

MINUTES - REGULAR MEETING OF CITY COUNCIL - NOVEMBER 26, 2002

REGULAR MEETING

NOVEMBER 26, 2002

At a regular meeting of Council held this evening at 7:30 p.m., there were present: Mayor Joseph Gus Fitzgerald; City Manager Roger Baker; Assistant City Manager Kurt Hodgen; City Attorney Thomas H. Miller, Jr., Vice-Mayor Larry M. Rogers; Council Member Carolyn W. Frank, Dorn W. Peterson, Hugh J. Lantz; City Clerk Yvonne Bonnie Ryan, CMC/MMCA,

and Police Captain Malcolm Wilfong. Absent: Chief of Police Donald Harper.

Council Member Lantz gave the invocation and Mayor Fitzgerald led everyone in the Pledge of Allegiance.

Council Member Peterson offered a motion to approve the consent agenda, including approval of the minutes and the second reading approval of several Supplemental Appropriations for the Police Department, School Board, and General Funds. The motion also included a rezoning request by Nuanta Wareechatchai and amending and re-enacting Section 9-1-1 of Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

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

RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS MULTIFAMILY RESIDENTIAL RENTAL HOUSING BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 294 UNIT

GLENWOOD FARMS APARTMENTS MULTI-FAMILY HOUSING FACILITY

LOCATED IN HENRICO COUNTY, VIRGINIA

WHEREAS, the Harrisonburg Redevelopment and Housing Authority (the Authority) is authorized to advertise and hold public hearings relative to the issuance of private activity bonds; and,

WHEREAS, the Authority considered the request of Renaissance Glenwood, LP, a Virginia limited partnership, whose address is 489 Fifth Avenue, 34th Floor, New York, New York 10017 (the Company), for the issuance by the Authority of its tax-exempt multifamily rental housing revenue bonds in the maximum principal amount not to exceed \$7,500,000 and its taxable multifamily residential housing revenue bonds in the maximum principal amount not to exceed \$2,500,000, upon the terms and conditions to be mutually agreed upon between the Authority and the Company (the Bonds), to finance a portion of the cost of acquiring and rehabilitating an approximately 294 unit multifamily residential rental housing project known as Glenwood Farms Apartments (the Project), located at 2709 Byron Street in Eastern Henrico County, Virginia (the County); and,

WHEREAS, pursuant to Section 36-23 of the Code of Virginia of 1950, as amended (the Virginia Code), the Authority may exercise its powers in the territorial boundaries of the County by issuing the Bonds for the Project provided the governing body of the County adopts a resolution (the Section 36-23 Resolution) declaring there is a need for the Authority to exercise its powers within the County; and,

WHEREAS, on November 20, 2002, the Authority conducted a public hearing on the issuance of the Bonds and, by adoption of a resolution (the Official Intent Resolution), declared its official intent to issue the Bonds to finance the Project, subject to the Board of Supervisors of the County adopting the Section 36-23 Resolution, and recommended that the City Council of the City of Harrisonburg (the City Council) approve the issuance of the Bonds; and,

WHEREAS, prior to the issuance of the Bonds, the Board of Supervisors of the County will conduct a public hearing and adopt the Section 36-23 Resolution; and,

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WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the Internal Revenue Code), provides that the applicable elected representatives of the governmental unit issuing private activity bonds and the applicable representatives of the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located, shall approve the issuance of such bonds; and,

WHEREAS, the Authority, as the issuing governmental unit, has no applicable elected representative and the City is the next highest governmental unit with such a representative; and,

WHEREAS, the members of the City Council constitute the applicable elected representatives of the City of Harrisonburg; and,

WHEREAS, Chapter 514 of the 1983 Acts of the General Assembly of Virginia requires that any government entity established by or pursuant to an Act of the General Assembly that proposes to issue bonds that are industrial development bonds within the meaning of Section 103(b) of the Internal Revenue Code of 1954, as amended, shall, with respect to such bonds, comply with the procedures set forth in Virginia Code Sections 15.2-4906 and 15.2-4907; and,

WHEREAS, Virginia Code Section 15.2-4906 requires that, within sixty (60) calendar days after the public hearing, the City Council approve or disapprove the financing of any facility recommended by the Authority; and,

WHEREAS, the Authority has adopted the Official Intent Resolution recommending that the City Council approve the issuance of the Bonds and a copy of the Official Intent Resolution, a reasonably detailed summary of the comments, if any, expressed at the public hearing and the Fiscal Impact Statement required by Virginia Code Section 15.2-4907, have been filed with the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisonburg, Virginia, that:

1. The City Council approves the foregoing recitals, which are incorporated in, and deemed a part of, this Resolution as if fully set forth herein.

2. The City Council approves the issuance of the Bonds by the Authority, for the benefit of the Company, to the extent of and as required by Section 147(f) of the Internal Revenue Code, Chapter

514 of the 1983 Acts of the Virginia General Assembly, and Virginia Code Sections 15.2-4906 and 15.2-4907, to permit the Authority to assist in the financing of the Project.

3. The approval of the issuance of the Bonds as required by Section 147(f) of the Internal Revenue Code, Chapter 514 of the 1983 Acts of the Virginia General Assembly, and Virginia Code Sections 15.2-4906 and 15.2-4907, does not constitute an endorsement to the prospective owners of the Bonds of the creditworthiness of the Project or the Company and the Bonds shall provide that neither the City of Harrisonburg nor the Authority shall be obligated to pay the Bonds or the interest thereon or other costs incident thereto except from the revenues and monies pledged thereto, and that neither the faith and credit nor the taxing power of the City of Harrisonburg or the Authority is pledged to the payment of the principal of the Bonds or the interest thereon or other costs incident thereto.

4. In approving this resolution, the City of Harrisonburg, including its elected representatives, officers, employees and agents, shall not be liable, and hereby disclaim all liability for any damages to any person, direct or consequential, resulting from the Authority's failure to issue the Bonds for any reason.

This resolution shall take effect immediately upon its adoption.

READ AND ADOPTED: November 26, 2002

CERTIFICATE

Record of the roll call vote by the City Council of the City of Harrisonburg, Virginia, upon reading on a resolution titled "RESOLUTION APPROVING THE ISSUANCE BY THE HARRISONBURG REDEVELOPMENT AND HOUSING AUTHORITY OF ITS MULTIFAMILY RESIDENTIAL RENTAL HOUSING BONDS FOR THE ACQUISITION AND REHABILITATION OF THE APPROXIMATELY 294 UNIT GLENWOOD FARMS APARTMENTS MULTI-FAMILY HOUSING FACILITY LOCATED IN HENRICO COUNTY, VIRGINIA," taken at a regular meeting of the City Council held on November 26, 2002:

AYE NAY ABSTAIN ABSENT

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Joseph G. Fitzgerald, Mayor	X
Larry M. Rogers, Vice-Mayor	X
Carolyn W. Frank	X
Hugh J. Lantz	X
Dorn W. Peterson	X

Dated: November 26, 2002

[SEAL)

Mayor, City of Harrisonburg, Virginia

ATTEST: _____

Clerk, City Council of City of Harrisonburg, Virginia

The undersigned Clerk of the City Council of the City of Harrisonburg, Virginia (the City Council) hereby certifies that the foregoing is a true, correct and complete copy of a Resolution adopted by the City Council at its meeting duly called and held on November 26, 2002, in accordance with law, and that such Resolution has not been repealed, revoked, rescinded or amended, but is in full force and effect as of the date hereof.

WITNESS my hand and the seal of the City of Harrisonburg, Virginia this 26th day of November, 2002.

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

Harrisonburg Redevelopment and Housing Authority Director Michael Wong explained that this financing would be through the Redevelopment and Housing Authority authorizing the sale of \$7,500,000 in bonds for a project in Henrico County. The bonds will not be a debt or obligation of the City. Council

ATTEST: _____ o:p

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Member Lantz offered a motion to approve this resolution. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

Council Member Peterson presented for Council's consideration amending and re-enacting sub-Section 6-2-6, 6-2-2, 16-10-6, and re-enacting Section 15-3-2 of the Harrisonburg City Code. He reviewed the revised proposed language for paragraph c and d in Section 15-3-2 of the City Code. He also stressed that one of the proposed amendments calls for harsher penalties, including community service, for those who violates the ordinance. He said, "I want to reiterate that we're not trying to put all the responsibility on landlords."

Mayor Fitzgerald said although this item was not a public hearing, he would allow comments from the audience.

Harry Chandler, a resident of Harrisonburg, applauded Council for increasing the level of punishment and fines for tenants who actually violate the noise ordinance. He said, "Here in the Valley we hold on to old-fashion common sense values. We don't ask someone to do something that we don't want to do ourselves. We work hard. We don't sue a coffee maker if we spill hot coffee in our laps. We take responsibility for our own actions. The majority of complaints the Police Department has to deal with come from the student population. Most are young folks out on their own for the first time getting an academic education, but also getting an education in life and how to conduct themselves and take personal responsibility for their actions."

Les Bolt, a resident of 255 Campbell Street, said that he has dealt with students, noise, and zoning issues for a number of years. He said, "It is a behavior issue when students are drinking, playing the music too loud, and playing horseshoes at 3:00 a.m. in the morning. Toughening the laws would help with these situations. I don't think that the police have all the tools and other resources they need to enforce issues the way they should be enforced. If you have a continual problem at a particular house or complex it becomes a long-term landlord issue. He encouraged Council to pass the ordinance on a second reading."

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Kevin Williams, General Manager of Forbes Development, insisted existing laws are not being enforced. He said people who serve alcohol to minors at a party should be charged. Trying to evict tenants who cause problems is almost impossible. He said, Start enforcing laws as they pertain to underage drinking and a lot of this craziness will stop. Student representation should have been included on the committee.

Michael Boland, a resident of 231 West View Street, encouraged Council to vote for the ordinance. The liability is not being put on landlords, but on students. Landlords are being brought into the process to encourage their tenants to be more responsible. This ordinance passes onto students the importance of the noise ordinance, but it also brings another person into play, the landlord. He said it is good beginning and expressed his appreciation to the committee.

Jerry Coulter, a resident of 492 South Mason Street, said that he was in favor of the ordinance. He said there were a number of houses in his neighborhood the police have been called to at least several times a night. The neighbors are the ones paying the cost of sleepless nights, screaming drunks, and people using the yard as a bathroom. Please pass the ordinance and put the responsibility where it belongs with landlords who cannot control their tenants.

Don Allen, a resident of 250 Paul Street, encouraged Council to pass the ordinance. He said this ordinance is really long overdue. I don't understand how a landlord should have any problem with the ordinance the way it is written. A landlord has a certain amount of responsibility to see that he puts good tenants in his houses since they will become part of a neighborhood. He questioned how much has it cost the taxpayers of the City to send a police officer time after time back to the same residence to deal with noise issues. This ordinance will benefit most people in Old Town.

Sandra Pennington, said that she was the owner of a duplex. She said she didn't allow her tenants to be disruptive to other occupants of the house or neighbors or violate the rights of other people. The homes with absentee landlords have always been problems.

Stephanne Byrd, a resident of 238 Campbell Street, said that she was in favor of the proposed noise and junk ordinances. She thanked Council for making many positive policy changes and for providing funding that will over time enhance downtown Harrisonburg. Already one can see positive results from many of these decisions and improvements. An integral part of the commitment to the downtown is the continued interest and improvement of the Old Town neighborhood. Both the noise and junk ordinances are yet one more step in the right direction toward restoring the appeal of this neighborhood for families. Old Town at one time was a nice neighborhood in the City; however, since many of the homes have been converted to rental property there is no question that the quality of life in the neighborhood has declined. Students need to understand that they are not living in typical student housing. They are living in neighborhoods having families with young children. Playing loud music well into the night is not acceptable nor is using foul language and rude behavior. The landlords should at least have some responsibility for helping to communicate and enforce acceptable neighborhood behavior.

Dr. Cathy Slusher, a resident of 520 South Mason Street, thanked Council for acknowledging a problem that has been plaguing the community and law enforcement agencies for a long time. She said that she wished to express her support for the nuisance ordinance and encouraged Council to give it final approval. She said she calls the police as the last resort. Once that point is reached we need support and it is equally important to give our law enforcement agencies some meat to enforce the City rules. Furthermore, this ordinance encourages the landlord to take responsibility for the selection of the individual they place in their rental property rather than filling occupancy and collecting rental checks without regards for the rest of the neighborhood. This ordinance asks the landlord to take responsibility for educating the tenants regarding the consequences of inappropriate behavior. If they do this and they have the potential tenant sign a contract to that effect, than money is secondary with no need for collection, but correcting or eliminating problematic

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behavior becomes the primary focus. She said that she was surrounded by students on three sides and many of these students have been wonderful neighbors and excellent babysitters; however, she said that she has served as the mother of behavior for many of these tenants each fall. The police officers deserve to have an ordinance in place that will support their enforcement efforts both with the tenants and the landlords.

Glenn Loucks, a resident of 915 North Mason Street, said that for many years there has been a problem with irresponsible people affecting their neighbors with loud noise, late night parties, and outside trash. It is not all students, but students who on a regular basis make life miserable for those living around them. For 12 years a group of resident property owners have been very successful proposing a series of zoning and property use restrictions that have been implemented and incrementally reduced property rights of all owners in the City. The promise that this one change will end the noise problem is given every single time, but it never does. It never does stop the primary problems, noise and drinking. Each time a new proposal is introduced the landlord and property owners come before City Council and say this is not going to work nor end the noise and behavior problems. It will not end the underage drinking. He said, We need to enforce the current laws, fine the violators and prosecute them. We ask the City Council to supply the resources and give directions to the Police Department to make it a priority to enforce our current noise ordinances and to fine violators who are breaking the law. The current ordinance proposal on the table is poorly worded and will be difficult to implement for landlords, City staff, police and zoning. He requested that Council not rush into implementing this ordinance by jumping into a quick solution.

Connie Dunn, a property manager, said that she was opposed to the ordinance. She has been working with the management staff of Sun Chase Apartment Complex for over a year. Sun Chase Apartment Management is a responsible landlord, concerned about property maintenance, and maintaining a good community relationship. Sun Chase Apartment Management is very diligent about lease violations; however, some of the resources needed to follow through on the violations are not in place in Harrisonburg. She said that Police Department in Harrisonburg has informed Sun Chase that they cannot come onto private property.

David Ehrenpreis, a resident of 282 Franklin Street, said that landlords should be held accountable for their tenants. This ordinance will help the Old Town neighborhoods. He said that some landlords care about their property and live in the neighborhoods. This ordinance will address the behavior problem and make life better for all of Harrisonburg.

Ruth Scott, a resident of 511 North Glenn Lane, said eighteen-year-old students are adults. Landlords needed to do a better job of screening their tenants. Students should be punished for the first offense whether it is a fine or spending time in jail. She said that underage drinking laws need to be enforced.

Kathy Whitten, a resident of 560 South Mason Street, said that she has lived across the street from students for 16 years. She also said that she spent eight years on the Planning Commission fighting tooth and nail for every one of the changes in the zoning ordinances. It is not as if those were failures. It is not as if it was the roadrunner plan to come up with a new scheme to see if it could work. It was a very methodical plan to try to repair some of the damage that had been done in R-2 neighborhoods. She said that there are landlords in this City who continue to look for loopholes in our zoning ordinances. Students should not be involved in determining whether changes are necessary in zoning ordinances.

Craig Moore, a resident of 1431 Hillcrest Drive, said that he has been a business owner for 20 years in Harrisonburg and lived in Old Town for nine years. He suggested that Old Town should establish a neighborhood watch to monitor situations and support the police in their efforts to enforce the law.

Jordan Roller, majority owner of the village of Forest Hills, said that he has worked closely with the police during the last several years. The police cannot enforce the drinking laws on private property.

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Steve Davis, a resident of Harrisonburg, said that he manages 108 units and has been in the business for 20 years. He said there are serious noise problems in some areas of the City and the current police enforcement is not handling the problem. He said he does not sign individual contracts. He questioned if he could evict tenants because tenants receive three summonses. He said Council was asking the landlords to take all the risk. He said he didn't want his tenants calling the police because he preferred dealing with the problems.

Bob Steere, a resident of 1652 Central Avenue, said that last year he was chairman of the Old Town Subcommittee of the Planning Committee and the committee worked long and hard to change some of the rules regarding Old Town. Input was received from residents and landlords of the neighborhood. Many of the problems is not the larger complexes, it is the individual homes that are turned into rental units, which are difficult to control. He said that he supported the efforts of Council to make these changes in the ordinance.

Tim Cupp, a resident of Fairway Drive, said he has lived in Old Town and experienced many of the same problems people have spoken about tonight. He said that he was a civil rights lawyer who didn't think that this ordinance could be enforced against the students. He said he didn't think the fine ordinance could be enforced against the landlords. He said it would be difficult to evict tenants according to the way this ordinance is written and he encouraged Council to rethink passing this ordinance.

Norn Sanger, a resident of South High Street, said that he was in favor of this ordinance. He said landlords didn't care what residents of the area had to live with.

Sherry Emerson said that she was a landlord and agreed there was a problem with noise. She said students were the problems and needed to be held accountable for their actions. She said her tenants know her expectations. She said a landlord shouldn't be held accountable for their tenant's personal actions.

Barry Kelly said that he represented 500 or 600 property owners in Harrisonburg. Most of the sleepless nights are due to noise and the violators should be punished. Real estate ownership is a business just like any other business. Landlords can't discriminate against tenants. He said give the police the resources they need to enforce these ordinances.

Joseph Henderson questioned what provisions had been made if the landlord refused to pay the \$1,000 fine? He suggested that landlords should more carefully screen their tenants.

City Attorney Miller responded to questions whether it is discrimination to conduct background checks on tenants. He clarified that regardless whether people were considered to be causes problems, the offense was not in a protected class. He said protected classes are identified as race, religion, gender, and age. He said every businessman who rents property should want to know whether a tenant has a bad record of paying rent or destroying landlord property. The committee was trying to get people to make the same kind of cost benefit analysis as landlords already make. He said the comments about illegal discrimination are not well founded. Virginia is a Dillon rule state. Harrisonburg's Charter and the state law generally empower local government to see to the health, welfare and maintenance of good order and discipline to the maintenance of property and property values for its people. There are specific statues that deal with local governments being able to prohibit and deal with maintenance of the nuisances. Will it be upheld in court if it is challenged? I don't know, but I know that in Virginia the judiciary holds great deference for things that are determined to be legislative decisions. If there is a written agreement between the landlord and the tenant stating that a possible reason for being evicted from the apartment is because the tenant received three noise summonses, then that is a mutually agreed contract.

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Council Member Lantz said, Whatever it takes to make this City safe and people comfortable in their own homes is the amount of money that will have to be spent. Our job is to provide the resources to correct the problem. Nothing is more important to residents of this City than to have peace and safety in their neighborhood.

Council Member Peterson reiterated that, We are not removing the responsibility for noise violations from the students and putting it all on top of the landlords. The noise ordinance will charge noisy tenants with class three or class one misdemeanor. We are asking landlords to add a provision in their lease stating that noisy tenants are at risk to being evicted if the tenant receives three summonses. We are not asking anybody to change a lease. The ordinance will apply to leases signed after July 1, 2003.

Vice-Mayor Rogers questioned whether landlords could receive information from the Police Department concerning the conduct of their tenants.

Police Captain Wilfong said the department does have the procedure in place. The information will be provided to a landlord. That information is given to a number of landlords. They can get a monthly report. He did note that the police department could not employ enough officers on the weekend to handle all of the alcohol violations.

Following further discussion and comments, Council Member Peterson offered a motion to amend proposed ordinance City Code Section 15-3-2 by changing the wording in paragraph c: The owner or operator of the residential rental property shall not be subject to such nuisance fee if: i. The owner or operator is able to demonstrate that the lease in question contains a provision that states that the landlord or its agent has the right to evict any tenant if the landlord or its agent receives notice from the Harrisonburg Police Department that three (3) summonses have been issued to that tenant within a one (1) year period for violations occurring at the residential rental property in questions, and ii. The landlord or its agent is able to demonstrate that it acts upon its right to evict whenever an opportunity arises subject to applicable state law, unless good cause can be shown for restraining from eviction. This proposed ordinance will take effect for all leases signed after July 1, 2003. The following language is proposed to amend paragraph d: The determination to charge a nuisance fee shall first be made by (the City Manager OR at his designation the Director of Planning and Community Development. If a fee is charged, the one so charged shall have a right of appeal before the full City Council. The motion included that the amended ordinance will be presented for a second reading January 14, 2003. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

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Mayor Fitzgerald

Absent None

Council Member Peterson offered a motion to approve for a second reading amending and re-enacting City Code Section 6-2-2, 6-2-6(d), and 16-10-6 of the Harrisonburg City Code. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

Mayor Fitzgerald presented a proposal from Eastern Mennonite University to conduct a Listening Project. A graduate class of EMU has offered to conduct a Listening Project a survey of community attitudes about shared uses of recreational areas. This group would identify issues underlying and surrounding shared public recreational space in Harrisonburg, gather ideas about how to enhance residents experience with shared public recreational space and perhaps provide solutions to some of the issues. The project will be conducted as a community service. Council Member Lantz offered a motion that the group performing this study contacts the Parks and Recreation Department to receive their approval before conducting this Listening Project. The motion was approved with a unanimous vote of Council.

Planning and Community Development Director Turner introduced a request to subdivide a 16,632 square foot parcel from a 3.097 acre tract at 101 Burgess Road. She explained that the property was rezoned from M-1, General Industrial District to B-2C General Business District (conditional) on November 27, 2001. The request will subdivide out lot 1D-2 (16,632 sq. ft.) within tax map parcel 14-P-3 (134,910 sq. ft). The division would occur along the setback requirements for structures constructed in the B-2, General Business District (30 ft. front, 10 ft. sides and rear). The plat would create a lot, which would not have road frontage, which is required under Section 10-2-42(d), all lots shall front on a public street . However, the overall concept and intent for the shopping center is to have common management for shared parking and services in the development, while allowing individual businesses to maintain ownership of their lot. The applicant has worked out elaborate access and parking arrangement easements. She said that Planning Commission

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recommended approval of the request. Vice-Mayor Rogers offered a motion to approve this request. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

Jason Hartman, a representative from Brown, Edwards & Company, presented the 2001-2002 Comprehensive Annual Financial Report. He said that his firm and the City have to comply with certain standards and guidelines set by the Governmental Accounting Standards Board (GASB) and the Commonwealth of Virginia Auditor of Public Accounts. Mr. Hartman expressed his appreciation to the Finance Department for all of their assistance. He said the report contained internal control structure, compliance with laws and regulations, and compliance with major Federal award programs. He reviewed some changes in the financial report that occurred because of state law changes.

City Manager Baker reported on the effect of the state budget cuts. He said, I don't believe it will have a significant effect on the City. The City is above projected revenues for hotel taxes, meals tax and sales taxes. There will be budget cuts to the Police Department, library, Community Services Board, Treasurer's office and Commissioner of Revenue. The City is doing better than expected.

City Manager Baker presented a request from the Parks and Recreation Department, Rockingham County Recreation Department and the Downtown Merchants Association to hold the annual Christmas parade. He explained that these groups are sponsoring the annual Christmas parade to be held on Friday, December 6th at 7:00 p.m. The parade will begin at the monument at the intersection of South Main Street and Liberty Street and will end at the corner of Gay Street and North Main Street at the Rockingham County Administrative Complex. Council Member Lantz offered a motion to approve this request. The motion was approved with a unanimous vote of Council.

Charlotte McNulty, Executive Director of the Community Services Board, presented a request for additional funding. She explained that the local Community Services Board has been required to make a budget reduction of an additional \$289,326, or 10%, of state general funds this fiscal year and next. She said

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that the reductions are coming from freezing two positions in children services. A therapist position is vacant and the Children's Psychiatrist will be vacant the middle of December. She said, I am particularly concerned about these vacancies because we are already developing a waiting list, something we have never done. Youth who are referred to CSB are usually emotionally disturbed and have come before the courts or are disruptive at school. These are disturbed children who have caused some difficulties and may continue to cause some difficulties unless they receive treatment. She also reviewed the problems that can exist with continuing to receive Medicaid funding by not having a Children's Psychiatrist on board. She said that she was requesting \$11,635 from each locality (Harrisonburg and Rockingham County) to allow CSB to continue providing these services for the second half of the fiscal year. Vice-Mayor Rogers offered a motion to approve this request of \$11,635 in additional funding for CSB. The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

Public Works Director Baker presented a brief report on the Stone Spring Road/Erickson Avenue project, which has been in various planning stages for nine years. The total project is expected to cost more than \$32 million. Mr. Baker said it would be difficult to receive any VDOT funding until at least 2005 because the current funding is still being applied to the West Market Street project. He said, If we want to move forward on the project, then we need to look for some alternative financing mechanisms. He suggested that the City complete the project in three or four stages over the next seven years, taking out bonds along the way to pay for it. The first stage of the project includes environmental studies, right-of-way purchases, additional planning and starting construction. The cost would be about \$8.3 million. If a bond was taken out for the project right-of-way plans could be completed by the spring of 2003, complete environmental review by the summer of 2003, and construction beginning in the spring of 2004.

The following discussion by Council Members relative to the project included an East-West Connector is needed, waiting for state funding will put the City further behind, frustration with the pace of the project, City is the hub of shopping for a large area, and addressing the problem now rather than later. Following further discussion and comments, Council directed City Manager Baker to investigate a bond for the project's first \$8.3 million.

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City Manager Baker explained that Council had adopted a resolution endorsing the establishment of the Harrisonburg Metropolitan Planning Organization at the November 12th City Council meeting; however, the composition of the board was not established. Rockingham County also endorsed the MPO and named three representatives to be on the board. Since the 2000 census established Harrisonburg, Dayton, Bridgewater and the surrounding Rockingham County areas as a Metropolitan area this designation requires the formation of a transportation planning organization for the area. He also said that Dayton and Bridgewater insist that they have representatives on the committee because they do not view the county as their representatives.

Council Member Peterson commented that Bridgewater and Dayton are essentially a part of the county and should be included in the count of Rockingham County's representatives. He said, "I just wouldn't be a good custodian of the City if I agreed to a majority of the representatives being from Rockingham County when the City makes up 70 percent of more of the MPO. The City will probably have as many lane miles as the County. A major part of this is the bus system of the City and the County does not have a comparable system. The City should have the majority of the representatives since 40,000 of the 50,000 residents in the MPO area live within the City limits."

The following discussion by Council Members relative to the designation of the board included equal representation from the City and the County, Liaison Committee should meet to discuss this issue, City needs to have at least 50 percent of the local representation, perhaps the City should appoint five representatives, or the County should agree to reduce their number of representatives. Council agreed to refer this item to the Liaison Committee.

Parks and Recreation Director Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. He explained that these funds are reimbursement for wages for personnel preparing meals for summer day program from the Blue Ridge Area Food Bank. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$2,907.18 chge. to: 1000-31809 Donations

\$2,907.18 approp. to: 1000-710471-410830 Pt Salaries & Wages Regular

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

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Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

Parks and Recreation Director Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. He explained that these funds are reimbursement from the First Tee donations to cover expenses for the First Tee Program. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$1,803.08 chge. to: 2016-31818 First Tee donations

\$1,803.08 approp. to: 2016-720371-46133 First Tee

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

Parks and Recreation Director Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. He explained that these funds are reimbursement from the Weed and Seed program for purchasing youth sports uniforms. Council Member Peterson offered a motion to approve this request for a first reading, and that:

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\$2,979.68 chge. to: 1000-31809 Donations

\$2,979.68 approp. to: 1000-710471-46130 Recreation Supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

Parks and Recreation Director Foerster presented a request for a supplemental appropriation for the Parks and Recreation Department. He explained that these funds are reimbursement for cheerleader uniforms for the Midget Football Program. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$880.00 chge. to: 1000-31809 Donations

\$880.00 approp. to: 1000-710171-46132 Ed/Rec. Supplies Athletics

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

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Mayor Fitzgerald

Absent None

Police Captain Wilfong presented a request for a supplemental appropriation for the Police Department. He explained that these funds were received to purchase crime prevention supplies through the Weed and Seed Grant. Council Member Peterson offered a motion to approve this request for a first reading, and that:

\$418.44 chge. to: 1000-33531 Weed and Seed (Federal)

\$418.44 approp. to: 1000-310431-46140 Other operating supplies

The recorded roll call vote was taken as follows:

Vote: Yes - Council Member Peterson

Council Member Frank

Council Member Lantz

Vice-Mayor Rogers

Mayor Fitzgerald

Absent None

Bucky Berry, a resident of 877 North Main Street, complained about the North Main Street not being completely paved.

Council Member Peterson offered a motion that Donn E. Meyerhoeffer, 486 Andergren Drive, be appointed to a first term on Harrisonburg Redevelopment and Housing Authority to expire on November 29, 2006. The motion was approved with a unanimous vote of Council.

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Council Member Peterson offered a motion that Joseph K. Funkhouser, II, 320 Fairway Drive, be appointed to a first term on the Harrisonburg Electric Commission to expire on December 31, 2005. The motion was approved with a unanimous vote of Council.

Council Member Peterson offered a motion that William N. (Neil) Menefee, 1165 Nelson Drive, be appointed to a first term on the Harrisonburg Electric Commission to expire on December 31, 2005. The motion was approved with a unanimous vote of Council.

Council Member Frank offered a motion that Kathy Whitten, 560 South Mason Street, be appointed to an unexpired term on the Blue Ridge Community College Board of Trustees to expire on June 30, 2003. The motion was approved with a unanimous vote of Council.

At 11:30.m., there being no further business and on motion adopted the meeting was adjourned.

CITY CLERK

MAYOR