed. The situation today is entirely different from what it was before construction began. Mr. Heath said that if the City should decide to complete the golf course based on the above analysis, there are compelling reasons to do so and he named those reasons. The "compelling reasons" are that the Golf Course may have a reasonable chance of success if carefully managed, the amount of money already spent and the additional cost required to stop construction would be a major reason to move forward. The fact that the bond issue has been sold with a 10-year non-callable feature that will add to the complication and the cost of stopping construction. He said that although this is not a recommendation, it is a conclusion, but it simply says if you decide to move forward these are the things that would be important in that decision.

Vice-Mayor Peterson thanked former Mayor Heath and the committee for the tremendous amount of work put into the committee and the report in a very short time.

Council Member Fitzgerald also thanked the committee noting that they have probably met more times in June than City Council will meet between now and Halloween. He also said that this committee has worked without pay, had a very rocky and controversial beginning which reflected on you when it should have reflected on us. The committee bore it well, held on and did the job we asked you to do. Mr. Fitzgerald said that when this committee was formed, "I was expecting one result and hoping for another. But, it is clear that I didn't get my wish and it's time for the healing to begin and reach a conclusion." Then Council Member Fitzgerald made a motion to accept the findings of this committee and that we continue with the golf course project and finish it. Council Member Rogers seconded the motion made by Council Member Fitzgerald.

Vice-Mayor Peterson questioned whether the motion made by Council Member Fitzgerald included finishing the Turf Drain contract or if the motion was to build the golf course out to completion as designed.

Council Member Rogers asked for clarification from the Mayor noting that a motion was on the floor and it had been properly seconded.

Council Member Fitzgerald clarified that his motion was to complete the project as it has been outlined in the past. Council Member Rogers acknowledged that was the motion he had seconded.

City Attorney Miller clarified that the person who made the motion is the only person who can amend the motion and then the motion can be seconded again as amended.

Following further discussion and comments, Vice-Mayor Peterson offered a motion to amend the motion made by Council Member Fitzgerald to state that at this point we will continue with whatever work is necessary to complete the Turf Drain contract including whatever the City has to put in to do clearing and build the pump house which are obligations that the City has taken on and that we revisit the issue later on in fall perhaps whether it makes sense to lease the golf course

at that point or to finish it all the way and leave it at that point. Mayor Frank tried to second the motion, but was reminded that the Mayor could not second a motion. Then the motion died for lack of a second.

The question was called with the following results:

Vote - Yes - Council Member Fitzgerald
 Council Member Lantz
 Council Member Rogers

No - Vice-Mayor Peterson
 Mayor Frank

At 10:45 a.m., Vice-Mayor Peterson offered a motion that Council enter a closed session to discuss and/or consider the following: Discussion concerning the potential resignation of a public officer, exempt from public meeting requirements pursuant to Section 2.1-344. A. 1. of the Code of Virginia, 1950, as amended. The motion was seconded by Council Member Fitzgerald, and approved with a unanimous vote of Council.

At 11:29 a.m., the closed session 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 matters as were identified in the motion by which the executive or closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

At 11:30 a.m., there being no further business and on motion adopted the meeting was adjourned.

Yvonne Ryan, Clerk CLERK Carolyn W. Frank MAYOR

REGULAR MEETING

JULY 11, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Thomas H. Miller, Jr.; Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, and Joseph Gus Fitzgerald; City Clerk Yvonne "Bonnie" Ryan, CMC/AAE, and Chief of Police Donald Harper.

Mayor Frank delivered the invocation and led everyone in the Pledge of Allegiance.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the June 27 and July 1, 2000 minutes and a second reading increasing the School Capital Projects Fund. The motion was seconded by Council Member Fitzgerald, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Peterson
 Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Mayor Frank

Absent - None

✓ Planning and Community Development Director Turner introduced a request by Beckwith Development to rezone 2.08 acres located on the northern side of West Market Street, opposite Thomas Harrison Middle School. The Land Use Guide shows the property as Planned Residential - Medium Density use. This category is designated for the planned development of multi-family uses including two-family dwellings and single-family attached dwellings (townhouses and condominiums). She reviewed the surrounding property uses which include R-1 Single-Family Residential District, vacant land, single-family, multi-family, a Harrisonburg Electric Commission substation zoned B-2, and Thomas Harrison Middle School. She explained that the applicant has requested this rezoning to construct townhouses on the site. This is a request for a conditional rezoning from R-1 Single-Family Residential District to R-3 Multiple Dwelling Residential District (Conditional) with the following proffers: (1) Dwelling units may be occupied by a family or not more than two (2) persons except that such occupancy may be superseded by building regulations. (2) Attached townhouses of not more than eight (8) units per building. (3) Developer will plant a double staggered row of evergreens and erect a solid fence barrier on the east side between Harrisonburg Electric Commission and lot 40 and on the north side between lot 40 and lot 7 on the Wellington Subdivision. The conceptual plan, although not proffered, shows a proposed townhouse development with 29 units on 2.08 acres. Mrs. Turner also said that our ordinance allows approximately 21 townhouse units to be constructed on an acre of land. This proposal would be within the allowable density; however, this calculation does not take into consideration land used for parking areas and travelways which would reduce that number. Harrisonburg Electric

Commission commented that excessive noise from the substation located east of the property might cause future nuisance complaints from a residential neighborhood. At Planning Commission's public hearing, Mr. Beckwith spoke in favor of the development and Mr. Jay Litten, attorney for Frazier Quarry spoke in opposition. At the first Planning Commission meeting, Mr. Litten presented some information on a private deed restriction which had been placed on this property when Mr. Beckwith bought it from the Fraziers. Because of the concern, Planning Commission tabled this request for a month to allow the City Attorney to review the private deed restrictions concerning this development. The City Attorney advised Planning Commission that the agreement between Frazier Quarry and Mr. Beckwith is a private matter and that the City does not enforce deed restrictions or private agreements between property owners. She noted that the land is already zoned R-1 Single-Family Residential. She said that Planning Commission recommended approval of the proposed rezoning.

At 7:38 p.m., Mayor Frank closed the regular session temporarily and called the evening's first public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 26, and Monday, July 3, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, July 11, 2000 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

REZONING

Request by Beckwith Development to rezone 2.08 acres, identified as tax map parcel 37-C-6, from R-1 Single-Family Residential District to R-3 Multiple Dwelling Residential District (Conditional). The property is located on the northern side of West Market Street, opposite Thomas Harrison Middle School. The R-1 district is intended for single-family dwellings on 10,000 SF lots and certain governmental, educational, and religious uses that are compatible with residential surroundings. The R-3 district allows single-family dwellings, duplexes, apartments, townhouse units, and institutional buildings. The maximum allowable density in the R-3 district is up to 21 units per acre. The Land Use Guide recommends the site for Planned Residential-Medium Density 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 this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five days.

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

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

Walter Beckwith developer of Wellington Subdivision said that it first was designed and planned as a retirement community. Originally Wellington planned to include an amenity's center on lot 40. However, with the cost of blasting and grading the Wellington site to make more desirable level home sites, the plans were changed. Mr. Beckwith said that marketing research indicates that the addition of a townhome community in the Wellington Subdivision would help fill a need in Harrisonburg for moderate housing for both retired families and families with children being close to City schools. This half-mile stretch along West Market Street seems to fit in with everything happening on the west side of the City. The Harrisonburg Land Use Guide designates the property for planned residential medium density. Mr. Beckwith reviewed some of the proffers and said that they were concerned about safety for the residents. The 2.08 acre lot is an ample buffer between lot 40 and the quarry and this zoning change has been supported by City staff and the Planning Commission.

Todd Rhea, attorney with the law firm of Clark and Bradshaw, said that he has worked with Mr. Beckwith and his company in developing the subdivision concept and rezoning idea for this parcel on West Market Street. At the first Planning Commission meeting, several issues were raised including safety and certain agreements between the property owners. He said there are some restrictive easements and noted that nothing is being hidden from any prospective purchasers.

Jay Litten, attorney with the law firm of Litten and Sipe, and representing Frazier Quarry said that the quarry was opposed to this rezoning. He said that the property is currently zoned R-1 and questioned why should it be rezoned. This property is subject to an industrial easement and that easement acknowledges that the property is subject to noise, vibrations, and dust from the quarry. This property is in an area affected by an industry. This property is not prime residential property. The Frazier oppose this rezoning application because of public safety and children living in close proximity with an industrial site. Frazier Quarry has been operating at the Waterman Drive location since about 1949. Over the years, they have moved their operation back away from existing neighborhoods. Ironically, that has pushed them back closer to this proposed development. He suggested there were other places located in the City for townhouses that would not have a safety hazard. Besides the safety hazard and the industrial easement, there is the restrictive covenant which was placed on the property in 1986 by Frazier Quarry. That restrictive covenant said that there shall be no residential development until the year 2016. Mr. Beckwith acquired the property in 1998 or 1999 and approached the Fraziers and asked that the restrictive covenant be lifted. Mr. Beckwith seemed willing to make sure that all of Wellington would blend in well with the quarry because this would be a retirement development with an amenity's center on this property. That seemed like a very good fit to the Fraziers. However, the release was conditional. The release requires that Beckwith Development build streets, water lines, sewer lines, and so on throughout the subdivision, by December 28, 2001. He questioned if the City would benefit from rezoning this property and noted that the Comprehensive Plan designates this area as medium density multi-family.

There being no others desiring to be heard, the public hearing was declared closed at 8:03 p.m., and the regular session reconvened.

Discussion by Council Members included an agreement transferring lot 7 to Frazier Quarry including providing water and sewer, Comprehensive Plan, trends of growth, restricted covenant, industrial easement, a lot of R-3 property yet to be developed in the City, change leaves a checkerboard approach to City zoning, a complicated issue, and a planned retirement community. Council Member Fitzgerald offered a motion to table this rezoning request until the next meeting.

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 amend the City of Harrisonburg's 1998 Comprehensive Plan in order to add a mediation statement. She explained that the mediation center noticed recently that the 1992 Comprehensive Plan had a statement encouraging the use of mediation. That statement read: Consider the use of mediation for facilitating a consensus through face-to-face negotiation in a non-adversarial process. A mediation statement was included in the 1992 plan, but it was inadvertently left out during the 1998 update. She said that it was recommended that the mediation statement be inserted on page 94 in the Government Section Project/Program Strategies with the same text as before. Planning Commission recommended adding the statement back into the Comprehensive Plan.

At 8:10 p.m., Mayor Frank closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, June 26, and Monday, July 3, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, July 11, 2000 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

Comprehensive Plan Amendment

Public Hearing to consider a request to amend the City of Harrisonburg's 1998 Comprehensive Plan in order to add a mediation statement. The following statement will be considered for insertion on page 94, Government Section, Project/Programs Strategies, of the 1998 Comprehensive Plan.

- 6. Consider the use of mediation as a means of facilitating consensus through face-to-face negotiation in a non-adversarial process.**

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five days.

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

Mayor Frank called on anyone desiring to speak for or against amending the 1998 Comprehensive Plan.

Tim Rucke a resident living at 220 Paul Street encouraged City Council to consider this amendment to the Comprehensive Plan. He said this is an opportunity to set a tone and create a culture that promotes positive communication and collaborate problem solving.

There being no others desiring to be heard, the public hearing was declared closed at 8:11 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve this request amending the 1998 Comprehensive Plan. The motion was seconded by Council Member Fitzgerald, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Peterson
 Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Mayor Frank

Absent - None

Police Chief Harper presented for Council's consideration an application from Natalie W. Miller applying for a Certificate of Public Convenience and Necessity to open Gem Enterprises, Ltd. He explained that Ms. Miller would like to operate a limousine service in Harrisonburg and has already established a limousine service in Winchester. Colonel Harper said that the Police Department has completed the background for the applicant and recommended issuing the certificate. Vice-Mayor Peterson offered a motion to approve a Certificate of Public Convenience & Necessity for Gem Enterprises, Ltd. for five (5) years. The motion was seconded by Council Member Fitzgerald, and approved with a unanimous vote of Council.

Assistant City Manager Baker said that he would be presenting a number of proposed projects to be considered for funding at the Virginia Department of Transportation annual pre-allocation hearing on July 21st in Verona. Mr. Baker explained that the proposed projects are the same projects which were presented last year. The existing projects under construction include four-laning portions of Cantrell Avenue, Stone Spring Road, Port Republic Road, Linda Lane, Mt. Clinton Pike, widening portions of South Main Street, Country Club Road, Pleasant Hill Road, and upgrading Pleasant Valley Road, and East Market Street. The City will also request funding for our transit system at the meeting. Council Member Lantz offered a motion to support these proposed projects at the VDOT meeting in Verona. The motion was seconded by Vice-Mayor Peterson, and approved with a unanimous vote of Council.

Vice-Mayor Peterson presented for Council's consideration adopting Robert's Rules of Order Newly Revised. He explained that the current City Code Handbook listed as Karcher's Handbook for parliamentary procedures is out of print. He also noted that most organizations use Robert's Rules of Order. Mr. Peterson said that some of the major changes included in Robert's Rules of Order were that most motion would not need a second, no time limits of discussion; however, the current code limits Council Members too only speaking for 15 minutes on anyone topics, and saying that the Mayor cannot make motions. He suggested that City Counsel because of their small size should follow the same rules as those for small boards, but noted that the rules could be modified according to how this Council wishes to operate. Council Member Lantz said

that "He was not opposed to Roberts's Rules of Order. Nevertheless, he did not like carefully choosing certain sections of the book. Either it is adopted or not adopted. He also said that if the Mayor is chairing and controlling the meeting, then the Mayor should not be making motions." Robert's Rules of Order Newly Revised does state that the Chair or Mayor can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly followed regardless of how many members are present), he/she can usually make motions and usually votes on all questions.

✓ Council Member Lantz offered a motion that Title 2, Chapter 3, Section 1 of the Harrisonburg City Code be amended to read: The proceedings of the Council, except as otherwise provided in this chapter, shall be governed by the current edition of "Robert's Rules of Order Newly Revised." by adding procedures for small groups. The motion was seconded by Council Member Fitzgerald, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Peterson
 Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Mayor Frank

Absent - None

Vice-Mayor Peterson offered a motion directing the City Attorney to draft removal of Title 2, Chapter 3, Sections 3, 4, 7, and 12-18 of the Harrisonburg City Code. He explained that these sections would be redundant by adopting Robert's Rules of Order and should be removed. The motion was seconded by Council Member Lantz, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Peterson
 Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Mayor Frank

Absent - None

✓ Vice-Mayor Peterson offered a motion directing the City Attorney to draft the appropriate wording making it clear in the City Code that while the Mayor is chairing the meeting, he/she may not make a motion. He also directed the City Attorney to do an appropriate re-numbering of Chapter 3 by adding this provision. The motion was seconded by Council Member Rogers, and approved with a recorded roll call vote taken as follows:

Vote: Yes - Vice-Mayor Peterson
 Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald

Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these are funds through a Federal block grant and will be used to purchase in-car videos and power point training. Council Member Lantz offered a motion to approve this request for a first reading:

\$16,370.00 chge. to: 1000-31010 Amount from fund balance
\$16,370.00 approp. to: 1000-310231-48211 New equipment and machinery

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

Vote: Yes - Vice-Mayor Peterson
Council Member Rogers
Council Member Lantz
Council Member Fitzgerald
Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these are funds left over in a Federal block grant and will be used to purchase police equipment for the department. Vice-Mayor Peterson Lantz offered a motion to approve this request for a first reading:

\$1,186.87 chge. to: 1000-31010 Amount from fund balance
\$1,186.87 approp. to: 1000-310331-48211 Machinery and Equipment (additions)

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

Vote: Yes - Vice-Mayor Peterson
Council Member Rogers
Council Member Lantz
Council Member Fitzgerald
Mayor Frank

Absent - None

City Manager Stewart presented a request for a supplemental appropriation of funds encumbered at June 30, 2000. He explained that these funds are for purchase orders out of last year's budget for a variety of goods and/or services. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$476,309.38 chge. to: 1000-31010 Amount from fund balance

\$ 3,500.00 approp. to: 1000-121511-48173 Software
 34,000.00 approp. to: 1000-122011-48173 Software
 1,000.00 approp. to: 1000-122211-48173 Software
 5,700.00 approp. to: 1000-310131-48211 Machinery and Equipment
 35,750.00 approp. to: 1000-320132-48181 Buildings and grounds
 17,400.00 approp. to: 1000-430221-48181 Buildings and grounds
 89,437.50 approp. to: 1000-410241-48294 WIP-Annex area #1
 79,133.98 approp. to: 1000-410241-48297 WIP-West Market Street
 108,000.00 approp. to: 1000-410741-46070 Repair and maintenance supplies
 95,000.00 approp. to: 1000-410741-48111 Machinery and Equipment
 1,089.80 approp. to: 1000-710171-46132 Ed/rec supplies - recreational
 1,140.00 approp. to: 1000-710171-46150 Merchandise for resale
 5,158.10 approp. to: 1000-810521-43134 Labor Market & Training survey

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

Vote: Yes - Vice-Mayor Peterson
 Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Mayor Frank

Absent - None

Hank Dunton, a resident of 314 Franklin Street, speaking on behalf of the CARING Group said that the group hoped the political climate would soon see a change and that the City Council can move forward with an agenda serving all of the citizens. The commitment to the people should and must take precedent over any want or whim of self or benefactor. He said that during recent weeks the City has been marked by departure from service of several dedicated servants. CARING is committed to supporting the many remaining City employees who are dedicated to the service of this City. He urged the City Council to retain the remaining dedicated loyal employees.

Richard Ingram, a resident of 686 Wyndham Woods Circle, expressed concern over the placement of the 13th hole of the golf course. He said because of trees being removed on the golf course and the nearness of the current placement of the pin for the 13th green to his house puts the family and property at jeopardy for injury and/or damage from errant golf balls. He said that the City could be liable for damage or injury incurred as a result of an errant golf ball. He requested that the City redesign the 13th hole to remove any possible hazard from his property.

Vern Sequin suggested that some of the money information presented on local radio talk shows concerning the golf course was misleading.

✓ Police Chief Harper encouraged all of the City residents to participate in the National Night Out 2000. He explained that the Police Department will be traveling in a convoy to various communities throughout the City to participate in community activities.

Bob Berrson encouraged neighborhoods in Harrisonburg to participate in National Night Out 2000.

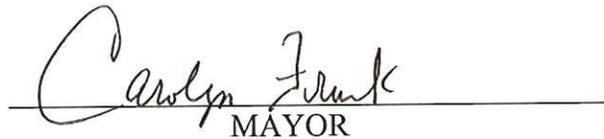
Vice-Mayor Peterson said that he plans to introduce changes to the City Charter at the next City Council meeting giving citizens the right to recall Council Members, call for referendums, having at least three Council Members elected every two years, and removing the specific cap on Council and Mayor's salary.

City Manager Stewart announced that City staff would be appearing before the Rockingham County Board of Supervisors Wednesday July 12 to hopefully have the final phase for the water line from the south fork of the Shenandoah River approved. He said that Rockingham County's Planning Commission has voted unanimously to forward the request to the Board of Supervisors saying that it was in compliance with the County's Comprehensive Plan.

At 9:15 p.m., Council Member Rogers offered a motion that Council enter a closed session for discussing and considering prospective candidates for appointment to boards and commissions, and; discussing the possible resignation of a public official. A closed session is permissible for both purposes pursuant to Section 2.1-344. A.1 of the Code of Virginia (1950), as amended (the Code). The motion was seconded by Council Member Fitzgerald, and approved with a unanimous vote of Council.

At 10:30 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.


CLERK


MAYOR

REGULAR MEETING

JULY 25, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, and Joseph Gus Fitzgerald; City Clerk Yvonne "Bonnie" Ryan, CMC/AAE, and Chief of Police Donald Harper.

Council Member Lantz delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Human Resource Director Whistleman introduced five new City employees: Amanda Irvine, Stephanie Porter, Laverne Roach, Police Department; Brian Harris, Finance Department/Data Processing; and Austin High, Public Works Department.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of supplemental appropriations for the Police Department, several encumbrances, and adopting Robert's Rules of Order Newly Revised. The motion also included referring a request to close an alley that runs between Old South High Street and South High Street to the Planning Commission. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
Council Member Lantz
Council Member Fitzgerald
Vice-Mayor Peterson
Mayor Frank

Absent - None

✓ Leonard A. VanWyk presented for Council's consideration a proposal for the City to hire a transportation consulting firm to conduct a comprehensive transportation study. He explained that although City Council had adopted an updated Bike Plan in February 2000, there is still a need to improve all transportation including auto, pedestrian, bicycle and mass transit. Hiring a firm that specializes in transportation and urban planning would provide Harrisonburg with an overall plan for traffic flow. These firms can look at transportation needs from a fresh perspective. He also said that motorized vehicle traffic does not flow as smoothly and safely through the City as it could. Wide-open street design and poor traffic-light timing often results in speeding and many neighborhoods do not have any sidewalks, bike or walking paths. Council Member Lantz suggested that the Harrisonburg Transportation Safety Commission and City staff should also be involved in developing a transportation plan and making a recommendation to City Council at a later meeting as to what should be considered.

Several members of the CHANGE group appeared before Council to discuss transportation matters, National Night Out, and Vice-Mayor Peterson's charter initiatives.

Bob Berrson said that CHANGE looked forward to working cooperatively and constructively with all members of City Council and City Government. We applaud Hugh Lantz, Larry Rogers and members of the previous Council for supporting a new Planning Commission proposal on beautification. We also applaud Mr. Lantz, Mr. Rogers, and the previous Council Members for opening up these meetings to the larger community through television coverage. CHANGE thanks Council for supporting the August 1st neighborhood watch National Night Out and has been working with the Police Department to make this national night out the best one ever. At this meeting and in the future CHANGE will bring citizen initiatives to City Council and will support initiatives and projects that are in harmony with our platform. CHANGE strongly supports Len VanWyk's Comprehensive Transportation Study. The goal of the transportation proposal is to make our transportation system even safer and even more effective, moving motor vehicles, bicyclists, and pedestrians through the City at the most effective accident free level. The City needs to make transportation a very high community priority.

Ben Fordney read the following statement: CHANGE supports any Council action that a referendum can overturn initiated by petitions signed by 10% of the registered voters of Harrisonburg. CHANGE also supports recall of Council Members initiated by petition. CHANGE supports that at least three Council Members are to be elected every two years. This would give voters an opportunity to really change the direction of a Council. Finally, CHANGE believes that they should remove the specific cap on Council and the Mayor's salary. He noted that some of these changes may seem radical, but according to history this proposal has been discussed for more than a hundred years.

City Treasurer Neal presented a request to accept the delinquent tax collection report and to authorize the advertising of delinquent real estate taxes for 1997/98 and 1998/99. Council Member Fitzgerald offered a motion to authorize City Treasurer Neal to advertise the delinquent real estate taxes. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Economic Development Director Shull presented the following Ordinance for Council's consideration:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HARRISONBURG,
 VIRGINIA ESTABLISHING A SPECIAL ASSESSMENT FOR THE
 HARRISONBURG CROSSING COMMUNITY DEVELOPMENT AUTHORITY**

AND AUTHORIZING CERTAIN AGREEMENTS

WHEREAS, the City Council of the City of Harrisonburg, Virginia (the "City") authorized the creation of the Harrisonburg Crossing Community Development Authority (the "CDA") by Resolution, adopted June 27, 2000.

WHEREAS, the CDA is being created to provide certain public improvements that will benefit the land within the CDA District;

WHEREAS, the CDA, the City and landowners within the CDA District (the "Landowners") propose to enter into a Development Agreement providing for the levy of a special assessment within the CDA District;

WHEREAS, the CDA proposes to issue its bonds (the "Bonds") to finance certain improvements within the CDA District which Bonds will be secured by such special assessment;

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

1. Approval of Development Agreement. The Development Agreement is approved in substantially the form on file with the City Manager, with such minor changes and corrections (including, without limitation, changes in the date thereof) as may be approved by the City Manager or the Mayor, whose approval shall be evidenced conclusively by the execution, and delivery of the Development Agreement. The City Manager and the Mayor, or either of them, is authorized and directed to execute and deliver the Development Agreement.

2. Special Assessment. By agreement between the Landowners and the City pursuant to the Development Agreement, a special assessment to pay the costs of public improvements to be provided within the CDA District is hereby established. The amount of the special assessment shall be established and apportioned by the CDA in accordance with the Rate and Method of Apportionment of Special Assessments attached hereto as Exhibit A. Such special assessment shall not become effective until the Bonds are issued. Such special assessments shall be liens on the taxable real property in the CDA District in accordance with the provisions of Virginia Code Section 15.2-2404 et. seq.

3. Effective Date. This Ordinance shall be effective immediately.

Economic Development Director Shull presented an overview of the ordinance and the CDA. City Council held a public hearing and adopted a resolution on June 27, 2000 creating the Harrisonburg Crossing Community Development Authority (CDA). The CDA Board of Directors held its organizational meeting July 20. The purpose of the CDA is to provide certain public improvements, namely street improvements, that will serve this retail complex. The next step is to approve the development agreement and allow the levy of a special assessment on the landowners within the CDA district. The following action was taken.

At a regular meeting of the City Council of the City of Harrisonburg, Virginia, held on the 25th day of July, 2000, the following City Council Members were recorded as present:

PRESENT: Mayor Carolyn W. Frank
 Vice-Mayor Dorn W. Peterson
 Council Member Joseph Gus Fitzgerald
 Council Member Hugh J. Lantz
 Council Member Larry M. Rogers

On motion by Council Member Rogers, the attached Ordinance was approved upon first reading by the City Council by roll call vote, the votes being recorded as follows:

<u>MEMBER</u>	<u>VOTE</u>
Mayor Carolyn W. Frank	Aye
Vice-Mayor Dorn W. Peterson	Aye
Council Member Joseph Gus Fitzgerald	Aye
Council Member Hugh J. Lantz	Aye
Council Member Larry M. Rogers	Aye

Clerk, City Council, City of Harrisonburg, Virginia

Vice-Mayor Peterson offered a motion to schedule a public hearing on August 22 to consider a request by Heidelberg, LLC (Glenn Loucks) for a special use permit to allow four (4) unrelated persons to occupy a dwelling in the R-2 Residential District. The site is located at 433 West Market Street. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Vice-Mayor Peterson proposed four amendments to the City Charter including allowing referendums on City Council decisions upon receipt of a petition signed by 10% of registered voters a right to recall Council Members, having at least three Council Members elected every two years, and removing the specific cap on Council and Mayor's salary. He also suggested moving the date of the City Council election from May to November noting that the state legislature had just passed a law allowing this date to be changed by an ordinance. The first charter amendment Mr. Peterson introduced was referendums on Council actions which states that any Council action could be overturned by a referendum initiated by petitions signed by 10% of the registered voters of Harrisonburg to have the item put on the ballot. He suggested exempting zoning and some or all

of administrative actions and that the circulated petition should be filed within 15 days of Council's action. He also suggested that in case of an emergency situation, Council could by 2/3 vote declare any such action of the Council an emergency action. The second charter amendment would allow Council Members to be recalled with a petition signed by 15% of the registered voters and should take place between 30 and 60 days after filing of the petitions. The third charter amendment would change the election process to have three Council Members elected every two years. Under "most normal circumstances" the lowest vote-getter from the previous election would run again with two Council Members whose four-year terms had expired. The fourth charter amendment would remove the Council Members' salary cap from the City Charter.

Barry Hensley read the following statement: I speak to you tonight as a member of CARING concerning the proposed charter amendments offered by Dr. Peterson. These proposed amendments, as CARING understands them, concern referendum initiated by petitions, recall of City Council Members initiated by petition, election of City Council Members every two years and removal of specific cap on Council Member and Mayor's salaries. These proposed actions are cause for concern and raise a number of troubling issues. CARING feels that these actions should be studied and evaluated very carefully. Specifically, CARING is suggesting that the City Council hold a series of public forums before any action is taken to discuss and consider these proposed changes. We have discovered through conversations and research that citizens do not understand what these actions intend nor do they understand long term consequences. CARING is especially concerned that the Council does not act in an impulsive manner and create even more uncertainty than now exists in the City. This issue needs to be slowed down and very carefully considered. There is absolutely no need to rush to judgement in this matter. The City has certainly operated well under the existing charter and democracy is alive and well as attested by the last City Council elections. The need for charter change needs to be justified and explained to the public and, at this time, is best left for study and consideration. The efficacy of these proposals has yet to be offered and has certainly not been given an adequate public hearing. For example, under the proposed changes, any action taken by City Council can be overturned by referendum initiated by petitions signed by ten percent of the voters. Does this mean that a proposed budget approved by the City Council for police and schools can be held captive by ten percent of registered voters? If so we are concerned that it would be a relatively simple matter to initiate a referendum to overturn any City Council action and consequently disrupt significantly the routine activity of City government. City government requires stability and cannot meet the needs of citizens when placed in a more politically charged environment. City government is not an esoteric exercise that can be manipulated as an abstract scientific experiment where variables are controlled to produce data for new experiments. There is a difference between social experimentation and scientific analysis. Social experiments can and do alter the lives and livelihoods of persons, including children. We need to be especially vigilant that in the process of attempting to make our government more responsible and accessible, we do not create social uncertainty and possible chaos.

Secondly CARING feels there is no current justification for an increase in the City Council Member's salaries. CARING has reviewed this matter with former Council Members, not all of whom were involved in the past election. CARING perceives that an increase in City Council Member's salaries is premature and that service to the City should not be predicated on economics. Significant numbers of citizens serve the City on a voluntary basis daily. Many of the citizens who serve on various boards and commissions work long and extended hours without any remuneration.

I would suggest that members of the School Board often work as hard as Council Members do. Their mission is vitally important to our youth. Should their remuneration of \$60.00 per month also be increased? CARING feels that the City Council should serve as a role model for government service. We are concerned about the model that appears to be developing from this council. The model that appears to be emanating from the Council suggest among other things, distrust for one another, a strong focus for increased monetary remuneration for members, and the lack of focus on substantive rather than political issues. For example, CARING would have preferred that the Council work diligently to offer Mr. Stewart incentives to remain in Harrisonburg rather than to focus on increased salaries for City Council Members. The Council's issues do not appear to be rooted in the needs facing the City. Political change has occurred. It is alive and well and that goal has been achieved. We now need to move forward to the business of the City. Citizens need to know your position on revenue and taxes, transportation matters, long term downtown development, education, student housing, public safety, and a number of other pressing issues. As citizens we are waiting for your direction. CARING realizes the new Council has to take hold and grasp the issues. We are concerned that you grasp the issues important to the citizens and not focus on political issues that are primarily non-substantive.

Thank you for your time and consideration. CARING members are always available to discuss concerns with you individually or collectively. Frankly, our membership would welcome this opportunity. There is not a need to rush to judgement in this matter. Portsmouth and Lynchburg are the only two localities in Virginia having these amendment. Virginia has 40 cities, 95 counties and a number of towns.

Council Member Lantz commented that the cap for Council Member salaries could be changed at any time and that he personally did not seek being elected to City Council for the money. He also pointed out that Harrisonburg's City Council Members are paid 300% more than Council Members serving in Winchester. He said, "We are public servants and the salary of Council Members should not be viewed as a second income. As long as our expenses are covered then the poor and rich can equally serve in these duties." This Council has more important things to do than making charter changes. There are problems in the City including schools and roads and we need to take the opportunity to discuss these issues rather than charter changes. Mr. Lantz said, "You can get 1,300 people to sign anything." He also mentioned that in the past, City Council had made some very important decisions, including building Switzer Dam and the steam plant, which were very unpopular at the time. Where would the City be today if a vote from the people had been taken on these decisions? He also suggested that after holding a retreat, a public hearing should be held to provide an educational seminar, so that all of the people of the City will know the consequences. He also suggested that the retreat could be used to gather information from many people, including City Manager Stewart.

Council Member Rogers said that he did not seek being a member of City Council for the money. He suggested that this City Council needed to have a retreat to establish short and long term goals and determine where Council Members stood on all issues. He also suggested that representatives from the Virginia Municipal League attend the retreat and it should be open to the public and the news media. Council Member Lantz said retreats have been helpful in the past in bringing Council together under a common direction and giving the City Manager a focus on where we want to go.

Council Member Rogers offered a motion to schedule a retreat to set a long-term agenda. The motion was passed with a unanimous vote.

Vice-Mayor Peterson said that he hoped the retreat and other meetings could be accomplished during a certain time frame so everyone could come to an agreement on his proposed charter amendments before the state filing deadline of Sept. 8, to have these proposed charter amendments on the election ballot in November.

Council Member Fitzgerald suggested that the deadline not be the goal, but an important consideration, nonetheless. The presidential election draws a large amount of voters.

Todd Rhea, attorney with the law firm of Clark and Bradshaw, requested that the rezoning request by Beckwith Development be tabled again until the August 8th Council meeting. He said some of the issues have been studied and discussed; however, one issue has not been resolved. Attorney Jay Litten representing Frazier Quarry objected to this rezoning request being postponed until the August 8th Council meeting. He requested that a decision be made tonight. City Manager Stewart commented that historically when an applicant has requested a continuance, Councils in the past have granted the request because it is the applicant who is asking for the continuance. Council Member Rogers offered a motion to table this rezoning request until the next meeting. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Parks and Recreation Director Gucker presented a request for a supplemental appropriation for the Parks and Recreation Department. She explained that these funds will be used for the Parks and Recreation Department to complete three capital outlay projects. Those three projects are the paving of the entrance from South Main Street to the softball field at Purcell Park, finalizing and beginning construction of the walking and hiking trail funded by the Virginia Trails Fund Grant, and the installation of water and sewer at a concession stand at Purcell Park. Council Member Lantz offered a motion to approve this request for a first reading:

\$112,190.00 chge. to: 1000-31010 Amount from fund balance
 80,000.00 chge. to: 1000-32508 Conservation & natural resources grant

\$100,000.00 approp. to: 1000-710171-48284 Improvements - Va Trails Fund Grant
 92,190.00 approp. to: 1000-710171-48181 Building and grounds paving

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz

Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these donations were received from Layman, Diener, and Borntrager Insurance Company to purchase in-car video camera. Council Member Lantz offered a motion to approve this request for a first reading:

\$1,000.00 chge. to: 1000-31010 Amount from Fund Balance
 \$1,000.00 approp. to: 1000-310231-48211 Machinery and Equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from a Division of Motor Vehicle grant for purchasing radar units. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$3,500.00 chge. to: 1000-31010 Amount from fund balance
 \$3,500.00 approp. to: 1000-310231-46100 Police supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds from a Division of Motor Vehicle grant will be used to purchase turbo flares equipment. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$1,500.00 chge. to: 1000-31010 Amount from fund balance
 \$1,500.00 approp. to: 1000-310231-46100 Police supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds from a Division of Motor Vehicle grant will be used to purchase a bicycle and equipment. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$1,268.14 chge. to: 1000-31010 Amount from fund balance
 \$1,268.14 approp. to: 1000-310231-46140 Other operating supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

City Manager Stewart presented a request for a supplemental appropriation of funds encumbered at June 30, 2000. He explained that these funds are for purchase orders out of lat year's budget for a variety of good and/or services. Council Member Lantz offered a motion to approve this request for a first reading, and that:

\$124,410.66 chge. to: 1115-31010 Amount from fund balance
 17,238.67 chge. to: 2011-31010 Amount from fund balance
 3,000.00 chge. to: 2014-31010 Amount from fund balance

\$121,147.00 approp. to: 1115-111511-45672 Friendship Industries, Inc.
 3,263.66 approp. to: 1115-111511-43850 Central Shenandoah Valley Planning District
 5,370.00 approp. to: 2011-332061-43380 Water loss management
 7,975.00 approp. to: 2011-372061-48181 Buildings and grounds
 3,893.67 approp. to: 2011-372061-48271 EDP equipment
 3,000.00 approp. to: 2014-912242-43330 Maintenance and repairs-machinery & equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
 Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

Absent - None

Brian Love, a resident of Grottoes, suggested that the ISTE A funds proposed for renovating the Chesapeake Railroad Station be used to purchase and rescue several old diesel and steam locomotives. He suggested that perhaps these locomotives could be used in creating a museum in the City. City Manager Stewart said that the Harrisonburg Redevelopment and Housing Authority received the ISTE A grant and the original idea was to develop a museum at the old train station. Unfortunately, negotiating didn't progress with the railroad. Several months ago, the Harrisonburg Redevelopment Housing Authority approached the Virginia Department of Transportation about transferring the ISTE A grant money to save another very historical structure in downtown Harrisonburg known as the Craft House which is the second oldest building in the City. The money has been reallocated for the purchase and renovating of the Craft House and will be developed in conjunction with the visitors center, Rockingham County, and the Rockingham Public Library. No money is available at the present time for the old train station.

City Manager Stewart announced that a water supply planning session has tentatively been scheduled for August 7th at 7:00 p.m.

At 9:05 p.m., Council Member Peterson offered a motion that Council enter a closed session for discussing and considering prospective candidates for appointment to boards and commissions, and; discussing the filling of a public office. A closed session is permissible for both purposes pursuant to Section 2.1-344. A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of considering the acquisition of real property for a public purpose. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.3 of the Code. IN ADDITION, the purpose of the closed session is for discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. A closed session is permissible for this purpose pursuant to Section 2.1-344-A.5 of the Code. The motion was approved with a unanimous vote of Council.

At 10:30 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting was convened, were heard, discussed or considered in the closed session by the City Council.

At 10:31 p.m., there being no further business and on motion adopted the meeting was recessed until July 26, 2000 at 10:30 a.m., at which time Council will reconvene the meeting.

The Harrisonburg City Council reconvened the meeting on July 26, 2000 at 10:30 a.m. Council Member Rogers offered a motion that Roger Baker be appointed City Manager of Harrisonburg beginning September 2, 2000. Mr. Rogers praised Mr. Baker for his extensive experience and years of dedicated service. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers
Council Member Lantz
Council Member Fitzgerald
Vice-Mayor Peterson
Mayor Frank

Absent - None

Council Member Lantz commented that Roger Baker has served the City as Assistant City Manager for a number of years. He has been a very dedicated employee of the City always doing his job without a lot of fanfare or a lot of press. Mr. Lantz said that he was delighted to have the opportunity to appoint Roger as the new City Manager.

At 10:35 a.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

SPECIAL MEETING

AUGUST 7, 2000

At a special meeting of Council held this evening at 7:00 p.m., there were present: Mayor Carolyn W. Frank; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Thomas H. Miller, Jr.; Vice-Mayor Dorn W. Peterson; Council Members Larry M. Rogers, Hugh J. Lantz, and Joseph Gus Fitzgerald; Director of Public Utilities Mike Collins; Mays & Valentine Representative James Ryan; and Wiley & Wilson Representative Walter Hancock.

Mayor Frank called the meeting to order. Director of Public Utilities Collins provided a brief overview of the City's water supply history and the proposed Eastern Water Source project. The City's water supply was briefly reviewed by Walter Hancock and Jim Ryan.

At 9:00 p.m., there being no further business and on motion adopted the meeting was adjourned.



CITY MANAGER



MAYOR

REGULAR MEETING

AUGUST 8, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, and Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/AAE, and Chief of Police Donald Harper.

Council Member Rogers delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of several supplemental appropriations for the Police Department, Parks and Recreation Department, capital outlay items, and several encumbrances. The motion also included an ordinance establishing the Harrisonburg Crossing Community Development Authority (CDA). The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by D.B.D., Inc. for a special use permit (per Section 10-3-91(4) of the Zoning Ordinance) to co-locate communication antennas on an existing 75 foot broadcast pole. The site is located at 130 University Boulevard and identified as parcel 78-C-1. She explained that in April 2000 a building permit was approved for Easy Radio, Inc., a radio station re-locating in the upper floor of Donovan's Framery building. The pole for the radio station is permitted as an accessory use by the Zoning Ordinance in the B-2 zoning classification. She also clarified that communication towers no more than one hundred twenty-five (125) feet in height are allowed as a special use permit. The Comprehensive Plan states under Community Facilities those utility companies such as telecommunications, electrical, and cable need to place emphasis on aesthetics and environmental concerns during construction and maintenance of facilities. The property owner has requested a special use permit to install telecommunication equipment on the pole for Shenandoah Personal Communication, CellularONE, and RICA.net. Mrs. Turner said that Planning Commission reviewed the request and recommended approval of the special use permit with the following conditions: a) No companies' equipment, except equipment by the radio station, shall be placed on the pole until the radio station is operating from the office building at 130 University Boulevard and all radio station equipment is on the pole. In addition, if the radio station ceases to operate from the building, the co-located equipment shall be removed. b) If Shenandoah Personal Communications, CellularONE, and/or RICA.net go off the air or their equipment no longer operates for more than twelve (12) months, then all equipment associated with that company shall be removed from the pole. c) Only the equipment shown on the submitted drawing shall be approved under the issuance of this special use permit. Any other equipment placed on the pole not shown on this drawing will constitute a violation of the special use permit and make the permit null and void. Therefore, all equipment for Shenandoah Personal Communications, CellularONE, and RICA.net will have to be removed from the pole. This shall not include equipment approved under another special use permit. d) The equipment attached to the pole shall be painted a uniform color to match the pole that decreases the visual impact on the surrounding environment. e) The fence shall be maintained so as not to appear dilapidated or in poor condition, and to provide security against entrance by unauthorized persons. f) Landscaping surrounding the fence line shall consist of evergreen materials and shall be maintained to improve the appearance of the surrounding area. g) Placement of advertising of any kind is prohibited on the fence and/or antennas, except for an 11"X17" sign, placed on the fence, displaying telephone numbers in case of emergency. h) City staff shall review the special use permit annually, on the date of permit issuance, for compliance to the above conditions. If any of the above conditions are found to be in neglect, then a certified letter will be sent to the property owner, at which time the condition shall become compliant. If the condition is not brought into compliance then the special use permit will be held null and void and all equipment approved under the issuance of this permit shall be removed from the pole.

At 7:40 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, July 24, and Monday, July 31, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, August 8, 2000 at 7:30 p.m., in the City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

Request by D.B.D., Inc. for a special use permit (per section 10-3-91(4) of the Zoning Ordinance) to co-locate communication antennas on an existing 75' broadcast pole, on property identified as parcel 78-C-1.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

Gary Summers, a resident of Staunton, and representing Project Development Services briefly reviewed the equipment that will be located on the pole and inside the building on the second floor.

There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve this special use permit.

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Mayor Frank

Absent - None

Todd Rhea, attorney with the law firm of Clark and Bradshaw, presented an overview of the rezoning request by Beckwith Development which had been tabled from the July 25th City Council meeting. He explained that despite many hours attempting to find some common ground, a settlement could not be reached by both parties. However, he said as an outcome of the discussions and showing good faith in an attempt to address the stated concerns previously raised, the applicant is willing to reduce the density of this parcel by 30% from 29 townhomes in the initial proposal to 20 townhomes which is 50% of permitted density under R-3 zoning requirements. The issue is the proper development of this subject tract which is currently zoned R-1. The primary reason for the initial rezoning request by Beckwith Development was the geography unique location of this lot which is adjacent to a B-2 zone. This parcel can be used as an appropriate buffer development because it is between B-2 and other residential areas. He said they believed this was the reasoning behind the Planning Commission's unanimous approval of this application and its recommendation by City staff. He urged City Council to consider the Comprehensive Plan, City staff and Planning Commission's recommendations when voting on the merits of this request.

Jay Litten, attorney with the law firm of Litten and Sipe, and representing Frazier Quarry said that the Fraziers still opposes this rezoning application because of public safety, family residential development, and children living in close proximity with an industrial site. He said to have a quarry on one side and an electrical station on the other side creates too many safety hazards. Industrial areas should be kept separate from residential areas according to the Comprehensive Plan. He insisted there is an abundance of R-3 land and multi-family housing in the City.

Discussion by Council Members included whether lot 7 had been transferred to Frazier Quarry, restrictive covenant, Comprehensive Plan, and keeping what the Comprehensive Plan recommends for medium density residential. Further discussion included that Planning Commission and staff have heard the same presentation that City Council has heard at all the meetings, traffic generated by any increase in density from a proposed development, City Council having the ultimate authority to make the final decision, and that staff judges a rezoning by the same criteria City Council judges it by. City Manager Stewart further clarified that the Comprehensive Plan takes into consideration many factors including safety, density, potential impacts on traffic, and there should be an overwhelming reason not to follow the Comprehensive Plan. Council Member Fitzgerald offered a motion to approve this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Fitzgerald

Council Member Rogers

No - Vice-Mayor Peterson

Mayor Frank

Absent - None

Planning and Community Development Director Turner presented an overview of Planning Commission's recommendation concerning the proposal to purchase a 48-acre tract of land adjacent to Hillandale Park. She explained that a proposal was made by Council Member Rogers at the May 23rd City Council meeting to add a 48-acre tract of land to Hillandale Park. This proposal was referred to the Parks and Recreation Commission and then to Planning Commission. The Parks and Recreation Commission have considered the proposal and have recommended purchasing the 48-acre tract of land bordering Hillandale Park. Mrs. Turner said that Planning Commission recommended purchasing the property with the stipulation that the land be an addition to Hillandale Park.

Paul Rexrode said that the addition into the park system can be desirable or undesirable to the neighborhood. There is a need for more walking trails and woodland. This type of development would be low impact and would enhance the quality of life for residents of the area. It would preserve the quiet and private character of the neighborhood. He suggested that a plan of development for the proposed park addition be made and publicized before the property is purchased.

Council Member Rogers offered a motion directing Council Member Lantz, the City Manager and his staff present a recommendation to City Council at a later meeting including the cost of the 48 acres. He also suggested that the property should be used for passive use. City Manager Stewart clarified that the Parks and Recreation Commission recommendation s stated that the property should be used for passive use, such as walking trails and picnic areas. The motion by Council Member Rogers was passed with a unanimous vote.

Public Works Director Baker presented an overview on the plans for renovations to the Resource Recovery Facility (RRF). The purpose of this report is to provide information to the Council on the planning of renovations to the Resource Recovery Facility (RRF) Solid Waste Burner Plant. The plant is located on Driver Drive adjacent to JMU CISAT campus.

The original RRF plant was placed in operation in June of 1981. The cost of construction was \$7,179,000. The plant burns municipal solid waste and generates steam for supporting the building heating load for JMU west campus, Convocation and Recreation Center.

The design capacity of the plant is to burn 100 tons of waste in a 24-hour period; however, the average daily operational volume is approximately 80 tons per 24-hour period, depending on consistency of the trash. Operational volume is affected by down time for repairs and trash flow to the plant. The plant was constructed to reduce the amount of trash being placed in the landfill and to reduce the volume of fossil fuel for heating the JMU facilities. During the late 1970's and early 80's the price of fossil fuel, especially natural gas was very high, and an alternate fuel source was in demand.

In 1996 the operation was expanded to provide heat and cooling for the new JMU CISAT campus. The \$8.5 million expansion included the addition of two gas-fired steam boilers (for backup steam supply to the original waste boilers) and three 100 ton steam driven chillers and related equipment.

Steam from the waste burning operation provides the primary heat and energy supply, and the gas boilers are for peak demands and backup of the waste boilers. The current RRF serves JMU's Convocation Center, Recreation Center, and CISAT campus. Currently seven buildings are served on the CISAT campus with four buildings to be connected within the next three years.

The gas boilers also provide steam to generate electricity for peak demand for Harrisonburg Electric Commission. Steam is used to drive a 2.5 mega watt generator, which is located in the plant.

The waste-burning portion of the plant operates 24 hours a day 7 days a week. This section of the plant is 19 years old. Maintenance and repairs of the waste plant have increased over the years, especially the last two years. The constant use and the increased demand for serving the CISAT campus have created a higher demand on the plant.

Wear on an incinerator (trash burner) is not unusual. The furnaces in the plant operate at an average temperature of 1500 degrees. The consistency of the trash being burned also causes extreme wear. Mr. Baker noted that what ever you throw in your trash could go through the plant. Inert material (i.e., metal bed springs, auto parts, batteries, rocks, construction waste, glass, metal containers, LP bottles) are regularly in the trash being burned. These inert materials not only cause excessive wear, but cause environmental concerns with air emissions. The plant has air emission controls; however, new EPA small combustor air regulation will require the emission control systems in the plant to be rebuilt.

Major components of the waste burner furnace and boiler are in need of replacement. The sheet metal, furnace liner, framework, ash conveyor system, and furnace grates have corroded due to the heat. The boiler tubes have lost metal thickness, causing more frequent replacement, and the exhaust stack needs replacement due to the heat and exposure to the weather. Mechanical support equipment (i.e., electric motors and pumps) has operated for 19 years, 24 hours a day and are in need of replacement.

Also, in our planning for the renovation of the plant, we are considering the value of increasing the capacity of the plant. A 200-ton per day design capacity plant is being considered. Increased capacity will provide a larger reduction in the waste disposed at the landfill, and will increase the volume of steam for energy.

The decision to increase the capacity will depend on the energy needs of JMU and any participation, if any, in the project. Increased steam capacity should help reduce the need for steam generated from the gas-fired boilers. The waste plant at a 100-ton capacity cannot provide the steam needed, when the CISAT campus is completed. JMU's staff has been asked to assist with the decision to increase the plant capacity. Also, with Rockingham County's staff help, the impact of lengthening the life of the landfill, in relation to the cost of constructing the plant will be considered.

The budget estimate to renovate the RRF waste plant with an increased capacity that will provide compliance with the new EPA regulations is \$15,000,000. This is an estimate and every effort will be made to find ways to lower the cost.

Even though the plant is in need of renovations, its purpose has been well served through the capture of energy from a waste product. Space has been saved in the landfill and use of fossil fuel has been reduced.

It should be noted the City has agreements with JMU, Rockingham County, and Harrisonburg Electric Commission to maintain a waste burning plant to assist in our communities solid waste management process and to provide an energy source.

For these reasons, City staff recommends building the renovation of the Resource Recovery Plant. In review of the process of renovating the plant it has been determined that the technology of trash incineration has improved. Currently there are several ways to incinerate trash. To help determine the best method for the City's RRF renovations, Versar Greenwood Consultants from Lynchburg, Virginia will be hired by the City to assist in the planning process.

Versar Greenwood will develop a performance-based specification with clear expectations of what we want the plant to provide for us. Vendors will be invited to provide a proposal for rebuilding the plant based on their individual equipment design.

Versar Greenwood's contract for administration and engineering assistance in this project will be in several phases. The phases will start with development of the performance specification and progress through construction contract negotiations, bid award, construction review, final inspection and checks for expected performance. The cost for the consultant's services is estimated to be \$279,000 for all phases.

This process of solid waste collection and disposal is complex, and very expensive. Although the budget estimate for this project is very large, we must consider the cost of development, operating, and maintaining a landfill site, before we can determine if increasing the capacity of the plant is a positive option for the City.

Prior to the final decision to increase the capacity of the plant and the award of a construction contract it is suggested that Council and staff meet in a work session to review our Solid Waste Management plan for the City. Following further discussion and comments, Council Member Lantz offered a motion to proceed with architectural design. The motion was approved with a unanimous vote of Council.

Finance Director Seal presented a request for the Finance Department to set up a new fund. He explained that the City's Industrial Development Authority has requested that the City provide it with financial record keeping. Council Member Rogers offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds were made available through the United States Department of Labor funds made available to the Virginia Department of Education. This grant is called the Virginia Business - Education Partnership Grant. This request does not require any local funds. Council Member Fitzgerald offered a motion to approve this request for a first reading:

\$39,325.00 chge. to: 1111-33301 School Revenue - Federal

\$39,325.00 approp. to: 1111-111114-40610 Instruction

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Mayor Frank

Absent - None

City Manager Stewart said that they had held a water supply planning session on August 7, 2000. They had discussed an overview of the City's water supply including the history of the water supply and the Eastern Water Source project. Mr. Stewart said that money has been budgeted for the project and requested that City Council authorize the project to continue. The City will begin its design and right of way and easement acquisition phase of the project which is predicted to take about a year. Upon completion of the project, the City will issue bonds to pay for the costs of the project. Mr. Stewart also noted that the water rate increase which went into effect in July 1999 was the beginning of providing some of the money for the expansion of the water system. He also noted that this money has been accumulating during the past fiscal year and during this fiscal year. Council Member Fitzgerald offered a motion to continue the work on the project including

proceeding with expanding the water treatment plant and designing the water line and intake structure and acquisition of easements and right of way. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Mayor Frank

Absent - None

Assistant City Manager Baker announced that a meeting between City Council and the School Board has been scheduled for October 30th.

Mayor Frank announced that a retreat for City Council has been scheduled for August 18th and 19th.

Vice-Mayor Peterson offered a motion that Donald D. Driver, Jr., L. Wayne Harper, and Dr. Mark Warner be appointed to the Harrisonburg/Rockingham Community Justice Board. The motion was passed with a unanimous vote.

At 9:05 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

AUGUST 22, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Steven E. Stewart; Assistant City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, and Joseph Gus Fitzgerald; City Clerk Yvonne ABonnie@ Ryan, CMC/AAE, and Chief of Police Donald Harper.

Mayor Frank delivered the invocation and led everyone in the Pledge of Allegiance.

Human Resource Director Whistleman introduced nine new City employees: Brandon Biddle, Tyler Jessup, Matthew Phillips, Jared Quesenberry, Esther Warring, Kris Whitesell, Fire Department; Dale Eavers, Jarret Eppard, Public Utilities Department; and Thomas Knoll, Parks and Recreation Department.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the School Board. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by Heidelberg, L.L.D., for a Special Use Permit to allow four (4) unrelated persons to occupy a dwelling in the R-2 Residential District,

per Section 10-3-40(7) of the Zoning Ordinance. She explained that the property is located at 433 West Market Street and zoned R-2 Residential District. The land use guide in the Comprehensive Plan recommends this site for neighborhood residential uses. She also noted that in December 1998, the City's Zoning Ordinance was changed to require a special use permit for four (4) individuals to occupy a dwelling unit in the R-2 classification. Staff had conducted a property maintenance inspection of the house prior to the February 8, 2000 City Council public hearing and found minor problems requiring correction which since have been corrected. At that Council meeting, staff recommended approval of the request and Planning Commission also recommended approval by a vote of four to two with the following conditions: (1) Only four individuals shall reside in each of the two dwelling units. (2) Permanent off-street parking must be adequate to address the parking need of residents in the dwelling. The special use permit will require one parking space per tenant. (3) The owner or owner's representative must schedule a yearly inspection, similar to the boarding house inspections to ensure building code requirements are met and the number of people residing on the premises meet the criteria of the permit. The permit shall be revoked by the Zoning Administrator if this inspection does not take place every 12 months. (4) Staff is authorized to review complaints received on the property on an on-going basis and based on their findings, to notify the landlord that the permit is being revoked unless they wish to reapply for a special use permit, going through the required public hearings. Otherwise the permit automatically expires one year from the date of approval by City Council and is renewable administratively on an annual basis provided the use is still permitted by the Zoning Ordinance. (5) Access to the alley at the rear of the property must be closed and access from Market Street installed in accordance with City Standards. (6) A change of use permit will be required prior to occupancy to ensure that building code requirements are met and all other provisions of the special use permit have been met. Mrs. Turner repeated that Planning Commission recommended approval of the request with a vote of four to two; however, when City Council held a public hearing in February 2000, there was a motion to deny the request for a special use permit. The motion tied by a vote of two to two, therefore, no action was taken on the request. Mr. Loucks was informed that if he was still interested in having a vote taken on the request, any further action must be initiated by a Council Member which was requested by Vice-Mayor Peterson at the July 25th City Council meeting.

At 7:50 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 7, and Monday, August 14, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, August 22, 2000 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

SPECIAL USE PERMIT

Request by Heidelberg, L.L.C. for a Special Use Permit to allow four (4) unrelated persons to occupy a dwelling in the R-2 Residential District, per Section 10-3-40(7) of the Zoning Ordinance. The site,

located at 433 West Market Street, is identified as tax map parcel 35-U-4.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Steven E. Stewart

City Manager

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

Glenn Loucks thanked Council Members for taking their time to visit the property and discuss some issues. He also asked for support of the special use permit noting that it will be renewed on an annual basis providing tighter control over who lives on the property and how the property is maintained. He requested that City Council trust recommendations made by staff and the Planning Commission. He said that the City's Zoning Ordinance was changed because of concerns about adequate parking, safety, maintenance inspections, improvements to the property, being able to enter the property to check the number of residents living in the dwelling, and to make landlords accountable by having an annual renewal of the permit. Mr. Loucks argued that this duplex was a poster child for granting a special-use permit. The area's high traffic and high density were not conducive to single family residences and the special-use permit would allow the City a chance to monitor the building every year. Mr. Loucks also reviewed parking issues, keeping the alley open, alley being used for trash pick-up, keeping trees and protecting green space on the property.

James Butler, a resident living at 453 West Water Street, said he has been a resident of the community for 47 years and has seen the neighborhood grow. He also said that he has seen many changes in the City and suggested that the City implement planned growth. Special use permits and high density areas do not make good neighborhoods or a good community.

Sandra Pennington, a resident living at 507 West Market Street, said that ascertaining who is actually living in a piece of property will be difficult if you have eight person densities. There has been as many as 15 people living in some houses. The area has experienced many problems including noise, partying all night, sound traveling from block to block and landlords not responding to neighbors' complaints.

Dennis Coakley, said that he lives next to one of the properties Mr. Loucks owns. He described the property as resembling a jungle containing overgrown trees, fence being destroyed, poison ivy, grass, and weeds. Mr. Coakley also said that Mr. Loucks has never responded to any of his telephone calls concerning the issues.

There being no others desiring to be heard, the public hearing was declared closed at 8:15 p.m., and the regular session reconvened.

Vice-Mayor Peterson offered a motion to approve the special use permit request with two modifications to the Planning Commission's recommendation: (1) Reducing the occupancy of residents allowed from eight to seven to match the bedrooms (four bedrooms upstairs and three bedrooms downstairs) and (2) not closing off the alley behind the dwelling and preserving as much as possible of the green space. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Lantz

No - Council Member Rogers

Mayor Frank

Absent - None

Sallie Strickler, a resident living at 1017 Smithland Road, complained about the lack of water and sewer for the Smithland Road residents. She said that in January 1983, the City of Harrisonburg entered into an agreement with Rockingham County to annex this area. She said that the neighborhood pays the same taxes as Windham Woods, Fairway Hills, and Forrest Hills except they don't have some basic needs, water and sewer. Smithland Road is the most densely populated area in the City that remains without water and sewer utilities. The residents of the area are burdened with funding their own water supplies. She reviewed the proposal of Planning Commission's recommendation to purchase a 48-acre tract of land adjacent to Hillendale Park to be used for passive use, park land expansion at Smithland Road, and the \$17 million Eastern Water Source project. She also reviewed the many problems the residents have experienced including digging new wells, replacing failed septic systems, replacing well pumps, septic fields being on neighbors' yards, and designing special septic systems to meet City Code. She presented a petition requesting water and sewer service to the area by December 2001.

Wayne Dean, a resident living at 935 Smithland Road, said that the neighborhood needed water and sewer in the area now.

City Manager Stewart clarified there are services that the City would like to be able to provide and has been looking at a way to provide these services for some time. It is important for everybody to understand that not one dime of tax money goes toward the support of the water and sewer system. The residents who receive water and sewer pay for the services. The residents who do not have the water and sewer services do not pay one penny for the services. Mr. Stewart said, AHe had instructed Director of Public Utilities Collins to take a very close look at the funding priorities and the Capital Improvement Program for the upcoming five-year period. He also noted that Smithland Road is not only area in the City where residents do not have water and sewer services. There are a number of pockets of residents who have lived and owned property in the City for longer than the 1983 annexation. Smithland Road is not unique in that situation. He also reminded residents in the Smithland Road area that their property taxes would be much higher in Rockingham County than in the City.

Director of Public Utilities Collins said that Smithland Road is the largest area that does not have water and sewer services in the City. He also reviewed other areas in the City that does not have water and sewer services. He said that his department is in the process of preparing the Capital Improvement Program and are aware of the problems concerning wells and cisterns in the Smithland Road area. However, he pointed out that there is significant infrastructures that have to be built before the Smithland Road area can be accepted into the water and sewer system. Sewer lines along Cantrell Avenue, Country Club Road, and under Route 33 will have to be upgraded before the entire development of Smithland Road can be handled. Mr. Collins also said that Blackwell Engineering is presently preparing a report similar to the report which was completed in 1994. Once this report is available, Mr. Collins said that it will be presented to City Council at a future meeting. It was noted that every year since 1994 the Smithland Road area has been discussed as part of the Capital Improvement Program; however, City Council has not made the project a top priority. Mr. Collins said, ALet me be very clear, what I can come up with and still have a balanced budget is going to come up short of the expectations I have heard tonight.@ He said that he will try to set priorities for Smithland Road within the existing rate structure; however, there will not be enough funds available to meet the requests and expectations of the residents of Smithland Road.

Economic Development Director Shall presented the following resolution for Council's consideration of approval:

RESOLUTION OF THE CITY COUNCIL

OF THE CITY OF HARRISONBURG, VIRGINIA

The Industrial Development Authority of the City of Harrisonburg, Virginia (the Authority), has considered the application of Valley Blox, Inc. (the Applicant), requesting the issuance of the Authority's industrial development revenue bonds in a principal amount not to exceed \$7,000,000 (the Bonds). The proceeds of the Bonds will be used to assist the Application in financing the acquisition of land, the construction of buildings and the purchase and installation of equipment (together, the Project). The Project will be used by the Applicant in its business of manufacturing precast concrete products. The land to be acquired contains approximately 92 acres, straddles the border between the City of Harrisonburg, Virginia (the City) and the County of Rockingham, Virginia (the County) and is bordered on the south by Acorn Drive and Mt. Clinton Pike and on the west by North Liberty Street and Kratzer Road. The buildings to be constructed will contain approximately 55,000 square feet of space.

The applicant is a Virginia corporation that has its principal place of business at 210 Stone Spring Road, Harrisonburg, Virginia 22801.

Section 147(f) of the Internal Revenue Code of 1986, as amended (the IRS Code) and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the Virginia Code) provide that the highest elected governmental unit of the locality having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds. The Authority issues its bonds on behalf of the City and the Project will be located in both the City and the County. The City Council of the City of Harrisonburg, Virginia (the Council) constitutes the highest elected governmental unit and the governing body of the City. The Board of Supervisors of the County of Rockingham, Virginia (the Board) constitutes the highest elected governmental unit and the governing body of the County.

Following the public hearing held by the Authority on August 9, 2000, the Authority adopted a resolution (the Supplemental Resolution) in which it, among other things, (1) ratified the inducement resolution adopted by the Authority on July 13, 2000 (the Inducement Resolution) and (2) recommended and requested that the Council and the Board approve of the issuance of the Bonds by the Authority. A copy of the Supplemental Resolution and the Inducement Resolution, a reasonably detailed summary of the Authority's public hearing and the Applicant's Fiscal Impact Statement have been filed with the Council.

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

Section 1. The Council approves the issuance of the Bonds by the Authority in a principal amount not to exceed \$7,000,000 for the benefit of the Applicant, as required by Section 147(f) of the IRS Code and Section 15.2-4906 of the Virginia Code, to permit the Authority to assist in the financing of the Project.

Section 2. The approval of the issuance of the Bonds does not constitute an endorsement to a perspective purchaser of the creditworthiness of the Project or the Applicant, but, as required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that neither the City, the County nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefor and neither the faith and credit nor the taxing power of the Commonwealth of Virginia nor any political subdivision thereof, including the City, the County and the Authority, shall be pledged thereto.

Section 3. This Resolution shall take effect immediately upon its adoption.

Adopted: August 22, 2000

(Seal)

Clerk, City Council of the City of Harrisonburg,

Virginia

Economic Development Director Shull explained that this resolution will allow the Harrisonburg Industrial Development Authority to issue bonds for Valley Blox, Inc. The Industrial Development Authority unanimously approved an Industrial Resolution on July 13 and a Supplemental Resolution on August 9 to issue the \$7.0 million bonds for Valley Blox, Inc. Vice-Mayor Peterson offered a motion to approve this resolution as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Lantz

Mayor Frank

Abstained - Council Member Rogers

Absent - None

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

RESOLUTION

OF THE CITY COUNCIL OF THE

CITY OF HARRISONBURG, VIRGINIA

WHEREAS, the Industrial Development Authority of the City of Harrisonburg, Virginia (the Authority@), has considered the plan of financing application of The Virginia Tech Foundation, Inc. (the AFoundation@) requesting the issuance of the Authority's revenue bonds, in one or more series, at one time or from time to time, in an amount not to exceed \$6,500,000 (the ABonds@), to assist in financing the acquisition, construction and equipping of an approximately 50,000 square foot bioinformatics center to be located on Pratt Drive in the Virginia Tech Corporate Research Center in Blacksburg, Virginia (the Project), all pursuant to the Foundation's plan of financing, and has held a public hearing on August 9, 2000;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the Code), provides that the governmental unit having jurisdiction over the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of the City of Harrisonburg, Virginia (the City) and the City Council of the City of Harrisonburg, Virginia (the Council) constitutes the highest elected governmental unit of the City;

WHEREAS, the Authority has recommended that the Council approve the plan of financing and the issuance of the Bonds; and

WHEREAS, a copy of the Authority s approving the issuance of the Bonds pursuant to the plan of financing, subject to the terms to be agreed upon, a certificate of the public hearing and Fiscal Impact Statement have been filed with the Council.

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

- 1. The Council approves the plan of financing and the issuance of the Bonds by the Authority for the benefit of the Foundation, as required by Section 147(f) of the Code and the Authority to assist the Foundation in its plan of financing.**

- 2. The approval of the plan of financing and the issuance of the Bonds do not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the plan of financing or the Foundation.**

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

Adoption by the City Council of the City of Harrisonburg, Virginia this 22nd day of August, 2000.

(Seal)

Clerk, City Council of the

City of Harrisonburg, Virginia

Earl Thumma, attorney with the law firm of Harrison, Thumma and Carr, and representing the Harrisonburg Industrial Development Authority, explained that the Virginia Tech Foundation, Inc., has requested that the Industrial Development Authority of the City of Harrisonburg approve the issuance of the bonds in an amount not to exceed \$6,500,000. The Harrisonburg Industrial Development Authority has conducted a public hearing on the proposed plan of financing the project. Approval of this resolution does not obligate the City in anyway nor does it count against the City's bond capacity. Council Member Lantz offered a motion to approve this resolution as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

City Manager Stewart presented for Council's consideration a request from the United Way of Harrisonburg and Rockingham County to use the vacant lot behind the Community Development Building for the September 20 Kick Off event. He explained that the event will take place from 4:30 p.m. until 7:30 p.m. and will include food and music. He also said that the United Way has completed the appropriate application and they have met all Fire Department requirements. Council Member Rogers offered a motion to approve this request as presented. The motion was approved with a unanimous vote of Council.

Council Member Lantz offered a motion authorizing the City Manager to write a letter of support for Blue Ridge Community College. City Manager Stewart explained that BRCC has submitted this request for their continued Regional Competitiveness Program Investments from the Shenandoah Valley Partnership to support initiatives of the Plecker Workforce Center. The motion was approved with a unanimous vote of Council.

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He explained that the City has been approached by a local contractor inquiring as to what safety regulations and standards need to be met in order to construct a totally new concept for storage of natural gas. It is the contractor's intention to construct this new system at a location in the City prior to this coming heating season. After meeting with the contractor on several occasions, it is apparent that the codes and standards as they apply to this new concept are very lacking and in some cases non-existent. This funding will allow the City to engage the services of an engineering firm who specializes in this field to develop or assist in

developing, a safety standard with which to evaluate this new concept. Council Member Lantz offered a motion to approve this request for a first reading:

\$18,700 chge. to: 1000-31010 Amount from fund balance

\$18,700 approp. to: 1000-320132-43100 Professional Services

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from the drug forfeiture fund and will be used for polygraph school and EOD school, self locking holsters, face shields for riot helmets, and replacing vehicle radio mounts. Council Member Lantz offered a motion to approve this request for a first reading:

\$18,800.00 chge. to: 1000-31010 Amount from fund balance

\$ 8,600.00 approp. to: 1000-310431-45530 Training and Travel

4,200.00 approp. to: 1000-310231-46100 Police Supplies

6,000.00 approp. to: 1000-310431-48151 Motor Vehicles/Equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Council Member Fitzgerald requested that anyone making presentations to Council refer to the full name of the project at least once rather than using initials and used the example (Capital Improvement Program as CIP).

City Manager Stewart expressed his personal thanks and appreciation for the opportunity to serve the community for nearly eight years as City Manager. He said, "It has been my pleasure, my privilege and an honor to serve the citizens of Harrisonburg. He thanked City Council, staff, and the community for the support and expressed his hopes and best wishes for the City."

Council Member Lantz said that he has had the opportunity to work with City Manager Stewart for six years and has never worked with anybody that has been more professional in their job than Steve Stewart. He also noted that Harrisonburg's loss will be Greenville's gain and said we will miss you.

Council Member Rogers said that he had been blessed to have the opportunity to work with City Manager Steve Stewart. He wished Steve and his family great success and happiness.

Council Member Fitzgerald said that he was sorry he didn't have more time to work with City Manager Stewart and wished the best for him in Greenville.

At 9:25 p.m., Council Member Fitzgerald offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Harrisonburg Parking Authority, Harrisonburg Planning Commission, Harrisonburg Parks and Recreation Commission, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Electric Commission, and the Building Code Board of Appeals, exempt from public meeting requirements pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, as amended. Discussion of real property for a public purpose, exempt from public meeting requirements pursuant to Section 2.1-344(A)(3) of the Code of Virginia, 1950 as amended.

At 10:15 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Fitzgerald offered a motion that David Wiens, 1520 College Avenue, be appointed to fill the unexpired term of Dr. William Robert Beasley to expire on December 31, 2000 on the Harrisonburg Planning Commission. The motion was approved with a unanimous vote of Council.

Council Member Lantz offered a motion that Joseph Gus Fitzgerald be appointed to take the place of Mayor Frank on the Harrisonburg Parks and Recreation Commission. The motion was approved with a unanimous vote of Council.

At 10:16 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

SEPTEMBER 12, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, and Joseph Gus Fitzgerald; City Clerk Yvonne ABonnie@ Ryan, CMC/AAE, and Police Captain Malcolm Wilfong. Absent: Chief of Police Donald Harper.

Council Member Lantz delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Vice-Mayor Peterson 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 a contract with an engineering firm for development of a natural gas storage system. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by CBL & Associates to amend the Comprehensive Plan's Land Use Guide classification from General Industrial to Commercial for the full acreage of tax map parcels 13-B-9, 13-B-1 through 3, 13-C-2 through 5, and portions of 13-C-6, 13-E-8, 13-B-4 through 8, and 30-A-1 and 2. The parcels are located Northeast of Country Club Road at the intersection of Linda Lane. The Comprehensive Plan's Use Guide recommends the area for General

Industrial use. Mrs. Turner explained that this designation applies to areas intended for light and general manufacturing, wholesaling, warehousing, high technology, research and development, and related activities. The applicant is seeking to change the designation to Commercial, which is intended for retail, wholesale, or service functions typically found along the major travel corridors and in the central business district of the City. She said that currently located on the site are the Shenandoah Beverage Company distribution facility, several storage buildings, a satellite dish retailer, and a produce vendor all zoned M-1, General Industrial District. She reviewed the surrounding zoning classification which includes a mixture of R-1 Single-Family Residential District, M-1 General Industrial District, B-2 General Business District, single family homes, and an undeveloped lot. She said that staff consulted with Mr. Brian Shull, the City's Director of Economic Development, concerning the appropriate use for this property. Mr. Shull said that the best use of the property is for commercial development. According to Mr. Shull, because of the site's close proximity to the interstate and commercial growth along the East Market Street corridor, its high visibility and good location makes the site more suitable for commercial than industrial. She said that Staff and Planning Commission recommended amending the Comprehensive Plan to designate this area for Commercial rather than General Industrial Use.

At 7:40 p.m., Mayor Frank 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, August 28, and Tuesday, September 5, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, September 12, 2000 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

COMPREHENSIVE PLAN AMENDMENT

Request by CBL & Associates to amend the Comprehensive Plan's Land Use Guide classification from General Industrial to Commercial for the full acreage of tax map parcels 13-B-9, 13-B-1 through 3, 13-C-2 through 5, and portions of 13-C-6, 13-E-8, 13-B-4 through 8, and 30-A-1 and 2. The parcels are located Northeast of Country Club Road at the intersection of Linda Lane. The Comprehensive Plan states that General Industrial areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities, whereas Commercial areas include retail, wholesale, or service functions found along the major travel corridors and in the Central Business District of the City.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against amending this Comprehensive Plan's Land Use Guide.

Gloria Freye, an attorney representing the applicant CBL and Associates, expressed her thanks to the City and Mrs. Stacy Turner and her staff. She said it was a pleasure to work with a great community on this project. There were issues to deal with, but the company received a lot of cooperation in addressing the issues. Signage has been recommended to be installed both before and after the driveway of the Islamic Association property because the driveway is very close to the bridge piers of Interstate 81 and to alert motorists of the driveway. The entrance to Country Club Court Townhomes and Blue Ridge Drive has some right-of-way allowing the area to be widened providing a short turn lane. Jack Osbourn, vice-president of Superior Concrete, said the project would be an asset to the area. He did express concern that the property east of Linda Lane extended should remain industrial because Superior Concrete would like to expand its operation in the future.

Frank McMillian, President of Country Club Court Townhomes, said he was in favor of the development. He also said that he hoped improvements would be made to Country Club Road because it does have a lot of traffic and several blind spots. Country Club Court has 124 units with one way in and one way out.

There being no others desiring to be heard, the public hearing was declared closed at 7:50 p.m., and the regular session reconvened.

Council Member Lantz commented that CBL and Associates have been very cooperative with the City and these off-site improvements will benefit the City. The project will be a big asset for the City.

Council Member Lantz offered a motion to amend the Comprehensive Plan. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by CBL & Associates to rezone the full acreage of tax map parcels 13-B-1 through 3, 13-B-9, 13-C-2 through 5, and portions of 13-C-6, 13-E-8, 13-B-4 through 8, and 30-A-1 and 2 from M-1 General Industrial District to b-2 General Business District (conditional). She explained that staff believes that the B-2 classification would be more compatible with existing residential and commercial development in that area. She said that CBL & Associates has made several proffers including that the retail center will probably include a home improvements store, department store, and other uses such as out parcels containing restaurants. CBL & Associates has submitted a long list of proffers which include use restrictions stating that no auto or truck sales, bus terminals, or truck stops or funeral homes will be constructed on the property. In addition, they have proffered road improvements to the existing Linda Lane, East Market Street and Country Club Road, as well as the installation of a traffic signal at the intersection of Blue Ridge Drive and Country Club Road. They also proffered that they will extend Linda Lane to the bridge over the railroad to go to the entrance of the proposed shopping center. They will add sidewalks and bike lanes. Staff is satisfied with the submitted proffers and has recommended approval of the rezoning too commercial and Planning Commission has also unanimously recommended approval.

At 7:51 p.m., Mayor Frank 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, August 28, and Tuesday, September 5, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, September 12, 2000 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

REZONING

Request by CBL & Associates to rezone the full acreage of tax map parcels 13-B-1 through 3, 13-B-9, 13-C-2 through 5, and portions of 13-C-6, 13-E-8, 13-B-4 through 8, and 30-A-1 and 2 from M-1 General Industrial District to B-2 General Business District (Conditional). The parcels are located Northeast of Country Club Road at the intersection of Linda Lane. The B-2 district allows a wide variety of retail shopping, commercial, recreational, and service activities. The Comprehensive Plan recommends the site for General Industrial use, which is intended for light and general manufacturing, wholesaling, warehousing, high technology, research and development, and related activities. No minimum lot size restrictions exist in the M-1 General Industrial District or the B-2 General Business District.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against approving this rezoning request. There being no one desiring to be heard, the public hearing was declared closed at 7:52 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by Harrisonburg-Rockingham Community Services Board to rezone tax map parcel 42-B-B (1351 North Main Street) from R-2 Residential District to B-2 General Business District (conditional). She explained that the parcel is located at 1351 North Main Street. Several land uses are located on and adjacent to this property including R-2 Residential District, B-2 General Business, a mixture of M-1 business uses, and R-4 zoning classifications. The Comprehensive Plan recommends the site for Commercial use, which includes retail, wholesale, or service functions found along the major travel corridors and in the Central Business District of the City. Mrs. Turner reviewed the proffers submitted by the applicant and noted that restaurants, night clubs, movie theaters, car dealerships, public utilities/transportation buildings, telephone exchange and transformer or substations, and wholesale/retail warehousing would be excluded from use. She also noted that no improvements constructed on the property would exceed three stories or 40 feet in height. She said that Planning Commission recommended approval of the proposed rezoning.

At 7:59 p.m., Mayor Frank 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, August 28, and Tuesday, September 5, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, September 12, 2000 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

REZONING

Request by Harrisonburg-Rockingham Community Services Board to rezone tax map parcel 42-B-4 from R-2 Residential District to B-2 General Business District. The parcel is located at 1351 North Main Street. The B-2 district allows a wide variety of retail shopping, commercial, recreational, and service activities. No minimum lot size restriction exists in the B-2 district. The Comprehensive Plan recommends the site for commercial use, which includes retail, wholesale, or service functions found along the major travel corridors and in the Central Business District of the City.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

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Lisa Hawkins, attorney with the law firm of Wharton, Aldhizer, and Weaver, explained that she was representing Community Services Board (CSB) in support of their zoning application. Representatives of CSB had expressed to the current owner of the property that if she were ever interested in selling the property, they would be interest in discussing the matter. Earlier this year the property owner approached CBS and indicated she was ready to sell. The CBS does not have any current plans for any construction or renovation on the site. The building will be used for storage or a computer lab for employee training or may be used as temporary office space. No client services will be provided out of this building. There are no immediate plans for modifying this structure.

There being no others desiring to be heard, the public hearing was declared closed at 8:01 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

At 8:02 p.m., Mayor Frank closed the regular session temporarily and called the evening's fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, August 28, and Tuesday, September 5, 2000.

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Harrisonburg City Council on Tuesday, September 12, 2000 at 7:30 p.m. in the Harrisonburg Municipal Building, 345 South Main Street, Harrisonburg, Virginia. The purpose of this public hearing will be to get citizen input concerning a proposed increase in the City's Public Transportation Fund 2000-2001 budget in the amount of \$910,115.00. These funds will be used by the City to purchase five transit buses.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against approving the funding for these buses.

Transportation Director Smith explained that these funds will be used to purchase five transit buses. These buses were ordered last fiscal year, but not received. Federal and State funds will reimburse the City once the buses are received. Council Member Lantz offered a motion to approve this request for a first reading.

\$728,092.00 chge. to: 2013-33305 Transit Cap Grant Cap - Fed

78,270.00 chge. to: 2013-32518 Transit Capital Grant - State

103,753.00 chge. to: 2013-31010 Amount from fund balance

\$910,115.00 approp. To 2013-872081-48253 Transit buses

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Dr. Crystal Theodore appeared before City Council making a presentation for the Shenandoah Council of the Arts. She introduced members of the Board of Director of the Shenandoah Council of the Arts which includes Dr. Phil James (Vice-President of the SCA), Trish Philon (Blue Ridge Theater Festival), Bonnie Hobson (Harrisonburg Public Schools), Nancy Bondurant Jones (Harrisonburg Pen Women Literary Arts), Joan Knight (Director and Curator of the Virginia Quilt Museum), Joan Strickler (Director of First Night), Dr. Cole H. Welter (Professor of Art and Director of the School of Art and Art History at James Madison University), Lei Wong (Shenandoah Valley Watercolor Society), Paul Cline (member of OASIS), and Joanne Gabbin (owner of a private art gallery at 150 Franklin Street). She said that the Shenandoah Council of the Arts has several goals including helping to revitalize downtown Harrisonburg. SCA would like to develop a rich culture area on Main Street. Dr. Theodore said that while the arts continue to grow in nearby communities, Harrisonburg lags behind. The Shenandoah Council of the Arts is a non-profit organization that intends to establish an art gallery called OASIS at 103 South Main Street formally occupied by the Sycamore House Gallery. OASIS is SCA's first effort to enrich the art scene and enhance other arts such as drama and music. She also said since it is too late in the year to apply for grant money, the Shenandoah Council of the Arts is seeking start-up support from the City of Harrisonburg totaling \$75,000 over a five-year period to establish a cooperative art gallery and corporate office at 103 South Main Street in the City. It will also help continue the development of South Main Street as Harrisonburg's Acultural corridor in concert with the Quilt Museum, relocated Visitor's Center, new library, and Court Square Theater. Other members of the Board of Directors presented a business plan totaling \$75,000 over a five-year period, noting that dues paid by members will help with the operating plans, private and corporate funds will help support the organization, and every dollar spent on the arts would be an investment that would attract tourists and produce more dollars. Joanne Gabbin, owner of 150 Franklin Street Galley, also asked City Council for an annual grant of \$15,000 for the next five years to support her private gallery. She explained that the mission of the gallery is to promote the appreciation and sale of multicultural fine art and to assist local and regional artists in exhibiting their art and benefiting from its sale. Council Member Rogers commented that establishing AOASIS@ the non-profit art gallery would blend in well with the City's plans of developing a downtown cultural zone. Following further discussion and comments, Council Member Rogers made a motion directing City Manager Baker and his staff to make recommendations on how to support each of the arts proposals at the next City Council meeting.

The presentation by Valley Stargazers Club was withdrawn.

Bob Bersson presented an overview on the major entrances into Harrisonburg. He said that Harrisonburg can be a great center of technology, commerce, recreational, arts and culture; however, it is time to improve the landscaping and signs of the entrances into the City. He questioned if anyone knew what the image was on the signs at the entrances into the City. He compared Harrisonburg's signs with other small towns in the area. He said that the design of the signs could be improved, place the signs in better locations because some signs are lost in a maize of grassy islands with no landscaping and blend in with other signs. He also suggested that better landscaping would be a big improvement. Council Member Rogers noted that several organizations and garden clubs are working on beautification projects. City Manager Baker said that staff is working on improving the entrances into the City; however, he noted that the current signs were designed by a professional designer and donated to the City at no cost. Mr. Baker also pointed out that Harrisonburg has at least ten to fifteen entrances while smaller towns only have one or two entrances which can be maintained by one person.

Police Captain Wilfong introduced a request from the residents of Greenbriar Drive for permit parking. He explained that the residents of Greenbriar Drive have submitted a petition requesting that the area be changed to a permit parking area. The overflow parking from Village Lane onto Greenbriar Drive has caused parking problems, blocked mail boxes, interrupted snow removal, litter and trash problems. He said that the residents are requesting that their street which currently has no parking restriction be changed to a Ablue zone with a 24 hour, seven days a week restriction of parking and a tow away zone. He said that the Police Department supports the request even though it fails to meet City criteria for such a designation. Council Member Fitzgerald offered a motion to approve this request from the Greenbriar Drive residents as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Council Member Lantz offered a motion to designate a City official either the City Manager or the Mayor to sign all deeds on behalf of the City for a first reading. The City Attorney has advised that state law now requires all deeds be signed as accepted. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

City Manager Baker presented a request from Coldwell Banker Horsley and Costable. Rodney Williams representing Coldwell Banker, Horsley and Constable requested that the City close a portion of the street around Court Square to host a Fire Safety Day on October 14th to kick off National Fire Safety Week. Council Member Lantz offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Council Member Lantz offered a motion to approve the cancellation of the October 24 and December 26 Council meetings and to schedule a work session with the City's Department Heads on October 17. The motion was approved with a unanimous vote of Council.

City Attorney Miller presented for Council's consideration amending Section 4-2-62 of the Harrisonburg City Code. He explained state law requires these changes due to the deregulation of the electric and gas industry. In the past, taxes have been collected based upon a percentage of the dollar amount of the bill. Everyone in the Commonwealth will be collecting tax based upon quantity of utility purchased which is a kilowatt hour of electric and a cubic foot of gas. The General Assembly has stated that localities must make this conversion on a revenue neutral basis as best as can be done. It is a very complex process. Mr. Miller said that the language for the ordinance is still being discussed and reviewed. Council Member Lantz offered a motion to amend the code to reflect the changes to Section 4-2-62 of the Harrisonburg City Code for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

The agenda items for two supplemental appropriations for the Police Department for a School Resource Officer and State and Federal drug forfeiture funds for computers has been postponed until the September 26 meeting.

Chris Watkins, a resident of Greenbriar Drive, requested that the \$300 application fee be waved to start a rezoning process for the neighborhood. She said that most of the residents thought they lived in an R-1 zoning classification; however, through annexation most of the lots were changed to the R-4 zoning classification. Planning and Community Development Director Turner pointed out that even if the proposed rezoning is approved, existing rental properties could continue to operate as they are now as a non-conforming use unless they ceased existing as rental property for 24 months. Council Member Lantz said, AHe was very sympathetic with the Greenbriar residents, but waving the \$300 fee could set a precedent for other similar requests.@

City Manager Baker announced that the Board of Juvenile Justice has recently reviewed material concerning the Harrisonburg Office on Children and Youth's compliance with Board of Juvenile Justice Standards for Delinquency Prevention. The Board recognized the program's excellent performance level of 100% compliance.

City Manager Baker announced that he had received an e-mail from Bob Herbert, Center for Organizational and Technological Advancement at Virginia Tech, requesting that Harrisonburg send a team consisting of the City Manager, City Attorney, Director of Public Works, and a member of City Council to an environmental training workshop November 8, 9, and 10 in Roanoke, Virginia. The focus of the training is on hazardous waste in the governmental waste stream.

At 9:55 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Harrisonburg Parking Authority, Harrisonburg Planning Commission, Harrisonburg Parks and Recreation Commission, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Electric Commission, Harrisonburg Building Code Board of Appeals, Harrisonburg Social Services Advisory Board, Harrisonburg Industrial Development Authority, and the Harrisonburg Commission on Children and Youth. In addition, for the discussion of the performance of specific public officers. A closed session is permissible for both purposes pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, as amended (the Code). In addition, for the discussion of the acquisition of real property for a public purpose. A closed session is permissible for this purpose pursuant to 2.1-344(A)(3) of the Code of Virginia, 1950 as amended.

At 10:42 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

Vice-Mayor Peterson offered a motion that John P. Nardi, 453 A. West Water Street, be appointed to fill the unexpired term of Robert ARobin@ Wells to expire on November 28, 2001 on the Harrisonburg Parking Authority. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Mary R. Boyer be appointed to fill the unexpired term of Curtis Kite to expire on November 28, 2001 on the Harrisonburg Parking Authority. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Roland M.L. Santos, 701 Ohio Avenue, be appointed to fill the unexpired term of Dennis A. Larosa to expire on April 24, 2003 on the Harrisonburg Industrial Development Authority. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Kelly Sharpes, 741 Wyndham Woods Circle, be appointed to the Office on Children and Youth as a City representative. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Seth Wilson, 306 West Water Street, be appointed to the Office on Children and Youth as a Harrisonburg High School student representative. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Tonya Osinkosky Perez be re-appointed to the Office on Children and Youth for a term to expire July 2004. The motion was approved with a unanimous vote of Council.

At 10:58 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

SEPTEMBER 26, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; Chief of Police Donald Harper, and Acting City Clerk Director of Planning and Community Development Stacy Turner. Absent: Clerk Yvonne ABonnie@ Ryan, CMC/AAE.

Council Member Rogers delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Human Resource Director Whistleman introduced four new City employees: Danielle Morris, Thomas Morris, Public Works Department; Charles (LeRoy) Thomas, Parks and Recreation Department; and Peggy Propst, Fire Department.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading to increase the Harrisonburg Transportation Fund 2000-2001 budget and designating a City Official to sign all deeds. The motion also included amending and re-enacting Section 13-1.60.01 and Section 4-2-62 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

Director of Public Works Baker presented an overview of a Transportation Planning Study on the development of transportation planning and related street improvements for vehicles, pedestrian and bicyclists. He explained that in July, City Council requested that a group consisting of City staff members, Transportation Safety Commission members and Dr. Leonard VanWyk form a study group to review the idea of a comprehensive transportation study for the City. The purpose of the study would be to develop a plan to improve the quality of life in Harrisonburg by making our streets more pleasant for vehicles, pedestrians and bicyclists, along with making streets an attractive and a calming environment, by reducing noise and speeding. Mr. Baker also said that Mr. VanWyk, a member of the committee, has suggested that the City hire a consulting firm to provide a comprehensive review of transportation and safety issues throughout the City. A consultant could cost between \$120,000 and \$200,000 for a comprehensive study. Currently the City has a Major Street Plan, HATS Plan, Comprehensive Plan and Land Use Plan, Bicycle Plan, Public Transportation System, East Market Street Corridor Study, Traffic Calming Plan and a Traffic Analysis for Major Developments in place. Mr. Baker also said that the group needed to develop a statement stating that AA consultant should not establish a vision for the City. In comparing Harrisonburg with other cities, they realized that many factors could affect the cost which could be very large. The study group recommendation was to coordinate the existing studies already in place, develop a process for direct community involvement, and include the consideration of a staff transportation planner to coordinate these needs and maintain the community's vision. Mr. Baker presented an overview of the HATS Plan which includes the Port Republic Road project, Stonespring Road/Erickson Avenue project (East-West connection), East Market Street from I-81 to ECL, widening the intersection of South Avenue and Main Street, and completing Virginia Avenue between Gay Street and Fifth Street to four lanes. The Bicycle Plan recommends routes throughout the City and should include installing AShare the Road@ signs on existing streets that cannot be widened because of right-of-way restrictions and buildings. Mr. Baker suggested that perhaps in the future an abandoned railroad line might be used for bike paths. He also suggested that public education was needed concerning bicycles, neighborhoods should have interlocking streets with one or two connections to a primary route, and potential developers should include improvement along primary streets. The Public Works Department has started the development of a draft Residential Traffic Calming Plan. This plan deals with residential streets only. Many neighborhoods are experiencing cut-through problems and speeding. Mr. Baker said that they recommend that a consultant be hired to help with the development and completion of the plan. The City currently has an excellent public transportation program which should be enhanced, promoting more public transportation services to certain areas could help with the traffic congestion on the already crowded streets. Mr. Baker also explained that the Public Works Department has been reviewing crosswalk lights so that each light cycle has duration sufficient for a pedestrian to cross the street. He said the study group recommended that crosswalk timers be installed on South Main Street at JMU. The purpose of the timers is to indicate remaining time before the signal will change to a solid Do Not Walk. The study group has been discussing with James Madison University staff possible ways to enhance safety improvements on South Main Street. A draft concept includes installing special signs with flashing lights on Cantrell Avenue and Maplehurst Avenue to warn motorists that they are entering a higher volume pedestrian area. The project would also include installing a pedestrian crossing at the intersection of Patterson Street and Main Street. The pedestrian crosswalk could include a landscaped island in place of the left turn lane near the intersection and encourage students to use the crosswalk. The parallel sidewalk along Main Street should be moved back from the curb and a low landscaped hedge that would discourage pedestrians from crossing except at the intersections be installed. This concept will require some consulting and engineering support help. A citizen's survey is suggested for South High Street. Speed limits are established initially on a project based on the roadway design criteria. If the design speed is 40 mph then the posted speed is 35 mph. In reference to pedestrian and bicycle safety on South High Street, lowering the speed limit will not enhance safety for pedestrians or bicyclists. For the past several years the construction standards have required the installation of sidewalks on at least one side of any new street constructed. All sidewalks should be 5' in width. Normally pedestrians walk together and 4' wide walks are not safe or efficient. He also noted that trying to coordinate traffic signals is a difficult situation. Mr. Baker said that a Comprehensive Traffic Plan would be helpful. However, the funds for such a study would be better used at this time in developing and constructing some projects already

identified by other plans and studies. He said that a Staff Transportation Planner on staff would be beneficial to help with this coordination of these projects. This person could work with all types of traffic issues including coordination of parking issues downtown, neighborhoods, and seek grants to help with some of these projects. Staff plans to work with JMU on a plan for improving pedestrian crossing of South Main Street, including consideration of a cross walk at Patterson Street. Also, if funds are made available, staff recommends improving the existing crossings on South Main Street by installing the pedestrian timing signals and the advance warning signs. The City should continue to develop transportation projects already identified in existing plans, especially the Stone Spring Road-Erickson Avenue connection. They should also consider coordinating the transportation program with an expanded Public Transit plan.

Leonard A. VanWyk thanked Public Works Director Baker for his presentation. He encouraged hiring a Transportation Planner to implement some changes Mr. Baker recommended.

Don Allen, a resident living at 210 Dixie Avenue, said that he works with a community organization People Helping People. These people need transportation getting from one employment place to the next employment place. He said transportation needs should consider the working poor in the price of the buses and the designation.

City Manager Baker presented a request to transfer funds. He explained that these funds would be used toward a start-up fund for the opening of a new cooperate art galley in downtown Harrisonburg called OASIS. City Council had designated the cultural development because it fits with the priorities established at the retreat, but noted that funding is not recommended beyond three years. Mr. Baker requested that OASIS present City Council with a report in six months to state how the money is being spent. Council Member Rogers offered a motion to transfer these funds:

\$25,000 chge. to: 1000-940111-49310 Reserve for contingencies

\$25,000 approp. to: 1000-910411-45884 OASIS-Our Art Space in the Shenandoah

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

Council Member Lantz commented that another cultural arts group headed by former Mayor John Neff will be appearing before City Council at the next meeting. Though their plans are still in the formative stages, the concept that Mr. Neff and others are proposing is to form a commission for the arts in Harrisonburg, or some other type of organizing committee.

Vice-Mayor Peterson presented for City Council's consideration asking the Parks and Recreation Commission to make a recommendation on the specific management structure for the Golf Course. He explained that it is at the point to decide how the development and administration of the golf course will fit into City government. He requested an analysis from the Parks and Recreation Commission and City staff on various ways of putting this management of the golf course into City government. He made several suggestions including that the golf course would be operated under the normal functions of the Park and Recreation Department, creating something equivalent to HEC or a compromise between the two, or considering a long-term lease to a professional management firm. Council Member Rogers requested that a recommendation be presented to City Council at a future meeting. Vice-Mayor Peterson offered a motion to refer this request to the Parks and Recreation Commission. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request to temporarily close Beech Street between Grace Street and Dixie Avenue for a neighborhood block party. He explained that City staff has been reluctant to recommend closing a street for a block party in the past. However, this block party is different because there are no houses facing Beech Street and the party would be held from 3:00 p.m. until 6:00 p.m. Mr. Baker said that residents of the neighborhood would have to erect barricades to block off the streets and provide the City with a \$2 million certificate of insurance to protect it from liability. This certificate must be presented to Purchasing Agent Mark Milam by 5:00 p.m. Friday, September 29th. He also recommended that Police Chief Harper, Fire Chief Shifflett and Public Works Director Baker recommend some guidelines in case there are any similar future requests. Following further discussion and comments, Council Member Fitzgerald offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Council Member Rogers offered a motion to purchase 48.265 acres from Bridgewater College. The motion also included that the land would be designated for passive in use only and to also accept the financing offer made by Bridgewater College of 8% to be financed for a five-year period. Council Member Lantz commented that this request to acquire additional land for Hillendale Park had been referred to the Parks and Recreation Commission who voted unanimously to purchase the land to be used for passive park land. Mr. Lantz said that he had been instructed by City Council to negotiate the contract with the president of Bridgewater College. An offer was made to Bridgewater College and a letter was received confirming that

Bridgewater College had agreed to the negotiated price of \$800,000 for the 48.265 acres. Bridgewater College has also agreed to finance the property at 8% interest to be financed for a five-year period. The original price was \$900,000 for the land. Some discussion by Council Members included interpretation of whether a verbal commitment is a contract, large purchases should be made during the budget process allowing competition with other projects, preference of the Parks and Recreation Department, the land will be placed on the market next week if not purchased by the City, making Bridgewater College wait for five months for a decision, appraisal price of the land, the integrity of the City, offer made and accepted, and that the City will be having some large projects to be financed in the future. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

No - Council Member Fitzgerald

Mayor Frank

Absent - None

City Manager Baker stated that the Virginia Municipal League Conference has been scheduled for October 23-25, 2000. Council Member Rogers offered a motion naming City Manager Baker as the voting delegate and Council Member Fitzgerald as the alternate delegate. The motion was approved with a unanimous vote of Council.

Finance Director Seal presented a request authorizing the re-appropriation of funds for an encumbrance that was outstanding at June 30, 2000. He explained that these funds will be used for the Charles McNulty Child Care Center and represent the final payment. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$20,914.00 chge. to: 1000-31010 Amount from fund balance

\$20,914.00 approp. to: 1000-910411-47013 Charles McNulty Child Care Center

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds are from a state grant for a School Resource Officer. Council Member Fitzgerald offered a motion to approve this request for a first reading:

\$14,306.00 chge. to: 1000-32505 School Resource Officer

\$11,639.00 approp. to: 1000-310431-41010 Salaries/wages reg.

741.00 approp. to: 1000-310431-42010 FICA

1,125.00 approp. to: 1000-310431-42020 Retirement

392.00 approp. to: 1000-310421-42050 Hospital insurance

200.00 approp. to: 1000-310431-42110 Worker=s comp.

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds received from state and federal drug forfeiture will be used to purchase nine (9) replacement stations throughout the Police Department. Council Member Lantz offered a motion to approve this request for a first reading:

\$6,750.00 chge. to: 1000-22701 Federal (drug forfeiture)

6,750.00 chge. to: 1000-22702 State (drug forfeiture)

\$7,500.00 approp. to: 1000-310231-48172 Hardware (replacement)

3,000.00 approp. to: 1000-310331-48172 Hardware (replacement)

3,000.00 approp. to: 1000-310431-48172 Hardware (replacement)

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

Barry Hensley said that he has lived on Garbers Church Road for 12 years. He said there has always been some flooding under Erickson Avenue at the low point. For the first time in many years there hasn't been any flooding because of the fine construction of the golf course and the environmental issues that have been established on the property. He thanked City Council for the golf course and said that it will be a wonderful asset for the City.

City Manager Baker announced that the Massassanutton Regional Library will receive a \$100,000 grant from the Bill and Melinda Gates Foundation. This grant will allow the library to purchase new computers and educational software.

City Manager Baker said that flooding has been occurring in the Fire Department located on the ground floor of the Municipal Building. He explained that repair work to one side of the building will be needed including some digging of the foundation of the building.

City Attorney Miller thanked City Council for allowing him to attend a local government attorneys association conference in Charlottesville.

Parks and Recreation Director Gucker presented a brief updated report on the municipal golf course. She explained that although the wet summer has played havoc with the construction schedule, the municipal golf course is on schedule. They are installing the other half of the pond liner, the pump house station is built, the clearing has been completed, and the irrigation system is in place. She also said with the grass being planted, driving tours will become nearly impossible at this time; however, tours will be arranged and offered later.

Council Member Lantz said that the City has been participating in the Jim Britts show keeping citizens informed on City projects. He suggested that some new Council Members appear on the show stating their goals and objectives.

At 9:20 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Harrisonburg Parking Authority, Harrisonburg Planning Commission, Harrisonburg Parks and Recreation Commission, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Electric Commission, Harrisonburg Building Code Board of Appeals, Harrisonburg Social Services Advisory Board, and the Shenandoah Valley Partnership Board of Directors. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code). A closed session is permissible pursuant to Section 2.1-344(A)(1) of the Code of Virginia, 1950, as amended (the Code).

At 10:06 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

Council Member Rogers offered a motion that Rebecca Lynn Lough, 79 East Weaver Avenue, be appointed to fill the unexpired term of Curtis Kite to expire on November 28, 2001 on the Harrisonburg Parking Authority. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that Roger Baker, be appointed to fill the unexpired term of Steve Stewart to expire on June 30, 2001 on the Shenandoah Valley Partnership Board of Directors. The motion was approved with a unanimous vote of Council.

At 10:08 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

OCTOBER 10, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/AAE, and Police Captain Malcolm Wilfong. Absent: Chief of Police Donald Harper.

Mayor Frank delivered the invocation and 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 several supplemental appropriations for the Police Department and reappropriating funds for an encumbrance that was outstanding at June 30, 2000. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by BISAPACA, L.L.C. to close an alley between 143 and 127 Old South High Street to South High Street. She explained that the applicants are requesting to close a 981 square foot alley that runs East-West between Old South High Street and South High Street for the purpose of increasing the size of the two adjoining lots to eliminate some parking problems. There is a mixture of zoning classifications in the area including R-2 Zoning Classifications, M-1 General Industrial District, and R-3 Multiple Dwelling Residential District. Mrs. Turner said that staff has reviewed the alley closing and it meets all zoning regulations and has no public easements. The Planning

Commission recommended closure of this alley between Old South High and South High Street.

At 7:35 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Monday, September 25, and Monday, October 2, 2000.

NOTICE OF INTENTION TO CLOSE

AN ALLEY

LOCATED BETWEEN

OLD SOUTH HIGH STREET AND

SOUTH HIGH STREET

IN THE CITY OF HARRISONBURG

City Council Chambers, Municipal Building

Tuesday, October 10, 2000 - 7:30 p.m.

The Harrisonburg City Council will hold a public hearing on Tuesday, October 10, 2000, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Ray Wine to vacate and close an alley located between Old South High Street and South High Street in the City of Harrisonburg.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the alley to be vacated and closed are available at the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have the opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against this alley closure. There being no one desiring to be heard, the public hearing was declared closed at 7:36 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve this alley closure. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

John Neff (former Mayor of Harrisonburg) said that he and other business and community leaders had decided to throw their influence behind establishing a new Community Commission for Creative Art and developing a downtown arts and cultural district. He said that the committee had met several times to establish a common mission, formulate a vision and purpose, and establish some specific goals. He said, "Our vision is to exist, foster and support arts and culture activities while contributing to a more vibrant community. Our purpose is to have public and private participation while working together to form a community commission for the arts with the responsibility of coordinating all of the culture arts and entertainment venues. We also hope to establish and create a downtown culture arts overlay district. This group will coordinate and

develop some centralized funding endowment programs, monitor and administer grants and funding for arts and culture organizations within the area. Mr. Neff introduced several members of the committee.

John Neff presented and read the following proposal to City Council: I am writing on behalf of a committee of community members who are interested in culture and the arts and believe that the arts in every form contribute tremendously to quality of life and economic development.

As this committee began to discuss and develop a vision for increasing awareness and support for Arts and Culture in Harrisonburg, it became clear that a unified effort among the arts and cultural community might be the most beneficial approach. It would certainly make your job as City Council Members easier as you seek to identify ways to accomplish your stated goal of supporting that arts and cultural organizations in downtown Harrisonburg. It is with this in mind that we ask you to endorse this proposal to explore the establishment of 1) an organization that would represent all arts and cultural interests as well as 2) an arts and cultural district in downtown Harrisonburg.

Under this proposal, a study will seek to determine if an Arts and Cultural district, similar to the technology zone recently established by City Council, are feasible. This study will also determine if there is a need for exploratory enabling legislation that might help promote the committee's mission by the General Assembly. Pending your approval, this Committee would like to initiate a proactive approach in talking with our legislators now in order to have this special legislation if required, included during the current session. A district such as this could provide incentives for the support and creation of arts and cultural venues such as museums, galleries, studios and performance theaters in the central business district.

Of course a key element of this effort will be to gain input and support, not only from those intimately involved in Arts and Cultural endeavors, but also the broader public. The Committee itself will be broad-based and representative of the Arts and Culture community. Anyone interested in participating in the dialogue will have opportunities to do so through public forums held throughout the process. Final recommendations will be reviewed in a public forum prior to presentation to City Council.

We are excited about the possibilities for such an organization and dedicated area downtown and hope that you will see its potential as well as provide your support through endorsement of the concept and the Committee's work. Thank you for your consideration.

Council Member Fitzgerald offered a motion to endorse this proposal by the Committee for Creative Arts. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration a request from Mr. G.W. Moore, Jr. for a variance from City Code Section 7-2-4b. He explained that Mr. Moore who is a Rockingham County resident already has a house and barn connected to City water. Mr. Moore wants to finish an apartment located above the barn on his property. Rockingham County has required that Mr. Moore subdivide the two parcels before they will grant a building permit. Because

of a moratorium which has existed in the City since November 1992, the only way Mr. Moore can receive a separate water connection (meter) for the barn and apartment is if City Council grants a variance. Following further discussion and comments, Vice-Mayor Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

Leonard VanWyk presented an overview of a proposed new series of events that local bicyclists will begin October 28 called Critical Mass. He explained that area bicyclists will take to the streets on the last Saturday of every month starting in October (with the exception of November and December because of the holidays) at 1:00 p.m. at the Water Street parking deck for a five (5) miles ride through town. He reviewed the route for the bicycle ride. He also said that Critical Mass Bike Ride is a nationwide movement among cycle enthusiasts designed to bring attention to bicycling safety laws. Mr. VanWyk said, "The local groups overwhelming sentiment is to find a balance between making a point and not angering motorists. We want maximum visibility with minimum disruption. He encouraged City Council to invest money for infrastructure improvements for the City. There is a significant fraction of the population in Harrisonburg who actually cares about bicyclists and use them to get around. He reminded people that bicyclists do by law have the same rights as motor vehicles on the streets.

Economic Development Director Shull presented for Council's consideration a request for a street name change from AMP Street to TYCO Street. He explained that TYCO Electronics is the parent company of the former AMP facility on North Main Street. TYCO has the only address on this public street. Mr. Shull said that he had spoken with the postmaster regarding this proposed name change. Mayor Frank requested that TYCO be responsible for the cost of erecting a new street sign. Council Member Fitzgerald offered a motion to approve this request including that TYCO pay for any costs incurred with the street sign. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration an application from Alphonso Mason applying for a Certificate of Public Convenience and Necessity to operate Al's Cab. He explained that the Police Department had completed a background check for the applicant and recommended that the application be

denied. Mr. Baker said that the application was not completely filled out and several sections of the City Code were violated including plans to operate a business out of a home. He noted that the Harrisonburg City Code was revised December 21, 1999. City Attorney Miller reviewed City Code Section 14-1-36 which states that the following shall be considered: (1) The adequacy, efficiency and safety of existing taxicab service and other forms of transportation for passengers already in existence. (5) Applicants are required to have an established

place of business (a) that is owned or leased by the applicant, (b) where a substantial portion of the applicants business is routinely conducted, (c) that houses all records that the applicant is required to maintain, (d) that is equipped with a working telephone listed in the applicants business name, and (e) that meets local zoning requirements for type and location of business. Following further discussion and comments, Vice-Mayor Peterson offered a motion to refer this request for a Certificate of Public Convenience and Necessity to City Attorney Miller for further review.

Council Member Fitzgerald offered a motion to designate October 17, 2000 as a Council work session. City department heads will make brief presentation of department needs over the next budget year. The meeting will start at 5:30 p.m. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration a request from Judge Logan to provide additional court room space. He explained that Judge Logan is requesting additional courtroom space for the Juvenile and Domestic Relations District Court. Harrisonburg and Rockingham County operate the courts on a 50-50 basis. Mr. Baker suggested that this item be referred to the City/County Liaison Committee for further review. Council Member Fitzgerald offered a motion to refer this request to the City/County Liaison Committee. The motion was approved with a unanimous vote of Council.

Public Works Director Baker presented a request for a supplemental appropriation for the Public Works Traffic Engineering Division. He explained that these funds would be used for the purchase and installation of pedestrian safety equipment on South Main Street. The City plans to install advanced pedestrian crossing signs with flashing lights on Cantrell Avenue and north of Maplehurst Avenue on South Main Street. These signs should give motorists advanced warning of congested pedestrian area. Another plan is to install Countdown pedestrian crossing signal lights. Countdown timers will advise pedestrians of the time remaining to cross the street. Timer signals will also be installed at intersections of South Main Street at Cantrell Avenue, Grace Street, and Warsaw Street. Mr. Baker also noted that a Transportation Planning Study was presented at the last Council meeting and that his department continues to discuss some improvement recommendations with James Madison University. Council Member Rogers offered a motion to approve this request for a first reading:

\$15,000 chge. to: 1000-31010 Amount from fund balance

\$15,000 approp. to: 1000-410741-48212 Equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

Public Utilities Director Collins presented a request to charge off delinquent utility bills incurred between the dates of January 1, 1999 to December 31, 1999. He stated that none of the accounts listed currently have service with the City of Harrisonburg; however, these accounts are currently being pursued by a professional collection service. The amount to be charged off is \$10,454.38. The amount billed during this period is \$10,174,318.65. The ratio of write-offs to billing is 0.10%. Vice-Mayor Peterson offered a motion to write off the list of delinquent accounts. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

Absent - None

Sallie Stricker, a resident living at 1017 Smithland Road, still requested water service for the Smithland Road residents.

Bobby Ward, owner of Goodtimes restaurant and a night club located at 150 East Wolfe Street expressed his concerns trying to open this facility. He said the designated dance floor space is larger than recommended for a dance hall, final inspections is taking time, and he wanted to know if City Council had any reservations concerning his club. Mayor Frank and Vice-Mayor Peterson commented that they had been present at an open house held by Mr. Ward and would be in favor of approving this request for a dance hall when it is presented. City Council encouraged Mr. Ward to continue with all the procedures and complying with all the codes before applying for the dance hall permit.

Cheryl Talley appeared before City Council stating that she had been involved with the Northeast Community Association for several years. She challenged Council Members to become educated about the merits of using the historic Simms building for a fifth elementary school when it is needed. Council Member Lantz reminded Ms. Talley that any decision about a fifth elementary school is totally a school board decision and that City Council will not become involved until a request comes from the school board for the appropriate funding.

City Manager Baker announced that the week of October 9-14 is National Fire Prevention Week and the City's Fire Department will be participating in the event with a display at the Valley Mall.

City Manager Baker announced that the Virginia Municipal League has requested a contact person from the City to serve as a Physical Impact Contact concerning any proposed legislation.

He said that he will be designating Lester Seal (Director of Finance) as Harrisonburg's representative.

City Manager Baker announced that a Shenandoah Summit will be held on October 30, 2000. Mr. Baker said that he and Director of Economic Development Brian Shull will be attending.

City Manager Baker said that smoke testing will be conducted to determine the repair work needed in the Fire Department located on the ground floor of the Municipal Building. The smoke testing will begin Thursday, October 12, 2000.

City Manager Baker requested permission to begin getting an architectural plan and design for the proposed driving range to be built on the municipal golf course. A rough cost estimate is between \$400,000 and \$500,000 to build the driving range, but until a design is made it will be difficult to have a cost estimate. Council Member Lantz reminded other Council Members that the driving range was projected to be the only potential moneymaker of the municipal golf course. He said, We don't need greens or other frills, but we should move ahead with a basic driving range. Council directed City Manager Baker to get a detailed design along with a detailed cost analysis so an agreement can be reached soon.

City Manager Baker announced that a representative from the City will appear on the Jim Britts (WSVA) radio show the first Wednesday of each month. Mr. Baker asked for volunteer from City Council. City Council suggested that City Manager Baker determine what topic should be discussed on the radio show.

At 9:05 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Harrisonburg Planning Commission, Harrisonburg Parks and Recreation Commission, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Electric Commission, Harrisonburg Building Code Board of Appeals, and the Harrisonburg Social Services Advisory Board. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code). IN ADDITION, the purpose of the closed session is for the discussion of matters related to two (2) parcels of real property. A closed session is permissible for this purpose to Section 2.1-344(A)(3) of the Code.

At 11:00 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

ADDENDUM TO THE MINUTES (added by City Attorney Miller)

After the regular session was reconvened, Vice-Mayor Peterson moved that, in light of legal counsel's more fully researched opinion regarding the City's obligation to complete the proposed purchase of 48.2 acres from Bridgewater College, the decision to purchase should not be reopened for consideration. This motion was carried by a voice vote of four in favor and one opposing.

At 11:01 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

NOVEMBER 14, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne "Bonnie" Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Lantz delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading of a supplemental appropriation for the Public Works Traffic Engineering Division, closing an alley between 143 and 127 Old South High Street to South High Street, and setting a date of November 28, 2000 for public hearing on proposed Capital Improvement Program (CIP). The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Council Member Rogers
 Mayor Frank

Absent - None

At 7:35 p.m., Mayor Frank 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, October 30, and Monday, November 6, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 14, 2000, at 7:30 p.m. in the City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia.

The Harrisonburg City Council will receive the views of citizens regarding the proposed use of funds paid under the Local Law Enforcement Block Grant as it relates to the Harrisonburg Police Department's entire budget. At this hearing, persons shall be given an opportunity to provide written and oral views to the City Council about the Department's budget and the relation of the Grant to the entire budget.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against the local Law Enforcement Block Grant.

Colonel Don Harper stated that the United States Department of Justice issues the local Law Enforcement Block Grant to assist localities in improving public safety. A public hearing must be held to receive these funds which will be used to purchase more in-car cameras for the police cars.

There being no others desiring to be heard, the public hearing was closed at 7:40 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve this block grant application. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Council Member Rogers
 Mayor Frank

Absent - None

✓ Planning and Community Development Director Turner introduced a request to rezone tax map parcels 12-I-1 through 12 & 12-K-1 through 12 from R-4, Planned Unit Residential District to R-1, Single-Family Residential located along both sides of Greenbriar Drive. She explained that the Comprehensive Plan designates the Greenbriar Drive areas as Low Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of one to four units per acre. Low density sections are found mainly in well established neighborhoods. The low density residential areas are designed to maintain the existing character of the neighborhoods and to provide traditional areas for home ownership. This area has a mixture of uses surrounding it. She reviewed the surrounding zoning classifications. The City annexed the Greenbriar Drive area in 1983 from Rockingham County. The zoning in the County at that time was R-5, Planned Residential District. Therefore, when the area was annexed into the City the zoning was kept within the same constraints as the County zoning, which was balanced, with the R-4 zoning classification. She said that Planning Commission recommended approval of the rezoning.

At 7:42 p.m., Mayor Frank 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, October 30, and Monday, November 6, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 14, 2000 at 7:30 p.m. in the City Council Chambers, 345 South Main Street, to consider the following:

REZONING

Public Hearing to consider a comprehensive rezoning of a portion of the Greenbriar area (tax map parcels 12-I-1 through 12 & 12-K-1 through 12) from R-4, Planned Unit Residential District to R-1, Single-Family Residential located along both sides of Greenbriar Drive.

The R-4, Planned Unit Residential District is intended to permit the development of planned residential neighborhoods containing not less than twenty-five (25) contiguous acres under one ownership or control at the time of approval for development. Within the district the location of all buildings, playgrounds, recreation and green areas, parking areas and open spaces shall be developed in such a manner as to promote a variety of residential and permitted nonresidential buildings in orderly relationship to one another. The residential density ranges for the R-4 district are single-family, 6,000 sq. ft. minimum; two-family, 3,000 sq. ft./unit; multi-family, 3,000 sq. ft./unit; and townhouse, 2,000 sq. ft./unit. The R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The minimum residential density ranges for the R-1 district is 10,000 sq. ft.

The Comprehensive Plan designates this area as Low Density Residential. The Low Density Residential designation states that these areas consist of single-family detached dwellings with a maximum density of one to four units per acre. Low density sections are found mainly in well established neighborhoods. The low density residential areas are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at this public hearing.

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

CITY OF HARRISONBURG

Roger D. Baker

City Manager

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

Chris Watkins, a resident living at 816 Greenbriar Drive, said that two of the homes on their street are now student houses and are violating the deed restrictions. All of the people who bought property on Greenbriar Drive had deed restrictions and were under the impression that those deed restrictions were law.

There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened. Council Member Lantz offered a motion to approve this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Council Member Rogers
 Mayor Frank

Planning and Community Development Director Turner introduced a request by Meridian Properties, L.L.C. for a preliminary plat for Meadow Pointe subdivision with variances to Section

10-2-41(a) and 10-2-42(d) of the subdivision ordinance located on approximately 33.87 acres. Meridian Properties is requesting to divide this property into 136 duplex lots with variances to the City of Harrisonburg Design and Construction Manual and Subdivision Ordinance for street regulations and fronting on a public street. The Land Use Guide shows the property as Planned Residential-Medium Density. This category is designated for the planned development of multi-family uses. These uses would include two-family dwellings and single-family attached dwellings (townhouses and condominiums). In the plan it states that policies are to encourage medium density residential development in areas that have physical features which limit development. It also is to encourage the development of attractive medium density dwellings such as townhouses and condominiums and to encourage common open space. The Comprehensive Plan is promoting the type of development desired by these developers through statements such as proactive planning using the remaining undeveloped land in the City in the best possible manner. Also, aesthetics and environment encouraging the use, maintenance, and replanting of trees as part of residential, commercial, and industrial development in the City. In addition, manage and maintain existing trees in the City. It also encourages natural features seeking to develop policies for the preservation and protection of trees in our community. This area is surrounded by several zoning classifications. The property is zoned R-2 which does allow for the single-family and duplex, but it is directly adjacent to B-2 commercial development occupied by uses such car dealerships and small shops. The developer is trying to develop a community that would not fit the City's traditional design standards. The developer is seeking to have some homes on private streets. The streets in the proposed subdivision would be more narrow and would be part of the proposed lots containing duplexes. This portion of the subdivision would be age restricted as allowed under the state code requirements for people who are 55 and older. The remainder would be a regular subdivision duplex development, but have a public street. One area has been left as a connection to adjacent undeveloped property for development of a street connection in the future. Some reasons the developer is seeking these variances are because they are trying to make the best use of this property. The developers have made several proffers including preserving trees, developing walking trails, preserving a pond on the property, and building a community center. She said that staff has been working with the developers and visited a similar development in Winchester. Mrs. Turner reviewed the PUD proffer list which included having 27% open space for the entire site, \$200,000 for landscaping budget for the entire site, all walking trails to be hard surfaced, 184 trees to be preserved with the possibility of another 24 being preserved, a community building valued at \$140,000, deed restricting community to 80% of residents being 55 or older spelled out in 'Housing for Older Persons Act of 1995', front a facade of all homes to be brick with exception of some gables, a minimum front setback to be 19' from a back of a curb with majority being 20', in any one duplex group, one unit of the two will be built with the garage protruding no farther than the rest of the house (or porches) toward the street, garages will not protrude more than 10' out from the rest of the house on any home, a property Owners Association set up to pay for all maintenance items (roads, common areas, etc.), minimum amount for road maintenance escrow will be recorded in POA Deed of Dedication. She said that staff and Planning Commission recommended approval of the subdivision as presented. Vice-Mayor Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
Council Member Fitzgerald
Vice-Mayor Peterson

Council Member Rogers
Mayor Frank

Absent - None

John Schuster representing the Valley Stargazers Club introduced several members of the club including John Sellers, Jack Wine, and Joey Reece. Joey Reece presented a brief overview on "Dark Skies." He explained that "Dark Skies" is a nationwide movement which arose from the desire to return our night skies to the way they were prior to the industrialization of our cities. The main reason is most people would like to see the stars in the sky and hopefully future generations will be able to continue to see the stars. Valley Stargazers are concerned about the increasing problem of light pollution in Harrisonburg and other areas. Light pollution is an outdoor light that produces glare, light trespass, clutter, energy waste, or urban sky glow. Mr. Reece presented several slides reviewing several examples of poor lighting and good lighting in the City. The rewards for better quality and more efficient lighting are energy savings, dollar savings, improved visibility by eliminating glare, improved safety and security, more attractive surroundings, getting along better with neighbors, helps preserve our environment and wildlife, and a darker night sky that everyone can enjoy. He encouraged Harrisonburg to adopt a lighting ordinance providing guide lines for all future lighting. Vice-Mayor Peterson offered a motion requesting that Planning Commission review ordinances adopted by other localities and make a recommendation to City Council at a future meeting. The motion was approved with a unanimous vote of Council.

The presentation by David Moler was withdrawn.

Ben Fordney said that after many months of controversy the golf course has been approved and the project is now on its way to completion. The question is how will this project be managed and operated. Even those citizens who opposed the golf course feel it should be financially successful. The golf course is a reality and the management of the golf course should be structured that it realizes the maximum revenue to cover expenses and hopefully operate at a profit. It is the belief of the CHANGE organization that the Harrisonburg City Golf Course should be managed by an independent commission appointed by City Council. The Golf Course Commission should be given full responsibility and should be vested with authority to use all property and assets of the golf course and have full control of management and revenue. This commission should have the authority to appoint a manager of the course, a clubhouse manager, and any other employees that are deemed necessary for the performance of their responsibility to operate and maintain the golf course as effectively as possible. The commission should be free from the jurisdiction and control of other City officers and employees. Mr. Fordney recommended that the golf course provide an annual report showing the financial condition of the golf course. The bottom line is revenue and efficiency. The CHANGE organization believes the golf course should be placed in the hands of experienced managers who will operate it as a profit making business.

Director of Public Utilities Collins presented a report on the Dry River Dam. He explained that the goal of this project was to have enough water during a drought. The crucial factor in the decision is to improve the City's ability to use multiple water sources in times of drought and to have a reliable water system that can easily expand in the future. He said that his department obtained as built construction drawings and design calculations from the NRCS for the existing dam.

The Dry River Dam was considered for a water supply of 5000 acre-ft during the 1976 construction period for Rockingham County. The department talked extensively with the project manager/inspector from NRCS pertaining to previous construction and site specific events associated with the original project. The purpose was to try to come up with a preliminary cost to develop the dam. Mr. Collins said that the cost estimate included demolishing the existing shell, demolish the riser structure completely as well as the discharge piping through the dam. Because the emergency spillway was dug out of rock it will have to be put back with concrete. The material is limited to build the core and will be costly. The estimated cost is \$19,000,000. Maps of aerial photography and contours were used to project the location of the property boundaries over the existing and proposed area of impact. A followup discussion was made with a representative of the private owners of the Dry River Dam land area. The firm of Mays & Valentine has prepared for the City a document outlining the permitting requirement for this project. An hydraulic analysis of pipe capacity for technical reliability of the Dry River Dam project was completed. He acknowledged that a letter had been received from Congressman Goodlatte's office to offer support and assistance for the project. Mr. Collins also said information was obtained from the archives of the U.S. Geological Service, records from 1947 and 1948 water years for a gaging station once located at Rawley Springs. This data was adjusted to recognize the impact of Switzer Dam and then analyzed to determine the significance of an expanded conveyance pipe versus the significance of expanding Dry River Dam. He explained that the South Fork project intake includes installing a 24 inch pipe line, several pumping stations, and expand the treatment plant to 15 million gallons. The Dry River project includes building a dam and installing two 24 inch pipe lines. Mr. Collins also met with the Virginia Department of Health to discuss the comparison of alternatives for the South Fork project versus the Dry River Dam project. Mr. Collins said, "I do not think we have a water quality issue in the South Fork and we can meet water quality standards as set forth. I favor the South Fork project. It has long range vision other alternatives don't provide us." The Dry River Dam project would put a ceiling of total water quality at 15 million gallons per day, while the South Fork project has a much greater total capacity. The cost of the Dry River project would greatly exceed the South Fork project. Following a lengthy discussion and comments, Council Member Lantz offered a motion to move forward on the development of a new water pipeline from the South Fork of the Shenandoah River. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Council Member Rogers
 Mayor Frank

Absent - None

Vice-Mayor Peterson offered a motion to set a public hearing date of December 12, 2000 regarding incurring debt for the Bridgewater College land. The motion was approved with a unanimous vote of Council.

Charles Chenault, a member of the Parks and Recreation Commission, presented a recommendation of the specific management structure for the golf course as request by City Council on September 26, 2000. He said this issue was discussed at a special called meeting of the Parks

and Recreation Commission held Monday, November 6th at the Community Activities Center. He said that the Parks and Recreation Commission recommended to City Council that we establish the golf course operation as an enterprise fund with a golf course manager and a course superintendent who would report directly to Director of Parks and Recreation Paula Gucker and that the golf course be operated as part of the Harrisonburg City Parks and Recreation Department. Mr. Chenault said that the golf course is a recreational facility with an unusual distinction because of its extraordinary cost. The Parks and Recreation Department has performed extraordinarily during the construction of the golf course. Mr. Chenault stressed the commission was best prepared to balance the need to run the golf course at a profit, and provide a recreational opportunity for the citizens of Harrisonburg. Following a lengthy and emotional debate, Council Member Fitzgerald offered a motion to table a decision on management of the golf course. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Council Member Rogers
 Mayor Frank

Absent - None

City Manager Baker presented a brief report concerning a contest to select a 'Welcome to Harrisonburg' sign. He suggested this would be a great community project and that OASIS has agreed to judge the contest. He encourages businesses to help fund the project. Anyone interested in the contest should submit a sign on an 8 ½" x 11" sheet of paper by December 31th to the City Manager's office. Council Member Fitzgerald offered a motion to endorse this contest. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a brief report on the development of Stone Spring Road to Erickson Avenue. He explained that preliminary engineering for this connector was completed by Mattern & Craig in December 1999. Funds are available to proceed with pre-construction drawings so we can purchase right-of-way for this project. Council Member Lantz offered a motion to proceed with the development of Stone Spring to Erickson Avenue Connector. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Council Member Rogers
 Mayor Frank

Absent - None

City Manager Baker presented for Council consideration of a request by the Shenandoah Valley Track Club (SVTC). He explained that the club, in conjunction with the Shriners Hospital for children and JMU's Men and Women Track Program, is sponsoring a 10 Mile/5K (Running

Race) to be held on Sunday, November 4, 2001. These groups will establish the organization of the race and will provide a number of volunteers to help conduct the event. In order for the event to be promoted and advertised in magazines it is necessary to receive City Council approval now. Council Member Fitzgerald offered a motion to approve this event. The motion was approved with a unanimous vote of Council.

Police Chief Harper presented for Council's consideration an application from Sandra F. Eppard applying for a Certificate of Public Convenience and Necessity to operate Sandra's Transit. He explained that Ms. Eppard would like to operate a transit service in Harrisonburg providing transportation to daily appointments, doctor's appointments, dialysis treatments and shopping trips. Colonel Harper said that the Police Department has completed the background check for the application and recommended issuing the certificate. Vice-Mayor Peterson offered a motion to approve a Certificate of Public Convenience & Necessity for Sandra's Transit for five (5) years. The motion was approved with a unanimous vote of Council.

City Manager Baker announced that a request from Goodtimes Restaurant for a dance hall permit should be tabled until the next meeting.

City Manager Baker presented a request from the Retail Merchants Association. He explained that the association has requested blocking the streets around Court Square on Friday, November 24th at 6:30 p.m. as part of the tree lighting ceremony and Christmas concert. Rockingham County has reviewed this request and given permission for the event to be held. Mr. Baker recommended that Main Street be left open as it has been in the past and only closing three streets around the Court House. Vice-Mayor Peterson offered a motion to approve the request. The motion was approved with a unanimous vote of Council.

Director of Parks and Recreation Gucker explained that the Harrisonburg Parks and Recreation Department, Rockingham County Parks and Recreation Department and the Downtown Merchants Association are sponsoring the annual Christmas Parade to be held on Friday, December 1, 2000 at 7:00 p.m. The parade will begin this year at the monument at the intersection of South Main Street and Liberty Street ending at the corner of Gay and North Main Streets at the Rockingham County Administrative Complex. Mrs. Gucker reviewed the following streets that are requested to be closed: Main Street from Cantrell Avenue to Gay Street, Liberty Street from Bruce Street (HEC) to the monument on South Main Street, the westbound right hand lane of Cantrell Avenue from Mason Street to South Main Street, staging the rescue vehicles. Council Member Fitzgerald offered a motion to approve the request. The motion was approved with a unanimous vote of Council.

Director of Public Transportation Smith presented a request for a supplemental appropriation to purchase two (2) Dupont trolley buses. He explained that the total bid is \$498,000, 95% state funds of \$473,000 with the City providing 5% local match at \$24,900. The delivery of the two (2) trolley buses is expected 90 days from placing the purchase order. He also explained that the transit colors of blue and white will be painted on the trolley buses. Council Member Lantz offered a motion to approve this request for a first reading:

- \$ 24,900.00 chge. to: 1000-31010 Amount from fund balance
- \$ 24,900.00 approp. to: 1000-990111-49270 Transfer to Transportation fund

\$ 24,900.00 chge. to: 2013-34210 Transfer from General Fund
 \$473,100.00 chge. to: 2013-32518 Transit Capital Grant Buses - State
 \$498,000.00 approp. to: 2013-872081-48253 Transit Buses

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz
 Council Member Fitzgerald
 Vice-Mayor Peterson
 Council Member Rogers
 Mayor Frank

Absent - None

George Rontopoulos commented that the City has a very serious drug problem and has been labeled as a major distribution center. He expressed his concern about several groups and organizations that are undermining all the good things that have happened in the City. He also said that the Police Department has to spend too much time dealing with college students rather than patrolling the streets of Harrisonburg and conducting police work.

Hank Dunton suggested that it was inappropriate for a Council Member to attend a Harrisonburg Electric Commission meeting and suggest nominees or try to influence the commission's list of nominees for the Harrisonburg Electric Commission Board.

Council Member Fitzgerald commented that because of a lack of clarity in the City Code, an issue had been created concerning the number of nominees that Harrisonburg Electric Commission should have submitted and suggested that perhaps City Council should ask for two more names. He also said that it was his opinion in interpreting the City Code that Harrisonburg Electric Commission should provide a slate of three names for each opening on the commission. Mr. Fitzgerald said that "Common sense and human nature suggest that similar conversations between Council and commission members have taken place in a less public light. Dr. Peterson's conversation instead at the Harrisonburg Electric Commission meeting was straightforward, above-board, and in an open and honest fashion." Because an issue has been made of this list provided by HEC, Council Member Fitzgerald offered a motion that City Council request two more nominees be added to the list and then move forward with the appointments.

Council Member Lantz noted that there are five members on City Council and this issue was not open and above-board because neither he nor Council Member Rogers was consulted on this issue. He also noted that City Manager Baker was not consulted. Mr. Lantz charged Vice-Mayor Peterson with building distrust with the way he handled the HEC situation. Mr. Lantz said, "We agreed at the retreat that we would keep all members of Council apprised of all actions being taken and yet this issue which requires a vote of all of the Council Members was not discussed with everyone on Council." Mr. Lantz read an excerpt from the City Code which states, "Vacancies on the commission shall be filled by appointment by the Council from a list of three (3) nominations." It also states that Council shall either make the appointment from such list of nominees, or request an additional slate of three (3) nominations." Mr. Lantz pointed out to Mr. Peterson that it states 'Council' and that he alone was not the entire Council. All five elected members comprise

Harrisonburg City Council. Council Member Lantz also commented that hopefully this was a learning experience and that everyone on Council in the future would be consulted on these matters.

City Attorney Miller said that a poorly worded City Code with “much ambiguity in it” was a significant factor in Peterson’s request to the Harrisonburg Electric Commission for two more nominees. Both Council Member Rogers and Council Member Lantz commented that it would be a mistake to request any new nominations from HEC prior to amending the City Charter to clarify this ambiguity.

Vice-Mayor Peterson said “I do not know many elected officials who are expected to appoint their opponents.” He replied that, “Part of winning the election was to put in place a different set of voices on these boards and commissions. I don’t see us appointing the same set of people that would have been appointed if we had lost the election. I can accept that the right way to have done it would have been to bring it up with Council as a whole. I will credit that mistake to inexperience. I do not agree that it was an unethical request.”

Following further discussion and comments, Council Member Fitzgerald offered a motion requesting that Harrisonburg Electric Commission provide two additional names to be considered for appointment to the commission. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald
 Vice-Mayor Peterson
 Mayor Frank

No - Council Member Lantz
 Council Member Rogers

Absent - None

Janice Fitzgerald commented that it was time to remove from the discussion the numbers of candidates and openings and the bantering back and forth between the City Council and HEC and instead talk about ethics. She said, “We don’t get into discussions about candidates that will come before us to be voted on.” It is not complicated. The precedent has been set in City of Harrisonburg for the process to name people to the Harrisonburg Electric Commission. She reminded Council that everyone on City Council should have been consulted concerning the nominees for the electric commission. She said she cares about the City and would like to see everyone including citizens and Council move on.

Barry Hensley suggested that since Harrisonburg Electric Commission was set up as an independent commission, Council should not make decisions about how the commission should operate in the future. He suggested that Council ask the Harrisonburg Electric Commission board members what they wanted and if they would be willing to serve as commissioners if the appointing nomination process is different from what it now is.

At 11:15 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Harrisonburg Planning Commission,

Harrisonburg Parks and Recreation Commission, Harrisonburg Redevelopment and Housing Authority, Harrisonburg Building Code Board of Appeals, Harrisonburg/Rockingham ASAP Commission, and the Harrisonburg Social Services Advisory Board. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code).

At 11:30 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

Vice-Mayor Peterson offered a motion that Michael G. Wong, 447 Northfield Court, be appointed to a second term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2004. The motion was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that Rory DePaolis, 440 East Wolfe Street, be appointed to a first term on the Harrisonburg Parks and Recreation Commission (East) to expire on December 31, 2004. The motion was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that Commonwealth Attorney Marsha Garst be appointed to the Harrisonburg-Rockingham Alcohol Safety Action Commission. The motion was approved with a unanimous vote of Council.

Vice-Mayor Peterson offered a motion that David Wiens, 1520 College Avenue, be appointed to a first term in the Harrisonburg Planning Commission to expire on December 31, 2004. The motion was approved with a unanimous vote of Council.

At 11:35 p.m., there being no further business and on motion adopted the meeting was adjourned.


CLERK


MAYOR

REGULAR MEETING

NOVEMBER 28, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne ABonnie@ Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Council Member Rogers delivered the invocation and Mayor Frank led everyone in the Pledge of Allegiance.

Human Resource Director Whistleman introduced six new City employees; Stephen Craver, John Langhans, Christopher Ray, Police Department; Shahanna Garcia, Transportation Department; Doug Martin, Fire Department; and Randy Sprouse, Public Works Department.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading appropriating funds to purchase two (2) Dupont trolley buses, and setting December 12, 2000 as a public hearing date to recommend that the Virginia Quilt Museum be tax exempt. The motion also included referring a request to close an alley between Chicago Avenue and Stuart Street to Planning Commission. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

City Manager Baker presented the 2001-2002 through 2005-2006 Capital Improvement Program. Mr. Baker explained that the Capital Improvement Program is a budgetary tool that allows the City to plan for capital expenditures for a five-year period. These are projects that cost \$25,000 or greater. Planning Commission held a public hearing in November and recommended approval of the Capital Improvement Plan with special consideration placed on the Public Safety Building, completion of Stone Spring Road Extended to Erickson Avenue, and the radio system for the City. Mr. Baker reminded everyone that all the Department Heads were present to answer any questions regarding the Capital Improvement Program.

At 7:40 p.m., Mayor Frank closed the regular session temporarily and called the evening's public hearing to order. The following notice appeared in the Daily News-Record on Saturday, November 18, and Saturday, November 25, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a Public Hearing on Tuesday, November 28, 2000, at 7:30 p.m., in the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia to consider:

The proposed Capital Improvement Program, for fiscal years 2001-2002 through 2005-2006. 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 Improvement Program are available for review in the Department of Planning and Community Development, the City Manager's office and the Rockingham Public Library.

For any additional information, contact the City Manager's office, 345 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at 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

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against approving the Capital Improvement Program. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to approve the Capital Improvement Plan. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Director of Public Utilities Collins presented an overview of the Smithland Road Water and Sewer Phasing and Cost Study. He explained that after reviewing projected revenue for the water department for the next five years, projecting expenditures on operating cost based on a trend, projecting transfers to the general fund, and acknowledging the debt fund, he could only fund projects with available capital funds. Mr. Collins said that he has tried to include some funding for Smithland Road; however, there are some projects in the CIP that have higher priorities including the Eastern Water Line, the water treatment plant expansion and the water tank improvement program.

Ed Blackwell, consultant with Blackwell Engineering, presented a detailed cost projection of taking utilities to the entire Smithland Road area breaking it down into three sections of the area. He said that the North Smithland Road project will provide water and sewer service to the largest area consisting of 20 homes and approximately 450 acres. The South Smithland Road project will provide water and sewer service to the second largest area consisting of 13 homes and approximately 150 acres while the Old Furnace Road project will provide water and sewer service to the undeveloped land north of Reherd Acres.

Director of Public Utilities Collins said that the City has two options, funding all of the projects or borrowing the money for the projects. The entire projects could cost the City more than \$4.2 million and will probably include a rate increase of 10 percent to all City water customers. Using James Madison University as an example, Mr. Collins said that a 10 percent increase could cost the university an additional \$30,000 each year. He also discussed and reviewed all three projects including debt funding, available revenue, designing and constructing, and most of the cost for each project. Mr. Collins added that he could use current cash holdings to begin the design phase of a project, so construction could begin soon after the new City budget is adopted in July 2001. Following further discussion and comments, City Council directed Director of Public Utilities Collins to begin designing utilities for project two which includes the southern portion of the Smithland Road.

Council Member Fitzgerald presented the following resolution for Council's consideration of approval:

Resolution of The City Council

of

Harrisonburg, Virginia

Recitals

At its meeting on October 10, 2000, this Council entertained a presentation by John N. Neff, former Mayor of the City of Harrisonburg, about the grass-roots formation of a committee of community members interested in promoting culture and the arts in the greater Harrisonburg-Rockingham

County area. In essence, Mr. Neff informed Council of the committee s initial discussions and preliminary vision by remarking as follows:

As this committee began to discuss and develop a vision for increasing awareness and support for Arts and Culture in Harrisonburg, it became clear that a unified effort among the arts and cultural community might be the most beneficial approach. It would certainly make your job as City Council members easier as you seek to identify ways to accomplish your stated goal of supporting the arts and the cultural organizations in downtown Harrisonburg. It is with this in mind that we ask you to endorse this proposal to explore the establishment of an organization that would represent all arts and cultural interests, as well as an arts and cultural district in downtown Harrisonburg.

Under this proposal, a study will seek to determine if an Arts and Cultural District, similar to the technology zone recently established by City Council, is feasible. This study will also determine if there is a need for enabling legislation that might help promote the committee's mission, by the General Assembly. Pending your approval, this Committee would like to initiate a proactive approach in talking with our legislators now in order to have this legislation, if required, included during the current session. A district such as this could provide incentives for the support and creation of arts and cultural venues such as museums, galleries, studios and performance theaters in the central business district.

Of course, a key element of this effort will be to gain input and support, not only from those intimately involved in arts and cultural endeavors, but also the broader public. The Committee itself will be broad-based and representative of the arts and culture community. Anyone interested in participating in the dialogue will have opportunities to do so through public forums held throughout the process. Final recommendations will be reviewed in a public forum prior to presentation to City Council.

Upon consideration of Mr. Neff's presentation, this Council took action unanimously affirming the aspirations and work of the committee, which is now using the formative name of Arts Council of the Valley.

The Arts Council of the Valley currently involves the following individuals:

Ms. Tracey Jones WHSV-TV

Mrs. Stephanie Byrd ROCCO, Inc.

Mr. Mensel Dean McGladrey & Pullen

Mrs. Judy Strickler Civic Leader

Mr. Ed Sipe First Union Securities

Mr. Peter Yates Daily News Record

Mr. Douglas Guynn	Wharton, Aldhizer & Weaver
Mr. Bev Appleton	Blue Ridge Theatre Festival
Mr. Charles Martorana	Second Bank & Trust
Dr. Richard F. Whitman	James Madison University
Mr. John N. Neff	Nielsen Builders, Inc.
Ms. Nancy Bondurant Jones	Writer-Historian
Ms. Andi Arndt	The Playhouse
Mr. Joseph Fitzgerald	Harrisonburg City Council

**Mr. Jim Deskins
Redevelopment Housing Authority**

Harrisonburg/Rockingham

Now, after further work and discussions by the Arts Council of the Valley, it seeks Council's formal action requesting members of the General Assembly to introduce, endorse, and support, during the 2001 General Assembly session, legislation authorizing and enabling, to the fullest extent necessary and appropriate, the creation of an Arts and Cultural District/Zone within the corporate boundaries of the City of Harrisonburg. This Arts and Cultural District/Zone would provide incentivized hubs for performing arts, visual arts, museums, galleries, studios and similar enterprises. By taking this initial step, the City of Harrisonburg would further affirm and promote an emerging vision of planned, coordinated initiatives and venues to have culture and the arts contribute significantly to the quality of life and economic development in the greater Harrisonburg-Rockingham County community.

Now, Therefore,

Be it Hereby Resolved

Council is convinced that the quality of life and economic development in the City of Harrisonburg and the surrounding area would be promoted by the establishment of an Arts and Cultural District and that action should be taken now to enlist the support and gain any necessary action by the General Assembly of Virginia, and

Be it Further Resolved

The City of Harrisonburg affirms the work of the Arts Council of the Valley and requests that members of the General Assembly introduce, endorse, and support, and the General Assembly and the Governor of Virginia favorably act upon, legislation authorizing and enabling, to the fullest extent necessary and appropriate, the City of Harrisonburg to create an Arts and Cultural District within its corporate boundaries, and

Be it Further Resolved

The City Manager, City Attorney, and all other appropriate staff of the City of Harrisonburg endeavor to facilitate the efforts of the Arts Council of the Valley to pursue this legislation and the overall mission of fostering and supporting arts and cultural activities, contributing to a more vibrant community.

Passed unanimously this 28th day of November, 2000.

Mayor

Attest:

Clerk

Council Member Fitzgerald explained that the AArts Council of the Valley@ has developed a vision for increasing awareness and support for arts and culture in Harrisonburg. He explained that City Council is being encouraged to request enabling legislation from the General Assembly for the establishment of a Cultural Overlay District for Downtown Harrisonburg. Council Member Fitzgerald offered a motion to endorse and support this resolution. The motion was approved with a unanimous vote of Council.

A presentation by the Harrisonburg Redevelopment and Housing Authority was tabled.

Planning and Community Development Director Turner introduced a request by Cassco Corporation, for a minor subdivision with variances, for property on Pleasant Valley Road. She explained that Cassco Corporation is requesting to subdivide this parcel into two lots to separate the existing buildings that are on the lot. The subdivider is asking for variances to road improvements to the City of Harrisonburg Subdivision Ordinance. Preliminary discussions with the subdivider show some concern for dedicating the right-of-way because future road improvements could cause complications with the truck entrances for these buildings. Through discussions with the subdivider they have granted the 30 feet of right-of-way. This right-of-way will provide for a full 30 feet of right-of-way for the 60 feet of right-of-way needed for the planned improvements to Pleasant Valley Road. In addition, the lots are currently developed and there are no plans to construct any structures in the future. Staff is not sure at this time what improvements will be needed to this side of Pleasant Valley Road in the future. Staff recommends approval of the preliminary plat with the agreed upon dedication of right-of-way for Pleasant Valley Road future improvements. She also said that Planning Commission recommended approval of the request. Vice-Mayor Peterson offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Council Member Lantz offered a motion to recommend Earl A. Budd, Richard H. Collins, Edward P. Shank, Gary D. Buennemeyer, and Douglas B. Gardner to the Circuit Court for appointment to the Board of Equalization. In addition, the motion included recommending two alternates Monica K. Frackelton and J. Nelson Liskey to serve if necessary. The motion was approved with a unanimous vote of Council.

The presentation by David Moler was cancelled.

Council Member Fitzgerald offered a motion to approve a dance hall permit for GoodTimes Restaurant and Nightclub. The motion was approved with a unanimous vote of Council.

City Manager Baker said that a recommendation from the Parks and Recreation Commission on the specific management structure for the golf course was tabled at the November 14th City Council meeting.

Council Member Rogers commented that the golf course should remain under the Parks and Recreation Commission and the Director or Parks and Recreation Paula Gucker. He pointed out that Paula Gucker who has an MBA is doing a super job with the department. Mr. Rogers noted that Mrs. Gucker has been directly involved in every aspect of the golf course construction project from its inception and has experience working on similar projects. Mr. Rogers noted that \$6.4 million was borrowed for the golf course; however, it is not an obligation of the taxpayers. Nevertheless, the taxpayers are obligated for the School Board budget and have contributed to a jail complex located downtown costing \$23 million which our police department cannot use. The City does have debt, but is also providing a good quality of life for the citizens. He also said that we should have confidence in all of our boards and commissions.

Council Member Fitzgerald commented that one thing that separates the golf course from other recreational projects is the large revenue bond that needs to be paid off. Revenue alone becomes more of a factor for this project than any other aspects of the Parks and Recreation Department. The mission of the Parks and Recreation Department is providing fun, exercise, various activities, and recreation to the people of Harrisonburg. The Parks and Recreation Department should focus on that mission. The golf course should pay for itself. He said, "Because the missions are so different is the reason I favor a separate management structure for the golf course." There are three aspects of the golf course including providing recreation, maintaining the best top notch golf course, and paying off the bond. Mr. Fitzgerald asked four questions: 1) Do we want to create a commission to run the golf course? 2) What is the particular form of that commission? 3) What are the specifics of how would the members be appointed? 4) How would they make the membership of the committee up? He also suggested that golfers would have to come from outside the area to make it profitable and hopefully subsidize a price break for the citizens of Harrisonburg. He said an independent commission is essential to the profitability of the course.

Vice-Mayor Peterson commented that the goals of running soccer, football, and baseball programs in the parks and the goal of running a first class golf course making it profitable is different management tasks. Mr. Peterson who called the project a burden laid before him, argued that it was the Council's responsibility to ensure the course makes a profit and does not cost City taxpayers money.

Mayor Frank commented that the entire Parks and Recreation Department budget is \$2.3 million and the golf course should produce \$1.2 million annually to retire the debt. It is not another recreational event. It is a million-dollar business.

Council Member Lantz commented that, "I can guarantee you nobody wants the golf course to be a success more than Larry Rogers and myself. This is our baby." The National Golf Foundation submitted a proposal that the Parks and Recreation Department should run the golf course. He said, "I think it's ironic that the people who didn't want the course are adamant about how to run it. How can you expect the taxpayers to believe that you won't sabotage this?" He also questioned when are we going to listen to our citizens that we appoint to these commissions. He said that a separate commission will only be concerned about making a profit while maybe they are

not maintaining the course as it should be. He also questioned who would appoint people to this commission.

City Attorney Miller suggested that any action be tabled until he could explore the legalities of forming the new commission. Mr. Miller commented that it is possible the bond documents may state that the City must own, manage and operate the courses and he needed to consult with the bond council to determine how much latitude the City has under that wording to establish a separate commission. Vice-Mayor Peterson offered a motion to form an independent commission to manage the golf course and directing City Attorney Miller to contact Mays and Valentine (bond council) to explore the legalities of forming the new commission. The motion was passed with a three to two vote with Council Member Lantz and Council Member Rogers voting no.

Vice-Mayor Peterson offered a motion to increase the Public Utilities Department petty cash by an additional \$150.00. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Director of Public Utilities Collins presented a request for Sewer Capital projects. The distribution of these funds will be targeted for over sizing and extending water mains to private development funded projects, sanitary sewer construction to areas of Port Republic Road, and construction of service facilities to Smithland Road. Council Member Lantz offered a motion to transfer these funds.

\$35,737.00 chge. to: 1323-911161-48640 Sewer Mains-Oversizing and Extensions

\$35,737.00 approp. to: 1323-911161-48649 Smithland Road

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

School Superintendent Ford presented a request for a supplemental appropriation for the School Board. He explained that these funds were made available from two grants received from the state and will be used for an alternative education program. Council Member Fitzgerald offered a motion to approve this request for a first reading:

\$61,356.00 chge. to: 1111-32442 School Revenue - State

\$61,356.00 approp. to: 1111-111114-40610 Instruction

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Director of Finance Seal presented a request for a supplemental appropriation. He explained that the City is in the process of planning and implementing a computer system software upgrade. Vice-Mayor Peterson offered a motion to approve this request for a first reading:

\$17,000 chge. to: 1000-31010 Amount from fund balance

\$17,000 approp. to: 1000-122011-48173 Data Processing - Software upgrade

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

Hank Dunton said the CARING group recommended that City Council follow the recommendation of the Parks and Recreation Commission concerning the specific management structure for the golf course. The Parks and Recreation Commission put in a lot of time, research and thought into a recommendation. He also said that the CARING group would like to request that all appointments to boards and commission be made in an open session.

Cheryl Talley, a resident living at 691 Maryland Avenue, said that as a citizen observing the democratic process it occurred to her that the discussion on the golf course has come to an either/or situation as if there isn't any other kind of possibilities or variation that they could employ making it a win-win situation. She urged City Council to compromise.

Salley Stricker thanked City Council, Director of Public Utilities Mike Collins, and Ed Blackwell for all their efforts toward getting water and sewer to the Smithland Road area.

City Manager Baker announced the Division of Motor Vehicles has an animal friendly licence plate for sell which returns money to the locality after a certain number of the license plates have been sold. This year Harrisonburg is slated to receive \$345.00 from the fund and Mr. Baker suggested the money be donated to the Harrisonburg-Rockingham SPCA. Council Member Fitzgerald offered a motion to donate the money to the SPCA. The motion approved with a unanimous vote of Council.

City Manager Baker announced that he had received a request for a matching grant fund from Suzanne Daughety, Executive Director of the Community Mediation Center. He explained that the Restorative Justice Initiatives (RJI), now a program of the Community Mediation Center, has been approved to receive a matching grant for funds up to \$2,000 from the Rockingham Memorial Hospital (RMH) Funding Committee through the Healthy Community Council. In order to receive the \$2,000 grant from RMH, Community Mediation Center needs to match the amount dollar for dollar with funds from the local government. RJI is a collaborative effort to help heal the effects of crime and build a healthier more cohesive local community. RJI uses a process known as Victim Offender Conference (VOC) that allows individuals directly affected by crime to actively participate in dealing with the consequences of the crime. Vice-Mayor Peterson offered a motion to donate \$1,000 toward the program. He also suggested that the Community Mediation Center request an additional \$1,000 from Rockingham County since this center provides service to both localities. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Mayor Frank

Absent - None

City Manager Baker announced that the Virginia Municipal League newsletter contains an article mentioning that the state will have a revenue shortfall in its budget this year. This shortfall could possibly mean that the City will receive less money than anticipated from the state.

Vice-Mayor Peterson offered a motion that Lynn Driver, 545 Hartman Drive, be appointed to a first term on the Harrisonburg Parks and Recreation Commission (West) to expire on December 31, 2004. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Council Member Lantz

Mayor Frank

Harrisonburg, Virginia

Abstained - Council Member Rogers

Absent - None

Vice-Mayor Peterson offered a motion that Kenneth M. Handrich, 610 Broad Street, be appointed to a first term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2004. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

No- Council Member Rogers

Council Member Lantz

Absent - None

Vice-Mayor Peterson offered a motion that Cheryl P. Talley, 691 Maryland Avenue, be appointed to a first term on the Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2004. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Vice-Mayor Peterson

Mayor Frank

No- Council Member Rogers

Council Member Lantz

Absent - None

At 10:05 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for discussion and consideration of persons to be appointed to the Harrisonburg Planning Commission. A closed session is permissible for this purpose pursuant to Section 2.1-344.A.1 of the Code of Virginia (1950), as amended (the Code).

At 10:30 p.m., the closed 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 matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

At 10:31 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

REGULAR MEETING

DECEMBER 12, 2000

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Carolyn W. Frank; City Manager Roger Baker; City Attorney Thomas H. Miller, Jr., Vice-Mayor Dorn W. Peterson; Council Member Larry M. Rogers, Hugh J. Lantz, Joseph Gus Fitzgerald; City Clerk Yvonne Bonnie Ryan, CMC/MMCA, and Chief of Police Donald Harper.

Mayor Frank delivered the invocation and led everyone in the Pledge of Allegiance.

Vice-Mayor Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading increasing the Data processing budget and a Supplemental Appropriation for the School Board. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

City Manager Baker presented the following resolution for Council's consideration of approval and a request from the Virginia Quilt Museum to be exempt from local taxation. He noted that the Virginia Quilt Museum had responded to the questions that the state code requires to answer as part of the consideration for receiving tax exempt status. The final decision rests with the General Assembly.

RESOLUTION

WHEREAS, the Virginia Quilt Museum, a Virginia non-profit corporation (hereinafter referred to as Corporation), has requested the City Council of the City of Harrisonburg, Virginia to adopt a resolution supporting its request to the General Assembly to designate the property of the Corporation exempt from taxation pursuant to Article X, Section 6(a) of the Constitution of Virginia; and

WHEREAS, the City Council of the City of Harrisonburg held a public hearing concerning the request of the Corporation, pursuant to Section 30-19.04 of the Code of Virginia, 1950, as amended, on December 12, 2000; and

WHEREAS, pursuant to Section 30-19.04(B) of the Code of Virginia, 1950, as amended, the City Council has examined and considered all of the questions as set forth in said section;

NOW, THEREFORE, in compliance with Section 30-19.04 of the Code of Virginia, 1950, as amended, BE IT RESOLVED that the City Council, after examining and considering all of the questions as set forth in the above referenced section, supports the request of the Corporation and recommends to the General Assembly that the Corporation be exempted from taxation with a specific classification of cultural. That the assessed value of all property owned by the Corporation in the City of Harrisonburg for the year 1999 was \$0.00 and the taxes paid to the City for the year 1998 was \$0.00.

ADOPTED AND APPROVED this 12th day of December, 2000.

MAYOR

ATTEST:

CLERK OF THE CITY COUNCIL

At 7:36 p.m., Mayor Frank closed the regular session temporarily and called the evening s first public hearing to order. The following notice appeared in the Daily News-Record on Tuesday, December 5, 2000.

CITY OF HARRISONBURG

NOTICE OF PUBLIC HEARING

Please take notice that on December 12, 2000 at 7:30 p.m. in the City Council Chamber, 345 South Main Street, Harrisonburg, Virginia, the Harrisonburg City Council will conduct a public hearing, pursuant to Section 30-19.04(B) of the Code of Virginia, 1950, as amended, concerning a request by The Virginia Quilt Museum, a non-profit corporation, for exemption from local taxation. The assessed value of all property owned by The Virginia Quilt Museum in the City of Harrisonburg for the year 1999 was \$0.00 and the taxes paid the City for year 1998 was \$0.00. Public comments on the proposed exemption--which would be granted by the Virginia General Assembly--are invited and all citizens shall have an opportunity to be heard. Further information is available from the City Manager s Office at 345 South Main Street, Harrisonburg, Virginia between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against this tax-exempt request.

Agnes Weaver, President of the Virginia Quilt Museum, thanked City Council for donating the building for the Virginia Quilt Museum. She said that under the leadership of Director Joan Knight, the museum has been a phenomenal success attracting approximately 5,000 visitors a year. The museum had been awarded a grant to hire an historic architect to conduct an assessment of the building for renovation. There being no others desiring to be heard, the public hearing was declared closed at 7:37 p.m., and the regular session reconvened. Council Member Rogers offered a motion to approve the resolution and make a recommendation to the General Assembly that the Virginia Quilt Museum be approved for tax exempt status. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

City Manager Baker presented for Council's consideration approving the proposed financing of 48.265 acres of land by Bridgewater College. Mr. Baker said they have discussed this issue at several Council meetings; however, before the City can incur debt they must hold a public hearing. Bridgewater College will finance the purchase for five years at 8% interest with the principal due at the end of the five-year period.

At 7:40 p.m., Mayor Frank closed the regular session temporarily and called the evening's second public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 27, and Monday, December 4, 2000.

**NOTICE OF PUBLIC HEARING ON PROPOSED
FINANCING OF APPROXIMATELY 48.2 ACRES
OF LAND FOR RECREATION PURPOSES
IN THE CITY OF HARRISONBURG, VIRGINIA**

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia (the Council) will hold a public hearing on the proposed financing by the City of Harrisonburg, Virginia (the City), for the purchase of approximately 48.2 acres of land. Financing in the amount of \$800,000 will be provided by Bridgewater College for a period of five (5) years at 8% interest payable annually with the principal due at the end of the five (5) year period.

The public hearing which may be continued or adjourned, will be held at 7:30 p.m. on Tuesday, December 12, 2000, before the Council in the Council Chambers on the first floor of the Municipal Building at 345 South Main Street in Harrisonburg, Virginia 22801. 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 this public hearing, shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone to speak either for or against the financing of 48.265 acres of land by Bridgewater College. There being no one desiring to be heard, the public hearing was declared closed at 7:41 p.m., and the regular session reconvened. Vice-Mayor Peterson questioned what benefit it would be to the City to borrow the money at 8% rather than using City money at a lower interest rate. He said why Can t we take money out of a saving account at 5% instead of paying 8% to Bridgewater College. City Manager Baker noted that Finance Director Seal projected that over a five-year period if the \$800,000 loan was invested at the current rate of return at compound interest, then the loan will earn an additional \$2,200. Council Member Lantz noted that prepayment can be made anytime. Council Member Lantz offered a motion to approve the financing of this property. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

No - Council Member Fitzgerald

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request to consider a comprehensive rezoning of a portion of the Old Town area from R-2, Residential District to R-1, Single-Family Residential. In addition, Mrs. Turner also introduced an amendment of the Comprehensive Plan Land Use Guide for a portion of the Old Town area, from Neighborhood Residential and Professional designation to Low Density Residential and explained that since both of these issues are related she would only give one staff report on both issues. She said that the area extends generally east to west between Ott Street and Mason/Federal Street and north to south between Newman Avenue and Grattan Street. The Comprehensive Plan designates the Old Town area as Neighborhood Residential and Professional. The Neighborhood Residential designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots. The professional designation states that these areas are suitable for commercial development, but need careful controls to ensure compatibility with adjacent land uses. The Low Density Residential designation states that these areas consist of single-family detached dwellings with a maximum density of one to four units per acre. Low density sections are found mainly in well established neighborhoods. The low density residential areas are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership. She said that this area contains a mixture of zoning classifications and dwelling uses. A review of the history of this area's zoning shows the majority of the area was zoned to R-2 in 1963 when the current R-1 through R-3 zoning designations were implemented. The area to the west of Mason Street was zoned R-3 in 1963, changing to R-2 in 1969. The residents of this area have been concerned over conversion of single family homes to multi-family since the 1970's. Since then, the zoning ordinance has been amended several times in attempts to address these concerns while still permitting the flexibility of multiple units and occupancy by groups. The last change occurred in 1998 which took the number of people, who could live in a dwelling unit by right, and changed it to allow four people living other than a family only as a special use permit use. The City of Harrisonburg's Zoning Ordinance states that R-2 single-family parcels shall have 7,000 square feet and two-family lots shall have 5,500 square feet/unit, while R-1 requires 10,000 square feet. Of the total 208 lots in the area under consideration, 162 are conforming as to size and 46 are nonconforming. Under the proposed R-1 zoning, 133 would not meet the 10,000 square foot lot area requirement for R-1 lots; however, 75 would be conforming lots under the R-1 zoning classification. Mrs. Turner noted that the setbacks between R-2 and R-1 are very similar. A lot of the houses located in the area do not currently meet the R-2 zoning classification set-back requirements. Within the total area under consideration for comprehensive plan amendment and rezoning there are approximately 208 total lots and 180 structures used for dwelling purposes. Of this total, 107 owners of lots and 91 owners of structures have signed the petitions for the changes. This represents 51% of lot owners and 50.5% of structure owners. This total area contains approximately 43.9 acres of land area (not including streets and alleys). Owners of 23.5 acres (53.5%) have signed the petition for the changes for the total area. However, with the recommended boundary change there are 160 total lots and 137 structures used for dwelling purposes. From that total, 99 are owners of lots and 84 are owners of structures, who signed the petition to rezone. This represents 62% of lot owner and 61% of structure owners. The new boundary area determined for staff's recommendation contains approximately 35 acres of land area. Property owners who signed the petition made up approximately 22 acres or 62% of the new boundary area outlined by Staff. Mrs. Turner explained that nonconformance is defined in the City's zoning ordinance definitions as a building or land that was lawful at the time the zoning ordinance was originally enacted, but because of subsequent amendments to the zoning ordinance or changes to the zoning classification of that property, it is no longer permitted on that land. Section 10-3-20 of the Zoning Ordinance, as well as the State Code, provides that a nonconforming use may be continued until the use is "discontinued or its normal operation stopped for a period of twenty-four consecutive months or more. The ordinance also provides that nonconforming uses cannot be extended, enlarged, reconstructed or structurally altered except in conformity with the zoning ordinance or when the enlargement does not compound the existing violation. She said that Staff noticed that a lot of people who owned property on the west side of Mason Street did not sign the petition in favor of the rezoning. This area contains less single family lots and

has more rental occupied property on the west side of Mason Street than the east side of Mason Street. There are also more apartment buildings with greater number of units located in the area. In 1969, this area was rezoned from R-3 to R-2 so historically before 1969 this area had been zoned R-3, which was different from the remainder of the neighborhood. Staff recommended rezoning the area from the east side to Ott Street, but leaving the west side of Mason Street in the R-3 zoning classification. Lot owners with lots of 11,000 square feet or more that are not currently developed as duplexes will be the most negatively impacted by the rezoning. This is because with the current R-2 zoning they could develop duplexes or renovate an existing single family structure to a duplex. If rezoned to R-1, this option would no longer be available. Of the total 208 lots in the area under consideration, 47 contain 11,000 square feet or more. A count of the number of these lots currently developed with duplexes was not able to be determined. Within the area, staff is recommending for approval, there are 160 total lots and 41 of these contain 11,000 square feet or more. Owners of 26 of these 41 lots have signed the petition in favor of the changes. The number of lot owners and the percentage of dwelling owners who are in favor would increase with the new boundary. Mrs. Turner said that Planning Commission had expresses concern about the people who owned lots in the area that contained the 11,000 square feet or more because they would have the ability to convert over to duplexes in the future. Planning Commission asked staff to conduct a survey to find out what these property owners were currently doing with their properties. She reviewed the results of the survey. Staff recommended that the Comprehensive Plan designation be changed to Low Density Residential and the rezoning be approved to be amended to R-1 to the east of Mason Street area. She said that Planning Commission has recommended approving the rezoning request for the area to R-1. However, Planning Commission indicated they would prefer that City Council appoint a committee to study the zoning in the area and instead of amending the Comprehensive Plan looking at the zoning classification, to determine if there is a better zoning classification for the neighborhood.

At 8:05 p.m., Mayor Frank closed the regular session temporarily and called the evening s third public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 27, and Monday, December 4, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, December 12, 2000, at 7:30 p.m. in the City Council Chambers at the Municipal Building, 345 South Main Street, to consider the following:

REZONING

Public hearing to consider a comprehensive rezoning of a portion of the Old Town area (tax map parcels: 16-D-5 to 17, 25-M-9 to 28A, 25-N-10 to 15, 26-E-8 to 13, 26-F-8 to 13, 26-I-0 to 14, 26-K-10 to 13 & 16 to 19, 26-L-1 to 13, 26-N-1 to 12, 26-O-5 to 18, 26-P-8 to 16 & 18 to 39 & 41 to 54, 26-R-1 to 11 & 18 to 25, 26-T-1 to 14 & 20 to 27) from R-2, Residential District to R-1, Single-Family Residential. This area is located generally east to west between Ott Street and Mason/Federal Street and north to

south between Newman Avenue and Grattan Street.

The R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq.ft/unit. The R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges for the R-1 district is 10,000 sq. ft minimum.

The Comprehensive Plan designates this area as Neighborhood Residential and Professional. The Neighborhood Residential designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots. The Professional areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. These properties are subject to the previous proposed Comprehensive Plan Amendment.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings.

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

**CITY OF HARRISONBURG
Baker**

**Roger D.
City Manager**

Mayor Frank called on anyone desiring to speak for or against considering a comprehensive rezoning of a portion of the Old Town area from R-2, Residential District to R-1, Single-Family Residential.

Les Bolt, a resident living at 255 Campbell Street, said that he has seen a lot of changes in the 20 years he has lived on Campbell Street. The characteristic of the neighborhood during the last 20 years has become more of a single family residential neighborhood. There is a lot of R-2 in the neighborhood, which is not appropriate, nor is R-1 as it stands now. He said he would like to see some stability in the neighborhood and to fix it true to the characteristic of the neighborhood. He urged City Council to make the change moving from R-2 to R-1.

Pat Sweet, a resident living at 488 South Mason Street, said that he was in favor of the rezoning request of the neighborhood to R-1 status. He said that the move to change to R-1 started with the residents of Paul Street getting a petition, which had signatures from Grattan Street and Newman Avenue. This is important because in the past years, it was the families on South Mason Street, which started the movement for zoning changes. It appears that the problems on South Mason Street are creeping throughout the neighborhood. He said that they needed City Councils help in preserving and increasing home ownership in the City only Old Town neighborhood district. We need to be aware of the problems with the current R-2 zoning in Harrisonburg before trying to make changes. The overabundance of rental opportunities has hurt home ownership in this City. People who own homes want to live next door with people who own homes. As much as the City staff needs to concern themselves with undeveloped land in the City for future home ownership, it is more important to concentrate on the existing neighborhoods to reduce rental opportunities and increase home ownership and prevent the mass exit to the County for homeowners. Old Town has a substantial homeowner base, approximately 70%, and the mixed-use R-2 zone will still allow for future rental opportunities. Overall, mixed use is a failure about home ownership. Renters beside homeowners do not work. Old Town is on a tract to be designated a historical neighborhood site. The City needs to preserve neighborhoods for aesthetics as well as for family purposes.

Shelley Baker, a resident living at 281 Paul Street, said that her family enjoyed living down town, walking to First Night and Kline Dairy. The homes in Old Town have architectural and historical values and it is long overdue to preserve and restore the neighborhood. Rezoning to R-1 would encourage more single-families to buy these homes and maintain or restore them. She said that some landlords only do what maintenance is absolutely necessary and many homes fall into a sad state of disrepair. Speeding vehicles and lack of parking are ongoing problems in Old Town. Maintaining a strong single-family neighborhood would enhance the downtown revitalization effort by making the area a more desirable place to visit and live in. Businesses would be attractive to downtown because of the nearby permanent residents and the quality of the neighborhood. Making Old Town a strong single-family neighborhood versus a traditionally transient R-2 neighborhood, will give our elementary school the strong basis it needs to thrive. Each single family that buys and restores an Old Town home is probably one less that buy outside the City limits. There have been long debates about the rezoning of Old Town and some arguments against rezoning are very convincing, but the fact is that the majority of the property owners are in favor and want this change. It is now time to move ahead and to do what is right for these residents, for our downtown, for Spotswood Elementary School and for the entire City.

Cathy Slusher, a resident living at 520 South Mason street, said that it is a privilege to live in the Mason House which was built in 1916 on Mason Street. The area is a neighborhood of families and needs to remain a neighborhood of families. She said that, Every afternoon in our yard there is a youth club of young people who love playing together. To preserve the family nature and structure and the beautiful homes, she urged City Council to change the rezoning to R-1.

Cullen Sherwood, a resident of 120 Ott Street, said that he had spoken before about the many problems the neighborhood has with renters including trash, heavy traffic, noise, and broken glass in the street. This area has a lot of rental property and there doesn't seem to be a shortage of rental property in the City. However, there does seem to be a shortage of single-family dwellings within the City. The Old Town area has been designated a historic zone. Many people that live there have a great deal of pride in the area. He said that he was in favor of the R-1 rezoning.

George Heishman, a resident living at 567 South Mason Street, said at this time the rezoning did not concern his side of the street, but he hoped in the future it would involve his side. He said that he has travel to a lot of Cities in the Country and this part of Harrisonburg is more unique than any of those Cities. It is a treat to live in a beautiful part of the world. He noted that some renovations made to dwellings for multi-family probably did not have the proper permits. The results from a lot of the renovations have been over crowding, lack of parking facilities, increase in noise and trash excess in the neighborhood. He said that, Some landlords only did the renovations for greed not investment. Mr. Heishman said, AI say to you (the landlords) what did you care when you renovated these buildings, did your care about the neighborhood, did you care about the community or did you care about the history of the area. I doubt it because you only care about the cash flow. There is a small fungus growing in the area and now is the time to stop it. He encouraged City Council to rezone it to R-1.

Robert J. Sullivan, Jr., read the following statement: Mayor Frank and Members of City Council, I am Robert J. Sullivan, Jr., a Harrisonburg native; my wife Kathleen and I are owners of a single family home at 65 Paul Street. We have lived there for almost 22 years and our five children grew up there. It is my understanding the properties west of South Mason Street are not being considered for rezoning tonight.

Last month on November 8th, I attended the Planning Commission's meeting at Thomas Harrison Middle School and was surprised to hear a recommendation from the Planning Staff that my property and all others west of South Mason Street be rezoned from R-2 to R-3 Multiple Dwelling District!!! Fortunately, that recommendation failed to get the support from the Planning Commission.... I bring this to your attention because it bothers me very much that a few investors came up with that idea, took it to the Community Development Office and persuaded the staff recommend the R-3 zone! We single-family home owners were not approached!!!

Concerning the rezoning proposal that is before you tonight, my position is to express support for rezoning the properties east of South Mason Street from R-2 Medium Density Residential to R-1 Single Family Residential...

One of the reasons for supporting the proposed R-1 zone is historic in nature.... On May 2, 1939, the Harrisonburg City Council, 61 years ago, adopted the City's first Zoning Ordinance and Zoning Map, and in the southeast section of Town, the homes and vacant lots east of South Mason Street plus the new hilltop street, Ott Street, were zone "A-1" Residential. Both sides of South Mason Street and all homes and vacant lots west of South Mason Street all the way to the west side of South Liberty Street were zoned AA-2" Medium Density Residential.

I have brought the 1939 Zoning map with me tonight (which I have displayed on the bulletin board)....

During the past 61 years, City-wide zoning ordinance and zoning map reviews have occurred periodically.... The southeast section is divided into three residential Zoning District.... R-3, R-2 and R-1.... Tonight's rezoning proposal will leave the R-3 Multiple Dwelling District as is, it will reduce the R-2 Medium Density Residential District and it will increase the R-1 Single Family District.... This proposed change just may encourage the home owners to stay in the neighborhood for many years to come.... It may encourage those who rent properties to rent them to families or young professional couples or to senior citizens!!!

As an obviously older neighborhood, diversity of population, relatively high density of population, a variety of housing styles and a broad range of assessed property values, and our close proximity to other activities and functions such as Rockingham Memorial Hospital, James Madison University, the Elk's Lodge, several churches, Woodbine Cemetery, the Public Library and the Central Business District, are all important reasons that our portion of Harrisonburg simply must survive for the benefit of its present and future residents and for the benefit of the entire City!!!

Jane Jacobs, author of the book entitled The Death and Life of Great American Cities, observed that successful urban neighborhoods must have relatively high density of population, more than one primary function, a variety of building styles and ages of those buildings, and short City blocks....

Jane Jacobs would admire the section of Harrisonburg that I have been talking about tonight!!!

Thank you for this opportunity to speak during this Public Hearing....

Bonnie Paul, a resident living at 724 Ott Street, said that she owns a duplex on the corner of Mason and Paul Street, which is surrounded by rental properties. She said that she was opposed to rezoning the area to R-1 primary because I believe the neighborhood is stabilized and should remain as it is until there is a reason justifying some change. She also said that her family owns a house at 504 South Mason Street, which has been in the family for 100 years. She has been remodeling the duplex, doing some landscaping, but the use of

the duplex is nonconforming as it relates to the number of people living in it. Nonforming means we will be subject to rules and regulations.

John Hull, a resident living at 252 West View Street, said that he was passionately opposed to down-zoning Old Town Harrisonburg to R-1. He said that, I am in favor of setting up a committee to find a new zoning classification for Old Town that conforms to the neighborhood and addresses the concerns of all its citizens and property owners. I hope to convince the City Council that R-1 is inappropriate for Old Town. It will not reduce the current student population or do anything to reduce the problems of noise and trash that come with students. R-1 will not eliminate or reduce the current student population. Nor will it teach, or motivate the use of, manners. It will not resolve the problem. It will reduce property rights of virtually every property owner in the neighborhood by making, for all practical purposes, the entire neighborhood nonconforming. The Old Town neighborhood is inconsistent with the stated purpose of R-1 zoning. It will reduce the vested rights of property owners. Down-zoning would unjustly limit the rights and remedies of property owners in Old Town. Down-zoning will disturb what is now a logical buffer between zoning districts. The purpose of an R-1 District which he quoted from, (Section 10-3-31 of the Harrisonburg City Code), is intended for low-density, relatively spacious single family residential development and for areas where such development is likely to occur in the future, with certain governmental, educational, religious, recreational and utility uses, subject to restrictions and requirements necessary to ensure compatibility with residential surroundings. No future development is likely to occur. Old Town, for all practical purpose is fully developed. There is likely to be little development in the future. The zoning flows from Industrial to Business to R-3 to R-2 (the subject neighborhood) to R-1. With the proposed change the zoning would jump from R-3 to R-1. The rights and remedies for Old Town are confusing and the property rights of all the citizens of Old Town will be reduced. He also said that the recommendation of the Planning Commission lacks conviction.

Margaret Haynes, a resident living at 1140 Hillcrest Drive, said that she also owns a duplex located at 290 and 292 Campbell Street. She said that the duplex is rented to professional people, she has not and does not intend to rent it to students. The Old Town neighborhood is an example of the quintessential R-2 neighborhood as defined by the City Code. There are small lots with large houses and on-street as well as off-street parking. The neighborhood was created with mixed housing. It was never intended to be R-1 density with only single-family housing. That is why there are so many apartments houses and duplexes that were originally built to serve multi-housing rental needs. The Old Town neighborhood suffers from an on going problem with student rentals. She said that she was sympathetic to the residents of this wonderful old neighborhood, but zoning is not a useful tool to deal with behavior problems by a specific class of citizens. She also said, AI hope that each of you will vote to deny the request for R-1 zoning and direct the Planning Department to move forward on designing a new classification that preserves all buildings in the neighborhood that are functioning as they were originally built. Single family houses should not continue to be converted into students housing. Please do not turn this neighborhood into something it has never been, was not meant to be and really will be. Let s preserve the uniqueness of this neighborhood, it is the only one like it is Town. Let s preserve the integrity of the current classification and keep Old Town as an R-2 designation until a joint committee can establish a more appropriate classification that will meet the needs of most property owners.

Glenn Loucks, a resident living on North Main Street, said that he was opposed to rezoning these properties from R-2 to R-1. He said people are calling the area a single family neighborhood, but it has never been a single-family neighborhood. He also said that R-1 and R-2 probably aren t the right classes for this area, but we need to find a class that will work for the area. He urged City Council to come up with a real zoning class that will fit the historic area. A majorities of the properties don t fit into the R-1 classification. Approximately 75% of the properties will be nonconforming use. Its no secret that the primary motivation is to down zone and limit poor behavior problems of the students. Nevertheless, zoning is not used as a tool to change behavior. He said that he would like things to become stable in the neighborhood.

John Wood, a resident living at 1140 Hillcrest Drive, said that he has lived in Harrisonburg for 40 years. The matter of nonconforming sounds like a neutral term, but when you read the code it links nonconforming with the phenomenal which is in the code of existing violation. Making a change to R-2 now is premature to make an R-1 designation now.

Barry Kelly, a resident living at 272 Franklin Street, said that he was a bad student 20 years ago, but now he was a product of greed. He said many changes have occurred on Franklin Street during the last ten years. The right to change from multi-dwelling back to single family use will be taken away with the proposal of making a change from R-2 to R-1. He said that he would be willing to work on a committee to discuss these changes.

Vice-Mayor Peterson read the following letter from Don E. and Mary L. Krueger: We will not be in attendance at the public hearing to be held this evening concerning the referenced matter, but desire to offer the following in opposition to the proposed rezoning of the Newman Avenue portion of the area proposed for rezoning. In an effort to be concise we will attempt to highlight our concerns as follows:

1. Nothing has changed on Newman Avenue to even hint that a change in zoning is either desirable or necessary. To the contrary, the City began to change the character of the street when it widened same to improve ingress to and egress from downtown. Also, the rezoning of the western half of the block to B-2 has changed the complexion of the neighborhood from family residences to business offices.
2. The percentage of property owners on Newman Avenue who signed the petition requesting the rezoning is only 25 percent, obviously a small minority. This speaks for itself regarding the wishes of Newman Avenue homeowners.
3. We have resided in our home for more than 25 years and, contrary to an exhibit presented at the second Planning Commission public hearing, have never rented a room to anyone. Having reached retirement age, which will result in static income and increasing medical costs, we desire to retain this ability to supplement our income.

There are two thoughts regarding the overall rezoning. First is the question as to why the Council would desire to make more than 90 percent of the lots within the area under consideration non-conforming, since they will not have the frontage required for the R-1 zone. If a catastrophe resulted in the destruction of one or more of these non-conforming homes, what problems or obstacles will face homeowners trying to replace their dwelling?

Secondly, the idea of providing rooms for JMU students has, in effect, been given tacit approval by the City since we have lived here. In 1975 the JMU enrollment was approximately 3,000, today it is approximately 16,000. In those twenty-five years there has been no action taken to request that the State government control enrollment until housing was available on campus. Even private enterprise has not been able to keep up with the growth.

We believe that the existing R-2 zoning of the Newman Avenue portion is a good transition zone from the B-2 zone on the western half of the block to the R-1 zone on Ott Street. In closing, we respectfully request that the Council take a look at the Newman Avenue portion of the proposed rezoning. We would submit that this area is not appropriate for R-1.

Vice-Mayor Peterson read the following letter from Lowell W. Miller. To the Harrisonburg City Council, I had a prior commitment and will be unable to attend the City Council public hearing on the change of the Comprehensive Plan and rezoning of the area called Old Town.

My wife and I own a duplex at 261 East Grattan Street which we have owned for approximately 25 years. I oppose the change in the Comprehensive Plan and rezoning. Let me mention several reasons why this area should not be rezoned. I have some familiarity in such matters since I have been in the real estate business in Harrisonburg for over 46 years.

- 1) The area was not developed as a R-1 type area.
- 2) The area was never intended to be a R-1 type area.
- 3) It is not, by character or by any stretch of one's imagination, a R-1 zone.
- 4) Even some people in Old Town who are proposing the change, admit R-1 is not a proper zone for it.
- 5) The rezoning will make the usage of many properties in the area non-conforming and this is not good planning.
- 6) R-1 zoning is not in conformity with the present Comprehensive Plan which was the result of many months of study, not a decision made in one evening.
- 7) This rezoning request was presented to the Planning Commission at its September meeting. The same night it was presented, the Planning Commission voted to propose to change the zoning. The Planning Commission made a decision in one evening without hearing one word from those who oppose the plan or may have alternative plans to offer. They even decided to work it so the petitioners did not have to pay the \$300 application fee. Let me read you several comments from the minutes of that meeting. I won't mention who made the remarks. That is a part of the minutes.

....does not want to sideline this movement, because there is an impetus here that is valuable

....there is momentum here

....does not want to slow any of these folks down over a \$300 application fee

....does not think we need the \$300 that bad

When this matter came to public hearing, as far as the Planning Commission was concerned, it was a done deal. Of course two members of the commission live in Old Town. For the Planning Commission, the good old boy system of doing business is still alive and well.

Now before I convey the wrong impression, I want to make it clear that I have commended and do commend the people in Old Town for taking an interest in improving their area. I just disagree with their methods, that is to make the change at potentially great expense to others owners in the area. Instead of trying to work with all owners in the area, the Old Town Association has had an attitude of no negotiation. They say they want to preserve the neighborhood, when actually they want to change the neighborhood, but not at their expense, but at the expense of owners of rental property.

Let me tell you about my property. It was built about 55 years ago as a duplex and it has always been used as a duplex. When it was built, it appears that it met all requirements of City ordinances. Neither my wife nor I, have a company pension and so we have purchased several properties for retirement income. This you might say is one of our pensions. When we purchased this property about 25 years ago, we had the title checked and it was clear. So far as we could determine, the property still met all City requirements.

Beginning in 1985, portions of our property (our pension) have been taken away from us. Now, I know you are thinking that I still own my property. Well, I really only own part of what I purchased. When you buy real estate, you don't just buy a pile of dirt. Real Estate ownership is described as a bundle of rights. Let me explain by example. You may not own mineral rights. Some people in the Elkton area own property where the right to mine, I think it was manganese, was sold off. In west Rockingham County some people sold off gas & oil rights. Someone may have a right of way across your property. You may have a clear deed for a lot that is considered a wet land, but you virtually own nothing because you can do little, if anything, with it. We have not sold any of our rights, but some of our rights, parts of our property, have been taken away from us in 1985, 1987, 1989 & 1998. Each time this was at the insistence of Old Town residents. I had mixed feelings through all of these changes in the zoning regulations for the R-2 zone, but did not object to them. I understood the concerns that the Old Town residents had for their neighborhood. (I might say that all of these changes that Old Town insisted upon were also imposed upon all R-2 areas in town. In trying to sell some of these properties, I have found the property values have been decreased by the property becoming non-conforming). Even though I did not oppose former changes, there comes a time when we must stand up for our rights, before all our rights are taken from us. It's been going on for 15 years. When will it ever stop? As a matter of fact, at the Planning Commission's Public Hearing, the Chairman of the Planning Commission mentioned requiring an annual inspection and permit for rental property. I am hoping the members of City Council will not consider this a done deal but be willing to consider alternatives to the R-1 zoning.

Rockingham County has developed a brochure called "The Sweet Smell of Agriculture." People decide they want to live in the country. They move into their new home and one fall morning they wake up to an odor which certainly isn't breakfast cooking. It's the farmer next door spreading manure on his farm. The new residents begin to complain. It doesn't matter that the land has been farmed for 150 years and the homeowner has been there only six months. He still feels the farmer is the one that should change. The County put out the brochure to let people know that if they want to live in a farming area, they need to accept those things that go along with country living. We have the same problem here. Newcomers know the characteristics of Old Town when they buy there, but still expect existing property owners to change. Very few people presently live in Old Town, who were living there 55 years ago when my duplex was built. The newcomers have moved in knowing it was there, but expect me and other rental owners to accept changes that could result in great loss to us. Mrs. Baker, who presented the proposal to the Planning Commission said she has been local all her life, went to JMU and moved to Old Town two years ago. She had to be familiar with Old Town, but after two years wants to make the usage of duplexes and triplexes that have existed for close to 100 years, or more, illegal. Sure, they will be allowed to continue as nonconforming uses but under very restrictive conditions.

This brings up question of the gross misrepresentation that many proponents of the rezoning make when they say that nonconforming properties are grandfathered and therefore there will be no problem to the owners. I think you are familiar enough with the zoning law to realize that this is not the case. There are many things that can happen that will cause great loss to the owner of property that is nonconforming (illegal). My remarks are too long to give illustrations of these potential dangers, but they are real.

As I mentioned earlier, I hope City Council will be willing to consider alternatives, since R-1 zoning is not a proper zone for the area. The problem is, if R-1 is adopted now, with the expectation of working out a new zoning class later that is more appropriate, the people of Old Town will have no incentive at all to work and try to compromise on conditions that is fair to all owners. This is proven from the past experience. My office is only one block from the Old Town neighborhood. Never in the last 15 years that this has been a real issue has anyone from Old Town come to my office and said they have a concern about what is happening in Old Town, could we work together and come up with solutions. One owner told me that he had asked several times for a chance to attend their meetings and discuss the issues. His request was never accepted.

Do not put the owners of rental property in the untenable position of having to help in developing a new zoning class where all the power is in the hands of the proponents of rezoning. It appears that conversion of existing single family homes into apartments are the main current concern of Old Town residents. At the last hearing Margaret Haynes suggested a moratorium on conversions to allow time for a new zoning classification to be approved. This certainly is one of a number of alternatives that can be considered. My concern is that the problem is not compounded by passing a completely inappropriate zone for the neighborhood. You may have friends in Old Town, but this is not about friendship. You may have political support in Old Town, but this is not about politics. This is about right and wrong, fairness to all owners in Old Town. Thank you for your consideration.

There being no others desiring to be heard, the public hearing was declared closed at 9:11 p.m., and the regular session reconvened.

Some discussion by Council Members included whether it is legal to have a moratorium on conversions or will it take either a change in the ordinance or a change in zoning to stop conversions. Vice-Mayor Peterson said that it is important to at least slow or stop conversions while the formation of a proposed study commission works on developing a new classification that will more appropriately represent the mixture of single-family homes and rental properties in the high density neighborhood, finding a way to recognize the diverse nature of the area, protecting property owners, having some control over special use permit, and changing the ordinance would change the definition of R-2 in the entire City. He also said that he hesitated leaving the area R-2 while the study is being conducted because the City will not have any control over conversions while trying to come up with another zoning classification that is better adapted to the older neighborhoods. Council Member Rogers questioned if permits could be issued during the time a study is being conducted. Council Member Fitzgerald said that any decision we come up with is an ugly one and that he supported Planning Commission suggestion for rezoning to R-1 primary as an effective freeze. Mayor Frank ensured everyone that Council would be working on this issue to find a solution. City Attorney Miller suggested that he would feel more comfortable deciding whether a zoning modification could be made for this area rather than changing what R-2 mean for the whole City. Council Member Lantz commented that 40 percent of the Council is made up of people that moved from the County to the City. Mr. Lantz also said that it is a tough decision because his preference would be for Old Town to be R-1; however, the area is really not R-1 nor is it really R-2. He said, Should we not just wait until we hear from the committee. He said that he was concerned about the people who live in R-1 and how disappointed they would be because a new zoning classification could have them going back to something similar to R-2. Following further discussion and comments, Vice-Mayor Peterson offered a motion to table this request until Planning Commission could appoint a committee to study this issue. The motion was approved with a unanimous vote of Council. Then the next public hearing was opened.

At 9:40 p.m., Mayor Frank closed the regular session temporarily and called the evening s fourth public hearing to order. The following notice appeared in the Daily News-Record on Monday, November 27, and Monday, December 4, 2000.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on Tuesday, December 12, 2000, at 7:30 p.m. in the City Council Chambers at the Municipal Building, 345 South Main Street, to consider the following:

COMPREHENSIVE PLAN AMENDMENT

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Public hearing to consider Comprehensive Plan amendments to portions of the Old Town area on the Land Use Guide. Amendments to tax map parcels: 16-D-5 to 17, 25-M-9 to 28A, 25-N-10 to 15, 26-I-0 to 14, 26-K-10 to 13 & 16 to 19, 26-L-1 to 13, 26-N-1 to 12, 26-O-5 to 18, 26-P-8 to 16 & 18 to 39 & 41 to 54, 26-R-1 to 11 & 18 to 25, 26-T-1 to 14 & 20 to 27 from the Neighborhood Residential designation to

Low Density Residential. In addition, amendments to tax map parcels: 26-E-8 to 13 and 26-F-8 to 13 from the Professional designation to Low Density Residential. This area is located generally east to west between Ott Street and Mason/Federal Street and north to south between Newman Avenue and Grattan Street.

The Neighborhood Residential designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots. The Professional areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. The Low Density Residential designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low density sections are found mainly in well established neighborhoods. The low density residential areas are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

Maps and other information are available for review in the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings.

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

**CITY OF HARRISONBURG
Baker**

**Roger D.
City Manager**

Mayor Frank called on anyone desiring to speak for or against amending the Comprehensive Plan Land Use Guide for a portion of the Old Town area, from Neighborhood Residential and Professional designation to Low Density Residential. There being no one desiring to be heard, the public hearing was declared closed at 9:41 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion to table this item and suggested that Planning Commission appoint a committee to study a new zoning classification that better matches current older neighborhoods in the City. The motion was approved with a unanimous vote of Council.

Ken Huffman, a representative from Phibbs, Burkholder, Geisert & Huffman, presented the 1999-2000 Comprehensive Annual Financial Report. He said that his firm and the City have to comply with certain standards and guidelines set by the Governmental Accounting Standards Board (GASB) and the Commonwealth of Virginia Auditor of Public Accounts. Mr. Huffman expressed his appreciation to the Finance Department for all of their assistance. City Manager Baker presented a brief review of the Undesignated Fund Balance report explaining that these monies have not been appropriated or designated for any specific expenditures in the City.

Joan Strickler, Executive director of First Night, presented a brief overview of the First Night activities. She explained that First Night is a non-alcoholic series of artistic performances throughout the evening of December 31st. This year the event includes a processional opening with puppets, many local and national acts, and in addition to the midnight fireworks display, there will also be a ground fireworks display at 9:00 p.m. for children. She also said that Lee Bosworth will be handling the fireworks display as he has been doing for several years. Vice-Mayor Peterson offered a motion to approve First Night's request for fireworks and to close certain streets. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration authorizing the conveyance of land to the Commonwealth of Virginia. He explained that the Virginia Department of Transportation is reconstructing a bridge on Route 650 in the vicinity of the City's property at Island Ford. VDOT needs .2 acre of the City property for this project. Council Member Lantz offered a motion authorizing the conveyance of land to the Commonwealth of Virginia by City Manager Baker. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

Director of Public Works Baker presented a report on the South Main Street pedestrian crossing at JMU. He explained that the Harrisonburg Transportation Safety Commission and City Staff has been discussing with the James Madison University staff possible ways to enhance safety improvements and an opportunity for a pedestrian crossing along South Main Street from Cantrell Avenue to Port Republic Road. He reviewed a conceptual plan for proposed changes to pedestrian access along South Main Street which includes the installation of high visibility crosswalks, installation of advance pedestrians ahead warning signs, installation of count down timers, and a potential landscape barrier along South Main Street. The plan also includes a new crosswalk at Patterson Street as well as the median landscaping, strongly encourage JMU discontinue using the Anthony Senger building as a classroom and that all classrooms be moved to the East side of Main Street. It is also recognized that the JMU facilities on the west side of Main Street will remain as administrative support staff and probably increase parking in that area. Mr. Baker said that JMU has objected to a landscape pedestrian barrier along the east side of Main Street. He suggested hiring the consulting firm of Anderson and Associates to prepare a study and recommendation for further addressing the safety concerns and authorizing City Manager Baker to enter into an agreement with JMU sharing the cost equally. He also suggested requesting that the consultant explore possible grants including ISTEA grants for funding of construction ideas. Following further discussion and comments, Council Member Fitzgerald offered a motion to develop a scope of work with JMU and requesting a price quote for the work from the consultant. The motion was approved with a unanimous vote of Council.

Darryl Crawford, a Senior Planner at the Central Shenandoah Valley Planning District Commission presented an overview endorsing the Central Shenandoah Valley Region Strategic Initiatives for Economic Competitiveness. He explained that the Central Shenandoah Valley Region is currently responsible for maintaining three separate plans relating to growth and development for the five-county, five-city region in order to qualify for state and federal economic development support and programs. There is a strong support for the concept that, instead of multiple plans which all say the same thing, the Central Shenandoah Valley would be better served to have one common set of goals and objectives that can be jointly supported throughout the Region. Five strategic planning workshops were held throughout the Central Valley in May 2000. Some 125 sector representatives and stakeholders participated in the meetings and over 400 individuals on our regional mailing list were asked to review the results. Over the past several months, we have been able to develop one truly regional strategy. Our Region will work cooperatively, as one, to conserve our natural, agricultural, and historical resources and preserve the heritage, natural beauty, values, local character and rural traditions that continue to provide the Central Shenandoah Valley Region of Virginia with a quality of life known around the world. Vice-Mayor Peterson offered a motion to endorse this plan. The motion was approved with a unanimous vote of Council.

City Manager Baker proposed that all City employees below the position of Assistant City Manager receive a 2 percent salary increase effective January 1, 2001, and also that all City employees receive a full day as a holiday on Christmas Eve. He said that this recommendation comes as a result of the Council's direction to compare compensation rates for City employees after several department heads raised the issue during their October meeting. He also noted that a midyear salary hike is not a common course of action, but after comparing the payroll with other municipalities the raise was in order. Vice-Mayor Peterson commented that he was in favor of this salary increase, but when the more extensive analysis of pay scales is conducted during the budget process, he wanted to make sure that the City did not have any employees making below poverty level. Mayor Frank commented that all City employees should be compensated for their years of service to the City. Vice-Mayor Peterson offered a motion to approve the proposed salary increase by 2 percent effective January 1, 2001 and also approve Christmas Eve as a holiday for the whole day. The recorded roll

call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

Council Member Fitzgerald offered a motion that Kathryn Sarver, 1011 Stuart Street, and Robert J. Steere, 1652 Central Avenue, be appointed to a first term on the Harrisonburg Planning Commission to expire on December 31, 2004. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

Mayor Frank

Absent - None

City Manager Baker requested direction from City Council about proceeding with a driving range adjacent to the golf course. He reviewed some of the costs associated with the project and explained that \$400,000 for the driving range project was actually a 20 percent reduction from the golf course architect's first rough estimate. He also said that unless the construction of the driving range was started soon it could not coincide with the opening of the golf course in September 2001. Some discussion by Council Members included where the money would come from to construct the driving range. Council Members Rogers and Lantz argued that a driving range is a necessary part of any successful golf course. Following further discussion and comments, Council Member Fitzgerald offered a motion to initiate the design and engineering of the driving range. The motion also included instructing City Manager Baker to explore the possibility of private individuals contributing to the project, determining how to pay for the project, and discussing with the architect possible ways to save costs and possibly expanding the project as needed. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

Council Member Fitzgerald

No - Vice-Mayor Peterson

Mayor Frank

Absent - None

Council Member Fitzgerald commented that the consensus opinion was to have a commission oversee the operations of the City's municipal golf course within the confines of the bond documents. He suggested that the majority of the members should be appointed by City Council and either one or two members be appointed by the Parks and Recreation Commission. He also suggested that the City Manager and the Parks and Recreation Director serve as ex officio members. One detail yet to be determined is the day to day involvement of other City departments. He proposed that other City departments which assisted with the golf course should keep track of the hours and equipment used for the project. The Parks and Recreation Director as an ex officio member would be the contact person. Once an agreement can be reached on the broad outlines of the commission structure, then the City Manager and the Parks and Recreation Director would be designated to determine how the administrative details would work.

Vice-Mayor Peterson commented that he thought a member from the Parks and Recreation Commission should serve on the new commission. He said, "I cannot support the Parks and Recreation Director as a voting member. I opt instead for an ex officio position."

Council Member Lantz said, "Absolutely I am not in favor of any Council Member being on that commission either in a voting capacity or as an ex officio member. We are trying to make it as independent as we possibly can make it. There is nobody who wants the golf course to be a success more than Larry Rogers and myself. Mr. Lantz also commented that it is ironic that the people who have been opposed to the golf course are now saying how it should be operated."

Mayor Frank commented that the proposed marketing plan from the NGF Study targets residents of the City, business people, tourists, and regional residents. She said that one person from the Parks and Recreation Commission should represent recreation interests and the City of Harrisonburg.

Vice-Mayor Peterson offered a motion that the structure of the commission be made up of four members nominated by City Council, each person to serve a four year term. The initial members will be selected by lot as to whether they will serve a one, two, three or four year term. The motion also included that one member will be selected from the membership of the Parks and Recreation Commission and the Parks and Recreation Director will serve as an ex officio position. The recorded roll call vote was taken as follows:

Vote: No - Council Member Rogers

Council Member Lantz

Yes - Vice-Mayor Peterson

Mayor Frank

Abstained - Council Member Fitzgerald

Absent - None

Vice-Mayor Peterson responded to Council Member Lantz by saying, A significant number of the Harrisonburg citizens voted for the three new members on City Council because they were worried that the golf course would be a burden and yet somehow might appear to be making a profit. I believe that I have a responsibility to make sure that those people see that the golf course commission is independent enough and that financial transactions back and forth between the golf course and the rest of the City are explicit enough so that everybody understands that when a financial statement is made for the golf course, it is a believable one and that is why I made the motion.

Council Member Lantz offered a motion to appoint three people from the community at large and two members be appointed from the Parks and Recreation Commission. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Rogers

Council Member Lantz

No - Vice-Mayor Peterson

Mayor Frank

Abstained - Council Member Fitzgerald

Absent - None

Vice-Mayor Peterson offered a motion to table the issue. The motion was approved with a unanimous vote of Council.

At 11:20 p.m., Vice-Mayor Peterson offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the following boards and commissions: Harrisonburg Electric Commission, Harrisonburg Building Code Board of Appeals, and the Social Services Advisory Board. A closed session is permissible for this purpose pursuant to Section 2.1-344-A.1 of the Code of Virginia (1950), as amended (the Code).

At 11:49 p.m., the closed session was declared closed and the regular session reconvened. The following statement was agreed to with a unanimous recorded vote of the Council: I 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 matters as were identified in the motion by which the executive or closed meeting were convened, were heard, discussed or considered in the closed session by the City Council.

At 11:50 p.m., there being no further business and on motion adopted the meeting was adjourned.

CLERK

MAYOR

