

SPECIAL MEETING

REGULAR MEETING

NOVEMBER 13, 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.

Vice-Mayor Peterson offered a motion that Council resolve to approve the consent agenda, including approval of the minutes and the second reading of several supplemental appropriations for the Police Department, Fire Department and the Hardesty Higgins House. The motion also included approving the second reading amending and re-enacting Section 17-1-(a), Section 17-1-3(b) and Section 14-1-69 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request by Wendell L. Maust, to close a 7,099 square feet supplemental street right-of-way that runs north along Wyndham Woods Circle from the corner of Circle Drive. She reviewed the surrounding uses in the area. The applicant has requested that the supplemental right-of-way known as tax map parcel 22-A-21 be closed and the applicant be able to purchase the property. Mr. and Mrs. Maust would like to acquire this 7,099 square feet of supplemental right-of-way to facilitate the development of a single-family home on the adjacent lot. Before the City

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transfers ownership, deeds of easement would be required for the area designating on the plat drainage easements and locating and identifying any other public water or sewer lines that exist on the property. The establishment of this easements public would facilitate the future maintenance of the storm drainage system. In addition to the easement, the applicant must submit a public improvement bond for the storm drainage system installation or install the system before the transfer of ownership from the City is completed. The topography for this neighborhood slopes down to this property and much of the water run-off in the neighborhood forms up on this parcel. Currently, an outflow pipe drains down from the northern section of Wyndham Woods Circle to just about the northern property line and the two pipes that cross under Circle Drive all drain into this parcel. In addition, a berm running north from the northern boundary of the property uphill toward Wyndham Drive supplies run-off to this location. The results from this run-off have created a detention area on this parcel which then feeds off to two pipes that cross under Wyndham Woods Circle and directs the water out of the neighborhood. Mrs. Turner said that an adjacent property owner Mrs. Gehring did express some concerns at Planning Commission's public hearing. However, since that meeting the Gehrings have met with the City Engineer to discuss the existing drainage problems. She said that the development of this property should not make the drainage situation worst than currently exists in the Gehring back yard. She said that Planning Commission voted 5-1 in favor of closing this right-of-way.

At 7:39 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 29, and Monday, November 5, 2001.

NOTICE OF INTENTION TO CLOSE

A STREET RIGHT OF WAY

LOCATED AT TAX MAP PARCEL 22-A-21

City Council Chamber, Municipal Building

Tuesday, November 13, 2001

The Harrisonburg City Council will hold a public hearing on Tuesday, November 13, 2001, 7:30 p.m., at City Council Chambers, Municipal Building, 345 South Main Street, Harrisonburg, Virginia, to consider the application of Wendell L. Maust and Lois E. Maust to close a street right of way located at tax map parcel 22-A-21.

A copy of the recommendation of the City Planning Commission along with a copy of the plat showing the street right of way to be vacated is 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.

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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 request.

Welby Showalter, an attorney representing the applicant, said that Mr. Maust would like to build a single family home on the lot, get it back on the tax roles and increase the City's tax base.

James McHone said that he was selling the lot to Mr. Maust with the hopes he would build a nice house on the lot.

Lorraine Gehring, a resident living at 927 Circle Drive, said that she and her husband own the adjacent lot. She presented pictures showing times when their lot has been flooded from heavy rains. She said that she was not against developing this lot; however, she wanted assurance that something would be done about the water problem. Also, she said her concern was not how much water was coming down Circle Drive, but the water coming behind the property. She insisted that the problem has existed since the construction of the middle school. She said that she did not want the elevation of the Maust's lot above her lot. She requested that the City address the problem of the water because it is at the back of the lots.

Victor Sokolyuk, a resident living at 750 Wyndham Woods Circle, said that the water problem has existed for many years. He said that when more houses were built on Wyndham Woods Circle more water flowed into his yard. He said that one side of his driveway was starting to shift lower because of the water. There being no others desiring to be heard, the public hearing was declared closed at 7:45 p.m., and the regular session reconvened.

Some discussion by Council Members relative to the request by Mr. Maust included the water problems of the Gehrings, water flow caused by construction of the middle school, engineer's report addressing drainage issues, natural drainage conditions, topography of the land, stipulation that the elevations of the Maust's lot cannot be elevated about the Gehring's lot, bond posted by the Maust's, existing berm, and whether developing this lot will create any more hardships on the properties above this lot. Vice-Mayor Peterson offered a motion that the Council resolve to approve this request as presented. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

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Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

Mayor Frank introduced a resolution authorizing the issuance, sale and award of \$1,600,000 General Obligation Public Safety Bonds. Chris Brown, attorney with the law firm of Wharton, Aldhizer & Weaver, explained that the proposed resolution authorizes the sale of bonds and also authorizes the execution of the bonds. These bonds will allow the Harrisonburg Rescue Squad to build and equip a new facility. He requested that the resolution be approved.

At 8:02 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 29, and Monday, November 5, 2001.

NOTICE OF PUBLIC HEARING WITH RESPECT TO THE PROPOSED ISSUANCE OF \$1,600,000 GENERAL OBLIGATION BONDS BY THE CITY OF HARRISONBURG, VIRGINIA, FOR THE PURPOSE OF PROVIDING FUNDS TO ACQUIRE, CONSTRUCT, AND EQUIP NEW PUBLIC SAFETY FACILITIES.

Notice is hereby given that the City Council of the City of Harrisonburg, Virginia (the **Council**), will hold a public hearing to receive public comment and to consider the adoption of a proposed Resolution (the **Authorizing Resolution**) authorizing the issuance by the City of Harrisonburg, Virginia (the **City**), of \$1,600,000 General Obligation Public Safety Facilities Bonds, Series 2001 (Harrisonburg Rescue Squad, Inc. Project) (the **Bonds**) to provide funds to acquire, construct, and equip a new public safety facility for use by the Harrisonburg Rescue Squad, Inc. (the **Project**). The Virginia Resources Authority (**VRA**) has advised that the City is eligible to participate in an exempt Pooled Loan Bond Program offered by the VRA for financing this Project.

The Bonds will be a general obligation of the City, secured by its full faith and credit pledge. The public hearing, which may be continued or adjourned, will be held before the City Council at 7:30 p.m. on Tuesday, November 13, 2001, at the City Council Chambers, 345 South Main Street, Harrisonburg, Virginia. Any person interested in the issuance of the Bonds or the purpose for which they are being issued may appear at the hearing and present his or her views. The Council may set time limits on

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speakers and other rules and procedures for the conduct of this public hearing.

A copy of the proposed Authorizing Resolution is on file and available for public review in the City Manager's Office, 345 South Main Street, Harrisonburg, Virginia, during regular business hours.

Written comments regarding the proposed Authorizing Resolution may be forwarded either to the City Council prior to the public hearing in care of the City Manager, at the above location or by mail at 345 South Main Street, Harrisonburg, Virginia, or to the Council during said hearing.

Request for audio or visual assistance for those persons requiring such assistance during the hearing must be submitted in writing to the City Manager at the address given above no later than 12:00 noon, Friday, November 9, 2001. Such requests must specify the type of assistance or aid required.

CITY OF HARRISONBURG

Roger D. Baker

City Manager

Mayor Frank called on anyone present desiring to speak for or against this bond resolution. There being no one desiring to be heard, the public hearing was closed at 8:03 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion to adopt the resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

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RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF
\$1,600,000 GENERAL OBLIGATION PUBLIC SAFETY BONDS OF
THE CITY OF HARRISONBURG, VIRGINIA, SERIES 2001
(HARRISONBURG RESCUE SQUAD, INC. PROJECT), AND
PROVIDING FOR THE FORM AND DETAILS THEREOF

WHEREAS, pursuant to the City Charter (the Charter) and the Public Finance Act, Chapter 26, Title 15.2 of the Code of Virginia, 1950, as amended (the Act), the City of Harrisonburg, Virginia, (the City) is duly incorporated and empowered to finance the acquisition, construction, and equipping of new public safety facilities, and to issue its general obligation bonds to pay all or any part of the cost of said facilities; and

WHEREAS, pursuant to the Act, the City is empowered to pledge for the payment of principal and interest on its general obligation bonds its full faith and credit, payable from ad valorem taxes, to the extent other monies are not lawfully available and appropriated therefor; and

WHEREAS, the City Council (the Council) of the City desires to provide funds to acquire, construct, and equip a new public safety facility in the City for use by the Harrisonburg Rescue Squad, Inc. (the Project); and

WHEREAS, the City has applied to Virginia Resources Authority (the VRA) for the purchase of the City's general obligation bonds in an amount not to exceed \$1,600,000, and VRA has indicated its willingness to purchase such bonds from the proceeds of its Infrastructure Revenue Bonds (Pooled Loan Bond Program), Series 2001D (the VRA Bonds), in accordance with the terms of a Financing Agreement between VRA and the City to be dated as of December 1, 2001 (the Financing Agreement), a Local Bond Sale Agreement between VRA and the City to be dated the date of sale of the VRA Bonds (the Local Bond Sale Agreement), and a Nonarbitrage Certificate and Tax Compliance Agreement between VRA and the City (the Tax Compliance Agreement), the forms of which have been presented to this meeting; and

WHEREAS, the Council held a public hearing, duly noticed, on November 13, 2001, on the issuance and sale by the City of up to \$1,600,000 General Obligation Public Safety Bonds of the City of Harrisonburg, Virginia, Series 2001, (Harrisonburg Rescue Squad, Inc. Project) (the Bonds) in accordance with the requirements of Section 15.2-2606 of the Code of Virginia, 1950, as amended (the Code); and

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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 "Public 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 Council, now desires to authorize the issuance, sale and award of the Bond for the purpose of financing the Project.

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 to the VRA its up to \$1,600,000 General Obligation Public Safety Bonds, Series 2001 (Harrisonburg Rescue Squad, Inc. Project), for the purpose of financing the Project as described herein. The Council hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution (the **Authorizing Resolution**). The sale of the Bonds to the VRA is hereby authorized and shall be delivered to or upon the order of VRA upon payment of the purchase price thereof, pursuant to the terms and conditions set forth in the Local Bond Sale Agreement and the Financing Agreement. The proceeds from the issuance and sale of the Bonds shall be used, along with other lawfully available funds of the City to the extent appropriated therefor, to provide funds to pay the costs of the Project, all as described in the Financing Agreement. 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 VRA to purchase, and the City to sell to the VRA, the Bonds at a price, determined by the VRA to be fair and accepted by the Mayor, Vice-Mayor, City Manager or City Treasurer of the City, any one or more of whom may act, upon the terms established pursuant to this Authorizing Resolution, the Financing Agreement, and the Local Bond Sale Agreement.

3. **Authorization of Documentation in Connection with the Bonds.** The substantially final form of the Financing Agreement is attached hereto as Exhibit A, and is hereby approved. The substantially final form of the Local Bond Sale Agreement is attached hereto as Exhibit B, and is hereby approved. The Mayor, Vice-Mayor, the City Manager, or the City Treasurer, any one or more

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of whom may act, and such officer or officers of the City as any of them may designate, are hereby authorized and directed to execute and deliver the Financing Agreement and the Local Bond Sale Agreement on behalf of the City in substantially the forms attached hereto, with such changes as the Mayor, Vice-Mayor, City Manager, or City Treasurer, any one or more of whom may act, shall approve, as may be advised by legal counsel.

4. **Details of the Bonds.** The Bonds shall be issued in fully registered form; shall be dated the date of issuance and delivery of the Bonds; and, shall be designated "General Obligation Public Safety Bonds of the City of Harrisonburg, Virginia, Series 2001 (Harrisonburg Rescue Squad, Inc. Project)." The Mayor, the Vice-Mayor, the City Manager, or the City Treasurer of the City, any one or more of whom may act, are authorized and directed to determine and approve all of the final details of the Bonds, including without limitation, the maximum principal amount authorized to be advanced thereunder, the stated interest rates therein, the maturity or payment dates and amounts and the final maturity date; provided however, (i) the maximum principal amount of the Bonds shall not exceed \$1,600,000; (ii) the true interest cost of the Bonds shall not exceed six percent (6.0%) per annum (exclusive of Supplemental Interest as defined in the Financing Agreement); (iii) the Bonds shall be sold to VRA at a price not less than 93% of the aggregate principal amount of the Bonds; and (iv) the final maturity date of the Bonds shall be not later than December 31, 2022. Such purchase price, interest rates and maturity schedule shall be established pursuant to the Local Bond Sale Agreement. The approval of the Mayor, Vice-Mayor, City Manager, or City Treasurer, any one or more of whom may act, of such details shall be evidenced conclusively by the due execution and delivery of the Bonds on the City's behalf to or at the direction of the VRA.

Following the pricing of the corresponding VRA Bonds, the Mayor or Vice-Mayor shall evidence his approval of the final terms and purchase price of the Bonds by executing and delivering to VRA the Local Bond Sale Agreement, which shall be in substantially the form presented to this meeting, with such completions, omissions, insertions and changes not inconsistent with this Authorizing Resolution as may be approved by the officer executing the Local Bond Sale Agreement. The actions of the Mayor or Vice-Mayor in determining the final terms and the purchase price of the Bonds shall be conclusive, and no further action shall be necessary on the part of the City.

5. **Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit C. There may be endorsed on the Bonds such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

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

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7. **Authorization as to Additional Documentation in Connection with Bonds.** The Mayor, Vice-Mayor, the City Manager, the City Treasurer, and such other officers, employees and agents of the City as may be requested are hereby authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their respective terms, and as may be advised by Bond Counsel to the City, and to deliver the Bonds upon payment therefor, and to execute and deliver (or cause the delivery of) such additional instruments, notices, agreements, documents and certificates, including but not limited to the Tax Compliance Agreement of the City regarding federal tax compliance requirements for the proceeds of the Bonds, all as may be requested by Bond Counsel to the City or the City Attorney, or as otherwise required by the VRA, in furtherance of the purposes as set forth herein. All such further actions consistent within the terms and provisions of this Authorizing Resolution shall be conclusively deemed as having been accepted and approved as authorized by this Authorizing Resolution without any further acts or approvals.

8. **Redemption or Prepayment.** The City may defease, redeem, prepay or refund the Bonds only in accordance with the Financing Agreement or other requirements of the VRA.

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. **Capital Reserve Fund.** The City agrees to pay all amounts required by Section 6.1 of the Financing Agreement, including the supplemental interest and late charges, as provided in such Section, all as required by the VRA.

11. **Registration, Transfer and Exchange.** The Council appoints the City Clerk as its registrar and transfer agent to keep books for the registration and transfer of the Bonds and to make such registrations and transfers on such books under such reasonable regulations as the City may prescribe.

Upon surrender for transfer or exchange of the Bonds at the office of the City Clerk, the City shall cause the execution and delivery in the name of the transferee or registered owner, as applicable, of new Bonds for a principal amount equal to the Bonds surrendered and of the same date and tenor as the Bonds surrendered, subject in each case to such reasonable regulations as the City may prescribe. If surrendered for transfer, exchange, redemption or payment, the Bonds shall be accompanied by a written instrument or instruments of transfer or authorization for exchange, in form and substance

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reasonably satisfactory to the City Clerk, duly executed by the registered owner or by his or her duly authorized attorney-in-fact or legal representative.

The new Bonds delivered upon any transfer or exchange shall be valid general obligations of the City, evidencing the same debt as the Bonds surrendered and shall be entitled to all of the security and benefits of this Authorizing Resolution to the same extent as the Bonds surrendered.

12. **Charges for Exchange or Transfer.** No charge shall be made for any exchange or transfer of the Bonds, but the City Clerk may require payment by the holder of the Bonds of a sum sufficient to cover any tax or any other governmental charge that may be imposed in relation thereto.

13. **Disclosure Documents.** The City authorizes and consents to the inclusion of information with respect to the City to be contained in the VRA's Preliminary Official Statement and the VRA's Official Statement in final form, both prepared in connection with the sale of the bonds to be issued by the VRA, a portion of the proceeds of which will be used to purchase the Bonds. If appropriate, such disclosure documents shall be distributed in such manner and at such times as any of them shall determine. The City authorizes and consents to the inclusion of information with respect to the City to be contained in any of the VRA's public disclosure documentation, as may be advisable or required. The City Manager is authorized and directed to take whatever actions are necessary and/or appropriate to ensure compliance by the VRA and the City, if any, with Securities and Exchange Commission Rule 15c2-12, all as may be required by the VRA in connection with the issuance of the Bonds and any continuing disclosure requirements thereafter, all as set forth in the Financing Agreement.

14. **Tax Compliance Agreement.** The Mayor or Vice-Mayor of the Council, the City Manager, and the City Treasurer, any one or more of whom may act, and such officer or officers of the City as any of them may designate, are hereby authorized and directed to execute the Tax Compliance Agreement, in substantially the form presented to this meeting, 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"), including the provisions of Section 148 of the code and applicable regulations relating to arbitrage bonds. The Council covenants on behalf of the City that (i) the proceeds from the issuance and sale of the Bonds will be expended and invested as set forth in the Tax Compliance Agreement and that the City shall comply with the covenants and representations contained therein, and (ii) the City shall comply with the provisions of the Code so that interest on the Bonds and on the VRA Bonds will remain excludible from gross income for Federal income tax purposes.

15. **State Non-Arbitrage Program.** 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 (Virginia SNAP) in connection with the Bonds, as set forth in the Financing Agreement and as may be required by the VRA.

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

17. **Further Actions; Authorized Representatives.** The Mayor, Vice-Mayor, the City Manager, the City Clerk, the City Treasurer, the members of the Council, and all officers, employees and agents of the City as may be designated are hereby authorized and directed to take such further action as they or any one of them may consider necessary or desirable in connection with the issuance of the Bonds and the execution, delivery and performance of the Financing Agreement, including, without limitation, the execution and delivery of closing documents and certificates, all as may be required by the VRA. All such actions previously taken are hereby ratified and confirmed. The Mayor or Vice-Mayor and the City Manager are designated the City's Authorized Representatives for purposes of the Financing Agreement.

18. **Consent for Multiple Representation.** At the request of the Harrisonburg Rescue Squad, Inc. (the **Rescue Squad**) the Council hereby approves Wharton, Aldhizer & Weaver, P.L.C., as Bond Counsel in connection with the issuance of the Bonds. The Council acknowledges that the law firm of Wharton, Aldhizer & Weaver, P.L.C. represents the Rescue Squad as its General Counsel, and, further, represents Nathan B. Miller and Laura K. Miller, in their own rights and as Personal Representatives of the Estate of Jeanette Lynn Miller, with respect to a personal injury claim and a wrongful death claim against the City of Harrisonburg and its employee. The Council hereby consents to such multiple representations in connection with this public safety bond financing for the benefit of the Rescue Squad and the transactions contemplated thereby.

19. **Effective Date.** This Resolution shall take effect immediately upon its introduction and adoption on November 13, 2001, after the holding of a public hearing thereon.

Date: November 13, 2001

Mayor, City Council, City of Harrisonburg,

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 November 13, 2001, 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

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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 certifies the voting of the City Council on the foregoing "RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND AWARD OF \$1,600,000 GENERAL OBLIGATION PUBLIC SAFETY BONDS, SERIES 2001 (HARRISONBURG RESCUE SQUAD, INC. PROJECT), AND PROVIDING FOR THE FORM AND DETAILS THEREOF", as follows:

| | AYE | NAY | ABSTAIN | ABSENT |
|-------------------------------------|------------|------------|----------------|---------------|
| Carolyn W. Frank, Mayor | X | | | |
| Dorn W. Peterson, Vice Mayor | X | | | |
| Hugh J. Lantz | X | | | |
| Larry M. Rogers | X | | | |
| Joseph Gus Fitzgerald | X | | | |

Date: November 13, 2001

[SEAL]

ATTEST: _____

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

Planning and Community Development Director Turner introduced a request by Nelson Swartz to rezone 38.726 acres from R-2 Residential District and B-2 General Business District to R-3 Conditional Multiple Dwelling Residential District. She explained that the property is located at 2951 South Main Street and the Land Use Guide shows the property as a combination of Medium Density Residential and Commercial District. The residential designation is for areas near major thoroughfares or commercial areas. The site is undeveloped except for one large home, barn and other related outbuildings. It is zoned R-2, Residential District and B-2, General Business District. She reviewed the surrounding zoning classifications which include Mosby Heights, some undeveloped land, a parcel with a single family home, and Meadow Pointe Subdivision. The developer intends to developed a planned community which would feature a variety of residential homes options as well as a commercial center that would serve the community with different

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small-scale retail operations. Currently, the majority of the property is zoned R-2, Residential District. The tract of land containing the existing farmhouse and barn is zoned R-2 and B-2. This area is proposed to be rezoned almost entirely to B-2 General Business with conditions. She also explained that some of the property is already zoned commercial which is not requested to be rezoned. She said that 5.17 acres would be rezoned to a conditional B-2, 5.3 acres would remain in its current B-2 state and a small section would be rezoned to R-3 Conditional Residential. It is also the intent of the developer to develop a small commercial area which would be adjacent to the existing commercial area fronting on South Main Street and connecting the Meadow Pointe Subdivision. This new zoning classification would allow for the creation of 58 townhouse, 30 patio homes and 12 single-family structures. The City's Comprehensive Plan does recommend this area for a Medium Density Residential area as well as for commercial use. The proposed housing variety fulfills the Medium Density Residential land use recommendation of providing single-family, duplex and apartments with a density of 1 to 15 units per acre. The proposed B-2 C area surrounding the old home and barn would follow the uses outlined in the Commercial designation of the Comprehensive Plan. This development would also follow the outlined policies of the Comprehensive Plan by creating a commercial area that encourages a central shopping area of diverse, but compatible uses as well as protecting and preserving historic structures on the property. The developer offered to proffer landscaping buffers in the areas between Meadow Pointe and the new development, boundaries between the commercial area and the townhouse, and boundaries between the commercial area on South Main Street and the townhouse. City Staff has had several meetings with representatives of Triad Engineering to discuss concerns about the subdivision layout and the proposed project. Since the time of submittal, staff has been interested in the concepts Triad presented, as they appear to meet the above referenced goals contained in the Comprehensive Plan as well as incorporating new and innovative design elements that work to protect the historical and environmental integrity of the property. She also said that in this proposed proffered plan of development, the developers have not yet asked for a subdivision of this property to facilitate this development. When this is done the developers are planning to ask for a variance to the maximum length and number of lots on a cul-de-sac. This would be required during the preliminary plat stage. Staff also had another concern for the flow of traffic flow onto South Main Street exiting Pointe Drive from the proposed business and townhome development. The combination of these uses, and the Meadow Pointe development would contribute substantial vehicular traffic to this intersection. During staff's initial discussion this increased vehicular use warranted a recommendation that a traffic signal be placed at the Pointe Drive/South Main Street intersection to allow for the safe entry of development traffic onto Main Street. She also said that the Superintendent of City Schools projected that a change from the R-2 district to the R-3 district could place an additional 35-39 elementary aged children into the Keister Elementary School. These calculations are based on standard density increases between the residential zoning classifications and do not take into account varying housing types. If the density was added all at once it would place a stress on the school systems; however, if the density is added over a longer period of time the school system could absorb the increase in students. She said that staff recommended approval of the rezoning as submitted and the Planning Commission recommended approval of the request with a vote of 6-0 with Dr. Peterson being absent.

At 8:15 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, October 29, and Monday, November 5, 2001.

Notice Of Public Hearing

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The Harrisonburg City Council will hold public hearings on Tuesday, November 13, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Rezoning- Nelson Swartz Property

Public hearing to consider a request by Nelson Swartz, with representative Triad Engineering, Inc., to rezone 38.726 acres, tax map parcels 1-D-2 & 7-A-3 from R-2, Residential District and B-2, General Business District to R-3C, Multiple Dwelling Residential District (conditional) and B-2C, General Business District (conditional). The lot is located at 2951 South Main Street.

The Comprehensive Plan designates this area as Commercial and Medium-Density Residential. The Commercial designation states that these areas include uses for retail, wholesale, or service functions. These areas are found along major travel corridors and in the Central Business District of the City. The Medium-Density Residential designation states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplex, and two or three story apartments and densities can range from 1 to 15 units per acre.

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 is intended to provide a sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District.

Furthermore, the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum.

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

Roger D. Baker

City Manager

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

SPECIAL MEETING

Matthew Roberston introduced himself as a certified landscape architect with TRIAD Engineering and the project manager for this development. He said that Mr. Swartz has paid for half of the installation cost of Pointe Drive and all the utilities along the road. The Meadow Ponte project has been well received in the community. Even with this success he still feels the project can be made better. He wants to add additional housing types to the community such as townhouses, patio homes, and single-family unit. He mentioned that Meadow Ponte was designed for specific ages with one section being for newly retired couples and another section for young professionals. Mr. Roberston said that he was available to answer any questions. There being no others desiring to be heard, the public hearing was declared closed at 8:47 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to approve this rezoning request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request to add articles to the Zoning Ordinance, Article Z. UR, Urban Residential District and Article AA. R-P, Residential-Professional Overlay District. She explained that last year in December City Council held a public hearing to consider a comprehensive rezoning of the Old Town area from R-2, Residential District to R-1, Single-Family Residential. Following the contested rezoning proposal, City Council tabled the request and referred the items back to the Planning Commission for further study and to form a committee to look at creating a new zoning classification for the Old Town area. The Planning Commission formed the Old Town committee. The committee consisted of Margaret Haynes, Robert Sullivan, Les Bolt, Glenn Loucks, Barry Kelley, Shelley Baker and was chaired by Robert Steere a member of the Planning Commission. This committee has met numerous times since the first of the year and conducted a public input meeting to discuss the new classification. It is important to note that the committee achieved consensus on all issues. The committee has recommended in addition to adopting some special zoning for the old town area that a nuisance ordinance should be looked at. City Council, with the help of the Police Department, the Commonwealth Attorney, and the City Attorney should review and improve the nuisance ordinances in the City to provide strong, enforceable ordinances that control noise, appearance, and property maintenance issues. In addition, the Council should explore financial and other incentives to promote conversions from rental property to single-family use. The Planning Commission should review the procedures for variances, rezoning, and special use permits in order to provide increased notice to all members of the community. In particular, yard signs should be required and letters of notification should go to more than just adjoining property owners when things are requested for different land use applications. The committee also recommended that in an effort to promote neighborhood harmony all property owners should be included in neighborhood meetings. This could foster a forum in which concerns and disputes between different types of property owners and

SPECIAL MEETING

different types of residents could be resolved. The committee worked hard to come together to develop a plan to stabilize the Old Town area while protecting individual property rights. The committee looked at what type of zoning could be applied to the Old Town area to resolve some of the density concerns. In looking at it they always had to keep in mind that any use that was legally occurring in the area had to be allowed to continue provided that it was not discontinued for a period of 24 or more consecutive months or it was not destroyed by more than 50 percent. These are nonconforming uses and no matter what the zoning would be changed to these would be allowed to continue as long as they are currently legal nonconforming uses. The main idea that was developed was the UR, Urban Residential District. The purpose of this district is that is intended for medium-density and single-family development that is of an historic nature, located near the center of the City, together with certain governmental, educational, religious, recreational and utility subject to restrictions and requirements necessary to ensure compatibility with residential surroundings. Uses permitted by right are the same ones that are currently found in R-2, and uses permitted in R-1 two family dwelling with the area limitation, accessory buildings and public uses as the City currently allows. Uses permitted by special use permit are same ones that are in the current R-2 zoning classification except a home for the aged in which three (3) persons not of the immediate family are provided with food, shelter, and care for compensation. Section 10-3-81 has been revised over the current R-2 to include area and dimensional regulations. The front yard requirement for a single-family homes has been decreased from 30 feet to 25 feet recognizes that most of these houses set closer to the front yard lot line than the current R-2 regulations address. The side yards have also been decreased from the required ten feet to five feet as well as the same for the two family dwellings. However, the number of square feet per unit has changed in the two family dwelling unit. Currently, the City requires 5,500 square feet per unit in the R-2 which is what the Old Town area is zoned. The UR proposes that it be required to have 7,000 square feet of lot area per dwelling unit to convert over to duplex use. New occupancy regulations currently under the neighborhood zoning classification R-2 permits no more than two people other than a family to occupy a dwelling unit. This was changed in 1998 as a result of some density concerns expressed. Prior to 1998 four people other than a family could occupy a dwelling unit. The proposal in the new Urban Residential District is that if you have a lot of 10,500 square feet or greater then occupancy could be, other than permitted by right, not more than three (3) persons (except such occupancy may be superseded by building regulations), provided one off-street parking space per tenant is provided on site. If you have less than 10,500 square feet, the occupancy, other than permitted by right, could not be more than two (2) persons (except such occupancy may be superseded by building regulations), provided one off-street parking space per tenant is provided on site. The regulations in Section 10-3-183 are the same as the City currently has in R-2 district. Mrs. Turner said that she would review and explain the regulations set forth in Article AA. R-P Residential-Professional Overlay District even though it was another public hearing because there was also the concept of applying an overlay zoning classification to a portion of the neighborhood. The committee recognized that the conditions in that area were different for the properties that were on the east side of Mason Street than they were on the west side of Mason street. It was felt that a lot of the properties on the east side of Mason Street were occupied by families and the west side were heavy populated by student rentals. Since these two things were so different there wasn't a way to combine it into one classification. The concept was developed to apply an overlay to the area on the west side of Mason Street between Mason Street and Federal Streets. An overlay district is something that is superimposed over the given zoning classification and is intended to provide additional flexibility to the properties within the area. Uses permitted by this overlay district are in addition to any use permitted by right in the underlying zoning classification. Dimensional and density regulations provided herein are intended to supplement those permitted in the underlying zoning classification, not to be more restrictive than those of the underlying zoning classification. When requirements of the underlying zoning classification and the overlay appear to be in conflict, the least restrictive shall apply. The proposed uses by right in Section 10-3-187 are new because the City does not have an overlay district. The proposed uses include professional offices, mixed use of a single dwelling unit and permitted non-residential with lot area of 14,000 square feet or more, provided one off-street parking space per tenant and parking requirements as established in Article G. Off Street Parking are provided on site. The proposed uses also include dwelling units which may be occupied by a family, or not more than three (3) persons, except that such occupancy may be further restricted by building regulations.

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The proposed uses in Section 10-3-188 include uses permitted only by special use permit. These uses include museums, galleries and art studios, which may include instructional rooms and incidental sales where permitted, mixed use of a single dwelling unit and non-residential with lot area of 13,999 square feet or less, provided one off-street parking space per tenant and parking requirements as established in Article G. (Off Street Parking) is provided on site. Occupancy, other than permitted by right, of not more than four (4) persons (except such occupancy may be superseded by building regulations) is allowed provided one off-street parking space per tenant is provided on site. At the Planning Commission public hearing several property owners spoke in opposition to these requirements. The property owners had concerns with the number of people who would be allowed to reside in the UR District other than family members. Planning Commission voted 5-1, to recommend adopting these zoning classifications. Planning Commissioner Alexander expressing expressed concerns about the density allowances in the neighborhood.

At 8:35 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, October 29, and Monday, November 5, 2001.

Notice Of Public Hearing

SPECIAL MEETING

The Harrisonburg City Council will hold public hearings on Tuesday, November 13, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Zoning Ordinance Amendment

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Public Hearing to consider adding the following Articles to the Zoning Ordinance, Article Z, UR, Urban Residential District and Article AA, R-P, Residential-Professional Overlay District.

The UR District is primarily intended for medium-density and single-family development that is of an historic nature, located near the center of the City. The district permits by right single-family and two-family dwellings on lots of 7,000 sq. ft. and 7,000 sq. ft. per unit respectively.

The R-P district is intended to provide flexibility in the use of buildings located at the outer limits of traditional residential areas. Professional offices and other uses that respect both the residential nature and esthetic character of the adjacent neighborhood are permitted. Under this district, uses permitted by right include professional offices and single and residential and non-residential, on lots of 14,000 sq. ft. or greater. Special uses permitted include museums, galleries, and art studios and mixed use of single unit residential and non-residential with 13,999 sq. ft. or less.

For complete text on these Zoning Ordinance amendments, please contact the Community Development Department, Planner at 432-7700.

Sign Ordinance Amendment

Public hearing to consider adding Section 11-5-10 to the Sign Ordinance. The amendment applies to the UR, Urban Residential District and the R-P, Residential-Professional Overlay District. For complete text on this Sign Ordinance amendment, please contact the Community Development Department, Planner at 432-7700.

REZONING OLD TOWN

Rezoning Old

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Public hearing to consider a comprehensive rezoning of a portion of the Old Town area (tax map parcels: 16-D-1 to 17, 16-D-22 to 29; 25-M-9 to 28A; 25-N-10 to 21; 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 UR, Urban Residential District. This area is located generally east to west between Ott Street and Federal Street and north to south between Water Street and Cantrell Avenue.

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

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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 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 UR, Urban Residential District s purpose and permitted uses are described above.

Rezoning Overlay Portion of Old Town

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Public hearing to consider a comprehensive rezoning to apply an overlay zoning classification to a portion of the Old Town area (tax map parcels: 16-D-1 to 4, 16-D-22 to 29; 25-M-9 to 28A; 25-N-10 to 21; 26-K-10 to 13 & 16 to 19; 26-O-5 to 12 & 14 to 18). This area is proposed to be rezoned to the UR, Urban Residential District in the public hearing cited above, and further to be overlaid by the R-P, Residential-Professional Overlay District. This area is located generally east to west between Mason Street and Federal Street and north to south between Franklin Street and Cantrell Avenue. The R-P, Residential-Professional Overlay District s purpose and permitted uses are described above.

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

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for or against adding these Articles to the Zoning Ordinance.

Les Bolt, a resident living at 255 Campbell Street, said he was a member of the committee that drafted the Old Town recommendations. He said that he has lived in the neighborhood since the early 1982 and the basic issue most people were concerned about was the density issue. Many units in the Old Town area that have four persons living in them, because they existed before the new two per unit ordinance took place. Under the current regulations, the unit must remain occupied by four persons or it would revert to the newer zoning requirements limiting each unit to only two occupants. The hope with allowing three individuals per unit was that landlords would see the new regulation as a small incentive to reduce their occupancy. Many times if a landlord is able to get enough money from three individuals instead of four they would choose the three,

SPECIAL MEETING

because the fewer people to deal with, the fewer problems arise. He discussed the issues surrounding single-family and rental property issues in the Old Town area. He noted that density was lowered in 1998 from four to two and he said there have been virtually no conversions since 1998. There is a current glut of student housing on Port Republic Road, which has led to a decrease in demand for rental properties.

Barry Kelly, a resident living at 272 Franklin Street, said he was a member of the committee that drafted the Old Town recommendations. He commented that with students there is a high turnover cost. There is an economic incentive to rent to families and professionals because there is less damage to the property. Currently, the market is strong for these non-student types. Conversion of property to duplexes will encourage family occupancy rather than student occupancy. The committee spent many long hours and months discussing the issue from both sides.

Glenn Loucks said that he is a property owner in the Old Town area. He said the committee heard from many people that they do not want any more conversions from single-family to duplex. He said that was the main reason the committee changed the occupancy from two to three and changing the lot size from 5,500 to 7,000 per unit. The number of units that would be possible for changing has dropped dramatically to less than ten. A number of those units are land locked. He said that unless there was a major economic change in Old Town, he did not think that student rentals would be on the increase. He asked Council to look at the entire compromise.

Shelley Baker, a resident living at 281 Paul Street, read the following statement: I have information that I have gathered before since the last Planning Commission meeting. It is information that unfortunately wasn't gathered the end of the Old Town committee meetings. Our Old Town's committee goal was very simple, we wanted to reduce density. Based on all the information we had, I feel that we did make the best possible recommendation for the new zoning, but I am not in agreement with our committee's entire proposal. New information has come to light and I feel that it is very important to share it with you tonight. Many Old Town residents as you will hear tonight are very concerned with the change from the current two tenants allowed per unit to the proposed three for lot sizes greater than 10,500 square feet. I supported our committee on this because I believed it could encourage landlords that are currently renting to four or more which is considered non-conforming at this point to maybe drop one if we allowed them to conform with three and it would reduce density overall. But, what we never tried to figure out was how many properties would this actually affect. We know on the west side of Mason Street it probably would affect many because there are a lot of rentals over there. But, on the east side of Mason Street which is mostly single-family and we joked about it and called it the grown up side of Mason we never really knew how many rentals were there. After the Planning Commission meeting last month and Mr. Peterson asked this very important question, I decided to research it. There are 48 lots with greater than 10,500 square feet and of this 48 lots, 11 are in excess of 14,000 square feet. The correct number is 37 lots that are now 10,500 square feet that could be considered duplexes. In an ideal world it would be great to say that the occupancy must stay at two, but there are compelling arguments as to why three individuals should be allowed. She said that she was torn, because she has friends on both sides of the issue. She said, I do not feel that allowing eight rental units to reduce to three or maybe six tenants if it is a duplex is worth the gamble of allowing 30 single-family homes to be eligible for rental to three or maybe six people up from the two to four currently allowed and if I had this information six months ago, I never would have supported this part of the plan. She encouraged Council to adopt the UR zoning, but keep the number of two per unit where it is now.

Kevin Rhodes, a resident living at 286 Campbell Street, said some of the information received by the residents did not clearly explain the occupancy issue and that it would go up, but rather it focused on if you had a duplex it was going from 5,500 square feet to 7,000 square feet. He said why wouldn't the residents support that issue if you supporting R-1. He said that he assumed the committee was looking out for the residents and didn't realize until late in the day and thought they are trying to slip something in on us. They didn't explain they wanted to increase occupancy. He said going from two to three would not decrease density. The

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proposal is fine as it was stated except the occupancy should be maintained at two and not go up to three. Most landlords will put as many kids as they think they get in the dwelling. Don't believe the story that it will remain at two going to three because it will be three going to four. It will mean more cars and noise. He said, "We don't need more students in Old Town, we need to keep it at two per unit."

John King, a resident living at 280 Campbell Street, said that the intent was to go to R-1. We have gotten away from that and a lot of people have gone to a lot of work trying to come up with a compromise in a situation that doesn't call for a compromise. We are trying to go to R-1 and that is where we need to go. The people that have rental property can keep the rental property and when it changes to single-family go back to single-family. I don't believe that the current rules are being enforced. The intent was to make this a better residential area and if this is passed as it is being proposed now, it won't be a better residential area.

Stephanie Byrd, a resident living at 238 Campbell Street, said that when she bought her home, it was a duplex. Over the past 13 years, her family has spent considerable time and financial resources converting it back into a single family residence. Many of our neighbors have done the same thing. She said, "I support many aspects of Article Z and Article AA and believe that the features in these articles will have a positive effect on properties in the neighborhood; however, I have serious concern pertaining to increasing the density from two to three unrelated people as it would be applied in our neighborhood."

Susan Frangos, said that she was new to the area and could see the town losing a portion of its charm with most of the quadrants around the center of Old Town really degrading. This section of Old Town is all that's left that has the potential like so many other towns with historical interest.

Marshall Ross, a resident living at 267 Franklin Street, said that he was opposed in the move from two to three in the density. Lower density is the goal. The issue is character of the neighborhood. What will happen to the character? The argument that a landlord will reduce the numbers does not make sense. He said, "I have never run into a landlord that says economically it makes sense for me not to make as much money as I can on a piece of property. Let's assume that everybody is coming with the best of intention both from the committee and in this room. The reason we can't adopt the two-to-three is because it is too risky. It's too risky because number one once it's done then you have the grandfather problem. Once it's passed and the numbers change, you can't undo it. It's too risky because we are not dealing with absolute numbers here. People will move to the county."

Beverly McGowan, a resident living at 281 Campbell Street, said that she appreciated the work of the committee and all the time and commitment they put into the study. Their conclusion has awakened my passion for the preservation and protection of our Old Town neighborhood. At a time when there is renewed interest in the revitalization of downtown, why would you want increased occupancy and perhaps decrease setback requirements. For me personally, I live in a house that does not have a driveway or a garage. I have to compete for a parking space in front of my own home. With the proposed changes, renters will add more trash and will also add to the cost of the City collection program.

Kathy Whitten, a resident living at 560 Mason Street, said that, "We talk about property values not lending themselves to conversions, I would echo Mrs. McGowan comments about the home at 511 South Main Street. She said that none of us would have believed that house would have become a student rental. It is now a very big expense to the City because we have had lawsuits related to this house because it became a fraternity house. You can't say it won't happen because it will happen. As four to three, three to two, two to three, it sounds like a fuzzy math to me or yet a Yankee season. But, it is fuzzy math. It is fuzzy logic, it doesn't make sense. I don't remember conversions of properties ever being a driving factor in the concern that was begun in Old Town as many as fifteen years ago when I moved into my home. I don't think that conversions are a driving force now, I think that we are concerned about the character and maintaining a single-family mature neighborhood. Numbers shouldn't be considered when making a decision, you should

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do your job because it is in the best interest of this City. That is what I am asking you to do. She said, I believe if you treat the west side of Mason differently than you treat the east side you are doing a disservice to both sides of the street. The neighborhood should be treated as an entire neighborhood. Professional offices are very appropriate, but the density issue is a whole neighborhood concern.

Cathy Slusher, a resident living at 520 South Mason Street, said that she appreciated the committee and their work. She said that she does support the UR and the residential overlay. She said if you think that going from two to three is going to reduce density it is a huge joke. When you rent by the head going from two to three is more desirable than going from four to three. She said, The house next to mine is qualified to have eight people or four plus four we squeak in nine and lets not forget the three real serious boyfriends that practically live there. This is a great plan, but in both instances the two to three should be struck because it is a bad joke on all of us.

Chad Layman, a resident living at 260 Franklin Street, said that he recently moved to the grown up side of the street. He said that his family has invested money in his home by building a fence and painting because of the way the neighborhood is now.

Jim McKee, a resident living at 270 Campbell Street, said that he has lived on Campbell Street for 15 years. He said that he has spent money on his house and was very concerned about the density. He said he would be happy if Council would vote for R-1 tonight.

Barkley Rosser, a resident of 236 Franklin Street, said that he teaches at James Madison University. He said, I was a candidate for the Planning Commission last year and if Council had selected me, we might not have all these people here this evening. He said he was very open to the UR district, but he said he opposed the change from two to three for the density. He said he has students living behind him who do nothing but party all week. We don't need anymore of this.

Will Frangos, a resident living at 631 Ott Street, that he was new to the area and was very impressed with the hard work of the committee. He said that he conducted some research in math and discovered that three is actually more than two. It wasn't a surprise, but it does seem a little inconsistent with the declared purpose of the resolution to decrease density in Old Town.

Jim Barnes, a resident living at 261 West View Street, said he and his wife selected Old Town because it was identical to the neighborhood they lived at in Michigan in a home we built in a very similar neighborhood. They are doing the same thing with their home on West View Street. They have seen communities in Michigan and Texas that when opportunity was given to increase numbers in any shape, form or size or given opportunity to increase rental neighborhoods went down. People moved out and the tax base was lost because of the increased number of students. Towns that are interested in revitalizing their downtown area look for area like Old Town as a base in support for that opportunity.

George Heishman, a resident living at 567 South Mason Street, said that there were three people who stood up tonight who are in favor of this proposal who are owners of multi-unit dwellings in the area. Other than that, everybody in this room is very much in favor of where they live in and the character of Old Town, a great section of this City. Everyone wants to contribute to the City. He said, I don't understand what the problem is and it should be an easy decision for the Council.

Tom Author, a resident living at 298 Campbell Street, said that he has lived in his house for 26 years. He said, I love Old Town and I want to stay there for the rest of my life. He said my wife made me come tonight to say that two is smaller than three. It can't be that simple, but it is that simple. He asked Council to honor the beautiful area he has lived in for a long time.

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Michael Boland, a resident living at 231 West View Street, said that it was brought to his attention that the proposal for R-1 is still on the table so if this is a tough decision to make, bypass and go right to R-1 and we will support that too.

There being no others desiring to be heard, the public hearing was declared closed at 9:45 p.m., and the regular session reconvened.

Council Member Fitzgerald commented that if a change was made it could add 164 more people to the area. He also said if no conversions have been made since 1998 and if the density would go from two to three what would be in it for the single-family residents of Old Town?

Barry Kelley answered Mr. Fitzgerald that as a landlord and a member of the Old Town Committee he was already starting to allow only three people to live in his property because hopefully they would take better care of the property. He said he was trying to avoid constant turnover in tenants every year.

Vice-Mayor Peterson said that he wanted to divide the request into two problems. He said that the overlay zoning classification public hearing would have a vote on density in it. There would be a vote of allowing three people occupancy per unit with no area limitation. If we were to leave the density of three in the overlay district, but reduce the density to two in the underlying district (Urban Residential District) basically what we would be doing is saying no you can't go to three people unit east of Mason Street. There are eight rental properties east of Mason Street and one of the arguments for going to three people per unit is that it gives the landlords a route to rent for a few years to a single family and then when they want to come back and rent to unrelated people at least they can go back up to three. But, that is only for eight properties on lots bigger than 10,500 square feet, however, in exchange for that possibility of decreasing the density on eight properties we are running a risk of increasing density in lots of units east of Mason Street. We have to balance risk and gains and I don't see that is a balance at all. I think we are much better off just saying no in the underlying we want to leave it at two people per unit. It isn't penalizing the rental owners.

Vice-Mayor Peterson offered a motion that the Council resolve to adopt Article Z. UR, Urban Residential District of the Zoning Ordinance for a first reading with the language being modified in Section 10-3-182 before the second reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

 Council Member Lantz

 Council Member Rogers

 Vice-Mayor Peterson

 Mayor Frank

Absent None

SPECIAL MEETING

Council Member Lantz offered a motion that Council resolve to modify Article AA. R-P, Residential-Professional Overlay District of the Zoning Ordinance for a first reading with the language being modified in Section 10-3-187 before the second reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

No - Council Member Fitzgerald

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request to add Section 11-5-10 to the Sign Ordinance. She explained that this ordinance will take care of issues related to signage in the newly created Urban Residential District and Residential-Professional Overlay districts. It states that signs will be limited to nonresidential uses, including bed and breakfast facilities and residential identification signs and on-premises advertising. Permanent ground signs shall be set back at minimum three feet from the property line. Illumination of signs shall be in keeping with the intent and purpose of residential district. Temporary nonilluminated signs, and temporary nonilluminated signs are also limited. She said that Planning Commission recommended approval of the request.

At 10:35 p.m., Mayor Frank closed the regular session temporarily and called the evening s fifth hearing to order. The following notice appeared in the Daily News-Record on Monday, October 29, and Monday, November 5, 2001.

Notice Of Public Hearing

SPECIAL MEETING

The Harrisonburg City Council will hold public hearings on Tuesday, November 13, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Sign Ordinance Amendment

Public hearing to consider adding Section 11-5-10 to the Sign Ordinance. The amendment applies to the UR, Urban Residential District and the R-P, Residential-Professional Overlay District. For complete text on this Sign Ordinance amendment, please contact the Community Development Department, Planner at 432-7700.

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

Roger D. Baker

City Manager

Mayor Frank called on anyone desiring to speak for against amending Section 11-5-10 of the Sign Ordinance. There being no one desiring to be heard, the public hearing was closed at 10:36 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion that Council resolve to adopt this sign ordinance for a first reading. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

SPECIAL MEETING

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 UR, Urban Residential District. She explained that this rezoning to go from R-2 to UR includes approximately 47 acres. There are about 225 parcels and this area is recommended for the neighborhood residential land use category by the comprehensive plan. She reviewed the surrounding uses in the area. She said it is an older neighborhood characterized by large housing on small lots. The neighborhood residential designation matches up well with the planned UR urban Residential District. She said that Planning Commission recommended approval of the rezoning.

At 10:40 p.m., Mayor Frank closed the regular session temporarily and called the evening s sixth public hearing to order. The following notice appeared in the Daily-News Record on Monday, October 29, and Monday, November 5, 2001.

Notice Of Public Hearing

SPECIAL MEETING

The Harrisonburg City Council will hold public hearings on Tuesday, November 13, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Zoning Ordinance Amendment

-

Public hearing to consider adding the following Articles to the Zoning Ordinance, Article Z. UR, Urban Residential District and Article AA. R-P, Residential-Professional Overlay District.

The UR district is primarily intended for medium-density and single-family development that is of an historic nature, located near the center of the City. The district permits by right single-family and two-family dwellings on lots of 7,000 sq. ft and 7,000 sq. ft per unit respectively.

The R-P district is intended to provide flexibility in the use of buildings located at the outer limits of traditional residential areas. Professional offices and other uses that respect both the residential nature and aesthetic character of the adjacent neighborhood are permitted. Under this district, uses permitted by right include professional offices and single unit residential and non-residential, on lots of 14,000 sq. ft. or greater. Special uses permitted include museums, galleries, and art studios and mixed use of single unit residential and non-residential with 13,999 sq. ft. or less.

For complete text on these Zoning Ordinance amendments, please contact the Community Development Department, Planner at 432-7700.

Rezoning Old

Public hearing to consider a comprehensive rezoning of a portion of the Old Town area (tax map parcels: 16-D-1 to 17, 16-D-22 to 29; 25-M-9 to 28A; 25-N-10 to 21; 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 UR, Urban Residential District. This area is located generally east to west between Ott Street and Federal Street and north to south between Water Street and Cantrell Avenue.

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 R-2, Residential

Public hearing to

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.

SPECIAL MEETING

Mayor Frank 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 10:41 p.m., and the regular session reconvened. Vice-Mayor Peterson offered a motion that Council resolve to adopt this ordinance. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Absent None

Planning and Community Development Director Turner introduced a request to apply an overlay zoning classification to a portion of the Old Town area. She explained that this area extends in the area east to west between Mason Street and Federal Street and north to south between Franklin Street and Cantrell Avenue. This area was just approved by City Council for the base Urban Residential District and is being proposed to overlaid with the Residential Professional Overlay District classification.

At 10:40 p.m., Mayor Frank closed the regular session temporarily and called the evening's seventh public hearing to order. The following notice appeared in the Daily-News Record on Monday, October 29, and Monday, November 5, 2001.

Notice Of Public Hearing

SPECIAL MEETING

The Harrisonburg City Council will hold public hearings on Tuesday, November 13, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Zoning Ordinance Amendment

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Public hearing to consider adding the following Articles to the Zoning Ordinance, Article Z. UR, Urban Residential District and Article AA. R-P, Residential-Professional Overlay District.

The UR district is primarily intended for medium-density and single-family development that is of an historic nature, located near the center of the City. The district permits by right single-family and two-family dwellings on lots of 7,000 sq. ft and 7,000 sq. ft per unit respectively.

The R-P district is intended to provide flexibility in the use of buildings located at the outer limits of traditional residential areas. Professional offices and other uses that respect both the residential nature and aesthetic character of the adjacent neighborhood are permitted. Under this district, uses permitted by right include professional offices and single unit residential and non-residential, on lots of 14,000 sq. ft. or greater. Special uses permitted include museums, galleries, and art studios and mixed use of single unit residential and non-residential with 13,999 sq. ft. or less.

For complete text on these Zoning Ordinance amendments, please contact the Community Development Department, Planner at 432-7700.

Rezoning Old

Public hearing to consider a comprehensive rezoning of a portion of the Old Town area (tax map parcels: 16-D-1 to 17, 16-D-22 to 29; 25-M-9 to 28A; 25-N-10 to 21; 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 UR, Urban Residential District. This area is located generally east to west between Ott Street and Federal Street and north to south between Water Street and Cantrell Avenue.

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.

Public hearing to

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.

Mayor Frank 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 10:43 p.m., and the regular session reconvened. Council Member Fitzgerald offered a motion that Council resolve to adopt this ordinance. The recorded roll call vote was taken

SPECIAL MEETING

as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

Mayor Frank

Planning and Community Development Director Turner introduced a request to amend the Zoning Ordinance, Article C. Administration and Enforcement, Building Permits Section 10-3-10(c). She explained that this ordinance would require a foundation survey when development is within the critical setback. The Board of Zoning Appeals had a lot of requests to receive variances on setbacks for houses that were constructed in an required setback area. The BZA had a concern that this was happening more frequently than necessary. Staff reviewed surveys from other localities and discussed it with Planning Commission. The language in a proposal would state that no work on a new building or an addition 500 square feet or greater proposed to be located within three feet of any required setback shall be approved to proceed above the foundation or slab until the building inspections office has received a survey prepared by a certified land surveyor, licensed to practice in Virginia, showing that the foundation or slab, as constructed, is located in accordance with the approved site plan and other applicable ordinances. This requirement is supplemental to, and does not negate the requirement for, submission of application for building permits prior to commencing any construction activity. She said that Planning Commission recommended approval.

At 10:45 p.m., Mayor Frank closed the regular session temporarily and called the evening's eighth public hearing to order. The following notice appeared in the Daily-News Record on Monday, October 29, and Monday, November 5, 2001.

Notice Of Public Hearing

SPECIAL MEETING

The Harrisonburg City Council will hold public hearings on Tuesday, November 13, 2001, at 7:30 p.m. in the Municipal Building, City Council Chamber, 345 South Main Street, to consider the following:

Zoning Ordinance Amendment

-

Consider adding a provision to the Zoning Ordinance, Article C. Administration and Enforcement, Building Permits, Section 10-3-10 (c), to require a foundation survey when development is within three (3) feet of the required setback.

The text is as follows:

No work on a new building or addition 500 square feet or greater, proposed to be located within three (3) feet of any required setback shall be approved to proceed above the foundation or slab until the building inspections office has received a survey prepared by a certified land surveyor, licensed to practice in Virginia, showing that the foundation or slab, as constructed, is located in accordance with the approved site plan and other applicable ordinances. This requirement is supplemental to, and does not negate the requirement for, submission of application for building permits prior to commencing any construction activity.

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.

Mayor Frank 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 10:46 p.m., and the regular session reconvened. City Council decided not to take any action on this agenda item.

The presentation by Warren Dillenbeck was tabled until the next City Council meeting.

Chris Brown, Attorney with Wharton, Aldhizer & Weaver, presented a resolution for VPSA School Bonds. He explained that on September 25th the Council authorized \$41,500,000 million in school bonds to be sold by the Virginia Public School Authority. He said a supplemental and amended resolution was needed to take care of three housekeeping items. The City asked for a 25 year repayment term instead of a 20 year repayment term, the investment manger changed its name to Evergreen Investment Manager Company, and the City selected Sun Trust Bank to serve as its bond registrar and paying agent.

AMENDING AND SUPPLEMENTING RESOLUTION

SPECIAL MEETING

IN CONNECTION WITH \$41,500,000 GENERAL OBLIGATION

SCHOOL BONDS OF THE CITY OF HARRISONBURG, VIRGINIA, SERIES 2001

WHEREAS, on September 25, 2001, the City Council (the "Council") of the City of Harrisonburg, Virginia (the "City"), adopted a Resolution entitled Resolution Authorizing The Issuance, Sale and Award of Not to Exceed \$41,500,000 General Obligation School Bonds of the City of Harrisonburg, Virginia, Series 2001, to be Sold to the Virginia Public School Authority, and Providing for the Form and Details Thereof, (the Authorizing Resolution) to provide funds to pay costs of the acquisition, construction, and equipping of public school facilities for the City including, but not limited to, a new High School and related facilities thereto (all capital projects for school purposes for the City being designated collectively therein as the Project); and

WHEREAS, there has been provided to the City a general form of the Proceeds Agreement required by the Virginia Public School Authority (the VPSA), which Proceeds Agreement, in accordance with the Authorizing Resolution, sets forth the terms and conditions with respect to the deposit and investment of proceeds of the \$41,500,000 General Obligation School Bonds of the City of Harrisonburg, Virginia, Series 2001 (the Bonds , such Bonds being designated as a Series 2001 C by the VPSA in order for the VPSA to accommodate special payment terms requested by the City for the Bonds); and

WHEREAS, the Proceeds Agreement shall be entered into by and among the City, the VPSA, the other participants in the sale of the VPSA Bonds for this Fall 2001 bond sale by the VPSA, the investment manager (which the VPSA has advised shall be Evergreen Investment Manager Company LLC), and the depository (Wachovia Bank, N.A.), all as required by the VPSA in connection with the sale of the Bonds by the City to the VPSA; and

WHEREAS, the Council also desires to designate a Bond Registrar and Paying Agent with respect to the payment of principal of and interest on the Bonds.

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

1. Proceeds Agreement; Investment Manager. The general form of the Proceeds Agreement that has been provided to the City (which form is similar to the form of the Proceeds Agreement that has been previously approved by the City in connection with its prior school bond sales to the VPSA from time to time), including such provisions of the Proceeds Agreement as may be necessary or convenient for the VPSA to describe particularly the Series 2001 C designation for the Bonds, is hereby approved. The correct and proper name of the investment manager is hereby

SPECIAL MEETING

amended to be Evergreen Investment Manager Company LLC (formerly Mentor Investment Advisors, L.L.C., as stated in the Authorizing Resolution).

2. **Bond Registrar And Paying Agent.** SunTrust Bank, Richmond, Virginia, is hereby designated as the Bond Registrar and Paying Agent for the Bonds.

3. **Continuing Full Force And Effect Of Authorizing Resolution, As Amended And Supplemented Herein; Effective Date Hereof.** As amended and supplemented herein, the terms and provisions of the Authorizing Resolution are in all other respects in full force and effect, and are hereby ratified, restated and confirmed. To the extent any provision of the Authorizing Resolution conflicts with any provision of this Amending and Supplementing Resolution, the terms and provisions hereof shall control. This Amending and Supplementing Resolution shall be effective immediately.

Dated: November 13, 2001

Mayor, City Council, City of Harrisonburg, Virginia

CERTIFICATE OF VOTES

The following is a record of the roll-call vote by the City Council members of the City of Harrisonburg, Virginia, regarding the foregoing AMENDING AND SUPPLEMENTING RESOLUTION IN CONNECTION WITH \$41,500,000 GENERAL OBLIGATION SCHOOL BONDS OF THE CITY OF HARRISONBURG, VIRGINIA, SERIES 2001, at the regular meeting of the City Council of the City of Harrisonburg, Virginia, held on November 13, 2001.

| | AYE | NAY | ABSTAIN | ABSENT |
|------------------------------|-----|-----|---------|--------|
| Carolyn W. Frank, Mayor | X | | | |
| Dorn W. Peterson, Vice Mayor | X | | | |
| Hugh J. Lantz | X | | | |
| Larry M. Rogers | X | | | |
| Joseph Gus Fitzgerald | X | | | |

Dated: November 13, 2001

SPECIAL MEETING

[SEAL]

ATTEST:

Clerk, City Council, City of Harrisonburg, Virginia

Council Member Fitzgerald offered a motion that Council resolve to approve a resolution for VPSA School Bonds. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

 Council Member Lantz

 Council Member Rogers

 Vice-Mayor Peterson

 Mayor Frank

Absent None

Council Member Fitzgerald suggested that City Council have a joint meeting with the Planning Commission to discuss the upcoming Comprehensive Plan update, various goals and mutual concerns. He suggested either the dates of November 28th or November 29th . The date of the meeting will be announced at the November 27th City Council meeting.

Vice-Mayor Peterson suggested scheduling a public hearing for the December 11th City Council meeting to study Charter Amendments. He also suggested forming a committee to study, look at, and update any changes to the Charter which could be submitted to the General Assembly as a total package.

City Manager Baker presented for Council's consideration a resolution fixing compensation for HRRSA Board Members. He explained that since the formation of the Harrisonburg-Rockingham Regional Sewer Authority in July 1970, compensation to the eight representatives appointed by the five participating

SPECIAL MEETING

localities has remained unchanged. Council Member Fitzgerald offered a motion that the Council resolve to increase the compensation to \$130.00 per month for the Chairman and Treasurer and increase to \$100.00 per month for the other six appointed representatives. The motion to resolve was approved with a unanimous vote of Council.

Police Chief Harper presented a request to change green zone to blue zone permit parking. He explained that the Police Department conducted a survey and is recommending that the current green zone not be changed to a blue zone. There is no criteria to support a change at this time.

City Manager Baker presented a certified receipt of 2001 government election results provided by the Electoral Board.

Governor

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| | | | |
|--------------------|------|----|--|
| Mark L. Earley | 3334 | | |
| Mark R. Warner | 3083 | | |
| William B. Redpath | | 49 | |

Lieutenant Governor

-

| | | | |
|------------------|------|-------------------|---|
| Jay K. Katzen | 3495 | Scott Homes | 1 |
| Timothy M. Kaine | 2723 | Jim Miller | 1 |
| Gary A. Reams | 105 | Morgan Ruthkowski | 1 |
| Daniel P. Hammel | | | 1 |

Attorney General

| | | | |
|--------------------|------|----------------|---|
| Jerry W. Kilgore | 4095 | Dave Gray | 1 |
| A. Donald McEachin | 2229 | James W. Lark | 1 |
| Sylvia Clute | 1 | Mark Obenshain | 1 |

SPECIAL MEETING

Susanne Ferguson

1

House of Delegates

| | | | |
|-----------------------|------|--------------------|---|
| Glenn M. Weatherholtz | 4765 | Carolyn Lam | 1 |
| John Adams | 1 | Hugh Lantz | 1 |
| John Martin Adams | 1 | Jenny Larson | 1 |
| Richard Baugh | 1 | Emmitt Lee | 1 |
| Bob Berrson | 1 | Allen G. Lewis | 1 |
| Rebecca Bompiani | 1 | Linda Locher | 1 |
| William Bottiarck | 1 | D.B. Logan | 1 |
| Kenton Brubaker | 1 | Cary Maloney | 1 |
| Henry Buhl | 1 | John McGehee | 1 |
| Bruce Busching | 1 | Masako Mirjata | 1 |
| Steffan Canter | 1 | Jefrey L. Morris | 1 |
| Randy C. Carr | 1 | Bruce Morris | 1 |
| Richard Claybrook | 1 | John Myers | 1 |
| William Clinton | 1 | John A. Paul | 1 |
| James Clough | 1 | Mary Perramond | 1 |
| Ann Connor | 1 | Dorn Peterson | 1 |
| Ronald Copeland | 1 | Danny Phillips | 1 |
| David Crain | 1 | Dan Plecker | 1 |
| Marshall Crespin | 1 | Bob Privott | 1 |
| Jeffrey Cretz | 1 | Neal Rafeel | 1 |
| Zebulon Davenport | 1 | Randall Reidenback | 1 |
| Larry Davis | 1 | Randy Richenbach | 1 |

SPECIAL MEETING

| | | | |
|------------------------|---|-----------------------|---|
| Dale Diaz | 1 | Gerald Riggs | 1 |
| Branden Durflinger | 1 | Stephan Right | 1 |
| Jeff Duval | 1 | Robert N. Roberts | 1 |
| Karen Evans | 1 | Robert Roberts | 1 |
| Ben Fordney | 1 | Johnthan Schrag | 1 |
| Kari Foster | 1 | Gerald Shenk | 1 |
| Reginald Foucar-Szocki | 1 | Chris Simmons | 1 |
| Chris Fulder | 1 | Joel Slocum | 1 |
| Lowell Fulk | 1 | Isiah Carl Smith | 1 |
| John Gentile | 1 | John Snipes | 1 |
| Al Gore | 1 | Sherry Stanley | 2 |
| Peter Gozinja | 1 | James Lake Stockdrehe | 1 |
| Ralph Graves | 1 | Glenn Stoltzfus | 1 |
| Timothy Hack | 1 | John Talley | 1 |
| Daniel Hammel | 1 | Wayne Teel | 1 |
| Scott Hammond | 1 | Daffney Thomas | 1 |
| Paul Hansen | 1 | Ben Tilghman | 1 |
| Glenn Harden | 1 | Mark Vanderhoo | 1 |
| Glen Hastedt | 1 | Allen Waller | 1 |
| Dennis Herr | 1 | David Wiens | 4 |
| Ian Horne | 1 | Paul Williams | 1 |
| D.P. Hummel | 1 | Rick Yoder | 1 |
| Raymond Hyser | 1 | Mike Yoder | 1 |
| Thomas Jenkins | 1 | Howard Zahr | 1 |
| Nancy Jones | 1 | | |
| William Knorpp | 1 | | |

SPECIAL MEETING

David Kyger

1

Commissioner of Revenue

June W. Hosaflook

4755

Treasurer

Rebecca Byrd Neal

4749

Vice-Mayor Peterson offered a motion that the Council resolve to accept the election results and that the City Clerk enter the names into the official minutes. The motion was approved with a unanimous vote of Council.

Police Chief Harper presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received from a Federal 2001 Law Enforcement Block Grant. The money will be used to purchase video cameras for police vehicles and surveillance equipment. Council Member Fitzgerald offered a motion that the Council resolve that this supplemental appropriation be approved for a first reading, and that:

\$22,051.00 chge. to 1000-33507 Block grant 21-LBBX

\$22,051.00 approp. to: 1000-310231-48211 Machinery and equipment (new)

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Fitzgerald

Council Member Lantz

Council Member Rogers

Vice-Mayor Peterson

SPECIAL MEETING

Mayor Frank

Absent None

Bucky Berry, a resident living at 877 North Main Street, complained about the deteriorating sidewalks in front of his house. He said that he has tried to get the sidewalks repaired, but was informed that the City has a replacement schedule and the sidewalks in front of his house are not scheduled to be replaced until 2003. He also said that he intends to operate a business out of his home in the future and his insurance company has expressed concern about the deteriorated sidewalks. It could become a safety issue if someone falls as they are entering his house. City Manager Baker said that the City's sidewalks are inspected every year and a schedule has been established to replace and maintain the sidewalks as funding is available.

Council Member Fitzgerald offered a motion that the Council resolve that DiAnn P. Hand, 135 Betts Road, be appointed to a first term on the Harrisonburg Parking Authority to expire on November 28, 2006. The motion to resolve was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that the Council resolve that Lee Foerster be appointed to the Valley Program for Aging Services Advisory Board. The motion to resolve was approved with a unanimous vote of Council.

Council Member Fitzgerald offered a motion that the Council resolve that Ed Steele be appointed to the Commission on Children and Youth. The motion to resolve 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.

CITY CLERK

MAYOR