

REGULAR MEETING

JUNE 12, 2001

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; Assistant City Manager Kurt Hodgen; 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.

Council Member Fitzgerald offered a motion to approve the consent agenda, including approval of the minutes and the second reading of an ordinance amending and re-enacting Sub-Section 4-2-96(b) of the Harrisonburg City Code. The motion also included adoption of an Arts and Cultural District Ordinance (Chapter 5 of Title 9 of City Code). The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by Erwin Michael to amend the R-1 Single-Family Residential District. She explained that the applicant is requesting to amend the zoning classification text by changing the area and dimensional regulation to increase the maximum number of stories permitted in a single family dwelling from two to three. The City currently allows two stories at a height of 35 feet. The applicant is not requesting an increase in height, but allowing three stories within the 35 feet of height which is allowed in the R-1 district. Some terminology associated with this application was confusing; therefore, staff decided to define and explain exactly how height is measured within the City. The

height is the most important feature because an attic is not clearly defined when it stops being an attic and becomes another story of the house. A basement is clearly defined under Section 10-3-24 as a story at least one-half its height below grade. The height is defined in the ordinance as the vertical distance measured from the floor closest to the curb grade to the level of highest points of the roof surface. If is considered as a basement it is not counted as a story for the purpose of height regulations. She said that Planning Commission recommended approval of the request.

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 Tuesday, May 29, and Monday, June 4, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearing on Tuesday, June 12, 2001, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

Public hearing to consider a request by Mr. Erwin Michael to amend the City of Harrisonburg Zoning Ordinance, Article H. R-1, Single-Family Residential District, Section 10-3-35, Area and dimensional regulations as follows:

Lot area	Lot	Lot	Front	Side	Rear	Height
<u>Sq. Ft.</u>	<u>Width</u>	<u>Depth</u>	<u>Yard</u>	<u>Yard</u>	<u>Yard</u>	<u>Stories</u>
						<u>Feet</u>

Single-						
Family:	80	100	30	10	25	3 35
	10,000					

Maps and other information are available for review in 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 (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 considering this request.

Steven Blatt representing the applicant explained that this situation was a result of a change during construction and that Mr. Michael was not asking to change the height of the building. 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. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Planning and Community Development Director Turner presented for Council's consideration an amendment to the R-2 Residential District. She explained that this text will correct conflicting statements within the R-2 Residential District regulations that did not accurately describe the intent of the Zoning Ordinance. Section 10-3-42 of the regulation within the R-2 classification state that only one principal dwelling or two-family dwelling may be constructed upon each subdivided parcel of land unless such land is proposed for a group housing project as defined. Currently the regulation then states or provided that each principal building face a dedicated public street. A group housing project by definition in the City's zoning ordinance is a piece of land that cannot be successfully divided into convention streets and lots. She said that Planning Commission recommended amending the ordinance as proposed.

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 Tuesday, May 29, and Monday, June 4, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearing on Tuesday, June 12, 2001, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

ORDINANCE AMENDMENT

Public hearing to consider an amendment to Article I. R-2, Residential District, Section 10-3-42, Other regulations as follows:

(c) Only one principal dwelling or two-family dwelling may be constructed upon each subdivided parcel of land unless such land is proposed for a group housing project as defined.

Maps and other information are available for review in 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 (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 amending this ordinance. 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 amend this ordinance. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Planning and Community Development Director Turner introduced a request by the City and First Bank & Trust Company to rezone property from R-2 Residential District to B-2 General Business District. The property is located at 396 South High Street and consist of unused City right-of-way, a gap of land and property owned by the bank. The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. Mrs. Turner reviewed the surrounding uses in the area. Rezoning this property to B-2 will allow the bank to continue its use of the entire site for bank purposes. The rezoning will consolidate the zoning for the property around the current location of the First Bank and Trust building and allow for a more consistent business zoning classification. In addition, the applicant wishes to rezone the surrounding parcels to assist in the placement of an ATM north of the current bank building. With the previously approved street closing and this rezoning the ATM will meet the 30 ft. setback requirements and be an allowed use within the B-2 district. She said that Planning Commission recommended approval of the request.

At 7:45 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 Tuesday, May 29, and Monday, June 4, 2001.

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearing on Tuesday, June 12, 2001, at 7:30 p.m., in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

REZONING

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Public hearing to consider a request by the City of Harrisonburg and First Bank & Trust Company to rezone tax map parcel 25-H-2 (0.513 acres), 21,656 square feet of the City of Harrisonburg right-of-way, and a gap of land (236 square feet) from R-2, Residential District to B-2, General Business

District located at 396 South High Street. The right-of-way has been requested to be closed and purchased by First Bank & Trust Company.

The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.

The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and two-family residential development. The residential density ranges for R-2 are single-family, 7,000 sq. ft. minimum and two-family, 5,500 sq.ft/unit. The B-2, General Business District allows a wide variety of retail shopping, commercial, recreational, and service activities. No minimum lot size restrictions exist in the B-2 district.

Maps and other information are available for review in 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 (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 this request.

J.R. Copper representing Valley Engineering said that Mrs. Turner had explained everything very clearly and he was available to answer questions. There being no others desiring to be heard, the public hearing was declared closed at 7:46 p.m., and the regular session convened. Council Member Lantz offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Ted Cole, Darrell Hill, and David Rose with Davenport and Company presented an analysis of the City's financial position. Mr. Cole explained that his company had prepared a preliminary capital funding strategy plan for Harrisonburg. The company has developed a multi-year finance plan that provides funds when needed and insures financial integrity of the City into the foreseeable future. The City of Harrisonburg faces unprecedented levels of potential capital projects over the next several years including a public safety building, rebuilding a steam plant, a new high school, and water plant upgrade. These projects present capital funding needs of approximately \$80 million to \$85 million. The current outstanding debt is approximately \$55 million. The City of Harrisonburg enjoys a solid credit rating, a low tax rate, growing income and money in reserve, all of which shows its financial strength. The City has very strong fund balances and cash adequate to insure liquidity. Harrisonburg has one of the most competitive tax rate structures in Virginia, which will be an important factor to consider if deciding to move forward with this capital funding strategy. A population graph, general fund revenues graph, assessed value graph, and total expenditures were reviewed. Mr. Rose recommended three ways for the City to pay for its future capital projects without dramatically altering its financial future. He said that the City annual debt service will decline rapidly in the next few years as older loans are paid off, freeing up money for debt service on new projects. He also recommended allocating 50% of increased revenue from growth in the coming years. Income from water rate increases and steam plant revenue could be applied to the cost of constructing a new water line. It was not recommended that the City borrow all \$80 million. Debt financing could be combined with revenue sources or below market interest rates monies provided through the state or other sources. While different methods of payment will help reduce the impact on taxpayers, the report also confirms that some level of a real estate or meal tax increase will likely be required. He also reviewed the proposed debt service, existing and proposed projects, and estimated incremental tax effect. It was reiterated that Harrisonburg's financial position remains strong, despite the possibility of spending more than \$80 million on capital improvement projects in the future.

Some discussion by Council Members relative to the report included Harrisonburg issuing 20 or 30 year bonds, decreased annual debt service, standard issuance strategic implementation, real estate tax increases, artificially low figures, natural growth, reassessment, cash flow, competitive tax rate, population growth, strength and challenges.

Economic Development Director Shull presented a report prepared by the Rescue Squad Site Selection Committee. He explained that Council had established a staff committee consisting of himself, Stacy Turner, and Larry Shifflett on May 8th to work with the Harrisonburg Rescue Squad, Inc., to investigate viable sites for a new squad location. Mr. Shull said that thirteen different sites were analyzed by both the committee and members of the Rescue Squad. The recommended site selected for a new squad building is near the corner of Reservoir Street and University Boulevard. The Rescue Squad will be able to design a building specific to their needs and should have lower maintenance costs. The site will allow for future expansion, include ample storage space and is close to JMU. The main drawback to the new site is the cost which jumps the project price from \$1.5 million to \$2.1 million.

Brian Moore, President, Harrisonburg Rescue Squad introduced himself to Council. He said that the squad does support this site, but added that the squad will be expecting more financial support from the City. He stated that the squad's request for funding would increase from \$750,000 to \$1.25 million. Mr. Moore said that the squad will also initiate a capital campaign to help finance this facility.

Chris Runion presented a report on the proposed 506 Road Plan. He said that a local citizen=s advisory committee met several times to discuss issues concerning the Harrisonburg Area Transportation Study. Many transportation related issues were discussed involving the communities of Harrisonburg and Rockingham County. He said that the committee, by an eight-to-four vote, offered Plan 506 as a workable solution to the community transportation problems. It was viewed by a majority of the members of the committee as addressing many of the concerns expressed in the public hearing meetings held in 2000. He also said that the committee recognizes that no plan will satisfy everyone involved. The official name of this phase is the Design and Location Study which will take more than a year to complete. Following the completion of the study, a detailed road plan will be made public. He also noted that Federal law requires VDOT to consider all options.

Michael Renfro, a resident of 6451 Indian Trail Road, read the following letter: I am here on behalf of the Community Alliance for Preservation. Our organization formed in the respond to the recognition of a need for citizen input on issues of smart growth and controlled growth in Harrisonburg and Rockingham County areas. We represent more than 1200 citizens who either belong to CAP, have contributed financially to our cause, or have communicated their interests to us by mail, telephone or personal contact. The City Council is on record as supporting the HATS plan for development of a bypass or loop road to be located in the county around the southeast quadrant of the City. The Council is no doubt aware of the overwhelming opposition to this plan voiced at VDOT public hearings. I am sure that you are also aware that the HATS plan is no longer endorsed by the Rockingham County Board of Supervisors and is not supported by CAP.

Recently, a Citizens Advisory Committee was appointed by VDOT to consider alternative plans along with the HATS plan and make a recommendation. The majority of this committee recommended the so-called A506 plan@ but with strong dissension by some committee members.

Tonight CAP wishes to go on record stating that we do not endorse the 506 plan. We are unable to endorse the 506 plan because:

- \$ it does not adequately improve east-west flow
- \$ it parallels I-81 which is scheduled to be widened to eight lanes
- \$ it will hinder pedestrian, bicycle, and buggy traffic
- \$ limited access roads create more problems than they solve as indicated by studies reported by the EPA, the Surface Transportation Policy Project, the Texas Transportation Institute, the Infrastructure Technology Institute, and others
- \$ there are too many unanswered questions regarding the funding and the effect on future highway allocations

CAP recommends the following road improvements to address the current and near-future needs for improving east-west traffic flow:

- \$ Improvements to Route 33 East
- \$ Improvements to Port Republic Road
- \$ Improvements to Stone Spring Road with a possible connector to 33 East

These improvements can be made with reasonable transportation allocations under existing funding mechanisms. We strongly urge the City Council to consider the option of improvements to existing roadways and working to improve east-west traffic flow rather than supporting the construction of a new limited access

or controlled access road that directs traffic in a north-south direction as would occur with the 506 plan.

Ann Reed Held, a resident of 230 New York Avenue, said that she opposed the 506 plan because it would interfere into the existing property at Massanetta Springs. Massanetta Springs is a treasure for the whole community. Massanetta Springs has over 200 acres of lake, woods, and springs that would all be damaged if the plan went through.

Donna Triplett, a resident of 1395 Boyers Road, said the concept of 506 plan was first announced in the Daily News-Record on March 16, 2001. Since that time many informal meetings have been held with many residents that will be affected by the plan. There is tremendous concern from these residents as to how their lives will be affected. Their homes and farms will be altered and destroyed where a limited access road may go through their property. The property owners are concerned about changes that will come to their way of life in what has been a rural area, and additional development and more traffic is introduced into the area. The residents are concerned about higher taxes because they are required to pay for the roads and services to support growth in the area. A major issue of opposition involves the Limited Access Road. There are numerous arguments/questions surrounding this type of road. The proposed limited access road for 506 runs north/south for approximately seven miles. It is a duplicate of and runs parallel to I-81. It is less than two miles away from I-81. Also, I-81 will soon be expanded to eight lanes wide. This planned Limited Access Road does not solve the East/West traffic issues - where the problems are today. Also, our current traffic problems need resolution now. Many of the proposed plans will take 7, 10, or perhaps 15 years before they can be completed. Proponents of Plan 506 have used examples of how quickly we will be able to get from Penn Laird to Mt. Crawford. Those opposing quote various existing routes are being just as efficient. The Virginia Department of Transportation is currently working on the selection of the consulting engineer for a location study of the Limited Access Road. In various documents, VDOT's costs are ambiguous. VDOT has said that their cost estimates are rough at this time. So how much would a Limited Access Road really cost? Estimates go into the hundreds of millions! As for the funding involved in the Limited Access Road, \$20,000,000 has been earmarked for the location study alonethis money will be financed by Federal Highway Reimbursement Anticipation Notes. They must be paid back (with interest) within 10 years of issuance which is approximately \$2 million per year. Despite many debates, a Limited Access Road will spur growth to the area outside of, and around the area where the road is built. The result will be increased traffic on the road and around the connecting secondary road. There will be an increased need for public services (law enforcement, utilities, public transportation, etc. Taxes will increase in order to support these services. With growth moving away from the City, businesses tend to relocate to the new areas. This is a major cause of deterioration in the inner cities across America today. This is not something that we want to see happen in Harrisonburg! In conclusion, we are strongly opposed to any Limited Access Road being planned for the southeastern quadrant of Rockingham County. This includes Plan 506, HATS Plan, CAPS Plan, or Osbourne Plan. We believe our tax dollars would be much more effective if used today toward improving our existing road systems rather than studying/building a road that few support! We ask that the members of City Council support our efforts and oppose Plan 506. It is important to all of us concerned that the spending stops now!

David Hubler, a resident of 1475 Bluewater Road, said that Massanetta Springs has conducted a summer camping program for youth since 1922. The area through which this road is projected to go is presently used for a camping program that has been in that location since 1955. Extensive capital improvements are in this area already to support the camping program which includes 16 cottages, dining hall with a self-contained kitchen, a director's cabin, assembly lodges, showers and toilet facilities for up to 128 people at anyone time. Last summer around 420 youth used these facilities during the nine weeks of summer camp. The two parcels total around 88 acres which will be bisected by the 506 plan. The parcels consist of woods and meadows which are essential to the mission of the camping program. Program activities which take place on these parcels include archery, bible studies, camp fires, cookouts, games, team building exercises, and hikes. The Board of Trustees at Massanetta Springs is unanimously opposed to Plan 506.

Reylon Simmons said that she was the development director at Massanetta Springs. She said that her children attended Camp Massanutten and really enjoyed camping and building a closer relationship with God.

Leonard VanWyk, a resident of 115 Southampton Drive, said, As Advocacy coordinator of the Shenandoah Valley Bicycle Club, I ask you to reject the 506 plan, HATS plan, and any loop road plan that contains limited access highways. The cost of this plan will be great, perhaps a fraction of a billion dollars. Bicyclists and pedestrians (not to mention buggies) will be prohibited from using a limited access road. The inevitable growth such highways induce results in services spread out over a larger area making access to them more difficult for those using non-motorized transportation. Noise pollution in the area would significantly increase. It is impossible to hide from the roar of I-81, imagine the effect of increasing that highway hum two or three-fold. Spending the funds on other transportation projects, particularly public transit, walking and bicycling, would reduce regional congestion while revitalizing existing communities. Relocation of businesses and middle-class residents from established communities in the City would increase, counteracting downtown revitalization efforts and further reducing the City's tax base. He said, I believe the above arguments against a typical beltway solution are compelling enough for you to vote against such a plan. @ Mr. VanWyk suggested that perhaps we could encourage college students to use a bicycle, walk, or use public transportation. He also said it would certainly be wise for Council to seek the advice of its own transportation planner before giving its consent to such a massive project.

Harold Durrett said that the Transportation Board will consider all alternatives. An consultant will be hired to review all the plans and make a recommendation to VDOT. He said now is too early to come forward with support because everyone should wait until the technical questions have been answered.

Some discussion by Council Members relative to the 506 Road Plan included the next step in VDOT's plan, hiring a firm to conduct an environment impact study, the study taking approximately a year, more public hearings being held, past City Council endorsing original HATS study, comparing Plan 5 with 506 Road Plan, and if both the Harrisonburg City Council and Rockingham Board of Supervisors overwhelmingly rejected the idea, the plan would stop. However, it was noted that the majority of the citizen's committee appointed by Ms. Welsh, felt such a decision would be a politically popular but short-sighted.

Mayor Frank said, I have a hard time with the 506 plan because it doesn't make sense to me.

Vice-Mayor Peterson said that he was modestly worried about the fact that Harrisonburg is on record as supporting a limited access road in the Southeast quadrant which was used during Senator Miller at the last legislative assembly. At the time when Libby Welsh appointed the citizen committee, Vice-Mayor Peterson said that he was asked whether Council shouldn't revoke its vote in support. He said, I thought the right thing to do is sit back and wait for the report from the citizen's committee. Now, I think I made a mistake in that decision because Harrisonburg is on record voting five to zero in favor of HATS or a limited access road. Vice-Mayor Peterson offered a motion that Harrisonburg go on record as being opposed to a limited access road in the Southeast quadrant. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Mayor Frank

No - Council Member Fitzgerald

Council Member Rogers

Abstained - Council Member Lantz

Absent - None

Ben Fordney, a resident of 1126 Chestnut Drive, said that the Change Steering Committee has discussed transportation problems in the City and believes both the HATS plan and Plan 506 fall far short of long term planning and the committee does not support it. A growth in sprawl, we think, will follow if Plan 506 is adopted just as night follows day. This is not to say that growth is undesirable but smart growth means revitalization of downtown, placing goods and services near existing neighborhoods. Loop roads and shopping malls located on the outskirts of the City accessible only by automobile is not the answer recommended by modern City planners. Distant shopping area drives up transportation costs which is important today because of high gasoline prices. Our main complaint about Plan 506 is it's emphasis on an access road parallel to I-81. Moving traffic around the City does not seem to have a significant impact on east-west traffic. The Change Steering Committee recommends that City Council look at making improvements to east-west traffic, Port Republic Road, Stone Spring Road, and East Market Street. He encouraged Council to wait until a transportation planner is on staff.

Ellen Lucius, a resident of 261 Paul Street, presented information provided by the Change Education Committee regarding more educationally and economically sound alternatives to the proposed long range plan of the Harrisonburg City School Board. She said that she had been a teacher at Keister Elementary, Thomas Harrison Middle School, and assistant principal at Waterman Elementary School. She said the school board held several meetings to discuss its long range plans. She said that she was complaining about the process of how the school board made their decision. Also, she didn't think the taxpayers were provided an opportunity to vote their opinions. She reviewed the three alternatives provided by the school board for consideration. She also reviewed emerging trends in the U.S. public education which include smaller schools, neighborhood schools and alternative schools.

Council Member Lantz questioned if Ms. Lucius was making a presentation to the right body and commented whether this forum was the correct one to criticize the School Board on its decision concerning the long range plan. He said that City Council role was to either fund their request or deny, not to decide what alternatives they should have chosen. Mr. Lantz said, "The only decision City Council can make is whether the City can afford the program presented by the School Board." He also said we cannot question their proposals. He encouraged Ms. Lucius to present her concerns to the School Board.

Ken Handrich, a resident of 610 Broad Street, introduced another concept of converting the Lucy F. Simms school building into a new elementary school and multi-use community center. He presented an architectural

drawing and said that the plan could save the City more than \$5 million when compared to building a new high school.

Scott Milliman, a resident of 261 Paul Street, said that the school board has failed to consider what may be cheaper alternative, such as a Simms Elementary School, or a second, smaller arts-oriented high school. He said this decision will result in higher school costs, and thus higher taxes for Harrisonburg residents. But there may be an additional taxpayer cost created by this plan which is less obvious and more long term in nature: the long-run erosion of the Harrisonburg City tax base due to the school board plan. This erosion is impossible to predict with any precision and will not reveal itself for 5-10 years; yet it may ultimately prove to be a major cost. Regretfully, despite the best efforts of our excellent teachers and administrators, going against these national trends could slowly begin to lower educational quality in our City. Simultaneously, other areas of the country are beginning to follow these trends. Mr. Milliman reviewed charter school movement, rehabilitating neighborhood schools, parents being allowed to choose which public school their children will attend. Education quality may go down in Harrisonburg while it is increasing elsewhere. While the exact timing is unknown, nevertheless, very gradually, our ability to attract new residents and businesses may start to decline. This may be particularly true for high tech firms. When less people move to Harrisonburg, housing demand declines, in turn, housing values decline, tax collections fall. This means less revenue for all City services, not just education. Some of these consequences could get worse if certain rules about taxes and schools are changed in the future. The United States education is beginning to change. These changes are usual. He reminded Council that once the money is borrowed, the City will have to make payments on the bonds for the next 30 years regardless of the number of children attending school.

School Superintendent Ford presented a request to transfer school funds. He explained that these funds will be used for the school=s operating budget, administration, attendance and health, transportation, operation and maintenance. Council Member Lantz offered a motion to approve this request.

\$50,000 chge. to: 111114-40620 Administration, Attendance & Health

25,000 chge. to: 111114-40630 Transportation

\$75,000 approp. to: 11111-40640 Operation and Maintenance

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

School Superintendent Ford commented that he was reluctant to speak for the School Board without having talked with them as a group regarding defensive statements or positive statements. Since 1999, school enrollment has increased by 237 students which has produced overcrowding in the elementary schools. He said that 17 mobile classrooms are being used. He said, If anyone has questions about the need to expand in some way the facilities in the City in order to accommodate the growth, then I encourage them to call me or come by and see me. The high school is the area that needs to be addressed in this process. He said that he was not sure all of the comments made tonight were entirely accurate. He said that he provided the school board with information on smaller schools. He said, It is very difficult for me to understand the concept that if business and industry leaders aren't told that they will be able to choose whatever school they wish to go to, that they in some way will choose not to come to Harrisonburg. If anything it is a crystal ball that may be a little hazy and gives very little credit to the outstanding teachers and administrators that we have in the school division.

Council Member Fitzgerald commented that a lot of people feel like they haven't been heard during this process. He said, AI attended three of the school board meetings and there were a lot of people speaking at the meetings. The School Board listened to those opinions, but maybe they didn't agree with the opinions. At the joint meeting between the School Board and City Council, at least three members of the Council agreed that they were ready to go forward with the planning stages of this project. It is not because we think that those opposed to it are particularly wrong-headed or foolish, and we don't question their common sense. Again, we happen to disagree. He said, I hope at some point those who are on the other side of this, including several friends, will reach the conclusion that we can't fight about this forever. At some point if there is a battle, one side wins and one side loses.

Vice-Mayor Peterson offered a motion (previously agreed upon by City Council at the May 29th work session allowing the School Board to hire an architect to design a new high school), for the City Council to hire a second architect to study the limitation of the current high school site and current middle school site with respect to expansion. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Mayor Frank

No - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Absent - None

Council Member Fitzgerald offered a motion to allow the School Board to hire an architect to design a new high school as was agreed upon at the May 29th work session meeting. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

No - Vice-Mayor Peterson

Mayor Frank

Absent - None

A request to consider appointment of a committee to study Pedestrian Safety City-wide was tabled until the next meeting.

City Manager Baker presented a request from Hope Community Builders. He explained that the City had given this property to the Harrisonburg Redevelopment and Housing Authority (HRHA) to construct low and moderate income housing; however, HRHA did not construct the houses and has now given the property to Hope Community Builders. The original subdivision consisted of six lots. The proposed plat is for 11 lots, which would enable Hope Community Builders to benefit more of the needy. The plan is to complete construction on these lots in about two years. The success of this program will hopefully provide more funding for affordable housing in the future. The City's share will be approximately \$24,000 including off-site work. Council Member Rogers offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

City Manager Baker presented an application for fireworks display at Spotswood Country Club on July 4, 2001. He explained that Skyfire Fireworks display has completed the appropriate application and they have met all Fire Department requirements. Council Member Fitzgerald offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

City Manager Baker presented a request by residents of Dogwood Drive in Park View. Currently, the City has three streets with the word's Dogwood Drive. A petition and letters from residents cite continual delivery mix-ups and delays of mail service. The residents prefer to have the name changed to West Dogwood Drive. Council Member Lantz offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

City Manager Baker presented for Council's consideration a request of vacation and abandonment of sewer line easement of land formerly known as Old South High Street. He explained that these are old sewer and

easement lines at the bank building. Vice-Mayor Peterson offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Fire Chief Shifflett presented a request for a supplemental appropriation for the Fire Department. He explained that these funds were received from donations during the budget year. Council Member Fitzgerald offered a motion to approve this request for a first reading.

\$4,609.87 chge. to: 1003-2512 Fire Programs Fund

910.50 chge. to: 1003-2514 Two for Life Funds

9,074.45 chge. to: 1003-1809 Donations

12,865.50 chge. to: 1003-1914 Recovered costs

\$4,609.87 approp. to: 01-320232-48203 Fire Programs Fund

910.87 approp. to: 01-350532-46155 Two for Life Expenses

21,939.95 approp. to: 01-320232-48151 Motor Vehicles & Equipment

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

City Manager Baker presented a request for a supplement appropriation. He explained these funds will be used to write off a loan made by the City to the HRHA for the Court Square Theater Complex. This loan was forgiven by the City for a one-half undivided interest in the complex. Council Member Fitzgerald offered a motion to approve this request for a first reading.

\$440,870.00 chge. to: 1000-31010 Amount from fund balance

\$440,870.00 approp. to: 1000-810521-48281 Buildings and grounds

The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

City Attorney Miller presented for Council's consideration an ordinance authorizing the City Manager to act as the City's authorized agent for vacation of certain interests in real estate. He explained that several provisions in the state code allowing City Council or its authorized agent to consent to vacation of any interest in streets, alleys, easement for public right-of-way. City staff has recommended adopting this ordinance to simplify the process for easement adjustments. Vice-Mayor Peterson offered a motion to adopt this ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Fire Chief Shifflett presented for Council's consideration adopting guidelines for natural gas storage facilities. He explained that the City had been approached by a local contractor (Swann and Company) 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 a new storage of natural gas system. After several meetings which involved the Fire Department, Building Official, City Engineer, and City Manager, it was concluded a comprehensive sets of standards are very lacking and in some cases non-existent to address this type of facility. While safety is a basic consideration in the development of these Guidelines, this factor alone will not necessarily govern the final specifications and design of the proposed facility. The user is cautioned that these Guidelines do not provide a design handbook and do not replace the requirement for competent engineering judgement. Mr. Shifflett said that the City Attorney has prepared an ordinance allowing this standard to be adopted by reference. Vice-Mayor Peterson offered a motion to adopt these guidelines for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Vice-Mayor Peterson

Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Mayor Frank

Absent - None

Shelly Baker, a resident of 281 Paul Street, said that she would rather have her children educated in a neighborhood trailer than in a centralized fourth and fifth grade elementary school. She questioned whether City Council needed all the variables before voting to fund such a long range plan of the School Board. She said, AHow much does the plan include for land, road improvements, infrastructure, and student transportation? Do you feel comfortable trusting an elected board of Harrisonburg residents with knowing exactly what is the right way to spend this much money? Are they infallible?@ I know that the School Board has informed City Council of your limitations as far as questioning educational decisions, but you do have the right to flatly reject their constant pressure of the fall bond sale and current low interest rates. She asked City Council to reject the current plan of the School Board.

Jeffery Deets, a resident of 1519 Cramer Court, said he is currently one of the assistant principals at the high school and has taught mathematics for five years. The change in a grade configuration will have a direct effect on their education. This new grade configuration represents a considerable change in delivery of instructions to students and change of this degree should raise concerns. The teachers, staff, and administration of Harrisonburg City Public Schools will create an environment where excellent will not only continue, but will thrive.

Cloie Rodeffer, a resident of 731 Jefferson Street, said that she has three children in the school system. She said that she supported building a new high school.

David Ehrenpreis, a resident of 282 Franklin Street, said he was concerned about the fourth and fifth grade split. He said citizens felt left out of the process on the long range plans of the School Board. He also said most decisions have been made before reaching the School Board or City Council.

Tim Lacey a member of the School Board said that he has listened to numerous comments regarding the long range school plan. He said he objected to the statement the school system does not adapt because it is not true. He said that some of the figures mentioned tonight were not adequate and are misleading the public.

At 10:50 p.m., Council Member Fitzgerald offered a motion that Council enter a closed session for the purpose of discussing and considering prospective candidates for appointment to the Harrisonburg Redevelopment and Housing Authority. 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 11:00 p.m., the closed session was declared closed and the regular session reconvened. City Clerk Ryan read the following statement which was agreed to with a unanimous recorded vote of 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 closed meeting were 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